

## **DUNDEE CITY COUNCIL**

**REPORT TO:** POLICY & RESOURCES COMMITTEE – 27 JANUARY 2014

**REPORT ON:** CONSULTATION ON COMMUNITY EMPOWERMENT (SCOTLAND) BILL

**REPORT BY:** DIRECTOR, LEISURE AND COMMUNITIES

**REPORT NO:** 4-2014

### **1.0 PURPOSE OF REPORT**

- 1.1 The report contains the Council's response to the Scottish Government's Consultation on the Community Empowerment (Scotland) Bill.

### **2.0 RECOMMENDATIONS**

Committee is requested to approve the response to the Consultation, set out in Appendix 1, for submission to the Scottish Government.

### **3.0 FINANCIAL IMPLICATIONS**

None

### **4.0 BACKGROUND**

- 4.1 The SNP's 2011 manifesto proposed a Community Empowerment Bill which would "give local people a greater say in their area, enabling them to deal more easily with derelict and eyesore properties and take over underused or unused public buildings for the benefit of their community". The Christie Commission report, published in June 2011, also recommended that the Bill should "promote significantly improved community participation in the design and delivery of services".
- 4.2 An exploratory consultation was held between June and September 2012. During that time Scottish Government officials took part in a series of conferences, road-shows and local meetings with a range of people from the public and voluntary sectors and with community volunteers. 447 responses to the consultation were received from a mix of individuals, community and voluntary groups, community councils, and the public and private sectors. An independent analysis of the responses was published in January 2013.
- 4.3 The exploratory consultation covered a large number of actions which, it had been suggested, could act as a catalyst for community enterprise, community development and public service improvement. What appears in this draft Bill is a result of the consultation analysis, further conversations with stakeholders from the public, private and community and voluntary sectors, and Ministerial discussions. The draft also includes some new areas that were not in the original consultation but have emerged from other discussions with stakeholders and review processes, for example, improving the existing community right to buy in the Land Reform Scotland Act 2003, and the statutory underpinning of Scotland Perform, the Scottish Government's national performance framework.

### **5.0 MAIN TEXT**

- 5.1 The proposals in this consultation paper are set out in these groups.
- 5.1.1 Chapter 3 covers proposals which have already been subject to some consultation and on which draft legislation is now provided for comment. The main areas covered in this chapter include:

Section 3.1 – Community right to request rights in relation to property.

Section 3.1 – Community right to request to participate in processes to improve outcomes of service delivery.

Section 3.3 – Increase transparency about common good.

Section 3.4 – Defective and dangerous buildings – recovery of expenses.

5.1.2 Chapter 4 sets out detailed policy questions on issues which have been discussed in more general terms elsewhere, but have not yet reached the stage of draft legislation. The main areas covered in this chapter include:

Section 4.1 – Improve and extend community right to buy

Section 4.2 – Strengthening Community Planning

Section 4.3 – Allotments

Section 4.4 – Local relief for non domestic (business) rates

5.1.3 Chapter 5 proposes some new policy ideas on wider issues about the organisation of central and local government and how the ambitions for creating a successful Scotland are expressed. The main areas in this chapter include:

Section 5.1 – Scotland performs – embedding the outcomes approach in legislation

Section 5.2 – Subsidiary and local decision-making

5.1.4 Chapter 6 deals with the potential impact of the legislation in relation to equalities, business regulation and the environment.

## **6.0 POLICY IMPLICATIONS**

6.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management.

6.2 An Equality Impact Assessment has been carried out and is attached to this report.

## **7.0 CONSULTATION**

7.1 The Chief Executive, Director of Corporate Services and Head of Democratic and Legal Services, all other Chief Officers, the Dundee Partnership Building Stronger Communities Theme Group and the Dundee Social Enterprise Network have been consulted in the preparation of this report.

## **8.0 BACKGROUND PAPERS**

8.1 An independent analysis of all 447 responses to the Scottish Government's recent exploratory consultation on ideas for the proposed Community Empowerment and Renewal Bill (8 January 2013).

8.2 Scottish Government Consultation on the Community Empowerment (Scotland) Bill (6 November 2013).

**STEWART MURDOCH**  
**DIRECTOR, LEISURE AND COMMUNITIES**  
**6 January 2014**

## 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?

The definition of community body is broad and should empower a range of community groups to participate. However, the language used could make it difficult to communicate this opportunity to relevant groups. Alternatively worded guidance or easy language versions with simplified descriptions would be of benefit.

- 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 of public bodies appears to be comprehensive, although consideration should be given to including the Forestry Commission and the Crown Estate.

- 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)?

Dundee City Council has adopted an Asset Transfer Strategy (see Appendix 2) with a disposal protocol and indicative timescale for assessing requests. Following receipt of a request from a community body the Council has 2 months to assess the suitability of the asset for transfer. On reaching the in-principle conclusion that the asset can be transferred the community body has period of up to 4 months to submit a cogent business case. The

Council has thereafter 1 month to assess this business plan and reach a conclusion. On the assumption that an approval of this transfer will be recommended to members, the Council has a further period of 1 month to prepare reports and seek appropriate approvals considering any other legal issues arising. Thereafter the legal process will commence for formally transferring asset.

The draft bill, to a certain extent assumes a 6 month timeframe, where a fully formed request is submitted. Whilst the legal process will take 6 months per transaction it is not anticipated that the assessment and preparation of a transfer request could easily take up to and beyond 6 months.

The bill should consider highlighting the period pre legal transfer process where the analysis of the request will take place.

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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?

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?

Two options could be considered:-

- (1) Appeals could be considered by the Scottish Public Services Ombudsman.
- (2) An external Independent Review Panel could be established to hear appeals. This could include an element of peer review by including Local Authority representatives on the Panel.

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

There are apparent tensions between 3.1 (Community Right to Request Rights in relation to Property) and 4.1 (Improve and Extend Community Right to Buy). There appears to be two different systems being suggested for communities to acquire assets, one system for public land and resources and a different system for privately owned assets. If this is the case, then there may be confusion for local communities particularly in urban areas where land ownership is often complex. Community bodies requesting ownership for publicly or privately owned property and land should be required to demonstrate community support.

The aim of this policy must be to set out a transparent, positive and proactive framework that enables and manages the transfer of assets to Voluntary and Community Organisations (VCOs) in order to bring about long term social, economic and environmental benefits to the community.

Asset transfer represents one mechanism by which relevant authorities can support the delivery of this vision. Community asset transfer is not suitable for all properties or all organisations, and authorities must continue to work with VCOs to ensure that a range of tools, programmes and initiatives are in place to support the development of a strong and sustainable voluntary and community sector in Scotland.

The term 'community asset transfer' relates primarily to ownership or long lease arrangements at less than best monetary value of property assets to voluntary and community organisations and social enterprises. Some consideration requires to be given to the approval processes via Scottish ministers as to below market value transfers or S12 requests.

**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.

Community bodies should be able to attract resources such as Community Spaces (Big Lottery Fund) to support the development and management of community assets. These assets transfers will have the potential to reduce public sector property costs. Some of these savings will be offset by the costs of implementing the guidelines. However, it is impossible to quantify savings at this stage.

Many of the properties deemed suitable for transfer, having been declared surplus, will potentially not be in particularly good condition, whilst transferring this improvement liability to a community group may save revenue and or capital expenditure to the public purse in the short term. In some cases there may be a scenario whereby assets will require a degree of improvement undertaken ahead of any transfer into community ownership.

