



# Community Empowerment (Scotland) Act 2015

2015 asp 6

## PART 2

### COMMUNITY PLANNING

#### **4 Community planning**

- (1) Each local authority and the persons listed in schedule 1 must carry out planning for the area of the local authority for the purpose mentioned in subsection (2) (“community planning”).
- (2) The purpose is improvement in the achievement of outcomes resulting from, or contributed to by, the provision of services delivered by or on behalf of the local authority or the persons listed in schedule 1.
- (3) In carrying out community planning, the local authority and the persons listed in schedule 1 must—
  - (a) participate with each other, and
  - (b) participate with any community body (as mentioned in paragraph (c) of subsection (6)) in such a way as to enable that body to participate in community planning to the extent mentioned in that paragraph.
- (4) Outcomes of the type mentioned in subsection (2) (“local outcomes”) must be consistent with the national outcomes determined under section 1(1) or revised under section 2(5)(c).
- (5) In carrying out the functions conferred on them by this Part in relation to the area of a local authority—
  - (a) the local authority for the area and the persons listed in schedule 1 are collectively referred to in this Part as a “community planning partnership”, and
  - (b) the authority and each such person is referred to in this Part as a “community planning partner”.
- (6) Each community planning partnership must—

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- (a) 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,
  - (b) make all reasonable efforts to secure the participation of those community bodies in community planning, and
  - (c) to the extent (if any) that those community bodies wish to participate in community planning, take such steps as are reasonable to enable the community bodies to participate in community planning to that extent.
- (7) The Scottish Ministers may by regulations modify schedule 1 so as to—
- (a) add a person or a description of person,
  - (b) remove an entry listed in it,
  - (c) amend an entry listed in it.
- (8) Regulations under subsection (7) may provide that a person or a description of person listed in schedule 1 is to participate in community planning for a specific purpose.
- (9) In this section, “community bodies”, in relation to a community planning partnership, means bodies, whether or not formally constituted, established for purposes which consist of or include that of promoting or improving the interests of any communities (however described) resident or otherwise present in the area of the local authority for which the community planning partnership is carrying out community planning.

## **5 Socio-economic inequalities**

In carrying out functions conferred by this Part, a community planning partnership must act with a view to reducing inequalities of outcome which result from socio-economic disadvantage unless the partnership considers that it would be inappropriate to do so.

## **6 Local outcomes improvement plan**

- (1) Each community planning partnership must prepare and publish a local outcomes improvement plan.
- (2) A local outcomes improvement plan is a plan setting out—
- (a) local outcomes to which priority is to be given by the community planning partnership with a view to improving the achievement of the outcomes,
  - (b) a description of the proposed improvement in the achievement of the outcomes,
  - (c) the period within which the proposed improvement is to be achieved, and
  - (d) a description of the needs and circumstances of persons residing in the area of the local authority to which the plan relates.
- (3) In preparing a local outcomes improvement plan, a community planning partnership must consult—
- (a) such community bodies as it considers appropriate, and
  - (b) such other persons as it considers appropriate.
- (4) Before publishing a local outcomes improvement plan, the community planning partnership must take account of—

- (a) any representations received by it by virtue of subsection (3), and
- (b) the needs and circumstances of persons residing in the area of the local authority to which the plan relates.

## **7 Local outcomes improvement plan: review**

- (1) Each community planning partnership must keep under review the question of whether it is making progress in improving the achievement of each local outcome referred to in section 6(2)(a).
- (2) Each community planning partnership—
  - (a) must from time to time review the local outcomes improvement plan published by it under section 6,
  - (b) may, following such a review, revise the plan.
- (3) Subsections (3) and (4) of section 6 apply in relation to a local outcomes improvement plan revised under subsection (2)(b) as they apply in relation to a local outcomes improvement plan prepared and published under subsection (1) of that section (but subject to the modification in subsection (4)).
- (4) The modification is that the reference in subsection (4)(a) of section 6 to representations received by virtue of subsection (3) of that section is to be read as if it were a reference to representations received by virtue of that subsection as applied by subsection (3) of this section.
- (5) Where a community planning partnership revises a local outcomes improvement plan under subsection (2)(b), it must publish a revised plan.
- (6) Subsection (2) applies in relation to a revised local outcomes improvement plan published under subsection (5) as it applies in relation to a local outcomes improvement plan published under section 6; and the duty in subsection (5) applies accordingly.

