

## The Highland Council

29th October 2015

Agenda Item	20
Report No	HC/54/15

### **Scheme of delegation: proposed change to the remit of the Community Safety, Public Engagement and Equalities Committee**

Report by the Head of Policy and Reform

#### Summary

Members are asked to agree amendments to the remit for the Community Safety, Public Engagement and Equalities (CPE) Committee. These largely reflect the new duties arising from the Community Empowerment Act. It is proposed to re-title the Committee to the Communities and Partnerships Committee. It is proposed that the Committee becomes a strategic committee, that a Vice-Chair is appointed and along with the Chair, both posts are designated as Senior Councillor Posts.

#### **1. Proposed changes to the remit of the Community Safety, Public Engagement and Equalities (CPE) Committee**

1.1 Changes are proposed to the CPE remit. These are explained below. A revised remit is attached for Members to consider.

##### 1.2 Community safety

Since the formation of the national services for police and fire in 2013, Members have had a legal duty to scrutinise them and engage with them. Members have done this successfully, seeking amendments to local police and fire plans, scrutinising Highland-wide and local performance and influencing changes in national policy and operations. There are likely to be new expectations of members in their relationship with the Scottish Police Authority (SPA) arising from the current review of governance for Police Scotland. It is proposed the community safety part of the CPE remit is refreshed to reflect any new requirements.

##### 1.3 Public engagement

The public engagement part of the current remit includes methods of engagement used by the Council and improving engagement in the democratic process and elections. The timing is good to review this aspect of the remit to reflect:

1. The new duties on the Council and the new rights for communities arising from the Community Empowerment (Scotland) Act 2015, as reported previously to Council;
2. The Council's current work on strengthening local democracy;
3. The new approach to local community planning being developed with the Community Planning Partnership Board.

1.4 The new duties within the Community Empowerment Act that require

consideration or policy development and are not currently considered in other committees are: participation requests; policy to support asset transfers; and participation in public decision-making. In addition our new developments in participatory budgeting and localism align strongly with the Community Empowerment Act duties, so these could usefully be considered within this part of the remit as well.

- 1.5 Other related matters with powers reserved to the Council that could be delegated to the Committee are:
1. The Council's approach to community planning<sup>1</sup>. This needs to be refreshed because of the new legal duties as set out below and because Members will have a role in supporting and scrutinising the review of local community planning agreed by the CPP Board. Specifically, the Act:
    - a. enables the Council to respond to consultation on national outcomes;
    - b. requires the Council to participate in community planning and sharing the facilitation of community planning with four other partners;
    - c. requires the partnership to produce a Local Outcomes Improvement Plan and locality plans where outcomes are poorest, with progress to be monitored and reported;
    - d. requires the partnership to support community bodies to participate.
  2. Reviewing the Scheme for Community Councils. This would extend the remit of the Committee at present and would fit well with new duties regarding community bodies and community planning.
  3. Approving the minutes of the Community Challenge Fund Member Panel and the operation of the Fund. This aligns to participation requests contained in the Community Empowerment Act.
- 1.6 It is proposed that the matters above are delegated from the Council to the Committee. Members will be aware that as these would not be delegated in full the Committee's decision on these matters could to be looked at again by the Council through the procedure for a Notice of Amendment.
- 1.7 Other parts of the Community Empowerment Act can be considered by different Committees and within the current Scheme of Delegation. These are:
1. The Planning, Development and Infrastructure (PDI) Committee considers matters related to land reform, the environment and asset management. This would enable consideration of the parts of the Act that relate to community right to buy, recommending asset transfers and allotments;
  2. Resources Committee considers matters relating to non-domestic rates

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<sup>1</sup> Reference 1.4 in Part 1 of the Scheme of Delegation, powers reserved to Highland Council. This covers the Council's approach to community planning and its contribution to the Single Outcome Agreement. The new duties extend the requirements on the Council and this along with the review of community planning in Highland means community planning changes require in depth consideration and governance over the next 2 years while new processes are established. A committee may provide more time for this consideration.

- (a specific part within the Act) and individual disposal of assets; and
3. Common Good Property is considered at either Area/City committees, Resources Committee or Council depending on the values involved.

1.8 Other aspects of the current Committee remit remain pertinent; the Council's community benefit policy, handling and reporting on petitions and elections. Amendments to the Council's boundaries or electoral ward boundaries would continue to be reserved for Council.

1.9 Equalities

The current remit regarding equalities includes: ensuring the development and delivery of the Fairer Highland Plan which sets out our response to our duties under the Equality Act (2010) (apart from the elements relating to staffing which are reported to Resources Committee); agreeing equality outcomes to be published and reporting on them; reports in reducing inequalities; and informal arrangements for consulting with equalities groups. Reducing inequalities is now part of the community planning duty and would be included in the community empowerment aspect of the proposed remit. All other parts of the equalities remit remain pertinent.

**2. Other changes**

2.1 With an expanded remit there would be a case for changing the Committee to become a Strategic Committee of the Council with 22 members, with membership based on the group formula. It currently has 15 members. In keeping with arrangements for strategic committees a Vice Chair can be appointed.

2.2 The title of the Committee could be amended to reflect the revised remit. It is recommended the title is changed to the Communities and Partnerships Committee.

**3. Implications**

3.1 Resource implications: If the Committee becomes a strategic committee then the chair and vice chair would be paid. This can be accommodated within the regulations as the Council has agreed to disband two Area Committees and therefore those Senior Councillor posts will cease with effect from 30 October.

Legal implications: The amendments to the Committee's remit arise from the new duties Community Empowerment (Scotland) Act 2015.

