

Introduction

The Community Empowerment (Scotland) Act 2015 has come into force in Scotland. This information page will help you understand more about the Act, how it could impact on you, and what it means for the Council.

If there are any areas you would like clarification on, please contact the Community and Democratic Engagement Team by emailing policy6@highland.gov.uk or call the team on 01463 702006.



What is the Community Empowerment (Scotland) Act 2015?

The act is a new piece of legislation that gives communities additional rights. These are through:

- **having more say in how public services are planned and provided** (e.g. community representation on Community Planning Partnerships)
- **owning or leasing land, assets and estate** (through asset transfer and community right to buy)
- **becoming involved in improving service outcomes** (e.g. participation requests)

The first 11 parts to the Act are:

Part 1

Part 1: National outcomes – Scottish Ministers set goals for Scotland. Ministers will be required to consult on these goals and report progress on them at least every 5 years.

For detailed information about National Outcomes in the Act, please visit:

<http://www.legislation.gov.uk/asp/2015/6/part/1/enacted>

Part 2: Community Planning – Public sector bodies will be expected to work together as Community Planning Partnerships. Members of the Highland Community Planning Partnership include: The Highland Council, NHS, Police Scotland, Scottish Fire and Rescue Service and Highlands and Islands Enterprise. All partners will be expected to work with local communities to improve services.

Part 2

For detailed information about Community Planning in the Act, please visit:

<http://www.legislation.gov.uk/asp/2015/6/part/2/enacted>



Part 3

Part 3: Participation requests – Community groups will be given the power to ask to be involved with local public sector bodies, e.g. The Highland Council, Police, and NHS, to improve service outcomes.

For detailed information about Participation requests in the Act, please visit:

<http://www.legislation.gov.uk/asp/2015/6/part/3/enacted>

Part 4: Community right to buy land – The Act will extend community right to buy to communities with populations larger than 10,000. This means that groups in Fort William and Inverness, for example, will now be able to use the process.



Part 4

For detailed information about Community right to buy land in the Act, please visit:

<http://www.legislation.gov.uk/asp/2015/6/part/4/enacted>



Part 5

Part 5: Asset transfer requests – Sets out how a community group can ask to buy, lease, manage or occupy land or buildings owned by public sector bodies. Public sector bodies must publish and maintain a list of assets that they own or lease.

For detailed information about Asset transfer requests in the Act, please visit:

<http://www.legislation.gov.uk/asp/2015/6/part/5/enacted>

Part 6: Delegation of Forestry Commissioners' functions – The Act will allow the Forestry Commissioners to delegate its responsibilities in connected to land that is leased to community groups.



Part 6

For detailed information about Delegation of Forestry Commissioners functions in the Act, please visit: <http://www.legislation.gov.uk/asp/2015/6/part/6/enacted>



Part 7

Part 7: Football clubs - Gives Scottish Ministers power to make rules about the role supporters play with the clubs they support.

For detailed information about Football clubs in the Act, please visit:

<http://www.legislation.gov.uk/asp/2015/6/part/7/enacted>

Part 8: Common Good property – The Council is required to publish a list of common good property in the Highlands and make sure that community councils and other community groups are consulted on any proposed changes.



Part 8

For detailed information about Common Good property in the Act, please visit:

<http://www.legislation.gov.uk/asp/2015/6/pasrt/8/enacted>



Part 9: Allotments – Makes the law about allotments easier to understand and states how waiting lists should be managed.

For detailed information about Allotments in the Act, please visit:

<http://www.legislation.gov.uk/asp/2015/6/part/9/enacted>

Part 10: Participation in public decision making – Gives Scottish Ministers the power to request that public authorities publicise and support the involvement of the community in the decision and activities of the authority, including the allocation of resources.



For detailed information about Participation in public decision making in the Act, please visit:

<http://www.legislation.gov.uk/asp/2015/6/part/10/enacted>



Part 11: Non-Domestic Rates – The Act allows the Council to set local business rates. This part of the Act came into force on the 31st of October 2015.

For detailed information about Non-Domestic rates in the Act, please visit:

<http://www.legislation.gov.uk/asp/2015/6/part/11/enacted>

Part 2 of the Act talks about Community Planning, what is it?

Community Planning is about local organisations working closely for the benefit of the local community. This may be through joint working, agreeing joint policies or just making sure partners know what each other are doing.



To make sure this happens the Act specifies who has a statutory obligation to make sure it work and who else needs to be involved.

The Community Planning Partners who have a statutory obligation for making sure community planning in the Highlands works are:

- The Highland Council
 - NHS Highland
 - Police Scotland
 - Scottish Fire and Rescue Service
 - Highlands and Islands Enterprise
- pation requests

What is a participation request?

A community group can make a request to a public service authority to participate in a process aimed at improving an outcome that results from a service provided by that authority.

Communities can make participation requests to...



- The Highland Council
- NHS Highland
- University of the Highlands and Islands
- Highlands and Islands Enterprise
- Police Scotland
- Scottish Fire and Rescue Service
- Scottish Natural Heritage
- HITRANS
- SEPA

Who can

make a participation request?