### **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?

The definition of community body is broad which is beneficial in that it will empower range of groups to participate. However, the security of the language may get difficult to communicate this opportunity to relevant groups so alternatively worded guidance or easy language versions would be of benefit. The community body should be able to demonstrate the extent to which it represents its constituent group or membership.

**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?

The list of public bodies appears comprehensive.

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?

The description at section 13 is extremely broad. While the intention may be to enable groups to participate in the broadest range of outcomes, it may be difficult to ensure that this is a meaningful or necessary process unless a more precise definition of an outcome can be agreed. As it stands it could mean anything from a city-wide service providing care to whether or not a neighbourhood library provides access to employment information. Both of these would have a serious impact on the achievement of outcomes for a particular community. However, the scale and nature of the improvement process would be significantly different.

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?

Section 15 comprehensively describes criteria which are effective at the outcome wide scale, however, the same weakness is apparent in relation to narrowing this down to local and community levels. There is very little substance to the grounds on which an authority could refuse requests. There is a real possibility that the number of requests will not be manageable or affordable and some consideration should be given to exceptions similar to Freedom of Information requests.

The Authority should be allowed to consider any matters which would be detrimental to the five criteria in Section 15(3)(c).

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

The ambition of the proposals is welcome, however, further guidance or detail on the practical application particularly in terms of scale and numbers of requests would be valuable.

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.

It is difficult to predict costs and savings prior to any improvements taking place. The proposals are almost more important in terms of the principle of community engagement and maximising community influence over community planning processes.

### 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?

The introduction of a register is a positive step towards greater transparency but the nature of such assets may lead to disagreements in terms of the perception of their use and their value to the community. Consideration of the use and disposal of these assets could be subject to conflicts of interest and a tightly defined prescriptive approach to their review would be desirable.

### 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

# Consultation on the Community Empowerment (Scotland) Bill

## Response Questionnaire

### Chapter 4 - Detailed Policy Proposals

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.

#### 4.1 Improve and extend Community Right to Buy

Q17 The Scottish Government proposes to extend right to buy to communities in all parts of Scotland, where the Scottish Government is satisfied that it is in the public interest. Do you agree with this proposal?

Yes  No

Are there any additional measures that would help our proposals for a streamlined community right to buy to apply across Scotland?

The inclusion of urban areas is welcomed. However, it is not clear whether the Scottish Land Fund will be available to urban communities.

Whilst supporting the principle of extending the right to buy, a formal timescale for registering interest and completing a transfer would be helpful, land can not remain in limbo for periods of time preventing its use or sale.

Definition of what 'a community is' is important and needs extending. As well as being geographical areas, any definition needs to include "communities of interest" and also "communities of need". The opportunity to obtain a Community Asset may stimulate a community to come together that doesn't exist at present. Also need to note that assets may bridge more than one defined geographical community, for example, across the boundary of two electoral wards.

Q18 Do you think that Ministers should have the power to extend "registrable" land" to cover land that is currently not included as "registrable land"?

Yes  No

What other land should also be considered as being "registrable"?

Registrable land should be defined as widely as possible and should include land along coasts, foreshores and structures such as piers and harbours. Concern expressed about exemptions / exceptions to registrable land – the reasons why an area of land may not be classed as registrable should be explained. Group felt that transparency about the register was very important.



Q19 Do you think that there should be a compulsory power for communities to buy neglected or abandoned land in certain circumstances?

Yes  No

What should these circumstances be?

Powers should apply to urban privately owned land or buildings. Such areas or buildings often blight communities and their quality of life.

Asset transfer needs to be demonstrably in the public interest, where all attempts to improve its stewardship have been pursued and failed.

It depends on the impact any Compulsory Purchase Order (CPO) may have on a given community. The CPO impact on a community of personal property may have is likely to be much less than say a CPO of some big commercial interests (for example huge areas of land 'banked' by supermarkets). There will be different components to be established in every case, however the importance of public and common good must be a priority. The principles of the European Commission on Human Rights should be considered.

Q20 How do you think this should work in practice? How do you think that the terms "neglected" and "abandoned" should be defined?

There needs to be a balance between the landowners' rights and defined community interest. The register of vacant and derelict land currently exists. Consistency in approach and definition is required to ensure that this assessment of condition works in practice.

However, from a community group perspective, a set of principles may be more important than strict definitions. There is already protection under Environmental Protection legislation and Health and safety legislation, however many communities have issues with 'absentee' owners who allow properties to become derelict, or who buy tracts of land for 'future development potential' and leave it unattended, in some cases for decades.

Q21 Do you think that the criteria to be met by a community body in section 38(1) of the Act are appropriate?

Yes  No

Do you think that there should be additional criteria? Please set out what changes or additions should be made to the criteria.

The legal identity of any community group is very important and a strong governance structure is essential. Just because a group has a charitable purpose does not mean it is capable of owning and managing assets, although the 'purpose' of why any group wants to own community assets is crucial to any application. Any transfer must include very defined conditions of disposal in the event of dissolution. Conditions should also state whether the asset can be sold or taken over to stop speculative "acquisitions".

Q22 Do you think that the information that is included in the Register of Community Interests in Land is appropriate?

Yes  No

If not, what should that information include?

However, it comes back again to the definition of community interest (Question 17). Need should include evidence of 'connection to' the area or 'an interest in' the area. Examples of school communities and GP Practices which may be in different geographic areas to where people who use / have an interest in, reside.

Q23 How could the application form to register a community interest in land be altered to make it easier to complete (eg, should there be a word limit on the answers to particular questions)?

Referring to the specific criteria for communities of interest would guide applicants, making the application process more streamlined and transparent for consideration. Use of plain English is essential.

Should the questions be more specifically directed to the requirements of sections 36(2) and 38(1) of the Act?

Yes  No

Do you have any other suggestions?

Q24 Do you agree that communities should be able to apply to register an interest in land in cases where land unexpectedly comes on the market and they have not considered using the community right to buy?

Yes  No

If so, what changes should be made to section 39 to ensure that such communities can apply to register a community interest in land?

The terms of section 39 are clear that a community body would require to justify why such a registration is now required. Due care needs to be given to the definition of "land unexpectedly comes on to the market". There needs to be a balance between the disposal of any land, especially by commercial bodies and the interest in the land from communities.

Q25 Do you agree that the process to re-register a community interest should be a re-confirmation of a community interest in land?

Yes  No

Q26 Do you think that the community body should be asked to show that its application is (1) still relevant, (2) has the support of its “community”, and that (3) granting it is in the public interest?

Yes  No

Q27 What do you think should be the length of the statutory period for completing the right to buy, taking into account both the interests of the landowner and the community body? Please explain the reasons for your proposal.

From a property owners perspective 6 months is a fair period taking into account the rights of both parties. However, from a community perspective the 6 months timescale in some cases might be tight. Having a prescribed timescale with the option of an extension period with the consent of both parties would be desirable.

Q28 Do you think that some of the tasks within the right to buy (such as valuation, ballot etc) should be rearranged and the timescales for their completion changed in order to make the best use of the time available within the right to buy? Please set out what changes you think should be made and why.

The statutory period should be to complete the sale, the ballot and valuation exercise should be completed ahead of this period.

