



The Scottish Parliament
Pàrlamaid na h-Alba

Published 5 June 2020
SP Paper 749
5th Report (Session 5)

Local Government and Communities Committee Comataidh Riaghaltas Ionadail is Coimhearsnachdan

Local Government and Communities Committee Annual Report 2019/20



Published in Scotland by the Scottish Parliamentary Corporate Body.

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Local Government and Communities Committee

To consider and report on communities, housing, local government, measures against poverty, planning and regeneration matters falling within the responsibility of the Cabinet Secretary for Communities and Local Government.



<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/local-govt-committee.aspx>



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Committee Membership



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Sarah Boyack
Scottish Labour



Annabelle Ewing
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Graham Simpson
Scottish Conservative
and Unionist Party



Kenneth Gibson
Scottish National Party



Andy Wightman
Scottish Green Party



Jeremy Balfour
Scottish Conservative
and Unionist Party

Introduction

1. This report covers the work of the Local Government and Communities Committee during the Parliamentary year from 12 May 2019 to 11 May 2020.
2. During this parliamentary year the Committee considered and reported on three important Bills, the Non- Domestic Rates (Scotland) Bill, the Scottish Elections (Reform) Bill and the Period Products (Free Provision) (Scotland) Bill. It undertook several one off evidence sessions and inquiries including Building Regulations and Fire Safety, Alcohol Licensing and the First Tier Tribunal (Housing and Property Chamber). It also began and reported on a new Inquiry into Empty Homes in Scotland. The Committee also considered 29 Scottish Statutory Instruments 17 of which were negative and 7 of which were positive.
3. Unfortunately the Committee's work programme for the latter part of the year was disrupted as a result of the COVID-19 crisis. However, from late April the Committee has been able to hold formal remote meetings to scrutinise the Scottish Government's response to the crisis. The Committee hopes to resume some of its earlier work programme when it becomes safe and practicable to do so.

Membership Changes

4. There were two membership changes during the reporting year:
 - Alex Rowley (Deputy Convener) left the Committee on 11 September 2019 and was replaced by Sarah Boyack.
 - Alexander Stewart left the Committee on 26 February 2020 and was replaced by Jeremy Balfour,

Meetings

5. During the parliamentary year, the Committee met 29 times. Of these meetings 2 were wholly in private and 27 were partly in private. Items taken in private mainly comprised consideration of evidence heard and consideration of draft reports. All meetings were held in Edinburgh.



29

Committee meetings



111

Number of people
who gave evidence



SSIs considered



Reports published



1 Petitions
considered



Witnesses who
gave evidence

Equalities and Engagement

6. The Committee is keen to encourage diversity in the witnesses it invites, and asks organisations to consider this when identifying representatives to speak to the Committee. It has also made it a priority to ensure that under represented groups are able to contribute to the Committee's work and is particularly keen to hear from those with lived experience.
7. Details of the Committee's engagement activity in relation to each piece of work is set out throughout the report.

Committee Members meeting with visitors at Raploch Community Campus, Stirling



Committee Members meeting with key figures in Stirling and Clackmannanshire's City Region Deal at Stirling University including, Malcolm MacLeod, Senior Deputy Principal, University of Stirling, Dr John Rogers, Executive Director Research & Innovation Services, University of Stirling, Ellen Forson, Council Leader, Clackmannanshire Council, Scott Farmer, Council Leader, Stirling Council, Nikki Bridle, Chief Executive, Clackmannanshire Council and Carol Beattie, Chief Executive, Stirling Council.



Legislation

8. During 2019-20 the Committee considered the following three Bills : The Non-Domestic Rates (Scotland) Bill, The Scottish Elections (Reform) Bill and the Period Products (Free Provision) (Scotland) Bill.

Non-Domestic Rates (Scotland) Bill

9. The Committee continued its Stage 1 scrutiny of this Scottish Government Bill which it began the previous Parliamentary year.
10. The Bill delivers most of the recommendations of the Barclay Review of non-domestic rates that were considered to require primary legislation. The Scottish Government Policy Memorandum accompanying the Bill states (at paragraph 5) that its main policy objectives were to:
- Deliver a non-domestic rates system designed to better support business growth and long-term investment and reflect changing marketplaces;
 - Improve ratepayers' experience of the ratings system and administration of the system; and
 - Increase fairness and ensure a level playing field amongst ratepayers by reforming rate reliefs and tackling known avoidance measures.
11. The Committee's call for views closed on 30 May 2019 and it received 367 responses. The majority of these responses were received from parents, teachers and other representatives within the independent school sector. The Committee took oral evidence from a number of policy experts, including a dedicated session with the education sector, which focussed on a proposal in the Bill that independent schools should no longer be able to claim charitable relief from business rates. On 12 June, the Committee visited George Watson's College in Edinburgh to discuss the impact of the bill directly with representatives from the independent school sector.
12. As part of its scrutiny, Members of the Committee visited Kilmarnock on 24 June and Stirling on 10 September to meet with representatives from the local business communities and the third sector and see first hand how well the high street is thriving in Scotland's towns. The Committee concluded its evidence taking on 11 September 2019 with a session with the former Minister for Public Finance and Digital Economy, Kate Forbes.
13. The Committee published its Stage 1 Report on 3 October. It supported the general principles of the Bill, which it concluded were a move towards a more modern and fair ratings system. A majority of the Committee considered that independent schools should no longer be able to claim charitable relief from business rates. Other key findings were:-
- Welcoming the move to change revaluations from every five to three years, reform a "clogged" revaluation appeals system, and speed up the process of debt recovery by councils;

