



Local Government in Scotland Act 2003

2003 asp 1

PART 2

COMMUNITY PLANNING

15 Community planning

- (1) It is the duty of a local authority to initiate and, having done so, to maintain and facilitate a process (in this Act, called “community planning”) by which the public services provided in the area of the local authority are provided and the planning of that provision takes place—
 - (a) after consultation—
 - (i) among all the public bodies (including the local authority) responsible for providing those services; and
 - (ii) with such community bodies and other bodies or persons as is appropriate; and
 - (b) after and by way of such co-operation among those bodies and persons as is appropriate.
- (2) It is the duty of a local authority to—
 - (a) invite; and
 - (b) take suitable action to encourage,
all other public bodies the functions of which are exercisable within the area of the local authority and such community bodies as the local authority thinks fit to participate appropriately in community planning.
- (3) Where it appears to two or more local authorities to be in the interests of persons within their respective areas that any public service provided in both or all those areas be provided as if those areas were combined, those authorities may perform their duty under this section together and in such a case the references in this section to the area of a local authority are to be taken, in relation to each of those authorities, as references to those areas as if combined.
- (4) In this section—

“community bodies”, in relation to a local authority, are bodies or other groupings, whether or not formally constituted, established for purposes which consist of

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or include that of promoting or improving the interests of any communities (howsoever described) resident or otherwise present in the area of the local authority; and

“other public bodies” means—

- (a) public authorities or bodies;
- (b) bodies which, not being public bodies, have functions of a public nature or engage in activities of that nature;
- (c) persons or office-holders who have such functions or engage in such activities,

but does not include any of the bodies referred to in section 16(1) below.

16 Community planning: further provision

- (1) It is the duty of—
 - (a) a local authority;
 - (b) a Health Board;
 - (c) a joint police board for the purposes of the Police (Scotland) Act 1967 (c. 77);
 - (d) a joint board for the purposes of the Fire Services Act 1947 (c. 41);
 - (e) the chief constable of a police force;
 - (f) Scottish Enterprise;
 - (g) Highlands and Islands Enterprise;
 - (h) Strathclyde Passenger Transport Authority,
 to participate in community planning.
- (2) It is the duty of the bodies, office-holders and other persons specified in paragraphs (a) to (h) of subsection (1) above to assist the local authority in the discharge of its duties under section 15 above.
- (3) The Scottish Ministers may, by order, modify subsection (1) above by adding a reference to any eligible body or deleting the reference to any body, person or office-holder.
- (4) In subsection (3) above, an “eligible body” is—
 - (a) a public authority or body;
 - (b) a body which, not being a public body, has functions of a public nature or engages in activities of that nature; or
 - (c) a person or office-holder who has such functions or engages in such activities.
- (5) An order under subsection (3) above adding a reference may, as respects the body referred to—
 - (a) specify the area or areas in respect of which the duty imposed by subsection (1) above is to be performed;
 - (b) modify that duty.
- (6) The Scottish Ministers shall, before exercising the power in subsection (5) above, consult—
 - (a) the body to be referred to; and
 - (b) each local authority in the area of which the body provides public services.

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- (7) An order under this section shall be made by statutory instrument, but shall not be made unless a draft of the instrument has been laid before and approved by resolution of the Scottish Parliament.
- (8) The Scottish Ministers shall, when discharging any function of theirs which might affect—
 - (a) community planning; or
 - (b) any authority or body which or office-holder or person who must or might participate or is participating in it,promote and encourage the use of community planning.