Q29 Do you agree that Scottish Ministers should organise the undertaking of a community body’s ballot and pay its costs.?

Yes  No

If you disagree, please provide your reasons.

Where appropriate. However, there are questions around whether a ballot was always the appropriate way to evidence local support. Any evidence needs to be proportionate of the process and the size of the development, for example is a ballot required for small developments such as an allotment. Other evidence should also be applicable to the process. Again it will be on a case by case basis and the potential impact of any development.

Q30 Should Scottish Ministers notify the ballot result to the landowner?

Yes  No

Please explain your reasons.

As with other aspects of the process, transparency is essential.

Q31 Do you think Ministers should develop a pro-forma for community bodies to set out their plans for the sustainable development of land and community?

Yes  No

Please give reasons for your view.

This would streamline the process, ensuring that all plans are considered consistently and fairly. Guidance should be produced alongside the pro-forma and steps should be taken to ensure that plain English is used.

Q32 Do you agree that community bodies should be able to define their “community” in a more flexible way by the use of either postcodes, settlement areas, localities of settlements, and electoral wards, or a mixture of these, as appropriate?

Agreed, but provision should be made for communities of interest and communities of need.

Q33 Are there any other ways that a “community” could be defined?

See response to Q32.

Q34 Do you agree that other legal entities in addition to the company limited by guarantee should be able to apply to use the community right to buy provisions?

Yes  No

Q35 Do you agree that SCIOs should be able to apply under the provisions?

Yes  No

Q36 What other legal entities should be able to apply under the community right to buy provisions – and why?

Community Groups must be able to prove that they are a legal entity. Just because a community group has charitable status does not mean that it is a legal entity. Social Enterprises and Community Development Trusts should be able to apply under the community right to buy provisions as they might prove to be more sustainable models.

Q37 Do you agree that Ministers should only have to “approve” the changes to Articles of Association for community bodies that are actively seeking to use or are using the community right to buy?

Yes  No

The Articles of Association clauses relating to dissolution and disposal of assets are important areas which would need to be signed off.

Q38 Do you think that the length of a registered interest in land should remain as five years or be changed? If it should be changed, how long should it be – and what are your reasons for making that change?

Agree that the registered interest in land should remain unchanged at 5 years.

Q39 Do you agree that the valuation procedure should include counter representations by the landowner and community body?

Yes  No

If you disagree, please give your reasons for your decision.

Q40 Do you think that there should be a provision to deter landowners from taking the land off the market after they have triggered the right to buy?

Yes  No

Please explain your reasons.

Q41 Do you think that there should there be greater flexibility in a community body's level of support for a right to buy in the ballot result than is currently permitted?

Yes  No

A ballot is only one method of assessing support for the community bodies right to buy land. Other qualitative measures of assessment should be explored

Q42 Do you think that the ballot result should focus on a sufficient amount of support to justify the community support to proceed with the right to buy the land?

Yes  No

If yes, please explain how secured community support should be measured

Sufficient amount of support could be evidenced by ballot but support could also be evidenced through other means ie through on-going community consultation and engagement.

Q43 Do you agree that community bodies should be able to submit evidence to Ministers in support of their ballot result where they believe that their ballot has been affected by circumstances outwith their control?

Yes  No

Q44 Do you think that Scottish Ministers should be able to ask community bodies for additional information relating to their right to buy "application" which Ministers would then take into account in considering their right to buy "application"?

Yes  No

Please explain your reasons.

Q45 Do you think that Ministers should be able to accept an application to register a community interest in land which is subject to an option agreement (on part or all of the land)?

Yes  No

Q46 If there is an option agreement in place, do you think that the landowner should be able to transfer the land as an exempt transfer while there is a registered interest over that land?

Yes  No

Please explain your answer.

There needs to be transparency around the options available for registered interests.

Q47 Do you think that the prohibition on the landowner from taking steps to market or transfer the land to another party should apply from the day after the day on which Ministers issue the prohibition letter rather than the day when the owner/heritable creditor receives the notice?

Yes  No

Please explain your answer.

Property case law relative to the serving of notices suggest that the notice would generally be deemed to be served at the point the recipient could reasonably be expected to have received the notice. This requires proof of serving but a next day delivery should not be assumed. Prohibition should be linked to the serving the notice rather than receipt.

Q48 Do you agree that public holidays should be excluded from the statutory timescales to register a community interest in land and the right to buy?

Yes  No

Q49 Do you agree that where a landowner makes an "exempt" transfer, this should be notified to Scottish Ministers?

Yes  No

If you disagree, please provide reasons for your decision.

Q50 Do you agree that community bodies and landowners should notify Scottish Ministers of any changes to their contact details (including any registered office)?

Yes  No

Q51 Do you think that Ministers should monitor the impact of the community right to buy?

Yes  No

How do you think that monitoring should be undertaken and what information should Ministers seek?

A register of Community Rights to Buy could be created with a narrative on progress included. The register could also be used to keep a record of appeals. There should also be opportunities to highlight examples of good practice.

Tangible measures such as the number of jobs created should be relatively easy to measure.

Should the monitoring process be a statutory requirement, including provisions for reporting?

Yes  No

## 4.2 Strengthening Community Planning

Q52 What are your views on our proposals for requiring a CPP to be established in each local authority area, and for amending the core statutory underpinning for community planning to place stronger emphasis on delivering better outcomes??

This is a simple approach to confirm the practice which is already uniform across Scotland. It is entirely appropriate that Community Planning is more outcome focused given that this is the ultimate objective for local authority areas and Scotland as a whole.

Q53 What are your views on the core duties for CPPs set out above, and in particular the proposal that CPPs must develop and ensure delivery of a shared plan for outcomes (i.e., something similar to a Single Outcome Agreement) in the CPP area?

In the short term it may be worth identifying the Single Outcome Agreement as the shared plan or an equivalent. The duties remain vague on how collective accountability will work with implications for local/regional/national partners. While the importance of performance management, challenge and scrutiny is clear, it is difficult to predict how this will be implemented practically on a statutory basis.

Q54 Do the proposed duties of the CPP support effective community engagement and the involvement of the third and business sectors?

Yes  No

What other changes may be required to make this more effective?

The proposed duties of the CPP helpfully identify community engagement and involvement of the business sectors as priorities. Again, there will be considerable scope on how this will be delivered in localities. The requirement that each CPP should consult and engage with communities is again to be welcomed, however, further guidance may be required to ensure that engagement is properly planned, resourced and integrated across partners. It may be the Scottish Government's expectation that each Community Planning Partnership will produce a Learning and Development Strategy incorporating the plans of Community Planning partners separately and collectively and this may be of value.

Q55 How can we ensure that all relevant partners play a full role in community planning and the delivery of improved outcomes in each CPP area? Do the proposed core duties achieve that?

Yes  No

What else might be required?

The duties for individual partners set out in paragraph 55 may operate as an effective minimum but are not framed in a way that will maximise outcome achievement across partners. It is unlikely that any existing activity or resource allocation could not support delivery of outcomes in some way given that the SOA has reflected the broad national outcome framework. A greater emphasis on outcomes which are shared across partners or identified as the highest priorities for the CPP may ensure that the full benefits of the Community Planning process can be realised. To ensure follow through on the collective duties for Community Planning, it may be of value to make explicit the duty for individual partners to reduce inequalities and increase the focus on prevention.

