

Consultation response



Community Empowerment (Scotland) Bill – Call for Evidence

Response from the Chartered Institute of Housing Scotland – September 2014

Introduction

CIH Scotland (CIH) welcomes this opportunity to respond to the Local Government and Regeneration Committee's call for evidence on the Community Empowerment (Scotland) Bill.

The Chartered Institute of Housing is the professional body for people involved in housing and communities. We are a registered charity and not-for-profit organisation. We have a diverse and growing membership of over 22,000 people – both in the public and private sectors.

CIH Scotland has more than 2,500 members working in local authorities, housing associations, housing co-operatives, Scottish Government and Government agencies, voluntary organisations, the private sector, and educational institutions. The CIH aims to ensure members are equipped to do their job by working to improve practice and delivery. We also represent the interests of our members in the development of strategic and national housing policy.

For more information on the contents of this paper, please contact the Policy and Practice Team:

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General comments

CIH Scotland welcomes the opportunity to contribute to the debate surrounding the Community Empowerment (Scotland) Bill. We recognise the importance of community participation in developing sustainable neighbourhoods and organisations that deliver services which are tailored to meet the needs of local communities.

Housing is at the heart of each and every community and it is important that the housing industry continues to build better working relationships to deliver homes that are warm, safe and well managed within communities where residents feel that their participation is valued.

There are already many good examples of tenant participation in the social rented sector and the importance of the relationship between social landlords and their tenants has been recognised through the development of the Scottish Social Housing Charter and enhanced performance scrutiny under the Scottish Housing Regulator. It is hoped that the provisions within the Bill relating to community planning, service delivery improvements and community ownership will present opportunities for more people to become involved in creating successful communities that people want to be a part of.

Responses to the specific questions in the Local Government and Regeneration Committee's Call for Evidence are outlined below.

To what extent do you consider the Bill will empower communities, please give reasons for your answer?

The provisions within the Bill will create opportunities for people to become more involved in developing local services that are tailored to the needs of local people. However, the extent to which the powers are actually used will ultimately be driven by demand from within communities.

For example, social tenants already have the opportunity to become involved in the management of their homes but to date there has been little interest in this option. In some cases, perhaps social landlords could do more to highlight the opportunities available to their tenants. However, experience suggests that in the majority of cases, tenants simply do not want to manage their own homes. Tenants expect the rent that they pay to cover the cost of an efficient and professional tenancy management service.

Giving local residents the option to take on ownership or management of underused assets presents an interesting and exciting opportunity for local groups to become more involved in the revival of areas or buildings which might otherwise have fallen into disrepair. When local people are involved in regeneration projects, such as the creation of a community garden or play park, they are more likely to become engaged in the management and maintenance of the project over the longer term.

What will be the benefits and disadvantages for public sector organisations as a consequence of the provisions in the Bill?

Benefits

Supporting people to become more involved in their local community helps to foster a sense of ownership and responsibility. Strong communities are less likely to suffer from antisocial behaviour.

Building a sense of community cohesion, encouraging co-operative values and local informal support networks can prevent social isolation and the need for more formal intervention from housing, health and social services.

Involving service users in policy development and review can help to identify efficiencies and better ways of doing things. People who are using services are in an ideal position to comment on how well the service is being run and how to make improvements.

Becoming involved in community projects and local service delivery can help people to build up skills and social networks improving employment prospects which can help to increase household income and quality of life.

Disadvantages

Supporting greater involvement from communities may be resource intensive for public services. However, as demonstrated above, the positives that can be achieved in terms of creating informal support networks, reducing antisocial behaviour and identifying efficiencies in service delivery will help to balance out the financial costs associated with supporting community involvement.

The transfer of land and assets may be more difficult to support in areas where land is at a premium, for example, in densely populated urban areas. Local authorities may also find some conflict if assessing a request for the transfer of HRA land or assets, especially if the community group's proposal is to buy or lease the asset at below market value. Local authorities will be tasked with making difficult decisions about balancing value for money with the possible social benefits of any proposals involving HRA assets.

Do you consider communities across Scotland have the capabilities to take advantage of the provisions in the Bill? If not, what requires to be done to the Bill, or to assist communities, to ensure this happens?

Community groups will have different levels of skills and expertise and so will require different levels and types of support.

It is likely that the most disadvantaged groups, who would probably benefit most from increased community involvement, will be the ones who need the most help in making their voices heard. We need to ensure that support is in place to facilitate participation for people with different skill bases.

It may be difficult for public sector organisations to provide the required level of support to properly facilitate community groups given that no additional financial resources are being made available. It would be helpful if the Scottish Government provided a platform for community groups to access information and share their ideas and experiences of involvement in service delivery or taking control of assets.

Are you content with the specific provisions in the Bill, if not what changes would you like to see, to which part of the Bill and why?

The provisions set out in Section 61 which will allow authorities to refuse to consider a request for the use of an asset within two years of refusing a similar request seem to be at odds with the intention of the Bill by creating barriers for community groups. It does make sense to have some clause in place to prevent local authorities from having to deal with repeat requests but it does not seem fair that a community group could be denied the chance to take on an asset based on the failures of a previous group.

Perhaps the legislation could be updated to state that an authority would not have to consider a request from the same group within two years. This would ensure that a different group would not be denied the chance to put forward a request to use the same asset.

There may be some issues with definitions in the Bill, specifically how “neglected and abandoned” land is defined and what would constitute “reasonable” grounds for an authority to refuse an application for sale or lease of assets. These will need to be clearly set out in Scottish Government guidance.

What are your views on the assessment of equal rights, impacts on island communities and sustainable development as set out in the policy memorandum?

We are confident that equality and human rights issues are adequately summarised in the policy memorandum.