

Annex B

CONSULTATION QUESTIONS

Question 1 – Do you agree with the approach the Scottish Government has taken in seeking to align SEPA’s General Purpose with the National Performance Framework?

Yes No

Please explain your view

Citizens Advice Scotland, its 61 member bureaux, consumer helpline and Extra Help Unit form Scotland’s largest independent advice network. CAB advice services are delivered using over 250 service points throughout Scotland, from the islands to city centres, and through our helplines. Together, the Citizens Advice Service in Scotland helped 300,000 people with nearly 1 million issues in 2013/14.

On 1st April 2014, the roles and responsibilities of Consumer Futures were transferred to the Citizens Advice Service, encompassing Citizens Advice Scotland and our sister organisation Citizens Advice (England and Wales). Citizens Advice Scotland now represents the interests of citizens and consumers in essential regulated markets including energy, post and, in Scotland, water. Our aim within the water industry is to challenge and shape policy to ensure it reflects the needs of consumers. Citizens Advice Scotland, therefore, welcomes the opportunity to respond, as part of our new role as a statutory consultee and consumer representative organisation, to this consultation on the Statutory Guidance on the General Purpose for the Scottish Environment Protection Agency and its contribution towards Sustainable Development.

Citizens Advice Scotland notes the statement at Paragraph 3.7 of the Statutory Guidance: *“Alignment with the NPF will help SEPA as an organisation manage the balancing judgements required in carrying out its functions to reflect the range of environmental, social and economic factors that underpin long term wellbeing and prosperity”*. We generally welcome the Scottish Government’s proposal to align SEPA’s General Purpose with the Scottish Government’s National Performance Framework (NPF). Citizens Advice Scotland believes this approach will provide SEPA with a clear policy and service delivery framework, and help to ensure that SEPA develops measurable outcomes and indicators which complement, and are aligned with, the National Outcomes outlined in the NPF. This, in turn, will strengthen SEPA’s capacity to protect and improve the environment, and support and encourage its plans to become a better environmental regulator.

Citizens Advice Scotland takes the view, however, that in order to support these aims it is important that the Scottish Government should also align SEPA’s General Purpose and the Statutory Guidance with the Community Empowerment legislation currently being considered by the Scottish Parliament’s Local Government and Regeneration Committee. This legislation places community planning partnerships on a statutory basis, and will potentially have a significant impact upon SEPA, given its role as a ‘Community Planning Partner’ under Schedule 1 of the legislation. It is anticipated that the impact of the new legislation could be particularly significant in

terms of SEPA's engagement, in its role as a community planning partner, with other bodies and agencies, as well as with communities across Scotland.

The Community Empowerment legislation, for example, will require community planning partners, including SEPA, to participate in community planning with the aim of improving local outcomes through the provision of services delivered by or on behalf of the community planning partners. Significantly, these local outcomes must be consistent with the national outcomes which the Scottish Ministers will develop and consult on under Section 1 of the legislation. Furthermore, community planning partnerships will be under a duty to make all reasonable efforts to secure the participation of appropriate bodies in the community planning process. For the purpose of the legislation SEPA is also defined as a 'public service authority'. This means that SEPA will be under a duty to comply with 'participation requests' from 'community participation bodies', including community controlled bodies, community councils or other bodies designated by the Scottish Ministers. Such requests are designed to permit the community participation bodies to engage in an outcome improvement process, where the latter believes it could make a contribution to improve the outcome of a service. The public service authority must then agree to the request for dialogue unless there are reasonable grounds for declining the request. Citizens Advice Scotland believes that these factors highlight the need to ensure that SEPA's General Purpose and the Statutory Guidance are aligned not only with the NPF, but also with the proposed provisions of the Community Empowerment Bill.

Question 2 – Does the Statutory Guidance reflect the wider ambitions of the Scottish Government's public service reform agenda?

Yes No

Please explain your view

Citizens Advice Scotland takes the view that the Statutory Guidance should be strengthened to clarify the interface between the guidance and the Community Empowerment Bill, and in particular SEPA's duties as a community planning partner under the legislation. The need for this change is underlined by the Scottish Government's and COSLA's Statement of Ambition for Community Planning and Single Outcome Agreements, which highlights the key role of community planning within the public service reform process: *“Effective community planning arrangements will be at the core of public service reform. They will drive the pace of service integration, increase the focus on prevention and secure continuous improvement in public service delivery, in order to achieve better outcomes for communities”*.

Citizens Advice Scotland believes that updating the Statutory Guidance to reflect the above change, and the alignment of SEPA's General Purpose with the NPF, will help SEPA to develop both its regulatory role and its work to protect and improve the environment in other areas including, for example, in partnership working, in education, in promoting behavioural change and in innovation. We also believe this

could support SEPA to become more public facing, and strengthen its approach to public engagement to ensure that communities and consumers are seen as valued partners in addressing long term sustainable development issues. Citizens Advice Scotland considers that this will, in turn, reinforce SEPA's capacity to deliver the High Level Outcomes outlined in the Statutory Guidance, as well as the National Outcomes outlined in the NPF.

Question 3 – Do you agree with this guidance being presented in a single document?

Yes No

Please explain your view

We believe that presenting the Statutory Guidance in a single document will provide useful clarity to SEPA in terms of how it should deliver its General Purpose. It will also help to simplify the policy and regulatory landscape within which SEPA will be expected to deliver its General Purpose, and to deliver its plans to become a better environmental regulator.

Question 4: Do you agree with the proposed Ministerial Expectations beneath the High Level Outcomes for SEPA?

Yes No

Please explain your view

Citizens Advice Scotland agrees with the proposed Ministerial Expectations beneath the High Level Outcomes for SEPA. We believe, however, that the Ministerial Expectations should include a strong focus on the synergy between these expectations, and SEPA's proposed duties and responsibilities under the Community Empowerment Bill. As part of this process, Citizens Advice Scotland considers that the Ministerial Expectations should highlight the need for SEPA to develop its consultation and engagement with the public sector, with the private sector and with the third sector, and with communities and consumers across Scotland. Citizens Advice Scotland considers that this will underline Scottish Ministers' policy intent and, therefore, help to ensure that SEPA takes an integrated, partnership based approach to protecting and improving the environment.

RESPONDENT INFORMATION FORM for Consultation on Statutory Guidance for the General Purpose of SEPA and its contribution towards sustainable development

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately



1. Name/Organisation

Organisation Name

Citizens Advice Scotland

Title Mr Ms Mrs Miss Dr Please tick as appropriate

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Beattie-Smith

Forename

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3. Permissions - I am responding as...

Individual / Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes