**Agenda Item No. 7(d)**

**South Ayrshire Council**

# Report by Head of Legal, HR and Regulatory Services

# to Leadership Panel

# of 15 June 2021

| Subject: Participation Requests under Part 3 of Community Empowerment (Scotland) Act 2015: Annual Report |
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**1. Purpose**

* 1. The purpose of this report is to provide the Leadership Panel with a report regarding Participation Requests submitted to South Ayrshire Council.

**2. Recommendation**

**2.1 It is recommended that the Panel:**

**2.1.1 notes this report, and that it will be published on the Council website as required by Section 32 of the Community Empowerment (Scotland) Act 2015; and**

**2.1.2 approves that, going forward, the annual report will be reported to Members via the Members’ Bulletin.**

**3. Background**

3.1 The Community Empowerment (Scotland) Act 2015 came into force on 1 April 2017. The Act introduced a range of new provisions on community participation and consultation, including Participation Requests. These provide a new way for certain community groups to make a request to a public authority that a service provided by them is improved, or make an offer to help improve a service. Guidance to support the Act was published in 2017 and is designed to support effective and consistent implementation of the legislation. It describes the process of making, receiving and responding to a Participation Request, along with the criteria applied to community bodies to help determine if they are eligible.

3.2 The Council’s website contains a page which provides information on the issues to be considered by community bodies in making a participation request, the process involved and a link to a template form and Scottish Government Guidance. Enquiries are directed to an email address for Community Engagement. A link to the page is provided - [community-participation-requests website](https://www.south-ayrshire.gov.uk/community-participation-requests/). Enquiries from members of the public are directed to the Community Planning Team.

3.3 Under Section 32 of the 2015 Act, local authorities are required to publish a Participation Request report for each reporting year (1 April to 31 March), by the end of June. The report is to set out the number of participation requests received, the number agreed to or refused, the number which have resulted in changes to a public service, and any action taken by the authority to promote the use of participation requests or support a community participation body in the making of one.

3.4 Since the legislation came into force in 2017, only one Participation Request has been received and dealt with by the Council, with a decision letter issued on 11 July 2019. This should have been reported to Leadership Panel in June 2020 but this was not progressed at the time due to higher priorities relating to the Covid-19 pandemic. The current report therefore covers two reporting periods, 1 April 2019 to 31 March 2020, and 1 April 2020 to 31 March 2021.

3.5 In the period 1 April 2019 to 31 March 2020, one Participation Request was received by the Council. This was from Fort Seafield and Wallacetown Community Council, in which they asked to participate in an outcome improvement process regarding ‘the resolution of the future of Riverside Flats, Ayr’. The request stated that this outcome would be improved through the involvement of the Community Council:

1. by examining in detail, the scope and costs of the works to achieve best value for tenants, Council and ratepayers; and
2. by proposing alternative solution which does not involve decanting of tenants off the site.

3.6 The Participation Request was refused, and a copy of the Council’s decision letter is published on the Participation Request page of the Council’s website. This request did not result in changes to a public service provided on or behalf of the Council.

**4. Proposals**

4.1 It is proposed that Members note this report, and that it will be published on the Council’s website as required by the 2015 Act; and agree that, going forward, the annual report will be reported to Members via the Members’ Bulletin.

**5. Legal and Procurement Implications**

5.1 There are no legal implications arising from this report.

5.2 There are no procurement implications arising from this report.

**6. Financial Implications**

6.1There are no new financial implications*.*

**7*.* Human Resources Implications**

7.1 Not applicable.

**8. Risk**

8.1 ***Risk Implications of Adopting the Recommendations***

8.1.1 There are no risks associated with adopting the recommendations.

8.2 ***Risk Implications of Rejecting the Recommendations***

8.2.1 The legislative requirement to publish a Participation Request report under Section 32 of the 2015 Act will not be met.

**9. Equalities**

9.1The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 1](#App1).

**10. Sustainable Development Implications**

10.1 ***Considering Strategic Environmental Assessment (SEA)*** -This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

**11. Options Appraisal**

11.1 An options appraisal has notbeen carried out in relation to the subject matter of this report.

**12. Link to Council Plan**

12.1 The matters referred to in this report contribute to Commitment 6 of the Council Plan: A Better Place to Live/ Enhanced environment through social, cultural and economic activities.

**13. Results of Consultation**

13.1There has been no publicconsultation on the contents of this report.