Q56 What are the respective roles of local elected politicians, non-executive board members and officers in community planning and should this be clarified through the legislation?

The information which accompanied the letter to Community Planning Partnerships on joint working resources helpfully defined the difference between the primary community planning partners and secondary community planning partners. This is important to ensure that their relevant secondary partners contribute appropriately where they share significant outcomes with an individual CPP. Other crucial partners may include local universities or colleges and it is important that any governance or accountability arrangements are proportionate to the level of contribution made by these partners and also that due cognisance is taken of the separate governance accountability arrangements in place through for example university courts.

The key question, however, remains who determines if community planning is happening effectively or if it is good enough. If this is to be solely local elected members and non-executive board members, this should be written into guidance relating to their role and also influence the appointment of NHS non-executive board members. A statutory role for community representatives would be an important recognition of the vital role which communities play in delivering outcomes on behalf of their communities often alongside community planning partners but also as the intended recipients of the improved outcomes delivered. Some thought should be given to the identification of community representatives and how they can effectively speak for the entire population.



Q57 Should the duty on individual bodies apply to a defined list of public bodies – if so, which ones? Or should we seek to take a more expansive approach which covers the public sector more generally?

The role of the third sector interface was being emphasised by the Scottish Government and others and it may be appropriate for interfaces to be given a right to participate in community planning partnerships and a duty.

Q58 Local authorities are currently responsible for initiating, facilitating and maintaining community planning. How might the legislation best capture the community leadership role of Councils without the CPP being perceived as an extension of the local authority?

The existing definition of the role of Councils is sufficient. What will change with the effectiveness of the community planning is the cultural expectations and commitments which are being enhanced for other partners with forthcoming legislation.

Q59 How can the external scrutiny regime and the roles of organisations such as the Accounts Commission and Auditor General support the proposed changes? Does this require changes to their powers or functions?

While the Accounts Commission process can be only examine a small number of community planning partnerships each year, the lessons to be learned from the strengths and weaknesses identified in various localities should be shared swiftly and effectively across all CPPs along with recommendations and guidance which would inform further improvement in their performance.

Q60 What other legislative changes are needed to strengthen community planning?

### 4.3 Allotments

Q61 Do you agree with the proposed definition of an allotment site and allotment plot?

Yes  No

How else would you suggest they be defined?

Dundee City Council agrees with the proposed definition of an allotment site and allotment plot, although it is suggested that the word “mainly” is removed from the definition of the allotment plot on the basis that the word “mainly” is open to interpretation. It is suggested that the definition of allotment plot should therefore read “used for the cultivation of vegetables, fruit and flowers for non commercial purposes”.

Q62 In order to include all existing allotments in the new legislation they must fit within the size range. What is the minimum and maximum size of one allotment plot in your area/site?

The minimum size of allotments in Dundee is 3 poles and the maximum size is 14 poles. Dundee City Council agree that the measurement should be m<sup>2</sup>, which would be easier for all to understand.

Local communities in Dundee would like to see a minimum plot size of 60 m<sup>2</sup> with a range of different sized plots available to suit the level of ability of the individual.

Q63 Do you agree with the proposed duty to provide allotments? Yes  No

Are there any changes you would make?

Dundee City Council agrees that a local authority has a duty to provide allotments. The difficulty might arise where a Local Authority is required to maintain a waiting list for the whole of the city when the Authority is only directly responsible for a small number of allotments itself.

The current waiting list of approximately 300 in Dundee and there are 600 plots available. Dundee City Council manages a small proportion of these.

Any duty to provide additional allotments will put a cost burden on to the Council.

Do you agree with the level of the trigger point, ie that a local authority must make provision for allotments once the waiting list reaches 15 people?

Yes  No

This statement is too generic and would be impossible for Councils to deliver, not only from a financial point of view but also in terms of the availability of the land. There would be a question over the siting of additional allotments if 15 people on a waiting list came from dispersed geographical areas.

Q64 Do you prefer the target Option A, B or C and why? Are there any other target options you wish to be considered here? Do you agree with the level of the targets?

Dundee City Council does not agree that targets should be set in legislation. Not all areas are the same and this could cause problems for local authorities.

However, local community groups would like to see the normal waiting times reduced from 3 to 2 years.

Q65 Do you agree with the proposed list of local authority duties and powers? Yes  No

Would you make any changes to the list?

Point 1 - Needs to be more specific on the residence requirements ie plot lease holder must

be resident in the local authority area.

Point 4 – Clarification is needed on what is meant by “related facilities”.

Point 5 – Local community groups have the view that protection should be given to permanent allotment sites and that the wording “limited circumstances” should be removed. Community groups would also like to see a “definition of fair rent subject to consultation with associations and their members” included (Point 10).

Q66 Do you think the areas regarding termination of allotment tenancies listed should be set out in legislation or determined by the local authority at a local level?

Legislation

Determined by local authority

Q67 Are there any other areas you feel should apply to private allotments?

Legislation would be useful but there should be sufficient flexibility for Local Authorities to develop and adapt their Allotments Strategies to suit local needs.

Q68 Do you agree that surplus produce may be sold?

Yes  No

If you disagree, what are your reasons?

Safeguards would need to be established to ensure that produce is not sold for commercial purposes.

Q69 Do you agree with the proposed list of subjects to be governed by Regulations?

Yes  No

Would you make any changes to the lists?

Dundee has a very good Allotment Strategy which relates very well to the city of Dundee and the needs of local communities. It is hoped that any new legislation in relation to allotments will support the further development of local strategies.

Dundee City Council agrees with the proposed list of subjects but suggest it should be widened to include security measures and also regulations which cover such areas as composting and the disposal or re-use of waste materials.

Re: Regulation 4 – If the plot sizes are to vary then it is suggested that the number of plots per household should relate to the total m<sup>2</sup> they can rent rather than the number of plots they lease.

# Consultation on the Community Empowerment (Scotland) Bill

## Response Questionnaire

### Chapter 5 – Wider Policy Proposals

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.

#### 5.1 Scotland Performs – embedding the outcomes approach in legislation.

Q70 We invite your views on the proposal to include in the Bill a provision that places a duty on Ministers to develop, consult on and publish a set of outcomes that describe their long term, strategic objectives for Scotland, and include a complementary duty to report regularly and publicly progress towards these outcomes.

The proposals are welcome and should complement the duties placed on the community planning partners and will ensure that there is strategic alignment between national and local priorities. However, CPPs are faced with the challenge of describing the contribution they make to all of the Scottish Government's national outcomes while also emphasising the six new policy priorities as well as local priorities. There is an argument that the Scottish Government should also emphasise the top priorities as a way of guiding all other public bodies towards those outcomes which will have the biggest impact on social and economic growth.

#### 5.2 Subsidiarity and local decision-making

Q71 Given the actions that the Government and others already take to enable and support local democracy, together with the additional measures proposed in this consultation, are there any other actions we could take to reflect local democracy principles that would benefit communities?

Maximising community influence on community planning partnerships will make a significant contribution to local democracy. Any further proposals should emerge or we consider them light of COSLA's commission on local democracy.

# Consultation on the Community Empowerment (Scotland) Bill

## Response Questionnaire

### Chapter 6: Assessing Impact

Please read the draft Bill provisions and detailed policy proposals 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.

#### Equality

Q72 Please tell us about any potential impacts, either positive or negative, you feel any of the proposals for the Bill may have on particular groups of people, with reference to the “protected characteristics” under the Equality Act 2010.

