



THE SOCIO-ECONOMIC DUTY- A CONSULTATION BY THE SCOTTISH GOVERNMENT, JULY,2017.

“Public bodies already do a huge amount to reduce inequalities, but with more than one in four children in poverty, we must all work together to do more and make a difference. The duty will further embed this into the DNA of public sector decision-making – including that of Scottish Ministers. It is not only the right thing to do, it is the smart thing to do”

Angela Constance, MSP, Secretary for Communities, Social Security and Inequalities, July,2017.

“It is imperative that the on-going reform of Scotland’s planning system – a system with its roots in promoting health and social justice - progresses in a manner that is interconnected with the aims of the current Scottish Government consultation on the Socio-Economic Duty”

Comments submitted by PAS (Planning Aid Scotland) in its response to the recent Planning Position Statement, August,2017.

Consultation Response approved and signed off by Heads of Planning Scotland

Compiled on behalf of HOPS by Jim Birrell, HOPS Planning Review Programme Manager,

September,2017.

1.0 BACKGROUND

1.1 The **socio-economic duty** has had a complicated history. It was originally introduced in April 2009 by the UK Labour Government when it published its Equality Bill. It was put into statute in 2010 and the proposal was to link it together with the **duty on socio-economic advantage** and the **duties on equality and child poverty**.

1.2 Unfortunately, due to changes in the Government, of the three strands of change to be introduced only the equality duties are in place.

1.3 The Scottish Government (SG) is taking a different approach and intends to introduce the socio-economic duty in Scotland, as the first part of the UK to implement it. (It follows on from recommendations in the Smith Commission, with powers included in the Scotland Act, 2016, subsequently transferred to Scottish Ministers in May 2016.

1.4 The Fairer Scotland Action Plan, October, 2016 set out the SG's plan to introduce the duty by the end of 2017, subject to this consultation process.

2.0 CONTEXT

2.1 This new duty is set in the broader context of Scottish public service reform and it is at the heart of the SGs work to shape a fairer society and deliver on our national outcomes. It builds on the foundations established by the Christie Commission in 2011 and is underpinned by the four pillars of reform- **prevention, people, partnership and performance**.

2.2 The following principles are developed from these pillars,

- Reforms must **empower people and communities** receiving public services by involving them in the design and delivery of the services they use
- Providers of public services must work much more closely in **partnership to integrate service provision** and so improve the outcomes they achieve
- Expenditure on public services must be prioritised on the services which **prevent negative outcomes** from arising
- The whole system of public services (public, third and private sectors) **must become more efficient** by reducing duplication, improving performance and sharing services wherever possible

3.0 WHY IS A NEW DUTY REQUIRED?

3.1 Scotland is a wealthy country but the wealth is not shared equally. There are areas and pockets of social and economic disadvantage, poverty, poor qualifications, low income and poor housing and a lack of access to jobs. The headline figure is that **"1 in 4 children in Scotland live in poverty"**.

3.2 To address this disadvantage and discrimination the SG proposal is to introduce a new duty on the main public bodies to think about how it can tackle poverty and inequality when “big decisions” are being made that affect everyone.

3.3 The affected bodies are, Scottish Ministers and Departments, Local Councils, NHS Health Scotland, Health and Social Care Integrated Joint Boards, Regional Health Boards, Scottish Police Authority, Highlands and Islands Enterprise and Scottish Enterprise.

3.4 The so called “big decisions” will include, new housing in a local area, helping to grow the local economy and create new jobs, new buildings, community woodlands, crime prevention and transportation.

4.0 HOW DO WE MEASURE THIS?

4.1 For many local councils tackling disadvantage and reducing inequalities are already core areas of their business models and service delivery mechanisms and this new duty will provide further impetus for that work and give it a statutory basis. The SG is to prepare a guide for users and will expect “Poverty and Inequality Impact Statements” to be prepared for any big decisions and investments. There is also an expectation that “Fairness Commissions” will be adopted across Scotland.

4.2 Councils and others will also be expected to involve people who have lived in poverty and listen to their experiences. Bodies such as the Poverty Truth Commission already exist and help people who have experienced poverty to be involved in discussions.

5.0 EXAMPLES OF STRATEGIC DECISION MAKING

5.1 In any strategic decision-making process, public authorities need to be aware of the inequalities of outcome, caused by socio-economic disadvantage, that they are dealing with in each case.

