

PE2056/I: Introduce legislation allowing Scottish Ministers to intervene on the hire of public land

Cabinet Secretary for Finance and Local Government written submission, 2 May 2025

Thank you for your letter of the 21 March 2025 regarding the petition on introducing legislation allowing Scottish Ministers to intervene on the hire of public land. Noting your request for a reply by 22 April 2025, please accept my apologies for not responding sooner.

As previously advised, the Scottish Government's position on this proposal remains unchanged from the response issued by the previous Minister for Local Government Empowerment and Planning on the 1 February 2024.

The Scottish Tourism Alliance submission does not change our position, and the Scottish Government would not consider introducing a mechanism to allow it to intervene, where a local authority has not provided a sound reason for refusing an application for the hire of public land. Local and national government have committed to respecting each other's democratic mandates as part of the Verity House Agreement. It would be against the principles set out in this agreement for the Scottish Government to intervene in decisions relating to the hire of public land owned by local authorities, or pass judgement on what is, or is not, a "sound reason" for refusing an application. It is the view of the Scottish Government that locally elected representatives are in the best possible position to judge whether the hire of local land is in the best interests of the local community. Ministers would hope that local authorities would make a balanced decision in relation to applications to hire public land, factoring all relevant considerations to ensure decisions best help achieve the shared priorities between local and national government to best meet the needs of the local communities they serve.

As previously advised, the Scottish Government is of the view that a suitable mechanism already exists for individuals or businesses who wish to raise concerns about a decision taken by a local authority, through council's formal complaints procedures and the Scottish Public Services Ombudsman. Matters can also be raised with Local Councillors.

I hope this response provides clarity on the Scottish Government's position on this proposal.

Yours sincerely,

SHONA ROBISON