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Community Empowerment Act

The Scottish Government wants to help communities to do more for themselves and have more say in decisions that affect them.

The Community Empowerment (Scotland) Act 2015 is a new law that will help people do that. The Scottish Government also helps by giving community groups money to make them stronger, and asking public bodies to make sure they listen to what communities want.

The Act covers 11 different topics. This is a short guide to what they are about. If you want to know more, there are links for each part on the Scottish Government website at <http://www.gov.scot/Topics/People/engage/CommunityEmpowermentBillFAQs>

Some parts of the Act are not yet ready for people to use – we are still working out the details of how they will work in real life. Parts of the Act that can be used are marked “In force” with the date when they were finished.

Part 1 – National Outcomes (In force 15 Apr 2016)

National Outcomes describe what we want Scotland to be like. The Act says that the Government must publish national outcomes. First, they must ask people what they think the national outcomes should be, and make sure they will help everyone to have the same chances in life. Every five years the government must check if the outcomes need to be changed.

All organisations that run public services must pay attention to the national outcomes. The government must tell people how well they are doing in reaching the national outcomes.

Part 2 – Community Planning – (In force 20 Dec 2016)

Community Planning is how public bodies work together and with the community in each council area to make life better for people. The Act changes the rules about community planning to make it work better.

Community planning partners will have to make plans for local areas which may need different things. These plans describe the local priorities, what improvements are planned and when these improvements will be made. It aims to meet the needs and ambitions of local people so the voices of local people are especially important.

Part 3 – Participation Requests

Public bodies should work with communities to make sure their services do what people need. If a community group has an idea to make services better, they can make a participation request to the public body that runs the service. The public body will have to listen to the community group's idea and talk to them about how it might work.

Afterwards the public body must write a report to say what happened, if the service worked better and how the community group helped.

Participation request guidance can be found at

<http://www.gov.scot/Topics/People/engage/ParticipationRequests/ParticipationRequestsGuidance>

Part 4 – Community Rights to Buy Land

The Land Reform (Scotland) Act 2003 gave rural communities and crofting communities special rights to buy land.

The Community Empowerment Act makes some changes to the Land Reform Act:

- (a) Community right to buy (in force 15 April 2016) – When a community group wants to buy a piece of land, they can apply to the Scottish Ministers to put it on a special list. When the owner decides to sell it, they have to give the community group the first chance to buy the land. Before, community groups could only do this in rural areas. Now local community groups can do it anywhere in Scotland. The rules on how to do it have also been made better.
- (b) Crofting community right to buy – crofting community groups can buy the croft land where they live and farm, if they meet certain rules. The rules for doing this have been made better.
- (c) Community right to buy abandoned and neglected land – Sometimes land is left alone by the owner and gets messy and causes problems for other people. A community group might have an idea to tidy it up and do something useful there. They will be able to apply to the Scottish Ministers to let them buy the land, even if the owner doesn't want to sell it.

Part 5 – Asset Transfer (In force 23 Jan 2017)

A community group can make an asset transfer request for any land or buildings which a relevant authority owns, or rents from someone else. They can ask to buy or lease the land or buildings or have other legal rights, for example to occupy or use the land. Relevant authorities include the Scottish Government, local councils, health boards and some other bodies.

The relevant authority must listen to what the community transfer body wants to do with the land or building. If their plan will help people more than other ways of using the land, they will be allowed to do it.

Part 6 – Delegation of Forestry Commissioners' Functions (In force 23 Jan 2017)

This allows new types of community group to lease land from the Forestry Commission Scotland if they want to grow the trees and use or sell the wood.

Part 7 – Football Clubs

Football clubs are very important to many people. The Act allows the Scottish Ministers to make new laws to make sure fans have a say in how their club is run. The Scottish Government has asked people for their views on how this might work. We are thinking about what the laws should say.

Part 8 – Common Good

“Common good” is property that local councils have been given to help local people. Councils will have to make a list of all their common good property, and ask people if the list is right. If the Council wants to sell or make changes to any common good property, they will have to tell people and ask for their views.

Part 9 - Allotments

The law on allotments was very old. The Act brings it up to date and makes clearer what councils and allotment holders have to do.

Local councils will have to keep a list of people who want an allotment, and try to make more allotments if the list gets too long. People will have a right to have an allotment that is 250 square metres, and rents must be fair. Councils will not be able to sell allotment sites unless the Scottish Ministers agree.

Councils will have to publish a paper saying how they will help more people to have land to grow their own food.

Part 10 – Participation in Public Decision-Making

People should be able to have their say in decisions that affect them. The Act allows the Scottish Ministers to make laws so that public bodies named in the law have to let people take part in some types of decisions.

Part 11 – Non-domestic rates (In force 31 Oct 2015)

This allows local councils to reduce business rates for different types of business. They can use this to help local communities and community groups.

Please note that all of the Act is relevant to Community Councils. The full Act is available from the Scottish Government website at <http://www.legislation.gov.uk/asp/2015/6/contents/enacted>

More information is also available from the Scottish Community Development Centre and the website for Scottish Community Councils. Please see section 6 for web links to more information.