

CARES Community Benefits Toolkit

Understanding the community context



The CARES community benefits toolkit builds on the strategic overview presented in the Scottish Government's Good Practice Principles for Renewable Energy Developments. It provides guidance to communities looking to secure, set up, and deliver community benefits that achieve maximum impact and are managed in an accountable way.

The Toolkit is made up of six separate but linked modules. This module:

- Introduces the theory and practice of community development
- Sets out key factors influencing how a community responds to a new income opportunity
- Describes the various stakeholders in a community and their roles
- Signposts readers to further sources of support available to the community

In line with the Good Practice Principles the term renewable energy business is used throughout this document to mean the project owner.

This toolkit is relevant to communities being offered or managing packages of community benefits. Renewable energy businesses may also find it useful.

The previous prevailing model for community benefits has been the setting up of annual funds and as such many of the examples used within the toolkit relate to this. We expect to provide updated versions of the toolkit with new examples as further models are developed.

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1 Community context

When we talk about a community within this toolkit we normally mean a community of place. This is defined in the Scottish Government's Good Practice Principles for community benefits from onshore renewable energy developments as *"A community of people who are bound together because of where they reside, work, visit, or otherwise spend a continuous portion of their time. Such a community can be a neighbourhood, town, coffeehouse, work place, gathering place, public space or any other geographically specific place that a number of people share, have in common or visit frequently."*

Community development is a long established process, that is essentially about making communities better places. An understanding of the theory and practice of community development can help in identifying where a particular community 'is at', in understanding how it may respond to the opportunity of a new income stream, and how it can best be supported to do so. The *Community development annex* of this toolkit provides further detail on the theory and practice in this area and why it is important.

The response of a community to the prospect of a new community benefits package will be informed by the local context, as well as the approach taken by the renewable energy business. A combination of the following factors are likely to have a bearing:

- Culture: The prevailing **attitudes and cultures** within the community. Is there a group of people who can engage fellow residents effectively and harness local assets and strengths but also ask for support where required?
- Capacity: The extent to which a community is **investment-ready** or not; how visionary, ambitious, organised, experienced and cohesive is the community? Are local groups set up to operate in an accountable and inclusive way, and manage the risk of volunteer burn out?
- Collaborators: The role of **intermediaries**, including but not limited to the local authority and [third sector interface](#), and the extent to which such bodies trust in, support, empower and work with the community;
- Characters: The influence of particular **key figures** within the community who may draw on various sources of power (knowledge/experience, status, reputation, character, etc.) and who are in a position to shape wider local attitudes to the opportunity, positively or negatively.
- Corporate approach: The **renewable energy business's approach** towards community benefits, including the amount of staff time allocated to it, their understanding of community development practice and the local context, and what the governance and administration arrangements are.

Simply being aware of some of these factors can help those involved in discussing, designing, and delivering community benefits, by informing the approach they take, who they involve, and what expectations are set in relation to the package of benefits.

3 Key infrastructure in a community

Within communities there will be a number of existing groups who will have a view on, and possibly a mandate to become involved in, how community benefits for their area are disbursed. Of course, in areas with low levels of community capacity, there will be fewer groups than elsewhere. However, the starting point for understanding how any community may respond to the introduction of new community benefits, and how that these may best be structured and disbursed, is to gain an understanding of these existing groups. These groups may be formal (i.e. constituted) or informal (un-constituted). Some of these may play a role in the discussions around and establishment of a community benefit package.

An overview of some of the most common types of organisation that may exist in a community is given below.

3.1 Community Councils

Community Councils are voluntary organisations run by local residents but established within a statutory framework, under the Local Government (Scotland) Act 1973. Local authorities provide model constitutions for Community Councils in their areas. For this reason, some consider them to be statutory bodies, as they are not entirely independent. Nonetheless, the existence of a community council is not mandatory and is dependent on sufficient members of the local community coming forward to form one. As a result, most communities, but not all, have one.