## **8 Local outcomes improvement plan: progress report**

- (1) Each community planning partnership must prepare and publish a local outcomes improvement plan progress report for each reporting year.
- (2) A local outcomes improvement plan progress report is a report setting out—
  - (a) the community planning partnership’s assessment of whether there has been any improvement in the achievement of each local outcome referred to in section 6(2)(a) during the reporting year, and
  - (b) the extent to which—
    - (i) the community planning partnership has participated with community bodies in carrying out its functions under this Part during the reporting year, and
    - (ii) that participation has been effective in enabling community bodies to contribute to community planning.
- (3) In this section, “reporting year” means—
  - (a) a period of one year beginning on 1 April, or

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- (b) in relation to a particular community planning partnership, a period of one year beginning on such other date as may be specified in a direction given by the Scottish Ministers to the community planning partnership.

## **9 Localities: comparison of outcomes**

- (1) Each community planning partnership must, for the purposes of this Part, divide the area of the local authority into smaller areas.
- (2) The smaller areas mentioned in subsection (1) (“localities”) must be of such type or description as may be specified by the Scottish Ministers by regulations.
- (3) Having carried out the duty under subsection (1), the community planning partnership must identify each locality in which persons residing there experience significantly poorer outcomes which result from socio-economic disadvantage than—
  - (a) those experienced by persons residing in other localities within the area of the local authority, or
  - (b) those experienced generally by persons residing in Scotland.
- (4) In carrying out the duty under subsection (3), a community planning partnership must take account of the needs and circumstances of persons residing in the area of the local authority.
- (5) Regulations under subsection (2) may specify areas of a type or description subject to any conditions specified in the regulations.
- (6) The Scottish Ministers may by regulations specify that localities within the area of a local authority must each be of the same type or description as may be specified in regulations under subsection (2).
- (7) In this section, references to the area of a local authority mean, in relation to a community planning partnership, the area of the local authority for which the partnership is carrying out community planning.

## **10 Locality plan**

- (1) Each community planning partnership must prepare and publish a locality plan for each locality identified by it by virtue of section 9(3).
- (2) A community planning partnership may prepare and publish a locality plan for any other locality within the area of the local authority for which it is carrying out community planning.
- (3) A locality plan is a plan setting out for the purposes of the locality to which the plan relates—
  - (a) local outcomes to which priority is to be given by the community planning partnership with a view to improving the achievement of the outcomes in the locality,
  - (b) a description of the proposed improvement in the achievement of the outcomes, and
  - (c) the period within which the proposed improvement is to be achieved.
- (4) In preparing a locality plan, a community planning partnership must consult—
  - (a) such community bodies as it considers appropriate, and

- (b) such other persons as it considers appropriate.
- (5) Before publishing a locality plan, the community planning partnership must take account of—
  - (a) any representations received by it by virtue of subsection (4), and
  - (b) the needs and circumstances of persons residing in the locality to which the plan relates.

## **11 Locality plan: review**

- (1) Each community planning partnership must keep under review the question of whether it is making progress in improving the achievement of each local outcome referred to in subsection (3)(a) of section 10 in relation to each locality for which it has published a locality plan under subsection (1) or (2) of that section.
- (2) Each community planning partnership—
  - (a) must from time to time review each locality plan published by it under section 10,
  - (b) may, following such a review, revise such a plan.
- (3) Subsections (4) and (5) of section 10 apply in relation to a locality plan revised under subsection (2)(b) as they apply in relation to a locality plan prepared and published under subsection (1) or (2) of that section (but subject to the modification in subsection (4)).
- (4) The modification is that the reference in subsection (5)(a) of section 10 to representations received by virtue of subsection (4) of that section is to be read as if it were a reference to representations received by virtue of that subsection as applied by subsection (3) of this section.
- (5) Where a community planning partnership revises a locality plan under subsection (2)(b), it must publish a revised plan.
- (6) Subsection (2) applies in relation to a revised locality plan published under subsection (5) as it applies in relation to a locality plan published under section 10; and the duty in subsection (5) applies accordingly.

## **12 Locality plan: progress report**

- (1) Each community planning partnership must prepare and publish a locality plan progress report in relation to each locality plan published by it under section 10 for each reporting year.
- (2) A locality plan progress report is a report setting out the community planning partnership's assessment of whether there has been any improvement in the achievement of each local outcome referred to in section 10(3)(a) during the reporting year.
- (3) In this section, “reporting year” means—
  - (a) a period of one year beginning on 1 April, or
  - (b) in relation to a particular community planning partnership, a period of one year beginning on such other date as may be specified in a direction given by the Scottish Ministers to the community planning partnership.

