

ANGUS COUNCIL

POLICY AND RESOURCES COMMITTEE 10 OCTOBER 2107

**PART 3 OF THE COMMUNITY EMPOWERMENT ACT (SCOTLAND) 2015 –
PARTICIPATION REQUESTS**

REPORT BY HEAD OF STRATEGIC POLICY, TRANSFORMATION & PUBLIC SECTOR REFORM

ABSTRACT

This report provides information to members with regard to Part 3 of the Community Empowerment Act (Scotland) 2015 and the Participation Request (Procedure) (Scotland) Regulations 2017.

1. BACKGROUND

- 1.1 The Community Empowerment Act (Scotland) 2015 introduces a suite of measures to support communities to improve outcomes in their community. A key measure is Part 3 of the Act – Participation Requests.
- 1.2 The report sets out the legislative context for participation requests and the approach to take this forward in Angus as required by the Participation Request (Procedure) (Scotland) Regulations 2017.

2. PARTICIPATION REQUESTS

- 2.1 A Participation request enables a community body (including community councils) to request to take part in an 'outcome improvement process'.
- 2.2 Participation requests are not intended to replace but to strengthen and build on existing participation processes. They are also not intended as an extension of complaints procedures.
- 2.3 The intention is to provide a new way for communities to initiate dialogue with public bodies on their own terms, with scope to raise issues that might not be currently open to consultation. To do this they need to say what the outcome is, why they should take part and include a description of their expertise and what improvement they expect their involvement to make.
- 2.4 In responding to participation requests consideration has to be made of whether it will improve:
 - Economic development
 - Regeneration
 - Public health
 - Social wellbeing
 - Environmental wellbeing; and/or
 - Reduce inequalities; and
 - Involve people experiencing disadvantage

3. KEY INFORMATION

- 3.1 Requests can be made to 11 of the 16 listed bodies and can be made to more than one body at the same time. The 11 listed bodies are: The Board of a college of further or higher education; A Health Board, a local authority, A National Park Authority; Police Scotland, Scottish Enterprise, The Scottish Environment Protection Agency, The Scottish Fire and Rescue Service, Scottish Natural Heritage and a regional Transport partnership.
- 3.2 Requests must be agreed unless there are reasonable grounds for refusal. This does not mean that the community body's proposal must be agreed to, but it has to be heard and documented. Where requests are declined, repeat requests cannot be made within a two year period.
- 3.3 The Council has 30 working days to assess any request. The Council must also detail how any outcome improvement process will work and at the end of the process publish a report

summarising the process and detailing whether the outcomes were improved and how the community body contributed to that improvement. If more than one public service body is involved the assessment time can be increased to 45 working days. If the request is complex, public authorities may agree an extension.

- 3.4 All public bodies with this duty are to publish an annual report by 30th June (for the previous financial year) on participation requests received, agreed or refused, the number leading to improvement, how requests are promoted and how community bodies are supported to participate.

4. ANGUS COUNCIL PROCESS FOR A COMMUNITY PARTICIPATION PROCESS

- 4.1 To meet the requirements of the Act and to facilitate a positive dialogue with local communities it has been necessary to build up a process that considers the following –

- How different services within the Council and partners agencies collaborate to facilitate a dialogue with communities. Communities will often approach us about a specific service; however they will also wish to discuss outcomes which a range of services and agencies contribute to the delivery of.
- The process is 'owned' by the most relevant service or agency.
- A single point of contact is provided for communities.
- Local Elected Members are aware, involved and their knowledge and experience contributes to the process.
- Communities are supported to articulate their request.
- Relevant information to support the request and subsequent dialogue is provided.
- The process takes cognisance and links to ongoing engagement and discussion.
- We meet the requirements of the legislation in terms of timescales for responding, planning the process and reporting on it.
- An overview of how we are meeting the requirement is monitored.

- 4.2 The proposed approach for managing participation requests is in line with the statutory requirements and is set out in **Appendix 1**. This is complemented by a flow chart summarising the process attached as **Appendix 2**. The regulations provide for a statutory form which sets out the essential information required for a community body to make a participation request. The form proposed is attached as **Appendix 3**. There are also some community facing information guides attached as **Appendix 4 and 5**.

- 4.3 In developing the approach key areas have been considered as highlighted below.

A single point of contact for community participation bodies – initial contact will be within the Strategic Policy, Transformation and Public Sector Reform Unit. Enquiries and/or requests will be reviewed and directed to the appropriate service head, ensuring the process is owned by the most relevant service and can be referred to the appropriate lead. This will ensure a consistency of approach across the Council.

Ensuring a consistency of approach and meeting the timescales required by the legislation – managing the process through the Strategic Policy, transformation and Public Sector Reform Unit will provide a mechanism for supporting a consistency of approach, support for leads and managing the legislative time requirements. Additionally it will facilitate the annual reporting process.

- 4.4 In providing support, the best practice principle detailed within the standards for Community Engagement, will be referenced. It is not necessary for support to be provided solely by the Council and where appropriate community bodies will be made aware of other routes to secure support to develop their ideas.

List of Appendices:

Appendix 1 – Angus Council Participation Request Process

Appendix 2 – Participation Request – Flow Chart

Appendix 3 – Participation Request – Application Form

Appendix 4 – Find out More

Appendix 5 – What is a community controlled body?