17 Reports and information

- (1) A local authority shall publish from time to time reports on how it has implemented its duties under section 15 above, on what has been done by way of community planning in its area, on what were the results of that which was done and on what action has been taken to comply with section 59 below in the course of community planning.
- (2) A report on the results of what was done by way of community planning made under subsection (1) above shall include information about the improvement in the outcome of the performance of the functions and activities of the persons who participated in community planning during the period of the report.
- (3) It is the duty of the bodies, office-holders and other persons specified in paragraphs (a) to (h) of subsection (1) of section 16 above to provide such information as the local authority may reasonably require in order to enable it to comply with its duties under subsections (1) and (2) above.
- (4) Subject to subsection (5) below, it is for the local authority to determine the form, content and frequency of and time limits for reports made under subsection (1) above, to whom they are to be given and by what means they are to be published.
- (5) The Scottish Ministers may, by regulations, make provision governing any of the matters set out in subsection (4) above.
- (6) Such regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (7) Before making such regulations, the Scottish Ministers shall consult such associations of local authorities and such other persons as they think fit.
- (8) A local authority shall, on being so required by the Scottish Ministers, provide them with reports or other information of such kind as they specify in the requirement, being reports or information about the matters referred to in subsection (1) above.
- (9) In section 1(1) (power of Accounts Commission to direct publication of information about local authorities' standards of performance) of the Local Government Act 1992 (c. 19)—
 - (a) after “opinion” there is inserted “—
 - (a) ”;
 - (b) paragraphs (a) and (b) become respectively sub-paragraphs (i) and (ii);
 - (c) at the end there is inserted—

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“(b) facilitate the drawing of conclusions about the discharge of those bodies' functions under Part 2 (community planning) of the Local Government in Scotland Act 2003 (asp 1).”.

18 Guidance

- (1) Every authority, body, office-holder or other person initiating, maintaining, facilitating or participating in community planning shall, in doing so, have regard to any guidance provided by the Scottish Ministers about community planning.
- (2) Before providing any such guidance, the Scottish Ministers shall consult such persons as they think fit.

19 Establishment of corporate bodies to co-ordinate and further community planning etc.

- (1) The Scottish Ministers may—
 - (a) on the application of the local authority together with one or more of the bodies, office-holders and other persons participating in community planning in the area of the local authority; and
 - (b) after considering a report on the matters specified in subsection (2) below made to them by one or more of all the persons mentioned in paragraph (a) above,
 by order establish a body corporate having the constitution and functions specified in the order.
- (2) The matters referred to in subsection (1)(b) above are—
 - (a) what consultations were conducted on the question whether to apply for an order under that subsection;
 - (b) what were the views on that question of the persons participating in community planning in the area of the local authority;
 - (c) what were the views of persons (other than those referred to in paragraph (b) above) consulted on that question;
 - (d) what functions should be specified in the order made under that subsection; and
 - (e) such other matters as may by regulations be prescribed by the Scottish Ministers.
- (3) An order made under subsection (1) above may include provision about—
 - (a) the membership of the body established under it;
 - (b) the proceedings of the body;
 - (c) the transfer of property, rights and liabilities to and from the body;
 - (d) the appointment and employment by the body of staff;
 - (e) the supply by other authorities, bodies, office-holders and persons of services for the body;
 - (f) the audit of the accounts of the body;
 - (g) the dissolution of the body; and
 - (h) such other matters as the Scottish Ministers think fit.
- (4) A function may be specified under subsection (1) above and accordingly fall to be discharged by the body in relation to which it is specified notwithstanding that under

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any enactment the function falls to be discharged also by an authority, body, office-holder or person other than that body.

- (5) Subsection (4) above has effect notwithstanding—
- (a) the absence of any enactment or rule of law providing for the discharge of that function otherwise than by the authority, body, office-holder or other person having that function; or
 - (b) any enactment or rule of law preventing the discharge of that function in that way.
- (6) In subsection (5) above, the references to an enactment are references to an enactment other than this section.
- (7) Subsection (5) above does not prejudice the generality of section 57 below.
- (8) A body established under subsection (1) above shall have a common seal.
- (9) An order under subsection (1) above shall be made by statutory instrument; but no such order shall be made unless a draft of the instrument containing it has been approved by resolution of the Scottish Parliament.
- (10) Regulations under subsection (2)(e) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.

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