



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,

Status: This is the original version (as it was originally enacted).

- (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.