Within the consultation proposals there are no obvious negative or positive impacts on individuals or groups protected under equality legislation.

The implementation of the Bills proposals at a local level will require robust equality impact assessments to identify and overcome any barriers, identify and implement actions that will promote protected communities inclusion and participation in the community ownership process.

Q73 What differences might there be in the impact of the Bill on communities with different levels of advantage or deprivation? How can we make sure that all communities can access the benefits of these proposals?

The ability of communities in areas of multiple deprivation may be restricted in relation to complex processes such as the transfer of assets and participating in outcome improvement processes. Properly resourced support will be crucial to ensure that such communities can access and experience the full benefits of the opportunities which the bill is creating. Such support will be most effective if can be delivered using an asset building/co-production approach.

People with communication, physical and sensory issues will require additional resources to fully participate in the community ownership process. Those tasked with the implementation of the program must ensure that all delivery agencies are aware of their Duty under the Equality Act 2010 and that due regard is given in meeting all the communities needs. This will require adequate resources are available to community groups to support equality of access e.g. communication supports, accessible buildings etc. and an awareness of how to engage protected characteristic groups in developing an inclusive approach to delivery and management of community ownership projects.

## Business and Regulation

Q74 Please tell us about any potential costs or savings that may occur as a result of the proposals for the Bill, and any increase or reduction in the burden of regulation for any sector. Please be as specific as possible.

Extension or transfer of ownership of properties may involve increased workload for the public sector in supporting community groups initially through the bid process, although longer term capital and revenue savings may be generated from the transfer of surplus properties, and the establishment of alternative service delivery vehicles providing services previously provided directly by local authorities.

## Environmental

Q75 Please tell us about any potential impacts, either positive or negative, you feel any of the proposals for the Bill may have on the environment.

Improvements in the general condition of stock arising from property transfers and increased ability of local authorities to undertake works to defective properties via the Building Acts.

The bill could however also see condition falling as properties are blighted by liability notices or properties transfer to community groups with limited funds to undertake essential repairs works.

If community groups can acquire assets then they may be able to access funds for property/environmental improvements otherwise denied to local authorities. The converse also applies in that a community group may not have the resources to maintain an asset in an environmentally friendly fashion, which may leave the asset without sufficient environmental protection. Consequently, the sustainability of any community group acquiring assets is all important. Any proposal for a community group for an asset transfer would need to contain a commitment to meet environmental obligations. Council's will need to be empowered to make judgements on sustainability and environmental commitment before agreeing to asset transfer requests.



## **Dundee City Council Community Asset Transfer Strategy**

## INTRODUCTION AND PURPOSE OF THE STRATEGY

The aim of this strategy is to set out a transparent, positive and proactive framework that enables and manages the transfer of assets from Dundee City Council to Voluntary and Community Organisations (VCOs) in order to bring about long term social, economic and environmental benefits to the community.

Asset transfer represents one mechanism by which the Council can support the delivery of its Vision. Community asset transfer is not suitable for all properties or all organisations, and the Council will continue to work with VCOs to ensure that a range of tools, programmes and initiatives are in place to support the development of a strong and sustainable voluntary and community sector in Dundee.

The term 'community asset transfer' relates primarily to ownership or long lease arrangements at less than best monetary value of property assets to voluntary and community organisations and social enterprises. For the purpose of this strategy document, the term VCO will encapsulate social enterprises where appropriate.

The following strategy will provide a transparent and positive policy framework for the review of asset transfer requests and will complement and support the provisions of the Property Asset Management Plan. This policy also provides a protocol for surplus property asset disposal.

## NATIONAL POLICY CONTEXT

The Scottish Government is promoting the **Community Empowerment and Renewal Bill** which, in part, will address areas highlighted by the findings of **the Christie Commission**, particularly in relation to community participation, developing community enterprises and community renewal.

Through **Building a Sustainable Future** and the **Community Empowerment Action Plan**, the Scottish Government and the Convention of Scottish Local Authorities (COSLA), give strong commitment to enabling communities to participate fully in the events and affairs which affect the community in which they live.

There are many different ways in which communities can become empowered; community ownership of assets (land and buildings) is one method that can contribute.

Asset ownership will not be the answer for all communities, as much will depend on local circumstances but, when it is appropriate, a range of benefits can be realised.

The Development Trust Association Scotland has been supported by the Scottish Government to review and disseminate effective practice in asset transfer policy to local authorities in Scotland. DTAS looked at both successful and unsuccessful acquisitions and assessed key lessons learned. The review of current practice, **Public Asset Transfer: Empowering Communities** was published in May 2010.

[ref:<http://www.scotland.gov.uk/resource/doc/1031/0098558.pdf>].



Through the **Investing in Communities Programme**, the Big Lottery Fund has the ability to fund a wide range of organisations to gain more control and influence over their own future through the ownership of assets.

The Fund's guidelines published in June 2010 highlight three specific investment areas. The most relevant area, in terms of community asset transfer, **Growing Community Assets**, has four specific outcomes which mirror closely several of the Council's desired outcomes from the Single Outcome Agreement (SOA), namely:

- i Communities work together to own and develop local assets,
- ii Communities are sustainable and improve their economic, environmental and social future through the ownership and development of local assets,
- iii Communities develop skills and knowledge through the ownership and development of local assets,
- iv Communities overcome disadvantage and inequality through the ownership and development of local assets

## **LOCAL POLICY CONTEXT**

This strategy will positively assist the Council to achieve the desired outcomes of other strategies or initiatives, namely:

- i Single Outcome Agreement (SOA)
- ii Council Plan
- iii Corporate Asset Management Plan (CAMP)
- iv Property Asset Management Plan (PAMP)
- v Surplus Property Disposal Protocol
- vi Local Community Planning Partnerships
- vii Dundee Partnership Fairness Strategy

## **AIMS OF COMMUNITY ASSET TRANSFER**

The Council's property assets are used for a variety of different social, community and public purposes. For some of these assets, community management and ownership could deliver a range of benefits to the local community, to the VCO taking on the asset as well as to the Council and other public sector service providers.

### **a Benefits to the Local Community**

- i Devolving power to neighbourhoods in an effort to encourage citizen involvement and community action.
- ii Contributing towards the regeneration of communities and can act as a catalyst for social, environmental and economic regeneration (including the development of community enterprise).
- iii Transferring ownership or management offers opportunities to extend the use of a building or the piece of land, increasing its value in relation to the number of people benefiting and the range of opportunities it offers.

- iv Stimulating the involvement of local people in shaping and regenerating their communities and can be a catalyst for local volunteering and increasing community cohesion.
- v The process of community asset transfer can build confidence and capacity amongst the individuals involved, and can support the creation of community leaders and inspire others to improve their community.

## **b Benefits to VCOs**

Community ownership of assets can:-

- i Generate long term sustainable revenue streams for VCOs making them more sustainable.
- ii Provide local people with a meaningful stake in the future development of the place in which they live and/or work.
- iii Be used as leverage to draw in new finance and expand the level of community activity.
- iv Result in the creation of new organisations (and potentially Council/VCO joint ventures) with the ability to lever in additional resources which would be unavailable to the Council acting independently.
- v Create stronger, more sustainable VCOs, which can deliver a wide range of benefits for the communities they serve. An asset can provide a VCO with financial security, recognition, and management capacity.

