

# Community Empowerment (Scotland) Act 2015

Communities & Partnerships Team  
Strategic Policy Unit

# Background

The Community Empowerment (Scotland) Act 2015 received Royal Assent on 24 July 2015.

Recognised that further regulations and guidance required for most parts of legislation



Community  
Empowerment (Scotland)  
Act 2015

# 11 parts of the Act

Part 1 - National Outcomes

Part 2 - Community Planning

Part 3 - Participation Requests

Part 4 - Community Right to Buy Land

Part 5 - Asset Transfer Request

Part 6 - Delegation of Forestry Commissioner's Functions

Part 7 - Football Clubs

Part 8 - Common Good Property

Part 9 - Allotments

Part 10 - Participation in public decision making

Part 11 - Non – Domestic Rates

Local organisations working to benefit the local community. This is done through...

Joint Working

Agreeing joint policies

Making sure partners know what each other are doing

**Community Planning  
Partners with a  
statutory duty:**



### What is a Local Outcomes Improvement Plan?

**LOIP replaces the Single Outcome Agreements**

**It will contain the outcomes for the Scottish Borders that are a priority for the Community Planning Partnership**

**Appropriate community groups must be consulted when developing the LOIP**

Subject to the approval of the Scottish Parliament, the legislation will come into force on 20th December 2016.

### What are locality plans?

**Locality plans focus on smaller areas:**

- **Berwickshire**
- **Cheviot**
- **Eildon**
- **Teviot & Liddesdale**
- **Tweeddale**

**Appropriate community groups must be consulted**

# Part 3: Participation Requests

A participation request is a request that comes from the community that asks for them to be involved in a process that will improve an outcome which they specify.

## Participation requests can be made to:



**POLICE  
SCOTLAND**  
Keeping people safe



**SCOTTISH  
FIRE AND RESCUE SERVICE**

Working together for a safer Scotland



Scottish Enterprise



**Scottish Natural Heritage**  
All of nature for all of Scotland





## Part 3: Participation Requests

### 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 members from that community
- uses any surplus funds for the benefit of the community

The group does  
not need to be  
constituted

Requests can be made at any time  
by a community participation body  
which believes it can improve the  
outcome of a service.

It must be agreed unless there are  
reasonable grounds for refusal.

There are timescales throughout the process.  
The Council, and other relevant partners, will be  
required to submit a report annually to the  
Government.



# Part 4 of the Act: Community Right to Buy

Communities with populations over 10,000 (such as Hawick & Galashiels) will now be able to use community right to buy

More types of community groups are able to buy land in this way

# Part 5 of the Act: Asset Transfer Requests



## An asset is land or buildings owned by public authorities

Public Authorities will be required to publish a register of their assets.

A request will be able to be made for the sale or lease of any land or building owned by a public authority.

Subject to approval of the Scottish Parliament, the legislation will come into force on 23rd January 2017.

A group can make a request the transfer of ownership if it is:

- a company limited by guarantee
  - an SCIO
- a Community Benefit Society with at least 20 members

A group 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
- majority of members are from the community
- is for the benefit of the community
- uses any surplus funds / assets in the community

# Part 5: Asset Transfer Requests



Asset Transfer Requests can be made to:



Scottish Courts  
and Tribunals Service



Subject to the approval of the Scottish Parliament, the legislation will come into force on 23<sup>rd</sup> January 2017

# Part 8 of the Act: Common Good

## How will the Act change things?

All councils will have to create and publish a list of all common good property in their area. This will be available on the SBC website.

Councils will have to consult with Community Councils and other community groups before selling or changing the use of any common good property.



# Part 9 of the Act: Allotments

How do members of the community apply for an allotment and will it change under the new Act?

Applications for allotments will be required to be submitted in writing.

The Act sets standard size of Allotment to 250m<sup>2</sup>.



# Part 10 of the Act: Public Decision Making

## What does Participating in Public Decision Making mean?

This part of the Act will give Scottish Ministers the power to require that public authorities, such as SBC, promote and support the involvement of the community in the decisions and activities of the organisation.

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.





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



[communityengagement@scotborders.gov.uk](mailto:communityengagement@scotborders.gov.uk)



01835 826626



[scotborders.gov.uk/communityempowerment](https://scotborders.gov.uk/communityempowerment)