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1 August 2014

Dear Kevin

## Re: Policy Memorandum on the Community Empowerment (Scotland) Bill

Thank you for your letter of 25 June seeking further information regarding the Community Empowerment (Scotland) Bill.

We recognise the issue you raise about making it easier for stakeholders to provide comment on the draft provisions and welcome the opportunity to provide clarification. One of the concerns raised to us through our extensive engagement with stakeholders was that people can be put off by lengthy documents with a great deal of detail. We aimed, therefore, in the Policy Memorandum to provide a succinct and broad overview of the policy underlying the Bill as a whole and each Part individually.

The Policy Memorandum is, of course, only one of the suite of documents that accompany the Bill. Taken with the additional detail in the Explanatory Notes, the Delegated Powers Memorandum and the Financial Memorandum, we hope that stakeholders have access to information that will help them understand the Bill's policy aims and detailed provisions. These documents were highlighted to stakeholders when we circulated the link to the published Bill. Where we feel that the detail provided in those other documents answers your questions, we have referred to them in this response.

I am sorry that we omitted to inform the Committee of the publication of the analysis of responses to the *Consultation on the Community Empowerment (Scotland) Bill*, and we apologise for that. The link was belatedly sent to your team on 8 July. All relevant documents can be found on our website at:

<http://www.scotland.gov.uk/Topics/People/engage>

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We do not feel it is practicable to set out policy justifications or consultation responses for each section of the Bill individually. The provisions in each Part are intended to work as a whole to provide processes which will achieve the policy objectives. The Bill has developed from a long and inclusive process in which there has been extensive engagement with stakeholders. While specific consultation questions have been asked about some aspects, others have grown more organically from general comments made in the consultation, in evidence to the Committee and in wider engagement, as well as existing good practice. We welcome comment from the Committee and from stakeholders, during the process of Stage 1, on where they feel the provisions might be improved to achieve the policy objectives.

In relation to guidance or regulations, details of the purpose of secondary legislation is provided in the Delegated Powers Memorandum. We do not anticipate drafts of guidance or regulations being available during Stage 1. These will be developed with the participation of stakeholders following the passage of the Bill through Parliament. This will allow us to take account of comments made at Stage 1 and any amendments made to the Bill during Stages 2 and 3.

Your questions range over the whole of the Bill and are often linked in to each other. We have attempted to provide the information requested in as straightforward a format as possible, combining questions within a single response where we thought it appropriate.

Please do not hesitate to seek further clarification on any aspect of the Bill as you think necessary. As indicated previously, my officials are happy to provide informal oral briefing to the Committee and Clerks if that would be useful.



**DEREK MACKAY**