



## **Oxfam Scotland response to Land Reform Review Group, 2013**

Oxfam Scotland welcomes the opportunity to input into the work of the Land Reform Review Group.

Oxfam works to overcome poverty all over the world, and believes that in a rich country such as the UK the existence of poverty is completely unacceptable. Oxfam believes that poverty, social exclusion and discrimination represent a denial of human rights, preventing people from exercising their full rights to, for example, housing, health care, education, and an adequate standard of living. Oxfam's vision is that women and men who experience poverty in the UK are enabled to exercise their rights to a decent and secure standard of living. In the UK, we work to overcome poverty in three ways: we develop projects with people living in poverty to improve their lives and show how things can change; we raise public awareness of poverty to create pressure for change; and we work with policy makers to tackle the causes of poverty.

We would be happy to expand on any of the points raised here or provide additional information in person.

### **The change Oxfam wants to see: a summary of key points**

#### ***Our economy***

1. Scotland needs a community-led economy underpinned by redistribution of power via substantial community participation in decision-making and agenda-setting, with a state that underwrites community solutions.
2. Actual, tangible *responsiveness* is crucial, demonstrably changing plans and ensuring that delivery accords with what communities want and need.
3. We need a real shift in power to women and men experiencing poverty, so their solutions are pursued, underwritten by the state.
4. Any audit of the effectiveness of Community Planning and delivery of 'best value' needs to assess the extent to which both have been delivered in a 'pro-poor' manner. This necessitates recognition of the constant challenges that deprived communities face and the barriers to their participation via mainstream engagement processes.

5. The public sector underwriting community solutions needs to encapsulate providing the premises, space and resources to develop community initiatives. It should include finance for local investment as well as technical assistance and ongoing support.
6. Local environments need to be conducive to people coming together: communities need to *be* together to do together. Community spaces need to be prioritised by planning and economic development.
7. Local authorities need to recalibrate how they view local communities – as partners and their ultimate master, rather than nuisances who do not know what is best for them.

### ***Ways of engaging***

8. As with all channels of participation and engagement, socio-economic barriers to participation need to be recognised. The challenges of living in poverty, of struggling to make ends meet, providing for one's family on a limited income, often working several jobs and having little time for oneself means that unless there are appropriate mechanisms to support people's involvement, they will, understandably, feel that the process is not genuinely for them.
9. To avoid perpetuating inequalities, supportive infrastructure needs to be put in place to enable deprived communities to participate on an equal footing. Including, but not limited to, finance and technical support *skewed towards* deprived communities to enable them to participate in planning processes (otherwise another two-tier system will develop and perpetuate the inequalities in Scotland).
10. Accessible involvement requires a range of outreach processes be constructed to reach the poorest communities. They need to be delivered by culturally and gender sensitive practitioners.
11. Deprived communities require financial security, core funding, longer time frames to develop programmes and the scope to take part in local decision making processes.
12. All community engagement plans need to demonstrate how socio-economic inequality will be factored into the process.
13. Clear terminology, jargon-free and precise language is important in making engagement accessible.
14. A duty to engage should incorporate an arbitration mechanism open to communities who feel their views have been insufficiently taken account of.
15. A named officer with considerable autonomy and knowledge of other agencies would help provide a productive conduit for the community to interact with local authorities. However, all officials, not simply the named officer, must see it as a core part of their remit to interact, engage and support the local community. Existence of a named accountable official must not become an excuse for other officials to shut out the local community.
16. Local authorities should include in their publication of asset registers not just local authority owned assets, but also those of other public agencies (such as the health service and the forestry agency) and assets held by the private sector.
17. We also suggest that documentation associated with publication of asset registers include clear and jargon-free descriptions of what demands local communities can make of bodies that own assets in their local area and what support is available to them in doing so.
18. We urge the Scottish Government to listen to and act according to their own existing advice. For example, the report of the 2003 Community Planning Task Force.
19. It is imperative to provide statistics disaggregated by gender so communities can see the differential impact on men and women of various government policies.

