23 September 2014

Dear Sirs

Scottish Parliament Local Government and Regeneration Committee
Written submission on the Community Empowerment (Scotland) Bill

Thank you for the opportunity to give evidence to the Local Government and Regeneration Committee as part of Stage 1 consideration of the Community Empowerment (Scotland) Bill. We welcome the opportunity.

There are two elements of the bill which are relevant to Scottish Water:

Community Right to Request Rights in Relation to Property

Scottish Water is supportive of the principle of communities being given the opportunity to submit “Asset Transfer Requests” to public sector bodies whereby they can request a transfer of ownership or use of land belonging to such bodies. We believe there will be situations where such transfers will be mutually beneficial.

Scottish Water would welcome more detailed guidance when the Bill is enacted regarding the framework within which decisions over transfer requests are to be made by the relevant authorities, although we recognise that guidance cannot cover the myriad of circumstances that may apply to specific requests. We would highlight some areas where there could be strong drivers for Scottish Water to wish to retain an asset and would welcome guidance in areas such as:

- How public authorities with a pan-Scotland remit should seek to balance local community interests with their wider customer base in dealing with transfer requests.

- How to balance transfer requests which may be less than market value/rent with obligations under the Scottish Public Finance Manual and Section 48 of the Water Industry (Scotland) Act 2002 to achieve market value for disposals.

- The appeals process to Scottish Ministers, including sufficient detail and safeguards to prevent the appeals process from being used for spurious or vexatious purposes. In addition, if the relevant authority only wants to lease out a site rather than sell it or does...
not accept the purchase price/rent offered by the community, will these in themselves be grounds for an appeal?

- In the case of assets which have renewables potential, balancing Scottish Water’s duties under the Water Resources (Scotland) Act 2013 to promote the use of its assets for the generation of renewable energy against a desire by a local community to utilise such assets for a different purpose.

**Improve and extend Community Right to Buy**

Scottish Water is supportive of the proposals to improve and extend the Community Right to Buy and the principle of urban communities being given the opportunity to exercise right to buy powers broadly similar to those enjoyed by rural communities in Scotland at present. We have however highlighted the need for clear and unambiguous definitions of what is a “community” in urban areas and believe that community bodies require to be underpinned by strong governance provisions.

I hope this information is helpful and I am very happy to provide further information if that would be useful.

Yours faithfully

Archie Macgregor  
**Land and Property Development Manager**