As the most local tier of elected representation, Community Councils can play an important role in local democracy. However, they have limited statutory rights and powers.

The key roles of Community Councils are:

- a) To represent the views of the community to the local authority and other public bodies operating in their area
- b) To act to further the interests of their communities
- c) To be consulted on planning applications within their area (The Town & Country Planning (General Development Procedure) (Scotland) Amendment Order 1996)
- d) To consider exercising their powers to object to the granting, renewal or transfer of liquor licences. (The Licensing (Scotland) Act 1976).

Generally speaking, they exist to advise, petition, influence and advocate on local causes and concerns on behalf of their community. Due to their representative role, community councils are often involved in discussions around community benefits, and sometimes in disbursing funds. However, in some cases, particularly where large funds are concerned, they may not be best placed to fulfil this role, as they do not have sufficient safeguards in relation to individual members' liability. For further information, see the module *Getting the Governance Right*.

3.2 Community Development Trusts or Companies

A development trust (also sometimes referred to as a community trust or community development trust / company) is a community-controlled organisation that uses a combination of enterprise activity and creativity to further the social, economic,

environmental and cultural regeneration of a specific community of place. Development trusts are run for local people, by local people. They tend to have a membership structure, open to anyone resident within the community over a certain age, and their Board or committee is made up of, and elected by, those members.

Community development trusts differ from community councils in so far as they are 'doing' organisations - involved in developing and delivering a wide range of activity locally. Where one exists, it may be at the forefront of delivering key local services or transformative projects, such as those involving community ownership of land and buildings. Having said that, those with healthy membership numbers can also play a representative role on behalf of their community.

Most, but not all, are companies and therefore have the limited liability that status brings. However, due to their role in delivery of projects within the community, it can be problematic for a development trust to be involved in the governance and disbursement of community benefits. See the module *Getting the Governance Right* for more information on this.

More information on development trusts in Scotland is available from [Development Trusts Association Scotland](#).

3.3 Community or Village Hall Committee

In small rural communities the village hall is often the central focus for much of community life, providing a space where opportunities for recreation, entertainment, social connection and other services can be offered. For this reason, village hall committees often have a good overview of the diversity of local community groups and their activities and can be useful consultees in identifying local needs and priorities for community benefits.

Where most local people use the village or community hall in some way, investing in it can therefore bring about significant and long-lasting benefits for the whole community and over the long-term. In addition, many village or community halls in Scotland are ageing and require some upgrading to meet modern standards. Village hall improvements are therefore commonly at the forefront of people's minds where community benefits are in the pipeline. However, many are held in trust or their ownership status is unclear, and care therefore needs to be taken in this regard. Clarifying ownership status and modernising governance standards may be a priority before or alongside any investment.

3.4 Other types of groups

A range of other formal and informal groups will usually exist within any community. These may be focussed on providing services and activities for specific demographic groups (such as the young, the elderly, or school pupils/parents) or communities of interest (such as the arts, heritage or specific sports or leisure pursuits).

Tenants associations may exist to represent residents of a particular area or housing estate on a range of matters including, but not always limited to, housing issues.

Traders associations often exist in towns and conurbations to represent the interests of local businesses and, on occasion, support improvements to the local economy through for example Business Improvement Districts (BIDS).

There may be other types of thematic interest groups. Each is likely to have an interest in the arrival of a new local fund and the opportunities it may bring for them, be that sustaining their existing services or developing new ones.

3.5 Local Authorities

Scotland's 32 local authorities are a key part of the public sector, providing for a range of services including education, social care, justice, public transport, waste and recycling collection, maintenance of roads and paths, cultural and leisure provision, housing, land use planning and development control, and support for economic development (including business and employment support).

Local authorities have a number of powers and duties which are set out in legislation:

- Mandatory duties - such as providing schooling for 5-16 year olds and social work services;
- Permissive powers - such as economic development and recreation services; and,
- Regulatory powers - such as development control, trading standards, environmental health and licensing for taxis and public houses¹.