A community group can make a request. The group must be:

- open to anyone in the community it covers to join
- community led
- the majority of the members are from that community
- for the benefit of the community and uses any assets or surplus funds within the community

The group does not need to be constituted.

What information does the community body need to provide when it makes a participation request?

The community body making the request will need to:

- identify the outcome it wishes to contribute to improving
- set out the outcome(s) which results from a service provided by the public authority (The Highland Council)
- set out the reasons why it considers it should participate
- provide details of any relevant knowledge and expertise it has in relation to the outcome
- provide an explanation of the improvement it expects will be achieved as a result of its participation

When can a participation request be made?

A community body can make a request at any time when it believes it can improve the outcome of a public service.

Requests are subject to a timescale. An annual report must be sent to the Scottish Government by local authorities, which includes the number of requests accepted and declined.

Further information can be found on the Scottish Government website: [Participation Requests Overview](#).

Part 4 of the Act is about Community right to buy land

Didn't we have community right to buy in the Highlands before the Act? How is it different?

Until the Act comes in to force, only communities with populations under 10,000 people are able to use community right to buy. The change in law means that community groups in Inverness and Fort William (both with populations over 10,000), will be able to use community right to buy.

The Act also means that more types of community groups will be able to buy land in this way. The Act can be used by companies limited by guarantee, Scottish Charitable Incorporated Organisations (SCIOs) and Community Benefit Societies.



Further information can be accessed on the Scottish Government website, [Community Right to Buy](#).

Part 5 of the Act talks about asset transfer requests

What is an asset?

In the Act, an asset is land, buildings or estate owned by public authorities.

What can be subject to an asset transfer request?

A request can be made for the sale of any land or building owned by the public authority. Alternatively a request can be made for the lease of any land or buildings that are owned or leased by the public authority.

Each public authority is required to publish a register of all their assets. The asset register for the Highland Council will be available on the internet but a hard copy would be provided if someone is unable to use the online version.

Who can make asset transfer requests?

A group that can request to lease land from a public authority if it:

- has a written constitution
- is open to anyone in the community it covers to join
- is community led
- has a majority of members which are from that community
- is for the benefit of the community
- uses any surplus funds/ assets for the benefit of the community

A group can request the transfer of ownership if it:

- is a company limited by guarantee
- is a SCIO (Scottish Charitable Incorporated Organisation)
- is a Community Benefit Society with at least 20 members

Who can asset transfer requests be made to?

Asset transfer requests can be made to:

- The Highland Council
- NHS Highland
- UHI
- HIE
- Police Scotland
- Scottish Fire and Rescue Service
- Scottish Natural Heritage
- HIRTANS
- SEPA



Assets have been transferred from the Highland Council to community groups before, how will it change under the Act?

The Act introduces timescales within the asset transfer process and specifies the information that a group must provide when requesting an asset transfer. All public authorities must publish an annual report about the asset transfer requests they have received.

What information needs to be provided in an asset transfer request?

A community transfer body must include the following information when making an asset transfer request:

- the land or building to which the request relates
- whether it wishes to own, lease or use the land or building
- the reason for making the request
- the benefit which the group believes will arise if the transfer goes ahead
- the price that the group will be willing to pay for the land or building if requesting to buy it
- the rent the group would be willing to pay if requesting to lease it
- any other terms or condition applicable to the request

Can an asset transfer request be refused?

The public authority must agree the request unless there are reasonable grounds for refusal. An annual report must be provided to the Scottish Government by authorities which includes the number of asset transfers accepted and declined.

Part 8 of the Act talks about common good

What is common good?

The Scottish government defines common good assets as “a specific type of property owned by local authorities in Scotland...These Funds are of ancient origin and consist of property that previously belonged to one of Scotland’s burghs. They include both moveable property (for example, cash, securities, civic regalia) and heritable property (land and buildings). By far the largest component of Common Good Funds is heritable property and while this mainly consists of public buildings and public spaces, such as parks, it also includes in some cases farm land and other heritable property, such as salmon fishing.”



How does the Act change things?

All councils in Scotland will have to create and publish a list of all common good property in their area; this will be available on the Highland Council website. Councils will have to consult with community councils and other community groups before selling or changing the use of any common good property.

Further information can be accessed via the [Common Good Property section](#) of the Community Empowerment (Scotland) Act 2015.

Part 10 of the Act talks about participation in public decision making

What does the 'Participation in public decision making' part of the Act mean?

This part of the Act gives Scottish Ministers the power to require that public authorities, such as the Highland Council, promote and support the involvement of the community in the decisions and



activities of the organisation, such as the allocation of resources. At the moment Ministers have not set out exactly what this will mean but have reserved the right to do so at a later date.

Further Information

Where can I find out more information about the Community Empowerment Act?

If you have any queries that haven't been dealt with herein, or have queries about submitting a participation or asset transfer request, please contact policy6@highland.gov.uk or call the team on 01463 702006.

The legislation is available online at:

<http://www.legislation.gov.uk/asp/2015/6/contents/enacted>

