

Citizen Participation and Public Petitions Committee

4th Meeting, 2024 (Session 6), Wednesday 6
March 2024

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

Petitioner	Stephen Gauld
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to introduce legislation providing Ministers with the power to “call in” and potentially override council decisions on the hire of public land for large scale events.
Webpage	https://petitions.parliament.scot/petitions/PE2056

Introduction

1. This is a new petition that was lodged on 23 October 2023.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee’s consideration of the petition and can be found at **Annexe B**.
4. Every petition can collect signatures while it remains under consideration. At the time of writing, 7 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.
6. A submission has been provided by the petitioner. This is included at **Annexe D**.

Action

The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

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

Petitioner

Stephen Gauld

Date lodged

23 October 2023

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to introduce legislation providing Ministers with the power to “call in” and potentially override council decisions on the hire of public land for large scale events.

Previous action

My company has raised this matter with the following:

- Council officials including the heads of land hire departments
- Our local MSP Rona Mackay
- Scottish Government Ministers including the Minister for Independence
- The Scottish Government’s Director of Culture and Major Events
- Neale Hanvey MP
- Local councillors
- The Scottish Land Commission
- The Scottish Public Services Ombudsman (SPSO).

We have also sought legal advice from lawyers in Edinburgh and Glasgow, and engaged our public relations company to assist in contacting the bodies referred to above. We are continually refused engagement.

Background information

Despite having a very good track record with loads of experience of delivering large scale events, my business has, since 2006, tried to hire land from councils but we have been continually refused. Reasons given have included not wanting land to be damaged, being too close to a residential area, and in one case not allowing us to book the event space in case someone else wanted to book it. When trying to address these concerns, we have been fobbed off and declined meetings, this includes several attempts to meet with the Chief Executives for Glasgow and Edinburgh City Councils.

There does not appear to any reason for local councils to behave the way they are, other than they have their own agenda, which excludes anyone they don't want to engage with.

Having spoken to other business owners, we have become aware we are not the only people this is happening to.

Annexe B



The Information Centre
An t-Ionad Fiosrachaidh

Briefing for the Citizen Participation and Public Petitions Committee on petition PE2056: calling for the introduction of legislation allowing Scottish Ministers to intervene on the hire of public land, lodged by Stephen Gauld.

Brief overview of issues raised by the petition

The petitioner operates an events-related business. He is frustrated at local authorities refusing his requests to use council-owned land for events he would like to run. As such, he wants to see legislation introduced to the Scottish Parliament which would enable the Scottish Government to intervene in cases where local authorities refuse to hire out land to private companies.

Background information

Since 1999, the Scottish Parliament has had legislative competence over local government and is able to enact primary and secondary legislation which impacts local authorities. However, councils are also separate entities with their own democratic mandates and local priorities; they are not delivery agents of the Scottish Government.

As it stands, it is generally up to local authorities to determine how they use their land and property. There is no legislation in place which compels councils to hire out their facilities to private businesses if they choose not to do so.

Since the 1878 Public Parks (Scotland) Act, local authorities have owned, maintained and ensured public access to green recreational

space. The petitioner specifically mentions Edinburgh and Glasgow councils. More information is available below on the terms and conditions, and prices, of hiring venues and land for events:

[Parks and Greenspace | Culture Edinburgh](#)

[Events - Glasgow City Council](#)

There are some situations in other policy areas where communities and individuals can appeal to the Scottish Government when decisions made by councils are contested. For example, with community asset transfers, the [2015 Community Empowerment Act](#) includes provision for community transfer bodies to appeal to Scottish Ministers should local authorities refuse asset transfer requests (after an internal review process has been followed). All such appeal cases are listed here: [Scottish Government - DPEA - Case List \(scotland.gov.uk\)](#)

Furthermore, the petitioner uses the term “to call-in”. Section 46 of the [Town and Country Planning \(Scotland\) Act 1997](#) allows Scottish Ministers to direct that a particular planning application, or particular class of planning application, be referred to them for their decision, a process known as ‘calling-in’ an application. Scottish [Ministers issued a statement in June 2023](#) setting out the circumstances under which they would consider calling-in an application for planning permission, typically where “...the application raises significant issues for planning policy or the operation of the planning system.”

The relevance of the Verity House Agreement

The petitioner is calling for legislation which would allow the Scottish Government to override decisions made by councils in the running of their day-to-day business. In the [Scottish Government’s response](#) to the petition, the Minister for Local Government Empowerment mentions the [Verity House Agreement](#) and states that:

“As long as they act lawfully, it is up to each democratically-elected council how it manages its day-to-day business and decision-making processes. Scottish Ministers have very little power to intervene and this is not a situation where they could do so. Ultimately, it is for locally elected representatives to make local decisions on how best to deliver services to their communities.”

The Scottish Government and COSLA signed the Verity House Agreement in June last year. This endorsed the maxim “local by default,

national by agreement". The Scottish Government's submission states that local and national government are committed to respecting each other's democratic mandates. However, [as the petitioner points out](#), the Verity House Agreement is not a legally binding document.

Greig Liddell
Senior Researcher
27 February 2024

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C

Scottish Government submission of 9 February 2024

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

Please accept my apologies for providing a response to this petition at such a late date. There was a delay in this being passed to my officials for consideration.

I can advise you that this is not a matter that the Scottish Government can intervene in. Local and national government have committed to respecting each other's democratic mandates as part of the Verity House Agreement.

As long as they act lawfully, it is up to each democratically-elected council how it manages its day-to-day business and decision-making processes. Scottish Ministers have very little power to intervene and this is not a situation where they could do so. Ultimately, it is for locally elected representatives to make local decisions on how best to deliver services to their communities.

Once again, please accept my apologies for the delay in providing this response. I do hope, however this reply is of some assistance.

Yours sincerely

JOE FITZPATRICK MSP

**MINISTER FOR LOCAL GOVERNMENT EMPOWERMENT AND
PLANNING**

Annexe D

Petitioner submission of 23 February 2024

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

We are fully aware that Scottish Government cannot, at the moment, intervene, this is why we have submitted the petition; it is the only option citizens have to achieve a badly needed reform to the law.

The Scottish Government, as well as the Citizen Participation and Public Petitions Committee, deal with Scotland-wide issues. Local authorities, as the Scottish Government response notes, deal with local issues. The subject of this petition is a Scotland-wide issue, and in my view falls squarely within the remit of the Scottish Government and the Committee. This is exactly how this should work, it is the whole point of having a Citizen Participation and Public Petitions Committee.

The Scottish Government response mentions the Verity House Agreement which became active in July 2023 and had already been breached in October 2023 by the Scottish Government but is now being quoted as if it is law, it is not. The Verity House Agreement is not a legal document and states this within the document, and it is unacceptable that the Government would defer to the Verity House Agreement, which looks no more than a behind closed doors agreement with no specifics or substance.

We are not asking local authorities for services, businesses such as ours pay for the hire of the land and associated event costs, giving councils the opportunity to raise funds for themselves, boost the local economy, and leave a positive social impact on the area. A situation where everybody wins.