## **c Benefits to the Council and Other Public Sector Bodies**

- i Working in partnership with VCOs can help the Council to achieve the agreed outcomes set out in the Single Outcome Agreement.
- ii Deliver social, economic and environmental benefits including employability opportunities.
- iii Contribute to the Council's objective to rationalise its estate and facilitate more effective and efficient use of its asset base where the focus is on better services and community outcomes as a result of strategic asset management.
- iv Help to progress Community Planning priorities.
- v Provide opportunities for long-term working between sectors.
- vi Provide a catalyst for inward investment and local multipliers through local purchasing and employment. Creating the opportunity for investment in the asset that may not be possible within Council ownership.
- vii Bring back into full use properties deemed surplus to requirements or under performing.

- viii Cost savings will be achieved by reducing holding costs, including non domestic rates and security costs. Where appropriate, demolition costs will be avoided.

Benefits can be measured in terms of the economic, social and environmental well being of the community. In considering potential asset transfers, the Council will evaluate each proposal against the benefits based on the submission of a business plan.

## **ASSET TRANSFER PRINCIPLES**

- i The Council's strategy for the transfer of assets to the community is guided by the following principles:
- ii Proactive Strategy - The Council will seek to implement the policy proactively through awareness raising, outreach and support in order to encourage appropriate groups to take on an asset.
- iii Responding Strategically - The Council will respond to requests for asset transfer by exploring the strategic implications of a transfer. This will take account of priorities set out in other corporate strategies and objectives.
- iv Transparent and Consistent - The Council will have a transparent corporate process for asset transfer which includes a clear point of first contact and clear stages and timescales for each party. The Council will adopt an agreed method of assessing the benefits, costs and risks of the transfer.
- v The Council will identify a suitably qualified Community Asset Transfer Coordinator with in depth knowledge of VCOs operations. The Community Asset Transfer Coordinator, along with other council service staff, will support and assist the VCOs during and post asset transfer.
- vi Whilst fully supporting the principle of asset transfer, this policy also recognises that some assets must remain under Council ownership and management in order to support delivery of essential services, continue to provide an income stream to the Council or support economic activity in an area. In addition some assets may have restrictive covenants on them making them unsuitable for transfer. The Council will consider, as part of the initial assessment of an application, whether an asset should be retained by the Council or could be transferred.
- vii Similarly, the Council will respect the views of groups which want to have access to properties by lease but do not want to take on the responsibilities which will come with transfer of ownership.
- viii Assets will be transferred at less than market value, subject to satisfying the terms and conditions of the **Disposal of Land (Scotland) Regulations 2010**. Any transfers involving HRA property assets will be subject to the approval of the Scottish Ministers in terms of the **Housing (Scotland) Act 1987**.

## **ASSESSMENT PROCESS**

Any decision to transfer an asset to the community would require the Council to review a number of broad criteria:

- i Benefits to the respective parties
- ii Potential loss of any existing income
- iii Retention of assets for direct service delivery
- iv Asset has been declared surplus by the Council or is subject to a request for transfer from a VCO
- v Potential loss of capital receipts

Applicants should normally be able to demonstrate that:

- i the VCO has the knowledge, skills and structures to take on the liabilities, including health and safety requirements, that go with managing land and buildings and delivering services. Consequently, the key to its success will be the level of support provided to the community to build the skills and expertise in these areas both within existing groups and organisations and also in encouraging the establishment of new ones.
- ii the VCO is formally constituted, is accountable to independent trustees or members, does not distribute profits and is non-political. It is not possible to provide a comprehensive definition of the types of community group covered by this policy. VCOs take many forms and can adopt different types of legal structures.
- iii the above two are met through a robust business plan (see Appendix B). These business plans will be essential in determining whether the group and/or organisation and their proposal for delivering services is viable and acceptable to the Council. The evaluation of such proposals will be undertaken by a group comprising a sub-group of the Social Enterprise Development Board and Community Asset Transfer Coordinator.

Fundamental to the success of any transfer is the demonstration that the proposed applicant has a clear rationale and an ability to manage the asset effectively, backed by a sound business case (Appendix B). For suitable assets, potential transfers will be considered on a case-by-case basis against the criteria.

A support mechanism will be required to support the application and assessment process. There is a network of organisations that can provide specialist business, social, funding, property appraisal advice etc to support VCOs through the process and may be used at the discretion of the VCOs.

## **TRANSFER PROCESS**

In considering the potential for an asset transfer, the Council will follow the process set out below. It is recognised that requests for an asset transfer could come directly from a VCO, who may be an existing tenant, or as a result of an asset being declared surplus to operational requirements.

Where the Council has determined that a property is surplus to its service delivery requirements and, following the process set out in the Council's

surplus property disposal protocol (Appendix D), it is considered that the property will not be placed on the market, nor is it required by another public sector organisation, then the asset will be subject to an open tender seeking expressions of interest from the community. In the event that more than one group expresses interest in an asset, a selection procedure will be adopted.

The key stages of the transfer process and indicative timescales are set out in Table 1 below. For flowchart see Appendix C.

**Table 1**

<b>Stage</b>	<b>Process or Action</b>	<b>Responsible</b>	<b>Indicative Timeline</b>
Stage 1	Asset declared surplus/vacant and asset transfer protocol confirms community asset transfer should be progressed or Asset transfer request received from VCO	City Development  VCO	
Stage 2	Expressions of Interest Sought from VCOs through Stage 1 Transfer Process or Council assess suitability for transfer of asset	Chief Executive's Department Community Asset Transfer Coordinator	2 months
Stage 3	Submission of Business Plan for assessment through Stage 2 Transfer Process	VCO	2-4 months
Stage 4	Assessment of Business Plan and report to VCO	Community Asset Transfer Coordinator and Social Enterprise Development Board	1 month
Stage 5	Legal aspects and operational issues - Stage 3 Transfer Process	Chief Executive's Department Community Asset Transfer Coordinator	1 month
Stage 6	Recommendation to Council subject to Ministerial consents (if applicable)	Chief Executive's Department Community Asset Transfer Coordinator	As required
Stage 7	Formalise Service Level Agreements, funding and conclude asset transfer Stage 4 Transfer Process	Chief Executive's Department Community Asset Transfer Coordinator and City Development	As required

After one year, the strategy, process and success of community asset transfer will be reviewed and recommendations made to review the strategy, if required.

## Appendix A

### Risk Audit

It has to be acknowledged that there may be a number of potential risks inherent in the transfer and operation of assets. Potential applicants are expected to use the support and advice available from the Community Ownership Support Service (part of DTAS) and the Council's Community Asset Transfer Coordinator. Table 2 lists some of these risks.

A robust business plan and due diligence through the pre-sale assessment process should address any potential risks.

**Table 2**

<b>Identified Risks</b>	<b>Mitigation</b>
The potential length of time involved in concluding a transaction could give rise to a significant cost liability to the Council in terms of increased property holding costs	Streamline review process to sieve out weak or borderline applicants. There will be a holding period which will incur costs (e.g. security, rates, maintenance) to the Council. It is envisaged that it may be approximately 12 months + from receiving an application to the VCO securing funding and the transfer concluding.
Property requires investment to ensure building is fit for purpose	The acquisition price is adjusted to reflect the level of investment required, or the Council incurs this expense on behalf of applicant which will require additional budget.  The business plan should clarify how the investment is to be financed as Big Lottery/Social Investment Fund loan etc.
The VCO does not have the experience or capacity to take on the responsibilities which come with transfer	Third Sector Support Organisations and the Council's Community Asset Transfer Coordinator will work with groups to build capacity and dissuade groups from bidding until they appear capable of succeeding.