13.2 Consultation has taken place with Councillor Peter Henderson, Portfolio Holder for Corporate, and Councillor Philip Saxton, Portfolio Holder for Housing and Community Wellbeing, and the contents of this report reflect any feedback provided.

**14. Next Steps for Decision Tracking Purposes**

14.1 If the recommendations above are approved by Members, the Head of Legal, HR and Regulatory Services will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Leadership Panel in the ‘Council and Leadership Panel Decision Log’ at each of its meetings until such time as the decision is fully implemented:

| ***Implementation*** | ***Due date*** | ***Managed by*** |
| --- | --- | --- |
| Copy report to be published on Council website | 30 June 2021 | Service Lead – Legal and Licensing |

| **Background Papers** | [**Scottish Government Guidance on Participation Requests**](https://www.gov.scot/publications/community-empowerment-participation-request-guidance/) |
| --- | --- |
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| **Person to Contact** | **Karen Briggs, Service Lead – Legal and Licensing**  **County Buildings, Wellington Square, Ayr, KA7 1DR**  **Phone 01292 612416**  **E-mail** [**karen.briggs@south**](mailto:karen.briggs@south)**-ayrshire.gov.uk** |

**Date: 4 June 2021**

***Appendix 1***



**South Ayrshire Council**

**Equality Impact Assessment**

**Scoping Template**

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment’s which will guide you through the process and is available to view here: [impact-assessment website](https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx)

Further guidance is available here: [https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/](https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities)

The Fairer Scotland Duty (‘the Duty’), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider (‘pay due regard to’) how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. See information here: [Interim Guidance for Public Bodies](http://www.gov.scot/Publications/2018/03/6918) in respect of the Duty, was published by the Scottish Government in March 2018.

**1. Policy details**

| Policy Title | Participation Requests under Part 3 of Community Empowerment (Scotland) Act 2015: Annual Report |
| --- | --- |
| Lead Officer (Name/Position/Email) | Karen Briggs, Service Lead – Legal and Licensing – karen.briggs@south-ayrshire.gov.uk |

**2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts**

| **Community or Groups of People** | **Negative Impacts** | **Positive impacts** |
| --- | --- | --- |
| Age – men and women, girls & boys |  | x |
| Disability |  | x |
| Gender Reassignment (Trans/Transgender Identity) |  | x |
| Marriage or Civil Partnership |  | x |
| Pregnancy and Maternity |  | x |
| Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers |  | x |
| Religion or Belief (including lack of belief) |  | x |
| Sex – gender identity (issues specific to women & men or girls & boys) |  | x |
| Sexual Orientation – person’s sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight |  | x |
| Thematic Groups: Health, Human Rights & Children’s Rights |  | x |

**3. What likely impact will this policy have on people experiencing different kinds of social disadvantage? (Fairer Scotland Duty). Consideration must be given particularly to children and families.**

| **Socio-Economic Disadvantage** | **Negative Impacts** | **Positive impacts** |
| --- | --- | --- |
| Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing |  | x |
| Low and/or no wealth – enough money to meet  Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future |  | x |
| Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies |  | x |
| Area Deprivation – where you live (rural areas), where you work (accessibility of transport) |  | x |
| Socio-economic Background – social class i.e. parent’s education, employment and income |  | x |

**4. Do you have evidence or reason to believe that the policy will support the Council to:**

| **General Duty and other Equality Themes**  **Consider the ‘Three Key Needs’ of the Equality Duty** | **Level of Negative and/or Positive Impact**  **(High, Medium or Low)** |
| --- | --- |
| Eliminate unlawful discrimination, harassment and victimisation | Low |
| Advance equality of opportunity between people who share a protected characteristic and those who do not | Low |
| Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?) | Low |
| Increase participation of particular communities or groups in public life | Low |
| Improve the health and wellbeing of particular communities or groups | Low |
| Promote the human rights of particular communities or groups | Low |
| Tackle deprivation faced by particular communities or groups | Low |

**5. Summary Assessment**

| **Is a full Equality Impact Assessment required?**  (A full Equality Impact Assessment must be carried out if impacts identified as **Medium and/or High**) | | **~~YES~~**  **NO** |
| --- | --- | --- |
| **Rationale for decision:** | This report provides the Panel with a report regarding Participation Requests submitted to South Ayrshire Council. Members’ decision on this has no specific equality implications | |
| **Signed** : Catriona Caves **Head of Service** | **Date:** 10 May 2021 | |