

# LOCAL GOVERNMENT IN SCOTLAND ACT 2003

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## EXPLANATORY NOTES

### THE ACT – SECTION BY SECTION

#### **Part 2 – Community Planning**

##### ***Section 15 – Community Planning***

39. This section provides a statutory basis for the Community Planning process and relates to local authorities (as defined in section 61(c)(ii)).
40. *Subsection (1)* describes the Community Planning process as one in which the public services provided in a local authority area must be planned and provided after consultation with community bodies and other public bodies responsible for providing those services, and with the on-going co-operation among those bodies. This section requires local authorities to initiate maintain and facilitate such a process in their area and they have responsibility to determine the means of consultation and co-operation.
41. In *subsection (2)* local authorities are further required to invite and encourage all other public bodies in their area, and appropriate community bodies, to participate in Community Planning.
42. *Subsection (3)* makes provision where two or more local authorities jointly deliver a service. Where such an approach is taken, the local authorities involved may fulfil their duty of Community Planning jointly.

##### ***Section 16 – Community Planning: further provision***

43. This section concerns the participation of the local authority and other bodies in the Community Planning process.
44. *Subsection (1)* requires local authorities; Health Boards; joint police boards; chief constables; Scottish Enterprise; Highlands and Islands Enterprise, Strathclyde Passenger Transport Authority; and Joint Fire Boards to participate in Community Planning.
45. *Subsection (2)* requires those listed in section 16(1) to assist the local authority in its initiation, maintenance and facilitation role for Community Planning.
46. *Subsection (3)* provides that the Scottish Ministers may, by order, modify the list of eligible bodies with a duty to engage in Community Planning by adding or deleting a body, person or office-holder. *Subsection (4)* describes the categories of body etc that may be added to the list. *Subsection (5)* provides that the Scottish Ministers may, in an order made under subsection (3), specify, in relation to the body concerned, the geographical area or areas in which the duty of Community Planning may be exercised and, in doing so, allows for the duty to be modified. *Subsection (6)* requires the Scottish Ministers, prior to exercising the power in subsection (5), to consult the body concerned and each local authority in the area of which the body provides services. The same consultation is required where it is proposed to remove a body from this section.

47. *Subsection (8)* requires the Scottish Ministers to promote and encourage Community Planning when discharging any function which might affect Community Planning, or those that must, or might, participate in it or that are participating in it.

### ***Section 17 – Reports and information***

48. This section requires a local authority to publish reports on how it has implemented its duty of Community Planning under section 15, on what has been done by way of Community Planning in its area and what the results of that were and what action has been taken to comply with section 59 (relating to equal opportunities requirements). It is for a local authority to determine what form such reports should take and how often they should be published, however, such reports shall include information about the improvement in outcome of Community Planning participants. This section also requires a local authority to provide to the Scottish Ministers, reports or other specified information about Community Planning in its area if so required by the Scottish Ministers. This section also requires that those participating in Community Planning must provide such information as the local authority may reasonably require in order for it to do so.

### ***Section 18 – Guidance***

49. This section requires those participating in Community Planning to have regard to any guidance given by the Scottish Ministers about Community Planning. A requirement is also placed on the Scottish Ministers to consult before issuing such guidance.

### ***Section 19 – Establishment of corporate bodies to co-ordinate and further Community Planning etc.***

50. This section provides the Scottish Ministers with a power to establish corporate bodies to co-ordinate and further Community Planning by way of an order.
51. *Subsection (1)* establishes that such an order would be made following application by the local authority with one or more of those participating in Community Planning in its area and consideration of a report on the matters specified in subsection (2)
52. *Subsection (2)* details the matters which should be included in the report referred to in subsection (1) including the outcome of consultation and expression of the functions a Community Planning Partnership would want to carry out.
53. *Subsection (3)* details matters on which provision may be included in the order.
54. *Subsections (4) to (7)* concern the specification of functions which a body corporate may discharge. *Subsection (4)* allows a function, which may be specified in an enactment as the function of another body, to be discharged by the body corporate.