These duties and powers arise from many different pieces of legislation. Some of them cover a wide range of policy areas (such as the Local Government (Scotland) Act 1973), while others focus on one particular area (such as the Planning etc. (Scotland) Act 2006).

Local authorities in Scotland tend to cover a wide area and large population and have their own set of priorities and constraints, and their voice should therefore not be taken as a proxy for the voice of the community(ies) in question. However, where possible, collaboration between the local authority and community groups can be valuable, and the support of the local authority, whether political or financial, can assist community efforts.

3.6 Arm's Length External Organisations (ALEOs)

Some local authorities make use of Arm's Length External Organisations (ALEOs) to provide services for which the local authority is ultimately responsible. ALEOs are organisations which are external to a local authority, typically established to deliver services, such as sports and leisure, economic development and property maintenance, see for example the ALEOs established by [Glasgow City Council](#).

They have a separate identity from the local authority and usually have a separate budget and governance arrangements. However, the local authority retains significant influence over the ALEO, and councillors will often sit on the Board of the new organisation. While most have charitable status, they tend not to be community-led bodies.

¹ <https://beta.gov.scot/publications/local-authorities-factsheet/>

4 Policy supporting community development in Scotland

The national policy environment in Scotland is very supportive of efforts to develop and empower communities, with a raft of rights and duties enshrined in legislation, enabling guidance, and bodies that exist to support such efforts². Some of the key policies are set out below.

4.1 Community Empowerment (Scotland) Act 2015

The Community Empowerment (Scotland) Act received Royal Assent on 24 July 2015. It gives significant rights to communities and places commensurate responsibilities on public authorities. The three major elements of the Act that communities, and those supporting them, should be aware of are:

- the strengthening of community planning to give communities more of a say in how public services are to be planned and provided for
- new rights enabling communities to identify needs, issues and opportunities and request action to be taken on these in order to tackle inequality, to contribute to regeneration or economic development, or to improve health or wellbeing
- the extension of the community right to buy, various measures to enable the transfer of public assets into community ownership and enabling communities to otherwise have greater control over property assets such as abandoned, neglected or detrimental land.

Underpinning all these provisions is an intention to address disadvantage and inequality.

The Scottish Government has produced an [easily digestible version](#) of the Act, while the Scottish Community Development Centre has also produced [summary guidance](#) on the Act.

4.2 National Standards for Community Engagement

The National Standards for Community Engagement are a set of nationally recognised good-practice principles designed to support and inform the process of community engagement and improve what happens as a result. Originally launched in 2005, they have been used by a range of practitioners to support community engagement and user involvement in areas such as community planning and health and social care. They were reviewed and updated in 2015/2016, so as to reflect the developing policy and legislation relating to community empowerment in Scotland, and to build on the growing range of practice.

For a full description of the standards and further guidance on their use visit <http://www.voicescotland.org.uk/>

It is recommended that these standards are followed when consulting with the community in relation to community benefits and any strategy that will shape it. See the module *Creating a lasting legacy* for more information on this.

² For an extensive list of relevant measures enacted or being developed by the Scottish Government, visit <https://beta.gov.scot/policies/community-empowerment/>

4.3 The Requirements for Community Learning and Development (Scotland) Regulations 2013

The Requirements for Community Learning and Development (Scotland) Regulations 2013 (The CLD Regulations) support the achievement of the following policy goals, in turn aimed at improving the provision of community learning and development (CLD) in Scotland:

- To ensure communities across Scotland - particularly those who are disadvantaged - have access to the CLD support they need;
- To strengthen co-ordination between the full range of CLD providers, ensuring that community planning partnerships, local authorities and other providers of public services respond appropriately to the expectations set by the [CLD Strategic Guidance](#);
- To reinforce the role of communities and learners in the assessment, planning and evaluation processes, enabling them to shape CLD provision;
- To make the role and contribution of CLD more visible.

