

COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Community planning

18. This Part replaces provisions on community planning in Part 2 of the Local Government in Scotland Act 2003. It provides a statutory basis for community planning partnerships, and places duties on them around the planning and achievement of local outcomes. It also focuses responsibilities on community planning partners to support each partnership to fulfil its duties.

Community planning

19. [Section 4](#) defines “community planning”, “community planning partner” and “community planning partnership”. Community planning is planning that is carried out for the purpose of improving the achievement of outcomes resulting from, or contributed to by, the provision of services delivered by or on behalf of the community planning partners. Subsection (3) states that these local outcomes must be consistent with national outcomes which the Scottish Ministers determine under section 1(1), or as revised under section 2(5)(c). The persons listed in schedule 1, together with local authorities, are the community planning partners. The community planning partnership comprises these partners when they participate together in community planning.
20. Subsection (6) requires a community planning partnership to consider which community bodies are likely to be able to contribute to community planning, having regard in particular to which of those bodies represent the interests of persons who experience inequalities of outcome which result from socio-economic disadvantage. The community planning partnership must make all reasonable efforts to secure the participation of those community bodies in community planning, and to take steps to enable them to participate in community planning to the extent they wish to participate.
21. Subsection (7) enables the Scottish Ministers to amend the list of community planning partners in schedule 1 by regulations. Subsection (8) states that the regulations may provide that a community planning partner may participate in community planning for a specific purpose, where participation is required in relation to some of that partner’s functions but not others.

Socio-economic inequalities

22. [Section 5](#) requires that community planning partnerships when carrying out their functions do so with a view to reducing inequalities of outcome which result from socio-economic disadvantage, unless the partnership considers it inappropriate to do so. Whilst community planning partnerships must act with a view to reducing inequalities this should not preclude them taking actions which improve outcomes but which do

not, of themselves, reduce inequalities of outcome which result from socio-economic disadvantage.

Local outcomes improvement plan

23. Under section 6 each community planning partnership must prepare a local outcomes improvement plan. To that end the community planning partnership must identify the local outcomes to which it is to give priority with a view to improving the achievement of the outcomes. The plan will provide a description of the improvement in local outcomes that is sought, the timeframe for achieving the improvement and a description of the needs and circumstances of persons residing in the area of the community planning partnership (subsection (2)). Subsection (3) requires the partnership to consult such community bodies and other persons as it considers appropriate when it prepares its plan. Subsection (4) sets out what a partnership must take account of before it publishes its final plan. This includes representations it receives as a result of the consultations with community bodies and other persons carried out in accordance with subsection (3). The partnership must also take account of the needs and circumstances of people and communities in the area.

Local outcomes improvement plan: review

24. [Section 7](#) requires that the community planning partnership must monitor progress in improving the achievement of local outcomes referred to in its local outcome improvement plan. It must keep the plan under review to determine whether the plan itself is still appropriate and must publish any revised plan which results from such a review.

Local outcomes improvement plan: progress report

25. Under section 8, each partnership must prepare and publish an annual report of progress, setting out its assessment of whether there has been any improvement in the achievement of local outcomes referred to in its local outcome improvement plan, the extent to which the community planning partnership has participated with community bodies, and the extent to which that participation has been effective in contributing to community planning. The period which these reports must cover is the year beginning on 1 April, unless the Scottish Ministers specify another date from which the reporting year must begin in a direction to the partnership.

Localities: comparison of outcomes

26. [Section 9\(1\)](#) and [\(3\)](#) requires that each community planning partnership must divide its area into smaller localities and identify those localities where persons are experiencing significantly poorer outcomes than those experienced elsewhere in the area of the community planning partnership or those experienced generally by persons in Scotland. Community planning partnerships in carrying out this duty must take account of the needs and circumstances of persons residing in its area (subsection (4)). This section confers a power on the Scottish Ministers to make regulations specifying areas of a type or description which can be localities, subject to any conditions specified in the regulations (subsection (5)). Separately it also confers on the Scottish Ministers a power to make regulations specifying that localities in the area of a local authority must each be of the same type or description (subsection (6)).