## *Change in communities, changing communities*

20. We call for conceptualisation of ‘assets’ to move beyond a narrow focus on physical assets. Assets needed by communities to be prosperous and vibrant go beyond physical and even financial assets. They include human, social and environmental assets.
21. We recommend incorporating a right to buy private property at certain junctures and also the right to buy property from a wider range of public bodies.
22. However, caution needs to be exercised that greater opportunities for non-public ownership do not translate into a model of widespread privatisation.
23. There should be a socio-economic test to ascertain whether transfer of assets will reduce inequality (scrutinised and enforced by a Poverty Commissioner).
24. As part of a socio-economic duty, council staff should support deprived communities prepare for ownership, with upfront grants offered so communities can assess the merits of an opportunity.
25. Oxfam calls for establishment of a Poverty Commissioner with the power to scrutinise the performance of officials, take feedback from communities and investigate complaints. In particular, a Poverty Commissioner needs to have the power to scrutinise the extent to which service providers deliver the duties and standards discussed in this consultation, especially the extent to which services deliver greater socio-economic equality. The Poverty Commissioner should arbitrate to ensure a fair and just outcome, rather than let local authorities have the last say. National government (represented by a Poverty Commissioner) should be able to ‘call in’ the decisions of local authorities when they do not favour the community (the way they do in favour of business).
26. Cultural and attitudinal change is urgently required in the public sector. Training (and retraining) of public officials will need to accompany a socio-economic duty (of which a duty to engage should be a subset) so that officials appreciate the extent of socio-economic inequality in Scotland and the barriers this creates for deprived communities in accessing, utilising and enhancing their social, human, environmental, financial and physical assets.
27. Decisions should not be delegated to officers: they should be taken by elected representatives to preserve accountability.
28. Oxfam suggests that the Scottish Government consider a community discount scheme and that public authorities waive purchase costs altogether in instances where communities explicitly wish to own an asset.
29. For community groups to access public service contracts on an equal footing there needs to be recognition of the capacity deficit faced by deprived communities. They do not lack the ideas, initiative and energy, they do, however, sometimes lack the technical skills and resources to be able to enter the market for public service contracts on a competitive basis with better endowed communities.
30. Community groups delivering public sector contracts must do so when they are best placed to deliver the best outcome for the service user. This will be because local community organisations know the problems, know the solutions and care deeply about local people, not just profits.
31. Participatory Budgeting should be deployed more widely, following the principle of subsidiarity that locates decision-making as locally as possible. Participatory Budgeting, in which communities determine budget expenditure, is a proven mechanism that brings local communities closer to public budget decision-making processes. Budget decisions must be: open and accessible; representative; taken using mixed methods of consultation; gender sensitive; at all times seek to reduce socio-economic inequalities.

Firstly, Oxfam wants to make clear that the transfer of assets should not be a mask for malfunctioning of local authorities and cleavage between their operations and what would benefit communities. Nor should it undermine or overshadow urgently needed action to deliver social justice in our deprived communities.

That said, Scotland needs a community-led economy underpinned by redistribution of power via substantial community participation in decision-making and agenda-setting, with a state that underwrites community solutions. In the communities where Oxfam works there is evidence of latent potential for community benefit in the inefficient, underutilised and wasteful use of public assets. This constitutes a missed economic potential and often creates a physical blight on the community which becomes dispiriting and undermines other activity in the area.

We welcome the government's acknowledgement in this consultation document that empty properties can often be the symptom or catalyst of physical decline in an area and the government's recognition that 'properties that are empty over a long period can blight areas'.<sup>1</sup>

Oxfam believes that transfer of assets can be a mechanism to support communities, to give them autonomy and economic independence while measures to address structural causes of poverty are undertaken. Shifting the onus to a right to buy private property at certain junctures and to a wider range of public bodies (not simply local authorities but health, enterprise and forestry, for example) would clarify the position of community priorities being brought to the fore.

Opportunities, no matter how 'genuine' to 'consult, engage and involve communities' are not enough. Actual, tangible *responsiveness* is important, demonstrably changing plans and ensuring that delivery accords with what communities want and need. This goes beyond the notion of local democracy reflected in the consultation paper<sup>2</sup> – better empowering and reinvigorating communities will not on its own deliver more turnout at local elections. Ultimately, 'effective engagement' will be evident via policies enacted that reflect and deliver community needs. Individuals and communities will feel in control, they will feel that have the ability to determine the result of decisions that impact them (which has a positive impact on health).<sup>3</sup>

For example, our partner, the Linwood Community Development Trust, recently undertook what Oxfam considers 'leading practice' engagement:

- Every house in the area was leafleted
- All organisations were spoken to (such as the pensioners' association and local football teams)
- Social media (such as a website and text messaging) was used
- Young people were encouraged to discuss the issues
- Wide thinking and generation of ideas was encouraged, rather than presentation with a limited number of scenarios
- At a large public meeting people were welcome to respond via a range of mechanisms (emails, writing, verbally and so on)
- The public meeting was participatory and hands on, relevant for all ages
- Participants were presented with examples from action in other areas
- The techniques used to record people's priorities distilled them into categories that then fed into creation of the Linwood development plan

---

<sup>1</sup> Page 22

<sup>2</sup> Page 6.

<sup>3</sup> (Marmot, Michael, 2004)

Community engagement needs to be pro-poor, concerted directing support to those communities which need it most, otherwise another two-tier system will develop and perpetuate the stark inequalities in Scotland.<sup>4</sup> As with all channels of participation and engagement, there needs to be recognition of the socio-economic barriers to participation. The challenges of living in poverty, of struggling to make ends meet, provide for one's family on a limited income, often working several jobs and having little time for oneself means that unless there are mechanisms to support people's involvement, they will, understandably, feel that the process is not genuinely for them.

Ensuring a gender balance in engagement requires recognising that women and men experience and respond to engagement mechanisms differently and that forums which are ostensibly open to all may actually represent rather intimidating spaces for women, especially women from some minority ethnic backgrounds. Therefore a range of outreach processes need to be constructed to reach the poorest communities. They need to be delivered by culturally and gender sensitive practitioners.

In Oxfam's experience there is little influence of the poorest and most vulnerable communities on relevant decisions. Over the years Oxfam's partners have witnessed the announcement, implementation and demise of many initiatives that claim to deliver regeneration and community engagement. Often these are imposed and do not reflect the priorities of local communities.<sup>5</sup> Despite decades of talk about community engagement and participation, the experience of our partners has been that it has been 'far too difficult – and generally not possible – for communities to exercise meaningful power in deciding how initiatives have been framed and progressed'.

Instead it seems to Oxfam's partners that decisions are taken behind closed doors, between officials and economic actors (under the guise of 'commercial in confidence'). Despite a great deal of rhetoric and official policies heralding the importance of community engagement, it seems political and economic interests are put ahead of the interests of communities. The experience of our partners is that power is skewed towards money and wealth, rather than community need.

For example, major developments are planned in communities such as Linwood and Govan without substantial, genuine community engagement taking place (rather than simply consultation on the margins of a decision). Agendas themselves are never up for debate with the community – they seem to be set by politicians, self-appointed community representatives and economic interests, only to be announced to communities as a *fait accompli* with only the detail (such as design specifics) subject to consultation.

The communities Oxfam works with told us that they feel that local authorities expect more of them than they do of businesses. They feel that they are not respected the way economic interests (particularly big supermarket developers) are – in Beith for example, processes, requirements and personnel are changed at the last minute. This contrasts to the support provided to business interests – one of our partners says that 'while there is only a thin interface between communities and decision makers, there is a strong relationship between businesses and regeneration agencies'. The experience of Clydebank shows that the regeneration agenda of recent times has been less about 'the welfare of Scotland's poorest communities, and rather more on the 'welfare' of private companies'.<sup>6</sup>

Even worse, in places such as South Uist and Clydebank our partners have seen that 'activists and organisations who have challenged this have too often been put under very real pressure for trying to

---

<sup>4</sup> (Sayers, Malcolm and Follan, Eddie, 2010)

<sup>5</sup> (Collins, Chik 2008 8)

<sup>6</sup> (Collins, Chik 2008 122)

stand up for their communities'.<sup>7</sup> Our partners' experience has been that 'community participation became a mechanism for managing and restructuring communities which tended to compound, rather than offset, their fragmentation and loss of cohesion'.<sup>8</sup>

For Oxfam, the starting point for effective land reform needs to be a recognition that political and economic change in Scotland has delivered for the better off, but has simultaneously generated substantial poverty, an intensification of the way in which it is experienced and its concentration in particular localities.<sup>9</sup> One of our partners' experience has been that their initial campaign for the right to work has become a struggle for the 'right to exist'.<sup>10</sup>

Accordingly, if the Scottish Government is serious about tackling poverty, the laudable and promising rhetoric about empowering communities has to mean a real shift in power to women and men experiencing poverty and to underwriting the solutions proposed by communities themselves. As with all channels of participation and engagement, there needs to be recognition of the socio-economic barriers to participation. The challenges of living in poverty, of struggling to make ends meet, provide for one's family on a limited income, often working several jobs and having little time for oneself means that unless there are appropriate mechanisms to support people's involvement, they will, understandably, feel that the process is not genuinely for them.

For example, when our partners in Linwood recently compared their experience with the (relatively wealthy) community in Bishopton their experiences were vastly different. Linwood faced a protracted process that has thus far proved to be a negative experience; whereas Bishopton had a much more positive, clear, streamlined experience. For our partners, the results of council engagement seem to be a lottery.<sup>11</sup>

In Linwood the community felt so marginalised they carried out their own consultation. In South Uist until very recently there has been no community planning to speak of, simply plans presented to the community as 'consultation'. In Beith, there is little evidence of substantial or concerted 'community planning' in coordination sense of the term. For example, our partner in Beith – the Beith Community Development Trust - was told by a senior council employee that there was no policy regarding council assets; that they 'were working on it'. But the Development Trust located the document (and politely communicated this back).

If poverty is to be tackled, then the rhetoric about empowering communities has to mean a real shift in power to women and men experiencing poverty and to underwriting the solutions proposed by communities themselves. This means that planning policies writ large need to be amended to position communities and their priorities at the apex of decision-making.

To avoid perpetuating inequalities, supportive infrastructure needs to be put in place to enable deprived communities to participate on an equal footing. This should include, but not be limited to, finance and technical support skewed towards deprived communities. When Oxfam consulted the Scottish people for its Humankind Index for Scotland, we made an effort to go to the places people

---

<sup>7</sup> (Collins, Chik 2008 8)

<sup>8</sup> (Collins, Chik 2008 82)

<sup>9</sup> (Collins, Chik 2008 11)

<sup>10</sup> (Collins, Chik 2008 26)

<sup>11</sup> Minutes of relevant meetings are available if required.

from deprived communities congregate, we were careful to remove any barriers to their participation as possible – providing childcare, reimbursing people for their travel, providing food if the meeting was longer than an hour and compensating people for their time. This was not a burden, it was simply making the effort to enable people whose voices are seldom heard to participate in our conversations that are relevant to their lives. Similarly, we engaged with our partners via a large meeting and individually at the earliest stages of preparing our response to this consultation – our answers reflect their experiences and perspectives.

The continuing marginalisation of communities such as those Oxfam works with and the growing inequalities in health demonstrate that the current regime is not working. Put simply, many areas of spending are currently being poorly managed. Our partners are often told there ‘is no money left’, only to see vast sums spent on shopping centres, motorways and corporate subsidies.

Communities should be responsible for determining allocation of spend.

However, how this is structured depends on nature of community, on the geography, on the organisation, infrastructure in question. It also depends on the willingness and readiness of the community to take on responsibility for expenditure – just because they wish to see expenditure conducted another way does not mean they wish to carry out the expenditure themselves.

Oxfam suggests that the key principles and mechanisms of effective Participatory Budgeting are relevant here. Budget decisions must be:

- Open and accessible
- Representative
- Be taken using mixed methods of consultation
- Gender sensitive
- At all times seek to reduce socio-economic inequalities

Oxfam’s experience is that community organisations are more than cognisant of these and go to great lengths to deliver these standards.

Though such delivery can be time consuming and resource intensive – governments need to be prepared to put in place supportive infrastructure to ensure PB is carried out to the best of its potential. Without such resources, the process will be doomed before it begins.

The Scottish Government’s willingness to consider the complicated issue of urban collective ownership is impressive and welcome. Oxfam recognises that Scotland has a proud history of supporting collective ownership and the recent policies the Scottish Government has taken to support communities benefit from opportunities to own assets (such as the recently launched Land Fund and the Community Ownership Support Service through the Development Trusts Association of Scotland) are welcome, if inadequate, steps to advance transfer of ownership. While Oxfam recognises that urban communities are complex, messy and often hard to define, many are in desperate need of the means to create robust local economies. The current system that favours rural highland and island communities represents a missed opportunity to provide urban communities with assets through which to create income streams and facilities much needed by their communities.

Oxfam feels, however, that this issue goes beyond specific ownership to the nature and direction of how communities direct resources to meet their priorities and create the sort of society communities

want.<sup>12</sup> Public service activities should, by definition, reflect the needs of local communities. When they do not, demands for community ownership of public assets may simply reflect a demand for greater control over management or more say in how a public asset is utilised.

In focusing on public assets, a rather obvious question needs to be asked: why would a community be compelled to buy what is already, in essence if one takes the first principles of public ownership, owned by the community? It seems that asking about such transfer of public resources to communities, the failure of the public sector to meet community needs and reflect community priorities is all too apparent.

Moreover, in Oxfam's experience of transfers, communities are compelled to raise significant sums of money to buy an asset from the local council. This provides the council has a capital receipt and simultaneously necessitates that the community then establishes an enterprise to generate income to pay off the loan for the purchase and then invest to meet identified community needs. In the meantime, the council can use the money it earned in selling the asset to the community to invest, unfortunately this investment rarely accords with community needs and priorities. Our concern is that for the poorest communities this in essence means that the community is raising money to pay the council for a public asset that, for whatever reason, the council failed to maintain or invest in.

Oxfam does acknowledge, however, that in terms of funding for certain community initiatives, ownership or lease management is a pertinent issue. Funders often seek demonstration of ownership or a long term lease. For example, the experience of our partners in Beith was that when applying to the Climate Challenge Fund (CCF) they were required to provide evidence that the community owned a football clubhouse before the community was deemed eligible for a CCF grant. The question this begs is 'where is the pressure for ownership coming from?' If communities have to take on ownership in order to develop their communities in the manner they want, it seems ownership is being imposed.

These issues need to be addressed first and foremost, otherwise an urban right to buy public sector assets will effectively be a transfer of liabilities to communities without any guarantee that the income generated for the council will be invested as communities wish.

Instead, the focus should be the public sector underwriting community solutions – providing them with the premises, space, resources (including finance) to develop their initiatives.

Shifting the onus to a right to buy private property at certain junctures and to a wider range of public bodies (not simply local authorities but health, enterprise and forestry, for example) would ensure community priorities are brought to the fore.

In this way, assets can become a mechanism to initiate and support local economic development when used to keep resources in communities and build robust local economies. In Oxfam's experience, collective business models such as community ownership can be used to share prosperity,<sup>13</sup> allowing communities and employees to own and control their assets.<sup>14</sup> Ownership of assets can generate income that bolsters the local economy. Crucially, the community decides where surpluses are spent, so money is retained locally (leading to further investment and multiplying benefits).<sup>15</sup> For example,

---

<sup>12</sup> (Christie Commission, 2011)

<sup>13</sup> Research in Italy has found that a village where half the businesses are employee owned has a healthier community compared to a nearby village with no employee ownership. This encompassed more equality, larger social networks, children stayed at school longer, higher turnout at elections, less conspicuous consumption, more disposable income and less stress-related illnesses (Erdall, David, 2011: 241).

<sup>14</sup> (Cooperative Development Scotland, no date)

<sup>15</sup> (Cooperative Development Scotland, no date)

community-owned wind farms present an opportunity to develop an income stream to meet social and environmental needs.

However, as the Government acknowledges in posing this question, facilitative legislation has largely targeted the Highlands and Islands of Scotland. In particular, Oxfam highlights that there has been little support for deprived communities in urban contexts (whereas wealthier communities have been able to position themselves as beneficiaries of transfers of public assets to collective ownership). Without change, the prospects for community control of local physical spaces are undermined by insufficient priority placed on the needs of deprived communities. For example, insufficient funding to support community purchases of land means that the challenges of community ownership remain particularly acute for deprived communities (including capacity constraints; burnout of key individuals; and complexity of the planning system).<sup>16</sup>

This will not be helped by the 2011 Scottish Budget which declared a goal of ‘maximising income generated through asset sales’<sup>17</sup> – deprived communities who want to own assets will have to generate ‘maximum income’ to do so. However, it has been observed that the greater the challenges faced by a community organisation, the less helpful the banks are.<sup>18</sup> The interests of short term economic gain seem to outweigh any pursuit of a more equal Scotland through shared ownership of assets. For Oxfam, there needs to be a shift to a conception of ‘best value’ that includes enhancing socio-economic equality. This entails taking a long term view of the function of the public sector and recognising that a simple cost benefit analysis ignores wider potential to deliver social benefit.

Oxfam calls for mechanisms and support infrastructure (including funding) to be pro-poor: concerted directly support to those communities which need it most, otherwise yet another two-tier system will develop and perpetuate the inequalities in Scotland. Oxfam urges the Scottish Government to ensure that adequate funding is made available to help communities build their capacity. The state should underwrite community solutions in deprived areas by providing financial support for local investment as well as technical assistance. Making it easier for deprived communities to own assets for local benefit requires funding, particularly at the start-up stage, technical assistance, increased transfer of publicly owned assets (not just liabilities) and ongoing support to increase community capacity to manage and sustain ownership. As part of a socio-economic duty, council staff should support deprived communities prepare for ownership, with upfront grants offered so communities can assess the merits of an opportunity. Delivery of the Scottish Land Fund to finance buy-outs with community funds should give particular attention to deprived areas.

Oxfam suggests exploration of amendment to the *Land Reform Act 2003*, so that the *Crofting Community Right to Buy* becomes the default Community Right to Buy across Scotland. A Community Right to Buy would mean that privately-owned land was in the remit as well. This would help communities have a real say in the development of all the physical assets in their areas and could potentially be used as a way to prevent developments that communities do not want. This would also mean that the rural and urban community right to buy would operate in a similar manner.

There is cause for concern, however, in those circumstances where the land or assets are already in public ownership and there is a duty on public authorities to obtain full market value. This will not be helped by the 2011 Scottish Budget which declared a goal of ‘maximising income generated through

---

<sup>16</sup> (Braunholtz-Speight, Tim, 2011)

<sup>17</sup> (Scottish Government, 2011: 41)

<sup>18</sup> (Dobson, Julian, 2011: 5)

asset sales<sup>19</sup> – deprived communities who want to own assets will have to generate ‘maximum income’ to do so.

Accordingly, Oxfam suggests that the Scottish Government consider a community discount scheme and that public authorities waive purchase costs altogether in instances where communities explicitly wish to own an asset (as opposed to manage it or shape how it is utilised). Oxfam welcomes the suggestion in the consultation document<sup>20</sup> that the government will consider transfer of assets ‘to community bodies at less than the market rate in order to achieve a better social, economic and community focussed return’. This can be presented as delivering ‘value’ in the wider sense of the term because it will contribute to community regeneration and reductions in inequalities and should be defined according to the Oxfam Humankind Index which sets out what people of Scotland feel is needed to live well in their communities.

Regardless of the mechanism, steps need to be taken to simplify the processes so that communities which do not have access to lawyers and accountants are able to harness the opportunity presented by right to buy mechanisms (see our answer to Question 21). The Scottish *Community Right to Buy* legislation itself is cumbersome and resource intensive.

Boundaries are clearly important. The issue of defining an ‘urban community’ is important in instances where boundaries need to be set to delineate between beneficiaries and others. In urban contexts the population fluctuates, people move in and out, some individuals are more active than others, and the boundaries of the ‘community’ as perceived by community members rarely coincide with those defined on maps by policy makers. Oxfam’s evidence<sup>21</sup> is that people’s conceptions of the parameters of their local ‘community’ do not align with official boundaries (which largely reflect the demands of electoral mapping).

Moreover, an urban ‘community’ can of course encompass both communities of fate and of geography simultaneously. For example, Oxfam is facilitating joint working across official boundaries – for example, Beith and Linwood – creating a sense of community that spans lines on a map and reflects instead shared experiences and common goals. We are even creating these connections between South Uist and Govan – two apparently distinct communities that are discovering they have a great deal to share and learn from each other.

Given the complexity of urban ‘communities’ we encourage as flexible and reflexive approach as practicable.

Transfer of assets should not be a mask for malfunctioning local authorities and the apparent cleavage between their operations and what would benefit communities. Nor should transfer undermine or overshadow urgently needed action to deliver social justice in our deprived communities.

Accordingly, Oxfam believes that transfer of assets should be a mechanism to support communities, to give them autonomy and economic independence while measures to address structural causes of poverty are undertaken. There should be a socio-economic test to ascertain whether transfer of assets will reduce inequality. Oxfam welcomes the suggestion in the consultation document<sup>22</sup> that the government will consider transfer of assets ‘to community bodies at less than the market rate in order

---

<sup>19</sup> (Scottish Government, 2011: 41)

<sup>20</sup> Page 17.

<sup>21</sup> (Paton, Kirsteen, forthcoming)

<sup>22</sup> Page 17

to achieve a better social, economic and community focussed return'. This should be defined according to the Oxfam Humankind Index which sets out what people of Scotland feel is needed to live well in their communities.

National government (for example a Poverty Commissioner) should be able to 'call in' the decisions of local authorities when they do not favour the community (the way they do in favour of business). The Poverty Commissioner should arbitrate to ensure a fair and just outcome, rather than let local authorities have the last say. It is not good enough for national government to 'wash their hands' and assert that they cannot become involved because an issue is local.

Oxfam is concerned that wealthy communities are better positioned to benefit from the opportunities presented by ownership of community assets. Therefore, making it easier for deprived communities to own assets for local benefit requires funding. Funding is particularly pertinent at the start-up stage, technical assistance, increased transfer of publicly owned assets (not just liabilities) and ongoing support to increase community capacity to manage and sustain ownership. As part of a socio-economic duty, council staff should support deprived communities prepare for ownership, with upfront grants offered so communities can assess the merits of an opportunity. The Scottish Land Fund (finance for community buy-outs) should give particular attention to deprived areas.

Oxfam welcomes indications that the government has heard the message from communities that they need more information regarding asset ownership and values. Lack of transparency and complex rules and procedures prevent many communities from navigating the processes of local asset ownership, which undermines the realisation of benefits that might be derived from community ownership of assets.

For Oxfam, public sector transparency on such matters is an issue of basic democratic rights – at their most basic, public sector assets are those owned by and for the public. For the public not to know about the ownership of these assets is a problematic breach of openness that undermines self-determination.

We suggest that local authorities include in their publication of asset registers not just local authority owned assets, but also those of other public agencies (such as the health service and the forestry agency) and particularly assets held by the private sector to stop land banking.

We also suggest that in associated documentation there are clear and jargon-free descriptions of what demands local communities can make of bodies that own assets in their local area and what support is available to them in doing so.

- There should be a socio-economic test to ascertain whether transfer of assets will reduce inequality. The juncture at which transfer of assets should be considered is when communities have different ideas and agendas to those being delivered by local authorities.
- Making it easier for deprived communities to own assets for local benefit requires funding, particularly at the start-up stage, technical assistance, increased transfer of publicly owned assets (not just liabilities) and ongoing support to increase community capacity to manage and sustain ownership.
- As part of a socio-economic duty, council staff should support deprived communities prepare for ownership, with upfront grants offered so communities can assess the merits of an opportunity.
- The Scottish Land Fund (finance for community buy-outs) should give particular attention to deprived areas.
- The Scottish Government should be able to 'call in' the decisions of local authorities when they do not favour the community (the way they do in favour of business).

- Oxfam welcomes the suggestion in the consultation document<sup>23</sup> that the government will consider transfer of assets 'to community bodies at less than the market rate in order to achieve a better social, economic and community focussed return'. This should be defined according to the Humankind Index which sets out what people of Scotland feel is needed to live well in their communities.