Local (education) authorities are responsible for the implantation of these regulations. More information can be found [here](#).

4.4 Support for Participatory Budgeting

Participatory budgeting is a way of enabling local people to have a direct say on how a funding stream is spent. This practice has developed internationally and tends to see a proportion of public sector budgets distributed in this way, with a focus on democratising public expenditure decisions by involving the community(ies) in these decisions.

The Scottish government supports participatory budgeting as a tool for community engagement and for developing participatory democracy in Scotland. It has funded participatory budgeting through the £1.5 million [Community Choices Fund](#). However, practice to date has tended to be more about participatory grant-making rather than proactive budgeting, with community groups and organisations 'pitching' for grants for projects that fellow residents then vote for (either electronically or at a community event).

The [PB Scotland website](#) provides information on events, policy and resources in Scotland, as well as examples of participatory budgeting in action.

5 Other resources and intermediaries

Scotland's communities are fortunate to benefit from a rich ecosystem of support for community development and social enterprise. Some of the key organisations and networks involved are profiled below.

5.1 Third Sector Interfaces

As part of the Scottish Government's commitment to developing the role of communities and the third sector (commonly also referred to as the voluntary sector), it has invested in the development of a network of Third Sector Interfaces (TSIs) across Scotland.

TSIs are funded by the Scottish Government to deliver four core functions:

- Volunteering development - support for volunteers and organisations who support volunteers;
- Social enterprise development - to promote and develop social enterprise locally;
- Supporting and developing a strong third sector - support for third sector organisations on setting up a charity, training and development, and funding advice;
- Building the third sector's relationship with community planning - acting as the conduit and connecting the third sector with the implementation of the [Single Outcome Agreements and Community Planning Process](#).

There is now a TSI in each of Scotland's 32 Local Authority areas, but these differ in structure; currently 22 operate as single organisations and 10 as partnerships. To find your local TSI, visit: <http://www.vascotland.org/find-your-tsi>

5.2 Social Enterprise Networks

There are a number of locally focussed and thematic social enterprise networks (SENs) in Scotland. These are collaborations of social enterprise seeking to support and learn from each other. Some are constituted organisations, and some of these have paid staff. Others are loose collaborations. But all seek to meet regularly, share knowledge and learning, and represent the sector at local, regional and national levels.

For information on the various SENs, visit: <http://www.se-networks.net/networks.php>

5.3 Development Trusts Association Scotland

Development Trusts Association Scotland (DTAS) is the trade association for community development trusts – the community-led regeneration network. As a membership organisation, it informs, supports and represents the network of development trusts in Scotland, facilitating the sharing of knowledge and expertise and encouraging mutualism and cooperation amongst the network.

Members can access a range of advice, support and other benefits such as discounted services. DTAS can also provide support to those looking to set up a community development trust.

More information is available at www.dtascot.org.uk

5.4 Scottish Community Alliance

The Scottish Community Alliance (SCA) campaigns for a strong and independent community sector in Scotland. Its overarching aim is to help the sector develop its own distinct identity and voice so that it can campaign effectively on a wide range of issues.

SCA is formed of 22 thematic member networks who between them engage with over 2000 community-based organisations and enterprises across Scotland. Each network itself provides support and representation to community bodies tackling specific themes, from transport to renewable energy and from woodlands to credit unions.

Find out more about SCA's work and membership networks at <http://www.scottishcommunityalliance.org.uk>

5.5 Scottish Rural Network

Scottish Rural Network (SRN) encourages rural development by sharing information, ideas, events and good practice on related topics. It also seeks to link people, communities, organisations and businesses across rural Scotland and beyond.

More information is available at <https://www.ruralnetwork.scot/>

Developed and written by Foundation
Scotland, Revision 1

Commissioned by the Scottish
Government and Energy Saving Trust

Produced by Local Energy Scotland

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