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### **13 Governance**

- (1) For the area of each local authority, each person mentioned in subsection (2) must—
  - (a) facilitate community planning,
  - (b) take reasonable steps to ensure that the community planning partnership carries out its functions under this Part efficiently and effectively.
- (2) The persons are—
  - (a) the local authority,
  - (b) the Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978 whose area includes, or is the same as, the area of the local authority,
  - (c) Highlands and Islands Enterprise where the area within which, or in relation to which, it exercises functions in accordance with section 21(1) of the Enterprise and New Towns (Scotland) Act 1990 includes the whole or part of the area of the local authority,
  - (d) the chief constable of the Police Service of Scotland,
  - (e) the Scottish Fire and Rescue Service,
  - (f) Scottish Enterprise.
- (3) The Scottish Ministers may by regulations modify subsection (2) so as to—
  - (a) add a person or a description of person,
  - (b) remove an entry listed in it,
  - (c) amend an entry listed in it.

### **14 Community planning partners: duties**

- (1) Despite the duties imposed on community planning partners by this Part, a community planning partnership may agree—
  - (a) that a particular community planning partner need not comply with a duty in relation to a particular local outcome, or
  - (b) that a particular community planning partner need comply with a duty in relation to a particular local outcome only to such extent as may be so agreed.
- (2) Each community planning partner must co-operate with the other community planning partners in carrying out community planning.
- (3) Each community planning partner must, in relation to a community planning partnership, contribute such funds, staff and other resources as the community planning partnership considers appropriate—
  - (a) with a view to improving, or contributing to an improvement in, the achievement of each local outcome referred to in section 6(2)(a), and
  - (b) for the purpose of securing the participation of the community bodies mentioned in section 4(6)(a) in community planning.
- (4) Each community planning partner must provide such information to the community planning partnership about the local outcomes referred to in section 6(2)(a) as the community planning partnership may request.
- (5) Each community planning partner must, in carrying out its functions, take account of the local outcomes improvement plan published under section 6 or, as the case may be, section 7(5).

## **15 Guidance**

- (1) Each community planning partnership must have regard to any guidance issued by the Scottish Ministers about the carrying out of functions conferred on the partnership by this Part.
- (2) Each community planning partner must have regard to any guidance issued by the Scottish Ministers about the carrying out of functions conferred on the partner by this Part.
- (3) Before issuing guidance of the type mentioned in subsection (1) or (2), the Scottish Ministers must consult such persons as they think fit.

## **16 Duty to promote community planning**

The Scottish Ministers must promote community planning when carrying out any of their functions which might affect—

- (a) community planning,
- (b) a community planning partner.

## **17 Establishment of corporate bodies**

- (1) Following an application made jointly by each person mentioned in section 13(2), the Scottish Ministers may by regulations establish a body corporate with such constitution and functions about community planning as may be specified in the regulations.
- (2) The application referred to in subsection (1) must include information about the following matters—
  - (a) any consultation about the question of whether to make the application,
  - (b) representations received in response to any such consultation,
  - (c) the functions to be specified in regulations made under subsection (1),
  - (d) such other matters as may be prescribed by the Scottish Ministers by regulations.
- (3) Regulations under subsection (1) may include provision about—
  - (a) the membership of the body established by the regulations,
  - (b) the proceedings of the body,
  - (c) the transfer of property and other rights and liabilities to and from the body,
  - (d) the appointment and employment of staff by the body,
  - (e) the supply by other persons of services to the body,
  - (f) the audit of accounts by 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 in regulations under subsection (1) even if another enactment or rule of law—
  - (a) provides that the function is to be carried out by a person other than the body established by virtue of subsection (1), or
  - (b) prevents the carrying out of the function by that body.

## **18 Interpretation of Part 2**

In this Part—

- “community bodies” has the meaning given by section 4(9),
- “community planning” has the meaning given by section 4(1),
- “community planning partner” has the meaning given by section 4(5),
- “community planning partnership” has the meaning given by section 4(5),
- “local outcomes” has the meaning given by section 4(4),
- “locality” has the meaning given by section 9(2).