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Convener

Local Government and Regeneration Committee

Room T3:40

The Scottish Parliament

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In 2014 Scotland Welcomes the World



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Dear Kevin,

## COMMUNITY EMPOWERMENT (SCOTLAND) BILL

When my predecessor, Derek Mackay, gave evidence to the Committee on the Community Empowerment (Scotland) Bill on 12 November, some questions were raised about timescales for asset transfers. Members of the Committee have heard that some local authorities are currently not dealing with requests timeously, which can cause problems for community groups, particularly in relation to funding.

The previous Minister said at the Committee meeting that there is provision in the Bill to set timescales in secondary legislation, if that is felt necessary. We thought it might be helpful to provide more detail of those powers in writing.

- Section 55(7) and (8) state that the relevant authority's decision on a request must be set out in a decision notice which must be issued within a period prescribed in regulations, or such longer period as may be agreed between the relevant authority and the community transfer body.
- If a decision notice is not issued within the prescribed period, the community transfer body may bring an appeal or seek a review to have a decision made, under section 58(1)(c) or 59(1)(b)(iii).
- If the request is agreed, section 56(3) requires the relevant authority to give the community transfer body at least 6 months to submit an offer for the property in response to the decision notice.
- Section 56(5) and (7) allow a further 6 months for a contract to be concluded. This period can be extended, either by agreement between the relevant authority and the community transfer body, or at the direction of Scottish Ministers at the request of the community transfer body (for example to allow time for fundraising).

- Ministers will also have powers to make regulations specifying the procedures to be followed in relation to asset transfer requests, under section 54(2)(b), and in relation to appeals (s.58(3)) and review (s.59(3)). These regulations could also include time limits for different parts of the procedures.

I should also emphasise that the Bill will, for the first time, introduce a statutory right for community bodies to make asset transfer requests, and a duty for public authorities to respond to requests reasonably and transparently. It will no longer be a discretionary issue for local authorities, and that will make a difference to the approach they take.



**MARCO BIAGI**