

LOCAL GOVERNMENT IN SCOTLAND ACT 2003

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 2 – Community Planning

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.