5.2 The Consultation Paper provides a series of useful case studies relating to,

- Development of an urban housing plan
- A significant investment decision within an Economic Development Strategy and,
- Re-provisioning a mental health hospital

5.3 The examples show how to test options with local people, how to mitigate negative impacts and running a road show in local secondary schools to encourage career development. In each case the local authority must demonstrate how it has complied with the new socio-economic duty and consultations, and how it can impact on and improve the final decision.

6.0 HEADS OF PLANNING SCOTLAND (HOPS) COMMENTS

1. HOPS welcomes the new socio-economic duty with its emphasis on working towards tackling poverty and inequality across Scotland and councils and national bodies are held to account in evidencing their decision making assessments. It is particularly pleasing that Scotland will be the first of the UK regions to implement this legislation and demonstrates further the wider ambitions of the Scottish Government.
2. This is not legislation which should be seen in isolation to all the other related initiatives and working groups/arrangements currently pursued by local councils. This is particularly so in the area of local community planning and regeneration and deprived areas.
3. HOPS considers that the new duty will add a further, fresh dimension to the decision-making processes within councils and other public authorities and it has the potential to contribute to better investment and locational decisions.
4. There is a clear relationship and linkage between this new duty and the proposed reforms in the planning system relating to place making, quality of places and the desire for more effective engagement, more involvement with the local community and broader participation from different sections of the local community, including young people.
5. There is obviously a lengthy list of requirements and constraints which influence every project from its initial conception to its implementation on the ground and it may well be that factors other than socio-economic factors, such as cost, availability of land and deliverability will dictate the final outcome. It is however important that the process is transparent and that effective engagement with all the relevant groups of interest is demonstrated.
6. The fact that the duty will not be prescriptive is fundamentally important as there are a range of factors including “best value” and budget constraints which may have an overall impact on any final decision. It is right however that any final decision cannot be made solely on the socio-economic duty.
7. It is clear to HOPS that there is considerable overlap with other legislation and duties related to child poverty, community empowerment education and equality, and human rights legislation. It will be important to develop national guidance to link the different agendas across Scottish Government and to provide the opportunity for sharing good practice.
8. The specific references to land use planning areas of interest is noted and it is essential that these aspects are also covered off in the new planning reforms, anticipated to be included in a Planning Bill later this year.
 - Preparation of the Local Development Plan
 - Production of a housing strategy or business plan.
 - Economic development /regeneration strategy
 - City Deals or other major investment plans.
 - The new emphasis to be placed on infrastructure provision and the clear spatial and economic links between planning and transportation networks and access.
9. HOPS appreciates that these are examples and not an exhaustive list of matters which the Local Planning Authority (LPA) requires to explicitly consider as part of their socio-economic responsibilities. Other areas may also include the new Local Place Plans, if they are pursued, and the refreshed approach to Simplified Planning Zones. Masterplans would also be an area for consideration. It would be helpful to LPAs if the Scottish Government were to spell out in more

detail the practical implications of this new duty, specifically for planning processes and assessments, so that each LPA is clear on the use of these new powers. HOPS is willing to assist the Scottish Government in taking forward this workstream, in association with other agencies such as the Improvement Service, Royal Town Planning Institute (RTPI) and Convention of Scottish Local Authorities (COSLA).

- 10.** All the public bodies should be required to summarise the impacts of the new duty on budget setting, work planning and decision making to share “lessons learned” and to identify any particular issues associated with the new duty.
- 11.** Tackling poverty and inequality are already key areas of spend an activity for most local authorities and there is a wealth of research, actual case studies and impact assessments. The fact that there are still large areas in urban areas and rural pockets of poverty and inequality indicates that more needs to be done at all levels of government to integrate this new duty with all the other legislation and initiatives to ensure it is adding real value to existing processes and is not simply an additional duty just for the sake of it.
- 12.** The key HOPS message about interlinking legislation and initiatives was reinforced recently with the publication of the Scottish Government’s “Programme for Government”. The Programme includes future Bills on Climate Change, Crown Estate, Transport and Warm Homes. These will all complement each other and planning will have a critical coordinating role to perform at national and local level.

HEADS OF SCOTLAND RESPONSE TO THE SPECIFIC QUESTIONS

QUESTION 1

Do you agree that the definitions are reasonable and should be included within the forthcoming SG guidance on the socio-economic duty?

HOPS considers that the new duty and definitions are explained well in the consultation documents and in plain language. The “easy read” version is particularly helpful in presenting the overview clearly.

HOPS agrees with the focus on disadvantaged places and communities of interest and this has a direct relationship to spatial and economic planning strategies, which can be developed further.

As stated in the Conclusions above, HOPS considers that it will be necessary to further develop the example case studies and to provide a more definite and definitive list of what exactly is included in “decisions of a strategic nature”.

HOPS has included its full consultation response with context and background from a planning perspective.

QUESTION 2A

Do you agree that the duty should apply to the named Scottish public authorities? If not please specify which authority you do not think it should apply to.

The list of public bodies is appropriate but there are other organisations and bodies which may also benefit from inclusion. Other possible suggestions could include, Visit Scotland and the Scottish Funding Council.

Community Planning Partners will play a key role in this overall process and should be included.

QUESTION 2B

Do you think the duty should apply to any other public authorities?

It would seem sensible to include Strategic Transportation Partnerships (STPs) as the spatial and community links between transportation, access and planning strategies and outcomes are interconnected, although STPs are not specifically listed in the 2010 Act.

QUESTION 3A

Do you have any comments on the steps set out in Section 3?

The 4 steps outlined in the Paper are reasonable and used by some authorities at present. The link in to Local Outcome Improvement Plans (LOIPs) is important and will set the context for this new duty. As HOPS stated earlier the linkages between Local Development Plans, LOIPs and possible New Local Place Plans needs to be clarified to avoid confusion and duplication.

QUESTION 3B

What other actions could public authorities take to demonstrate that they are meeting the duty?

HOPS considers that there are existing mechanisms which need to be integrated in to this new duty. For example, Equality Impact Assessments (EQIAs) and for LPAs the new Environmental Impact Assessment Reports, which includes economic, environmental and climate factors.

QUESTION 3C

Could you offer suggestions as to how public authorities could improve budgetary analysis and reporting so as to take better account of inequalities related to socio-economic advantage?

Budgets need to be cross-cutting and re-aligned to move away from specific, traditional portfolios and services.

Separate, realigned budgets need to be assembled to cover socio-economic factors and impacts. It is important that "spend interventions" can be provided at different geographical and spatial levels, to be able to evidence impacts on different communities and places.

QUESTION 3D

Can you offer examples of how public authorities and others have made best use of people with direct experience of poverty?

HOPS is not in a position to provide examples.

QUESTION 3E

What kind of guidance and support on meeting the duty would be most useful for public authorities?

A definitive list for LPAs and Councils to ensure appropriate coverage as outlined earlier. It may also be useful to include an assessment for all national and major planning applications in the new duty.

A prescriptive approach rather than a flexible approach is preferred by HOPS to avoid areas of inconsistent methodologies and approaches to this important topic. In terms of overall evidence gathering, and monitoring and reporting, it is paramount that the approaches taken by LPAs use the same definitions and list of the “big decisions”.

QUESTION 3F

Do you have any view on whether public authorities should use existing monitoring frameworks to track whether the socio-economic duty is making a difference to outcomes over the long term?

HOPS has no specific experience to share but believes that where existing monitoring frameworks are established and working satisfactorily they should be utilised to avoid any increases in existing workloads.

QUESTION 4A

Once the new duty is introduced the Scottish Government is keen for public authorities to look strategically across all planning processes in place to maximise their impact. What could public authorities and the Scottish Government do to make sure that the links between the different duties are managed effectively within organisations?

This is a critical area for HOPS and LPAs, particularly with the advent of City Deals, and new Regional Partnerships replacing Strategic Development Areas and Plans.

With the emerging Planning Review placing a renewed emphasis on the quality of places, and more focus on effective community engagement and consultation on the plans and strategies which affect people, it is clearly important that the different Ministerial Portfolios need to recognise and be aware of the linkages across them and the fact that many duties and powers placed on Councils are not mutually exclusive but integrated and aligned.

The recent Programme for Government announced by the First Minister is an example of this where separate legislation is planned for areas such as planning, transportation, carbon reduction, climate change education etc. and these can be inextricably linked to each other in any approaches taken to reduce poverty and inequality in an holistic manner.

QUESTION 4B

Can you offer examples of good practice in taking an integrated approach to issues such as poverty, equality and human rights?

HOPS is not able to provide examples.