Locality plan

27. Under section 10 each community planning partnership must prepare and publish a locality plan for each locality that it has identified as experiencing significantly poorer outcomes. Subsection (2) also provides community planning partnerships with a power to prepare and publish local outcomes improvement plans for any other locality within its area. Under subsection (3)(a) locality plans must contain local outcomes to which

priority is to be given with a view to improving the achievement of those outcomes. Subsection (4) requires the partnership to consult such community bodies and other persons as it considers appropriate when it prepares its locality plan. Subsection (5) provides that before it publishes its final plan the community planning partnership must take account of any representations it receives as a result of the consultations with community bodies and other persons carried out in accordance with subsection (4). The partnership must also take account of the needs and circumstances of persons in the locality.

Locality plan: review

28. [Section 11](#) requires that each community planning partnership keep under review the question of whether it is making progress in improving the achievement of each local outcome in the locality plan. It must also from time to time review the locality plan itself and must publish any revised locality plan which results from such a review.

Locality plan: progress report

29. Under section 12, each community planning partnership must prepare and publish a locality plan progress report for each locality plan for each reporting year. This report must include the community planning partnership's assessment of whether there has been any improvement in the achievement of the local outcomes in the locality plan. The period which these reports must cover is the year beginning on 1 April, unless the Scottish Ministers specify another date from which the reporting year must begin.

Governance

30. [Section 13](#) places responsibilities on specified community planning partners to facilitate community planning and to take reasonable steps to ensure that the community planning partnership for the area of the local authority carries out its functions efficiently and effectively. Subsection (2) lists the persons to whom these governance duties apply. Subsection (3) enables Ministers to modify this list by regulations.

Duties on community planning partners

31. Section 14(1) allows a community planning partnership to allow a particular community planning partner not to comply with a community planning duty in relation to a particular local outcome or to comply with a duty in relation to a particular outcome only to a limited extent.
32. Subsections (2) to (5) of section 14 describe how the community planning partners, listed in schedule 1, must participate in community planning. These responsibilities include co-operating with other community planning partners in carrying out community planning (subsection (2)) and taking account of the published local outcomes improvement plan as part of its work (subsection (5)). They also include committing appropriate resources to the achievement of local outcomes set out in that plan and for the purpose of securing the participation of relevant community bodies in community planning (subsection (3)). Each community planning partner must provide the partnership with such information about the local outcomes in the plan which the partnership may request (subsection (4)).

Guidance

33. [Section 15](#) provides that each community planning partnership and community planning partner must have regard to any guidance issued by the Scottish Ministers about the carrying out of their community planning functions. The Scottish Ministers must consult such persons as they think fit before they issue any such guidance.

Duty to promote community planning

34. [Section 16](#) requires the Scottish Ministers to promote community planning when discharging any function which might affect community planning, or a community planning partner. It is a restatement (with amendment) of section 16(8) of the Local Government in Scotland Act 2003.

Establishment of corporate bodies

35. Section 19 of the Local Government in Scotland Act 2003 gives the Scottish Ministers a power to establish corporate bodies to co-ordinate community planning. As a body corporate, a community planning partnership could, for example, hold its own budgets and assets and employ its own staff.
36. [Section 17](#) of the Act retains the option of incorporation in appropriate cases, by replacing the provisions of section 19 of the 2003 Act. Subsection (1) allows the Scottish Ministers to establish a body corporate by regulations, following an application made jointly by each person mentioned in section 8(2). Any application must include information about the matters which are listed in subsection (2). Subsection (3) lists matters about the body corporate which the Scottish Ministers can specify in any regulations they make. Subsection (4) allows the regulations to provide that the corporate body may discharge a function even where another enactment specifies that it is the function of another body or prevents the carrying out of that function by the corporate body.