

Citizen Participation and Public Petitions Committee  
Wednesday 5 February 2025  
2nd Meeting, 2025 (Session 6)

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

### Introduction

**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>

1. [The Committee last considered this petition at its meeting on 6 March 2024.](#) At that meeting, the Committee agreed to write to COSLA, the Association for Public Service Excellence (APSE Scotland), EventScotland, the Scottish Tourism Alliance, and the Scottish Showmen’s Guild.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee’s last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from EventScotland, the Scottish Tourism Alliance, COSLA, APSE Scotland, and the Petitioner, which are set out in **Annexe C**.
4. [Written submissions received prior to the Committee’s last consideration can be found on the petition’s webpage.](#)
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial position on this petition on 9 February 2024.](#)
7. Every petition collects signatures while it remains under consideration. At the time of writing, 8 signatures have been received on this petition.

### Action

8. The Committee is invited to consider what action it wishes to take.

**Clerks to the Committee**  
January 2025

## **Annexe A: Summary of petition**

### **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 Harvey 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.

**CPPP/S6/25/2/7**

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

## **Annexe B: Extract from Official Report of last consideration of PE2056 on 6 March 2024**

**The Convener:** Item 3 is the consideration of new petitions. For those who might be joining our proceedings online this morning, having heard that a petition that they had submitted was to be considered, I note that, in advance of so doing, we ask the Scottish Government for comment and the Scottish Parliament's independent research unit, the Scottish Parliament information centre, for a briefing on the petition. We do that because, historically, in previous sessions, if we did not do so, that was the first thing that the committee recommended that we do, which often led to an extended delay in our consideration of the issues raised.

The first of the new petitions is PE2056, which was lodged by Stephen Gauld. It calls on the Parliament to urge the Scottish Government to introduce legislation that provides ministers with the power to call in and, potentially, override council decisions on the hire of public land for large-scale events. Mr Gauld tells us that, over a number of years, his business has tried to hire public land for large-scale events but that the requests have been refused by local authorities. He suggests that his is not the only business that has been impacted.

As the SPICe briefing notes, although the Parliament has legislative competence to enact primary and secondary legislation that impacts local authorities, it is generally up to local authorities to determine how they use their land and property. The Minister for Local Government Empowerment and Planning advises that it is not a matter for the Scottish Government to intervene on and refers to the Verity House Agreement, which includes a commitment for local and national government to respect each other's democratic mandates.

We have received a response from the petitioner, Mr Gauld, commenting on the minister's response, emphasising the call for a change in the law and noting that the Verity House Agreement is not legally binding. Do colleagues have any comments or suggestions for action? Mr Ewing, are you thinking of contributing here?

**Fergus Ewing:** I was thinking that the specific action that the petitioner seeks from us is not one that can readily be accommodated. Nonetheless, general questions are raised about the circumstances in which an events body that seeks to hire land gets a blank refusal from local authorities. Why is that? What is the rationale behind it? More information, therefore, would be useful. I appreciate that we do not wish to trespass on the Verity House Agreement and local authorities' responsibilities, but I think that reasonable questions have been asked by the petitioner. I would be reluctant at this fairly early stage to close the petition without at least doing justice to the petitioner by trying to pursue the queries.

Therefore, we should write to the Convention of Scottish Local Authorities, the Association for Public Service Excellence and EventScotland—the VisitScotland directorate that supports Scotland's events industry—seeking their views on the petition and the action that it calls for, including any guidance that they provide to local authorities about developing policies for the hire of public land. In addition to that, it would be useful to see whether there are any private sector tourism bodies

that could assist us in providing useful information—I am not quite sure from whom we might obtain that, but possibly the Scottish Tourism Alliance.

We all want events to be displayed on public land. Local authorities are under a lot of pressure in various ways with funding and so on, but the petitioner raises a reasonable question. Therefore, I would be reluctant to just close down the petition without making some effort to get closer to understanding whether there is a problem with reasonable requests routinely being turned down peremptorily by local authorities.

**David Torrance:** Perhaps we could consider writing to the Showmen’s Guild of Great Britain to see what difficulties it has had, because it is probably the organisation that hires land from local authorities more than anybody else in Scotland.

**The Convener:** Part of me wonders whether some local authorities—perhaps smaller local authorities, which are in locations where such permissions might be being sought—feel that their own resource is such that it is easier to say no than it is to say yes, because saying yes involves them in the administration of certain matters for which they feel that they currently do not have the capacity to take forward. That might be, in part, what underpins their views. I would be interested to know whether COSLA felt that there was any substance to that consideration.

Therefore, with the various suggestions that have been made, we will keep the petition open. Although we accept some of the evidence that we have received, and the comment from the Scottish Government, there are issues here that it would be useful for us to explore.

## **Annexe C: Written submissions**

### **EventScotland written submission, 6 May 2024**

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

EventScotland thanks the Committee for the opportunity to respond to the above-mentioned petition.

With partners, our aim is to raise Scotland's reputation as a world leading events destination. Events have positive economic, social, and cultural impacts across the country throughout the year. Economically, they support thousands of jobs. This is both directly within the events industry itself, as well as wider sectors including hospitality and tourism.

