



# Community Empowerment (Scotland) Act 2015

2015 asp 6

## PART 3

### PARTICIPATION REQUESTS

#### *Decisions about participation requests*

#### **24 Participation requests: decisions**

- (1) This section applies where a participation request is made by a community participation body to a public service authority.
- (2) The authority must decide whether to agree to or refuse the participation request.
- (3) In reaching its decision under subsection (2), the authority must take into consideration the following matters—
  - (a) the reasons set out in the request under section 22(2)(b),
  - (b) any other information provided in support of the request (whether such other information is contained in the request or otherwise provided),
  - (c) whether agreeing to the request mentioned in subsection (2) would be likely to promote or improve—
    - (i) economic development,
    - (ii) regeneration,
    - (iii) public health,
    - (iv) social wellbeing, or
    - (v) environmental wellbeing,
  - (d) whether agreeing to the request would be likely—
    - (i) to reduce inequalities of outcome which result from socio-economic disadvantage,
    - (ii) to lead to an increase in participation in the outcome improvement process to which the request relates by persons who experience socio-economic disadvantage,

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*Status: This is the original version (as it was originally enacted).*

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- (iii) otherwise to lead to an increase in participation by such persons in the design or delivery of a public service the provision of which results in, or contributes to, the specified outcome mentioned in the request,
  - (e) any other benefits that might arise if the request were agreed to, and
  - (f) any other matter (whether or not included in or arising out of the request) that the authority considers relevant.
- (4) The authority must exercise the function under subsection (2) in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements.
- (5) The authority must agree to the request unless there are reasonable grounds for refusing it.
- (6) The authority must, before the end of the period mentioned in subsection (7), give notice (in this Part, a “decision notice”) to the community participation body of—
- (a) its decision to agree to or refuse the request, and
  - (b) if its decision is to refuse the request, the reasons for the decision.
- (7) The period is—
- (a) a period prescribed in regulations made by the Scottish Ministers, or
  - (b) such longer period as may be agreed between the authority and the community participation body.
- (8) The Scottish Ministers may by regulations make provision about—
- (a) the information (in addition to that required under this Part) that a decision notice is to contain, and
  - (b) the manner in which a decision notice is to be given.

## **25 Decision notice: information about outcome improvement process**

- (1) This section applies where a public service authority gives a decision notice agreeing to a participation request by a community participation body.
- (2) Where the authority at the time of giving the notice has established an outcome improvement process, the decision notice must—
- (a) describe the operation of the outcome improvement process,
  - (b) specify what stage in the process has been reached,
  - (c) explain how and to what extent the community participation body is expected to participate in the process, and
  - (d) if any other person participates in the process, describe how the person participates.
- (3) Where the authority at the time of giving the notice has not established an outcome improvement process, the decision notice must—
- (a) describe how the proposed process is intended to operate,
  - (b) explain how and to what extent the community participation body which made the participation request is expected to participate in the proposed process, and
  - (c) if any other person is expected to participate in the proposed process, describe how the person is expected to participate.

## **26 Proposed outcome improvement process**

- (1) This section applies where a public service authority gives a community participation body a decision notice as mentioned in section 25(3).
- (2) The community participation body may make written representations in relation to the proposed outcome improvement process.
- (3) Any representations under subsection (2) must be made before the end of the period of 28 days beginning with the day on which the notice is given.
- (4) Before giving notice under subsection (5), the authority must take into consideration any representations made under subsection (2).
- (5) The authority must, before the end of the period of 28 days beginning with the day after the expiry of the period mentioned in subsection (3), give a notice to the community participation body containing details of the outcome improvement process that is to be established.
- (6) The authority must publish such information about the process as may be specified in regulations made by the Scottish Ministers.
- (7) The authority must publish the information mentioned in subsection (6) on a website or by other electronic means.

## **27 Power to decline certain participation requests**

- (1) Subsection (2) applies where—
  - (a) a participation request (a “new request”) is made to a public service authority,
  - (b) the new request relates to matters that are the same, or substantially the same, as matters contained in a previous participation request (a “previous request”), and
  - (c) the previous request was made in the period of two years ending with the date on which the new request is made.
- (2) The public service authority may decline to consider the new request.
- (3) For the purposes of subsection (1)(b), a new request relates to matters that are the same, or substantially the same, as matters contained in a previous request only if both requests relate to—
  - (a) the same public service, and
  - (b) the same, or substantially the same, outcome that results from, or is contributed to by virtue of, the provision of the public service.
- (4) For the purposes of this section, it is irrelevant whether the body making a new request is the same body as, or a different body from, that which made the previous request.