For more information on Managing Risks on Asset Transfer go to:

<http://www.dtascommunityownership.org.uk/content/transfer-an-asset/managing-risk-in-asset-transfer>

## APPENDIX B

### Business Plan

Whilst it is not intended to be prescriptive, in terms of format, any assessment of the business case would normally address the following issues amongst others:

**Table 3**

<b>Summary</b>	<b>Detail</b>
Applicant's Detail	Capacity to deliver service Levels of community support Governance and legal structure
Summary of the Project	Type of transfer sought eg sale or lease. If not lease, demonstrate requirement for ownership. Objectives, outcomes and benefits from the transfer.
Market	Social, economic or environmental benefits of transfer below Market Value. Terms of Service Level Agreements. Identification of the asset and the need(s) it will satisfy.
Promotion	Marketing strategy, if applicable.
Resources	Financial sustainability. 5 year business plan. Sources of finance. Cash flow forecasts. Support from relevant service department.
Risk Assessment	Contingency planning arrangements. Proposed investment in property and maintenance regimes. Demonstrate on going capability to manage the premises, including adherence to health and safety legislation. Asset lock in place in event of VCO failure.

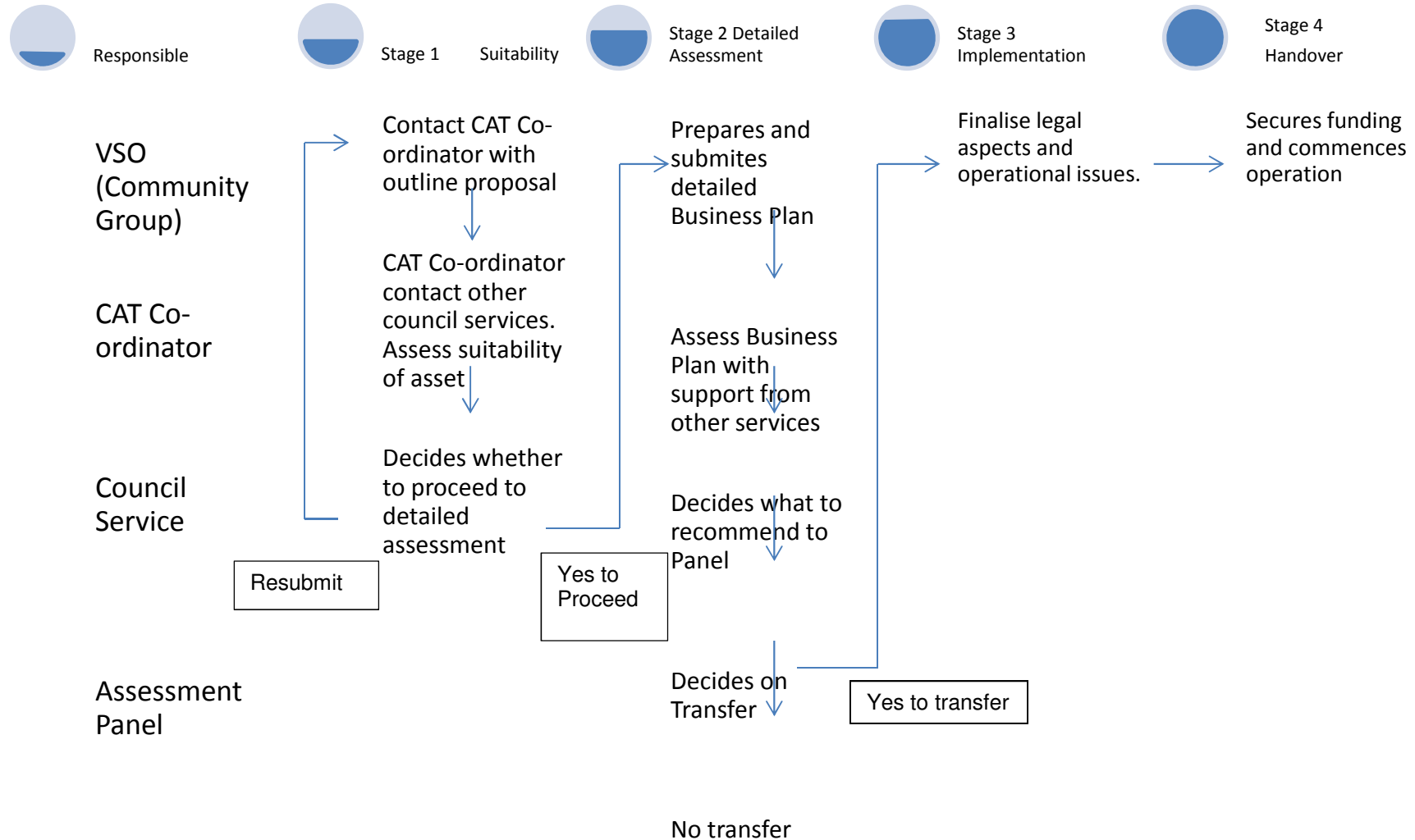


## **APPENDIX C**

The Community Asset Transfer Coordinator will be the central contact point for all applications, enquiries and the list of surplus property assets. They will take the lead role in responding but will work with officers from across all services in assessing each application and managing the transfer, if approved.

