

David Stewart MSP  
M1.05  
The Scottish Parliament  
Edinburgh  
EH12 5TZ

Our ref **RB**

Your ref

Ask for  
Phone Direct  
Fax Direct  
Email

Date **11 March 2011**

Dear Mr Stewart,

**RESPONSE TO PROPOSAL FOR MEMBERS BILL IN SCOTTISH PARLAIMENT  
BUILDING (REPAIRS) SCOTLAND BILL**

I refer to the above.

This authority would strongly welcome the strengthening of powers for cost recovery by the use of charging orders in relation to the Building (Scotland) Act 2003.

However whilst strengthening this area we would caution that the wider issues regarding the maintenance of properties will not be resolved by the availability of this mechanism. There are significant resource issues that could accompany increased use of enforcement powers and so the lack of charging orders does not by itself create a barrier to enforcement. Therefore in many circumstances their availability would not automatically generate a rise in the use of discretionary powers.

Yours sincerely

**Manager  
BUILDING CONTROL AND PUBLIC SAFETY**