

## ABERDEEN CITY COUNCIL

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COMMITTEE	Communities, Housing and Infrastructure
DATE	16 January 2018
REPORT TITLE	Participation Requests
REPORT NUMBER	CHI/17/270
INTERIM DIRECTOR	Bernadette Marjoram
REPORT AUTHOR	Neil Carnegie/Elisabeth Manners

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### 1. **PURPOSE OF REPORT:-**

To approve the delegation of powers to Heads of Service across the Council to make decisions regarding participation requests.

### 2. **RECOMMENDATION(S)**

It is recommended that Committee:

- a) Approve the Participation Requests Procedure at Appendix 1;
- b) Delegate authority to the Head of Communities and Housing to implement and manage the Participation Request procedure;
- c) Delegate authority to all Chief Officers, in consultation with the relevant committee convenor(s) to determine Participation Requests and the outcome improvement processes to apply; and
- d) Delegate authority to the Director of Communities, Housing and Infrastructure Participation Requests, following consultation with the Head of Legal and Democratic Services to review and amend the Participations Requests Procedure as required and within the scope of legislation.

### 3. **BACKGROUND**

- 3.1 The Community Empowerment (Scotland) Act 2015 introduced Participation Requests which gives new rights to community groups to participate in outcome improvement processes with public bodies, including local authorities. They are intended to provide opportunities for community bodies to be pro-actively involved in improving outcomes in their area.

- 3.2 The Council has developed a procedure to comply with the legislation which came into force on 1 April 2017. It enables community bodies to make a formal participation request to the Council. The procedure requires Heads of Service, in consultation with relevant convenor(s) to decide whether to allow or deny the community participation body's participation request. The decision will need to be made within 30 working days of the request once the Council has formally acknowledged the request. Chief Officers will require formal delegated powers to fulfil their duties set out in the procedure and within the statutory timeframes that are prescribed in the Act. To date, no formal Participation Requests have been received by the Council. An informal request has been received but it was not followed up by the community participation body.
- 3.3 All requests made to a local authority are required to take into account the below considerations before reaching a decision. The legislation also expects that all requests are agreed to, unless there are reasonable grounds for refusal after consideration of the below:
- a) *the reasons why the community participation body believes it should participate in an outcome improvement process;*
  - b) *any other information produced in support of the request (whether such information is contained in the request or otherwise provided);*
  - c) *whether agreeing to the request mentioned would be likely to promote or improve:*
    - *economic development,*
    - *regeneration,*
    - *public health,*
    - *social wellbeing, or*
    - *environmental wellbeing.*
- c) *whether agreeing to the request would be likely:*
- *to reduce inequalities of outcome which result from socio-economic disadvantage;*
  - *to lead to an increase in participation in the outcome improvement process to which the request relates by persons who experience socio-economic disadvantage;*
  - *otherwise to lead to an increase in participation by such persons in the design or delivery of a public service the provision of which results in, or contributes to, the specified outcome mentioned in the request;*
  - *any other benefits that might arise if the request were agreed to; and,*
  - *any other matter (whether or not included in or arising out of the request) that the Head of Service considers relevant.*
- 3.4 Once a decision has been reached, the Council will need to formally acknowledge the request with a Decision Notice. The Notice must detail what the decision is or, if it has been refused the reason why. The Council has 30 working days to do this. The Act does not currently provide a mechanism for review or appeal of the Council's decision to refuse a participation request.
- 3.5 If the request is agreed to, the outcome improvement process must begin within 90 calendar days from when the Notice is given.

- 3.6 The Communities and Community Planning Teams currently within Communities and Housing will manage and oversee the implementation of the procedure. Their officers will support Chief Officers and their teams determine requests and deliver outcome improvement processes as required. The Communities and Housing Area Manager will be the named point of contact for participation requests.
- 3.7 Community Planning officers shall monitor closely the application of our procedure to determine any adjustments required with the experience of receiving and managing requests.
- 3.8. Community Planning Aberdeen's Community Engagement Group has been tasked with developing a joint partnership approach for dealing with participation requests on behalf of Community Planning Aberdeen.
- 3.9 We are required to prepare an annual report on all the participation requests that are received by 30 June annually. This will go to the Community Planning Aberdeen Board and to the appropriate committee within the Council as a service update.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications arising from the recommendations of this report. There are unlikely to be any financial implications from participation requests, however an outcome improvement process may result in recommended actions that may have implications. These would then be considered in accordance with standard budget procedures.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Approval of the procedure and delegation of authority to Chief Officers will allow the Council to make participation request decisions within the statutory timeframe.

#### **6. MANAGEMENT OF RISK**

##### **6.1 Customer / Citizen**

- 6.1.1 Proposals within this report support our statutory duty to allow communities to get involved with outcome improvement processes as set out in the Community Empowerment Act.
- 6.1.2 There is a risk that a high volume of participation requests will impact on service delivery. This is unlikely to be the case as we will mitigate by pro-actively engaging with communities using Community Planning Aberdeen's Engagement, Participation and Empowerment Strategy. Additionally, we will also provide clear information about participation request rights and the criteria that they must meet to be considered.

## 6.2 Legal

6.2.1 Failure to approve the recommendations could mean the Council may be unable to fulfil its statutory duty in relation to timeframe legislated for by Scottish Government in Part 3 of the Community Empowerment (Scotland) Act 2015. Approving this report will mitigate against this and ensure that the Council will meet the stated timeframe.

## 6.3 Reputational

6.3.1 The proposals within this report support the Council's ambitions to engage and empower communities.

## 6.4 Financial

6.4.1 No significant risk has been identified.

## 6.5 Employee

6.5.1 No significant risk has been identified.

## 6.6 Environmental

6.6.1 No significant risk has been identified.

## 6.7 Technological

6.7.1 No significant risk has been identified.

## **7. IMPACT SECTION**

### **7.1 Economy**

7.1.1 Participation Requests empower communities to become involved in improving economy outcomes.

### **7.2 People**

7.2.1 Participation Requests empower people to be involved in outcome improvement processes which have an impact on their local community, providing opportunities to reduce inequalities.

### **7.3 Place**

7.3.1 Participation Requests empower people to be involved in outcome improvement processes which have an impact on their local environment, providing opportunities to reduce inequalities.

### **7.4 Technology**

7.4.1 Participation Requests empower communities to become involved in improving technology outcomes.

## **8. BACKGROUND PAPERS**

[Part 3 Community Empowerment \(Scotland\) Act 2015](#)  
[Scottish Government Participation Requests Guidance](#)  
[The Participation Request \(Procedure\) \(Scotland\) Regulations 2016](#)

## **9. APPENDICES (if applicable)**

Appendix 1: Participation Requests Procedure

## **10. REPORT AUTHOR DETAILS**

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