Equalities implications: The Committee would consider ensuring the Council complies with its duties under the Equality Act 2010.

Climate Change/Carbon Clever implications: none are identified.

Risk implications: The amendments proposed will mitigate any risks to the Council of failing to implement the new duties arising from the Community Empowerment Act.

Gaelic implications: None identified.

Rural implications: The remit covers rural and urban areas within Highland.

#### **4. Recommendation**

##### 4.1 Members are asked to:

1. Agree the revised remit for the Committee as appended, and with the name changed to the Communities and Partnerships Committee.
2. Agree the Committee becomes a strategic committee with a Vice Chair appointed.
3. Agree that the Chair and Vice Chair are designated Senior Councillor posts in accordance with the regulations with the relevant remuneration for Chairs and Vice Chairs of Strategic Committees, and that following the removal of two Area Committees the Senior Councillor posts previously designated to these Committees will cease with effect from 30 October.
4. Agree the changes come into effect from 30<sup>th</sup> October. The next meeting of the Committee is scheduled for 10<sup>th</sup> December 2015.

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## **Communities and Partnerships Committee.**

### **General**

1. To provide strategic direction and scrutiny for the implementation of the aspects of the Community Empowerment (Scotland) Act (2015) relating to consultation on national outcomes, community planning, participation requests, asset transfer request policy and participation in public decision-making.
2. To oversee the development and delivery of the Council's localism action plan.
3. To engage with partners and with Highland communities to promote community safety to achieve the best possible outcomes for the region.
4. To enable the local scrutiny by Members of, and the engagement of Members with, national Police and Fire and Rescue Services.
5. To implement the Council's Equalities duties to understand the needs of people who have characteristics protected in law to make sure Council services are more responsive to their need.
6. To ensure the Council adopts approaches to reduce inequality and poverty through the services it provides and in working with others.
7. To engage with, and implement the findings of, any external audits and inspections affecting the general and specific tasks of the Committee.
8. To agree responses to Government consultations and Parliamentary Inquiries relating to community empowerment and community safety.

### **Specific**

#### **Community Empowerment and Localism**

9. To agree any response to consultations from the Scottish Government on national outcomes.
10. To ensure that the Council complies with its legal duties on community planning. This includes ensuring that as a member of the Community Planning Partnership (CPP) a Local Outcomes Improvement Plan is produced with progress reported annually, that locality plans are produced to improve outcomes where they are poorest and progress is reported annually, and that community bodies are supported to participate in community planning.
11. To agree the Council's policy on enabling community bodies to make participation requests to improve outcomes. To ensure compliance with statutory annual reporting on participation requests.
12. To agree the Council's policy on supporting the transfer of Council assets to community bodies to enable greater participation of community bodies in

public service delivery. (Individual asset transfers would be agreed by the Asset Management Board and Resources Committee).

13. To oversee the operation of the Community Challenge Fund and approve the minutes of the Community Challenge Fund Member Panel.
14. To ensure the Council complies with the duty to promote and enable participation of people in the decisions about public services including the allocation of financial and other resources. This will include reporting on progress with participatory budgeting across the Council and in its localities.
15. To develop the Council's localism action plan. To scrutinise progress with the delivery of the localism action plan.
16. To identify how to improve public engagement in the democratic process and in the work of the Highland Council, including turn-out at elections and within the statutory framework for elections.
17. To oversee the implementation and development of the Council's Community Benefit policy.
18. To consider issues in relation to matters for Community Councils and to approve the Council's Scheme for Community Councils and any revisions to it.
19. To monitor the process for handling petitions and their outcomes annually.

#### Community safety

20. To engage with the national Police Service and the Scottish Fire and Rescue Service (SFRS) on the development of their Local Plans for the Highlands for the following policy areas: an overview of crime and community perceptions of crime, fire safety, road safety, anti-social behaviour, hate incidents, violence against women, environmental safety and crimes, door stop crime, cold calling and scams and regulating the supply and storage of hazardous goods.
21. To recommend to the Council the agreement of these aspects of the Local Police and Fire and Rescue Plans to ensure alignment with the Single Outcome Agreement and in future with the Local Outcomes Improvement Plan.
22. To monitor and scrutinise the delivery of the agreed Plans and performance for the Highlands provided by the local Police, the local Fire and Rescue Service and any other agencies with a public protection remit, including the Scottish Ambulance Service. This will take into account national performance frameworks and locally agreed priorities.
23. To continue to learn from and share good practice with other Councils and partnerships in engaging with the national services for Police and Fire and other public protection bodies.
24. To provide clear strategic direction in the determination and implementation of the Council's policies to achieve joint outcomes for: road safety; antisocial behaviour, noise nuisance and vandalism; hate crimes including gender-

based violence; and any issues arising from doorstep crime, cold calling and scams; and regulating the supply of goods (aerosol paints, knives, fireworks & other pyrotechnics, hazardous chemicals, tobacco products, cigarette lighter refills, unsafe consumer products) and storage of petrol and explosives.

25. To engage with the Scottish Police Authority and the SFRS Board so that they are aware of the community safety context and issues for the Highlands when determining national policies. To ensure compliance with any requirements on the Council arising from governance reviews of the national bodies.

### Equalities

26. To ensure the development and delivery of the Fairer Highland Plan, this sets out how the Council will meet its duties in the Equality Act (2010). Aspects relating to staffing and the Council's equality duties as an employer will be considered by the Resources Committee.
27. For the Committee to meet informally with groups to hear evidence from equalities groups and individuals on what it means and feels like to live in the Highlands with a protected characteristic.
28. Agree the equality outcomes to be published and report on them as required.