



## **Community Empowerment (Scotland) Act 2015 – Part 2** **Community Planning – Consultation on Draft Guidance** **and Regulation**

### **1. Introduction**

- 1.1 At our last Board meeting the implications to SEStran of the Community Empowerment (Scotland) Act 2015 were discussed. The Scottish Government has now instigated a consultation on the Draft Guidance and Regulation for the Community Empowerment (Scotland) Act 2015 which is due to close on 19 June.
- 1.2 The guidance has implications for SEStran and how it operates within the community planning context and it is important that our views are submitted. There are nine questions in the consultation, listed in the Appendix and it is proposed that the SEStran substantive response should focus upon the principles for effective community planning.

### **2. Consultation**

- 2.1 In general SEStran is very supportive of the principles of the Act and many of these principles have already been taken up on a collaborative basis. Whilst clarification after publication from Scottish Government officials to RTP Lead Officers has recognised that some of the published draft guidance could be viewed as more of enforcement of participation rather than co-operative working, it is hoped that this assurance could be reflected in the final edits of the Draft Guidance.
- 2.2 SEStran is in partnership with eight Community Planning Partnerships (CPPs) with a small number of professional officers potentially available to attend meetings and provide input where required. With 4/6 meetings per quarter per authority and the growing requirements for additional involvement in locality planning, this could place a significant strain on our current resources without clear prioritisation. SEStran would clearly welcome further opportunities to increase our capacity to contribute to Community Planning and heighten the role of regional transport planning across all 8 SEStran local authorities if this was identified as a clear Government priority for SEStran as a public body to progress as Local Outcome Improvement Plans (LOIPS) develop.
- 2.3 SEStran is very aware of the importance of good transport links to address issues of inequality and poverty by access to jobs, education, services and facilities. It is noticeable that transport is never considered a key priority on

its own but is implicit in the delivery to individuals and communities of the high quality life-changing outcomes desired by Community Planning Partnerships.

- 2.4** The current draft guidance is very broad and could introduce an unrealistic expectation on the ability of partners to contribute, so the recognition within the guidance around the scope of contribution expectations for differing situations is welcome. Whilst it may be questionable to some that a RTP should be involved in the details of every locality planning exercise. However it is recognised that the collated results of such a process will have a clear evidence base role for the formulation and scoping of the new regional transport planning strategies.
- 2.5** There will be a clear balance to strike between continuing to address statutory equality issues versus a focus on wider “community priorities”. There needs to be greater recognition of the role transport can play to removing inequalities and the importance the community places on good transport links.
- 2.6** There is a clear opportunity with this guidance to focus place-based approaches to tackling poverty and inequality and the need for sub-regional/locality plans to have a greater focus on promoting economic opportunity and social justice, with transport and social mobility performing a key role in delivering positive outcomes.
- 2.7** A number of recent research reports have highlighted the need to not solely focus on place regeneration in terms of anti-poverty programmes but also a clear need to encompass better transport links (local and regional), better accessibility to services and amenities which promote greater economic participation by expanding the sphere of opportunities and build more cohesive communities. There is a clear labour market disadvantage for those who are less mobile as they are more reliant on public transport. This is very much an issue which is reflected in our Regional Transport Strategy and would appear to fit well with the Scottish Government’s Inclusive Growth agenda outlined in Scotland’s Economic Strategy.
- 2.8** Looking to the future, The Scottish Government will consult on the next set of national outcomes for the National Performance Framework later this year/early next year. The current Scottish Government has committed to implementing the United Nations Sustainable Development Goals (SDGs). There is a specific gender equality goal, which may be of relevance to mobility/accessibility given some recognised equality issues around transport. There is also a generic inequalities goal and a climate change goal on which SEStran would welcome further guidance as to how the transport, accessibility and mobility aspects of this new NPF will be implemented by CPPs, and whether there will be further guidance issued by the Scottish Government.
- 2.9** It will be important to have a clear transport focus in the future landscape of national outcomes which will drive the work of CPPs and the opportunities

for intelligent centralisation across local authorities that could be delivered via further joint working between Community Planning partners. It would be welcome if the guidance could highlight the key transport/accessibility planning role of RTPs within the process, in the absence of Transport Scotland being a statutorily required partner in CPPs.