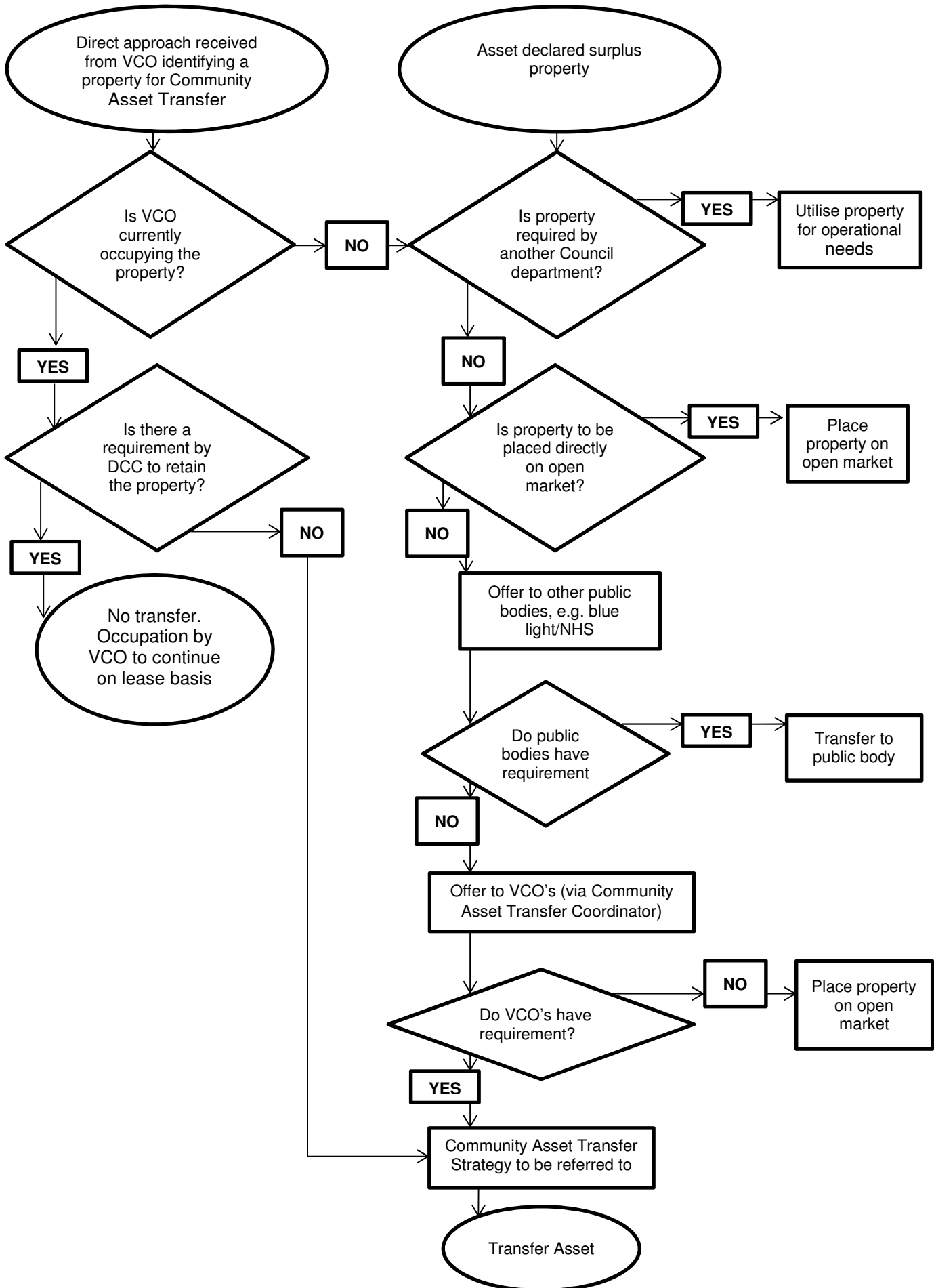
In considering the potential for community asset transfer the Council will follow the process as set out in the table below. For each stage officers of the Council will be available to provide advice and guidance on what is required. Alternatively the VCO may choose to seek help from other support agencies.

Table 4 – Transfer Process



APPENDIX D

COMMUNITY ASSET TRANSFER STRATEGY  
- ASSET TRANSFER PROTOCOL





## EQUALITY IMPACT ASSESSMENT TOOL

### Part 1: Description/Consultation

Is this a Rapid Equality Impact Assessment (RIAT)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Is this a Full Equality Impact Assessment (EQIA)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Date of Assessment: 05.12.2013	Committee Report Number: 4-2014
Title of document being assessed:	Consultation on Community Empowerment (Scotland) Bill
1. This is a new policy, procedure, strategy or practice being assessed (If yes please check box) <input type="checkbox"/>	This is an existing policy, procedure, strategy or practice being assessed? (If yes please check box) <input type="checkbox"/>
2. Please give a brief description of the policy, procedure, strategy or practice being assessed.	Scottish Government Consultation on Community Empowerment (Scotland) Bill
3. What is the intended outcome of this policy, procedure, strategy or practice?	To inform future Scottish Government Legislation
4. Please list any existing documents which have been used to inform this Equality and Diversity Impact Assessment.	Scottish Government Consultation on Community Empowerment (Scotland) Bill
5. Has any consultation, involvement or research with protected characteristic communities informed this assessment? If yes please give details.	No
6. Please give details of council officer involvement in this assessment.  (e.g. names of officers consulted, dates of meetings etc)	Scott Mands
7. Is there a need to collect further evidence or to involve or consult protected characteristics communities on the impact of the proposed policy?  (Example: if the impact on a community is not known what will you do to gather the information needed and when will you do	No

this?)	
--------	--

**Part 2: Protected Characteristics**

Which protected characteristics communities will be positively or negatively affected by this policy, procedure or strategy?

NB Please place an X in the box which best describes the "overall" impact. It is possible for an assessment to identify that a positive policy can have some negative impacts and visa versa. When this is the case please identify both positive and negative impacts in Part 3 of this form.

If the impact on a protected characteristic communities are not known please state how you will gather evidence of any potential negative impacts in box Part 1 section 7 above.

	Positively	Negatively	No Impact	Not Known
<b>Ethnic Minority Communities including Gypsies and Travellers</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Gender</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Gender Reassignment</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Religion or Belief</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>People with a disability</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Age</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Lesbian, Gay and Bisexual</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Socio-economic</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Pregnancy &amp; Maternity</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Other (please state)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Part 3: Impacts/Monitoring**

<p><b>1. Have any positive impacts been identified?</b></p> <p>(We must ensure at this stage that we are not achieving equality for one strand of equality at the expense of another)</p>	<p>Positive opportunity for Community Bodies to access assets and have an involvement in the planning and delivery of Public Services</p>
<p><b>2. Have any negative impacts been identified?</b></p> <p>(Based on direct knowledge, published research, community involvement, customer feedback etc. If unsure seek advice from your departmental Equality Champion.)</p>	<p>No</p>
<p><b>3. What action is proposed to overcome any negative impacts?</b></p> <p>(e.g. involving community groups in the development or delivery of the policy or practice, providing information in community languages etc. See Good Practice on DCC equalities web page)</p>	<p>N/A</p>
<p><b>4. Is there a justification for continuing with this policy even if it cannot be amended or changed to end or reduce inequality without compromising its intended outcome?</b></p> <p>(If the policy that shows actual or potential unlawful discrimination you must stop and seek legal advice)</p>	<p>No</p>
<p><b>5. Has a 'Full' Equality Impact Assessment been recommended?</b></p> <p>(If the policy is a major one or is likely to have a major impact on protected characteristics communities a Full Equality Impact Assessment may be required. Seek advice from your departmental Equality lead.)</p>	<p>No</p>
<p><b>6. How will the policy be monitored?</b></p> <p>(How will you know it is doing what it is intended to do? e.g. data collection, customer survey etc.)</p>	<p>N/A</p>

DRAFT

**Part 4: Contact Information**

<b>Name of Department or Partnership</b>	Dundee City Council
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<b>Type of Document</b>	
Human Resource Policy	<input type="checkbox"/>
General Policy	<input type="checkbox"/>
Strategy/Service	<input type="checkbox"/>
Change Papers/Local Procedure	<input type="checkbox"/>
Guidelines and Protocols	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>

<b>Manager Responsible</b>	<b>Author Responsible</b>
<b>Name:</b> Neil Gunn	<b>Name:</b> Neil Gunn
<b>Designation:</b> Head of Communities	<b>Designation:</b> Head of Communities
<b>Base:</b> 21 City Square	<b>Base:</b> 21 City Square
<b>Telephone:</b> 01382 307464	<b>Telephone:</b> 01382 307464
<b>Email:</b> Neil.gunn@dundeecity.gov.uk	<b>Email:</b> Neil.gunn@dundeecity.gov.uk

<b>Signature of author of the policy:</b> Neil Gunn	<b>Date:</b>
<b>Signature of Director/Head of Service:</b> Neil Gunn	<b>Date:</b> 10.12.2013
<b>Name of Director/Head of Service:</b> Neil Gun	
<b>Date of Next Policy Review:</b> December 2014	