

POLICY NOTE

THE COMMUNITY PLANNING (LOCALITY PLANNING) (SCOTLAND) REGULATIONS 2016

SSI 2016/364

The above instrument was made in exercise of the powers conferred by section 9(2) of the Community Empowerment (Scotland) Act 2016. It is subject to negative procedure.

Policy Objectives

The Community Empowerment (Scotland) Act 2015 introduces locality planning in respect of community planning for the first time. The previous Parliament approved amendments which Scottish Ministers at the time lodged at Stage 3 to introduce a statutory basis for locality planning, including the regulation making power in section 9(2).

Locality planning has been introduced in recognition that it is at a more local level that communities and community bodies can get really engaged in community planning where it has most relevance to their lives and circumstances. It is also at a locality planning level where CPPs and their partners can seek to tackle inequalities for communities facing disadvantage in particularly well targeted and effective ways, enabling positive change to be delivered where it is needed most.

These Regulations are required to enable Community Planning Partners to prepare locality plans. The Act requires every CPP to identify each locality in its area where persons residing there experience significantly poorer outcomes which result from socio economic disadvantage than those experienced either by people living in other areas within that local authority area, or generally across Scotland. It is for the CPP to determine the boundaries for these localities. As a matter of policy which is set out in statutory guidance supporting this Part of the Act (para 148), the CPP should do so in a way which ensures that the locality area constitutes a natural community. In all cases, however, the locality area must conform with criteria set in these Regulations.

The Regulations set the criteria for these purposes, i.e. an electoral ward or a geographic area with a population maximum of 30,000. This population maximum has been set to ensure that a locality is small enough to attract local community engagement; while being large enough so not to inhibit reasonable discretion by CPPs in identifying natural communities in their area to be localities. Expressly permitting CPPs to identify an electoral ward area as a locality ensures this option is available to CPPs in instances where the population of a ward approached or exceeded 30,000 people.

Consultation

Policy officials engaged in extensive pre consultation dialogue about the content of this regulation and statutory guidance with a wide range of stakeholders across the country, including CPPs, public bodies, third sector and community bodies.

A consultation including questions about our draft Regulations ran from March to June 2016. On locality planning we asked whether the Regulations should set one criterion only, a maximum population. We also asked whether the population maximum of 30,000, with an exception for local authority electoral ward where its population exceeds that maximum was appropriate.

In a separate question we asked what difference it would make to how localities were identified if the maximum population were set at (a) 25,000 residents or (b) 20,000 residents.

Respondents to these questions generally favoured our approach which provided sufficient detail with the flexibility they were seeking to develop local responses. As a result the proposed Regulations in our consultation remains unchanged.

A list of those who responded and those who have indicated that they are content for us to share their responses are available to all via the attached link, <https://consult.scotland.gov.uk/community-empowerment-unit/community-planning-guidance>. It includes full details of responses from CPPs, public bodies, third sector and community bodies.

Impact Assessments

A range of impact assessments were conducted as part of the Bill. These Regulations make no difference to these existing assessments therefore no updates to these assessments have been conducted. A template for a Child Rights and Welfare Impact Assessment has been completed and is attached. This assessment was not required when the Bill was introduced.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has not been completed. It is not anticipated that this regulation will impose any significant additional costs on partners due to the local action that is already underway to strengthen community planning. We do not consider that these provisions will lead to any significant increase in costs for CPPs or partners.

The Minister for Local Government and Housing confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Local Government and Communities
2 November 2016