- 2.10** The premise of intervening early, targeting risk groups and small communities of place or interest may initially seem at odds with the remit of an RTP. However, in terms of our statutory requirement to promote social inclusion if a regional intervention is required that delivers outcomes on a locality scale, this may be justified as best value if it reduces failure demand or expenditure via a new cross-boundary service and this can be a place where RTPs and the completely new RTS could add value to CPPs. There is a clear potential role here for regional transport surveys to provide data and an evidence base for early intervention/secondary prevention. In this regard, it would be helpful if there was reference to transport planning data in the consultative draft of the guidance when CPPs are progressing a Local Outcome Improvement Plans and makes linkages to its use for employability, sustainability and inclusion outcomes.
- 2.11** Furthermore, the Scottish Government have indicated in the First Minister's recent priority-setting speech to the Scottish Parliament at the end of May 2016 that they will issue guidance on the use of Part 1 of the Equality Act, which will have a key impact on strategic decisions of public bodies to tackle socio-economic disadvantage potentially. The Government have also stated they will re-appoint a Poverty and Inequality Advisor. The use of Part 1 of the Act, has been suggested could address the fundamental degenerative challenge of high and increasing socio-economic inequalities by introducing a statutory duty for supporting socio-economic equity in all public policy.
- 2.12** Whilst the Community Empowerment (Scotland) Act outlines the collective duty for CPPs to carry out functions in Part 2 of the Act with a view to reducing inequalities of outcome which result from socio-economic disadvantage unless the partnership considers that it would be inappropriate to do so. Any guidance if published in future on this Act and Part 1 of the Equality Act would be helpful if it could outline how an individual duty on public authorities integrates with this CPP wide duty.
- 2.13** SEStran would view the forthcoming Equality Act duty and existing Community Empowerment Act duty on socio-economic disadvantage as a key potential tool in delivering outcome of an adequately accessible, efficient and affordable transport infrastructure at locality, local and regional levels.

### **3. Conclusion**

- 3.1** This consultation is on the substantive details of managing community planning. The above summary is proposed to form a response from SEStran officer bearers to the Cabinet Secretary for Communities highlighting a broad view of the transport to be more visible within the

community planning process and the difficulties of achieving this. This consultation is a clear chance to build on the theme of “transport inequalities” articulated by other stakeholders in pre-election Scottish policy debates. The Board is welcome to make comments for inclusion on the proposed response.

#### **4. Recommendation**

- 4.1** The Board notes the above and approves the outline of the proposed response to Scottish Government and is welcome to provide further comment before the response is submitted.

**Alastair Short**

Strategy Manager

10th June 2016

#### Appendix 1 – consultation questions

Policy Implications	Policy implementation
Financial Implications	None
Race Equalities Implications	None
Gender Equalities Implications	None
Disability Equalities Implications	None
Climate Change Implications	None

## Appendix 1

Q1: The guidance identifies a series of principles for effective community planning. Do you agree with them? Should there be any others?

Q2: The draft guidance sets out common long-term performance expectations for all CPPs and community planning partners. Each CPP will adopt its own approach towards meeting these expectations, reflecting local conditions and priorities. Even so, do you think there are common short- or medium-term performance expectations which every CPP and partner should be expected to meet? If so, what are they?

Q3: The 2015 Act requires CPPs to keep under review the question of whether it is making progress in the achievement of each local outcome in their LOIP and locality plan(s). CPPs must from time to time review their LOIP and locality plan(s) under review, and to revise them where appropriate. Even with this, do you think the statutory guidance should require CPPs to review and if necessary revise their plans after a specific period of time in every case? If so, what should that specific period be?

Q4: What should the statutory guidance state as the latest date by which CPPs must publish progress reports on their local outcomes improvement plans and locality plans? 4 months 6 months Other  
If other please provide timescale

Q5. Do you have any other comments about the draft Guidance?

Q6. We propose that the draft regulation for locality planning should set one criterion only, which is a maximum population permissible for a locality. Do you agree? What are your reasons?

Q7: The draft regulation sets a maximum population size for localities subject to locality planning of 30,000 residents. It also proposes an exception which allows a CPP to designate a local authority electoral ward as a locality even where its population exceeds 30,000 residents. Are there circumstances in which these criteria would prevent a CPP from applying a reasonable approach to locality planning? What difference would it make to how localities were identified for the purposes of locality planning in the CPP area(s) in which you have an interest, if the maximum population size were set at (a) 25,000 residents or (b) 20,000 residents?

Q8: Do you have any other comments about the draft Regulation?

Q9: Are there any equality issues we should be aware of in respect of local outcomes improvement plans and locality plans?