We support and help develop a strong and dynamic events industry for Scotland by:

- attracting, bidding for, and securing major sporting, cultural and business events for Scotland
- helping to develop a diverse portfolio of events
- providing funding opportunities, guidance, access to resources and insight, along with other support

Our understanding with respect to the context of the petition is that it is the decision of each Local Authority (through the appropriate licensing processes) with regards to the hire of public land for large scale events, rather than Scottish Ministers.

In our experience local authorities, through the licensing process, are well placed to consider the various aspects associated with each event (ranging from small to large scale) to ensure the safety, security, and well-being of all involved.

The Committee may also wish to consider this petition in the context of the Verity House Agreement.

### **Scottish Tourism Alliance written submission, 6 June 2024**

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

The Scottish Tourism Alliance (STA) thanks the Citizen Participation and Public Petitions Committee for seeking our views on petition PE2056 lodged,

“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.”

A key driver of domestic and international tourism in Scotland is the hosting of events, helping to support and deliver the national tourism strategy, Scotland Outlook 2030, and the national events strategy, Scotland: The Perfect Stage. Alongside large-scale events, small to medium-sized events also deliver significant benefits for the economy and communities, which play an important role in contributing to our strategic priorities.

The hosting of events is associated with more overnight stays and greater visitor spend in local economies, alongside boosting Scotland's international profile as a perfect stage for major events and encouraging other events to take place.

Where there is no sound reason given in refusing the hiring of land for events and there is a clear case that it delivers a positive local, regional, and national economic impact, alongside social and/or regenerative benefits, then we believe it would be fair that the Scottish Government could have the power granted to challenge the local authority's decision and engage in the decision-making process.

If Scottish Ministers are given the power to intervene, it is important that there is an open and transparent dialogue with local authorities, local communities and businesses, and prospective event organisers to reach an informed decision if an event is to take place, including whether an alternative site can be identified, if needed.

Any decision must be balanced with the potential economic, social and strategic benefits of hosting an event; health and safety; any rerouting of traffic; policing considerations; any commercial issues around use of the land (i.e. it is being marketed for development); and ensuring there is as limited disruption to local residents as possible.

## **COSLA written submission, 5 December 2024**

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

In reply to your request for a response regarding the above petition COSLA currently has no position.

COSLA officials would suggest that SOLAR (Society of Local Authority Lawyers and Administrators in Scotland) might have a view in terms of coordination at a local level, and suggest that the Committee contact SOLAR directly.

## **Association for Public Service Excellence (APSE Scotland) written submission, 20 December 2024**

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

APSE thanks the Committee for the opportunity to respond to this petition.

Following engagement with our membership, it is felt that local authorities are best placed to provide local management of the hire of public land, ensuring that

sustainability and economic outcomes as well as the safety and security of all, together with full engagement from stakeholders can be managed effectively. Such decisions are subject to judicial review by the courts and therefore any disputes regarding decision making would be a matter for the court to adjudicate on should this be the case. As part of the engagement one of our member authorities highlighted... “The importance of managing this locally cannot be underestimated, as there are risks both to local authorities, and also the public, in the event of intervention. Often a group does not hold the required cover for their proposed activities and this can then impact on losses sustained which in these times of challenging budgets, could be a risk to organisations”.

APSE would therefore confirm that managing locally is the most effective way when making decisions regarding the hire of public land, due to local factors and considerations.

## **Petitioner written submission, 16 January 2025**

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

I would like to make the following comments in respect of responses provided to the Committee on my petition.

#### **EventScotland**

EventScotland are part of Visit Scotland and are almost fully funded by the Scottish Government and are a government agency. We were not aware that EventScotland actually put on events themselves and would have the need to hire land, their main purpose appears to be funding or assisting councils with pre-booked larger events, e.g. The Commonwealth Games, furthermore, if they did have the need to hire land, we would not expect a government agency to have the same issues as a private company like ourselves.

Their response stating that the decision to hire land is best placed with councils because of the council licensing process, is in my view completely wrong, land hire is a separate issue. Once permission is issued to use the land, it is at that point dealings with licensing begin. They are not involved in the decision to hire land and any events company hiring land anywhere in Scotland will still have to deal with that particular councils licensing procedures. The breakdown is at the land hire stage, this has no arbitrary procedure whatsoever.

I would remind the committee that The Verity House Agreement is not a legal document, which [as stated in my previous submission](#), has already been breached.

#### **APSE Scotland**

The Association of Public Service Excellence Scotland (APSE) represent over 300 councils in the UK and it is unsurprising that when they asked councils if councils were best placed to make these decisions on land hire that they were happy with the current situation, and would disagree with any changes.



All factors mentioned by APSE, sustainability, safety and engagement with stakeholders is managed through the council's licensing procedure, not through land hire and would take place anyway.

To suggest a judicial review is a staggeringly naive statement, what business can wait 2 years and have a cost of tens of thousands of pounds every time they want to hire public land? Also, to suggest that an organisation does not hold the correct cover is a reflection on the council, this is checked by the council's legal department, and is done at the licensing stage.

Everything is still managed locally through licensing, nothing changes, it is only the operator of the hired land that changes.

## **COSLA**

We are asking for the Scottish Government to be able to overturn a decision taken by land hire departments in the councils, the job the councils' legal departments and administrators do will remain the same as they are only involved when permission is granted to use the land.