- Supporting reforms to close a known tax loophole to avoid paying any local tax on a holiday home; and
- Concerns that the small business bonus scheme currently contains a 'cliff edge' which stops small businesses expanding because they can not afford the much higher rates.

14. The Government responded to the Committee's report on 10 October. The Committee considered the Bill at Stage 2 over two meetings on 27 November and 4 December. Stage 3 Proceedings were held in the Chamber on Tuesday 4 February 2020. Access to detailed information and documents relating to the Committee's scrutiny are available on [the Committee's Bill page](#). A number of changes the committee promoted in its Stage 1 report were agreed to including amendments to enable a move to digital administration of the system.

Committee Members at George Watson's College



Scottish Elections (Reform) Bill

15. The Scottish Elections (Reform) Bill was introduced by the Cabinet Secretary for Government Business and Constitutional Relations, Michael Russell, on 2 September 2019.

16. The purpose of the Bill was to reform certain aspects of the law relating to Scottish parliamentary and local government elections, including length of terms; the role of the Electoral Commission in elections and to confer functions on the Electoral Management Board for Scotland in relation to Scottish parliamentary elections.
17. The Parliamentary Bureau designated the Standards, Procedures and Public Appointments Committee led Stage 1 scrutiny of the Bill. However, the Local Government and Communities Committee agreed to hold a one-off evidence session on provisions in the Bill concerning local government elections. On 6 November 2019, the Committee took oral evidence from the Electoral Reform Society and the Local Government Boundary Commission for Scotland.
18. The Committee detailed its finding to the the Standards, Procedures and Public Appointments Committee on 28 November. The Committee acknowledged that many of the changes in the Bill would be widely welcomed, It stated that it would have welcomed there being a comprehensive audit of the system of multi-member wards for Scottish local government and associated matters, prior to the introduction of the Bill. On specific provisions, the Committee supported the proposal in the Bill for five-year electoral cycles in local government elections. In terms of councillors per ward, the Committee welcomed measures in the Bill to widen the bandwidth, enabling wards to return anything between two and five members.
19. The Minister for Parliamentary Business and Veterans responded to the Committee on 30 January. Access to detailed information and documents relating to the Committee's scrutiny are available on [the Committee's Bill page](#).

Period Products (Free Provision) (Scotland) Bill

20. This Member's Bill was introduced in the Scottish Parliament by Monica Lennon on 23 April 2019. It sought to make provision for free period products for anyone who needs them. The Local Government and Communities Committee was designated as lead Committee in scrutiny of the Bill at Stage 1.
21. The Committee launched its call for written evidence from 16 September until 5 November 2019. At its meeting on Wednesday 18 December, the Committee took evidence from:
 - Plan International UK
 - Engender
 - Scottish Youth Parliament
 - Unite the Union Scotland
 - On the Ball
 - Universities Scotland
 - COSLA

- Hey Girls
 - The Orkney Partnership (by video link)
 - North Ayrshire Council
22. The Committee also held evidence sessions on 8 January 2020 with the Cabinet Secretary for Communities and Local Government, Aileen Campbell and on 15 January 2020 with Monica Lennon. A Member of the Committee attended the Scottish Youth Parliament's workshop on period products at Dunfermline High School on 27 October to seek the views of young people on the Bill. On 13 January 2020, Committee members attended an event hosted by the Perth and Kinross Association of Voluntary Services to hear from those with direct experience of the issues addressed by the Bill.
23. The Committee's Stage 1 report was published on 5 February. While the Committee was supportive of the intentions underpinning the Bill, the majority of the Committee did not agree with the general principles of the Bill. The majority of the Committee considered that more clarity was required in relation to the costs of implementing a universal scheme and what such a scheme would look like before legislation should be contemplated. Particular concerns were noted about the large disparity between the costs presented in the Bill's Financial Memorandum and the Scottish Government's own estimates.
24. Access to detailed information and documents relating to the Committee's scrutiny are available on [the Committee's Bill page](#).

Committee Members meeting PKAVS to discuss the Period Products (Free Provision) (Scotland) Bill



Subordinate Legislation

25. During the Parliamentary year, the Committee considered 29 Scottish Statutory Instruments of which 19 were negative and 7 were affirmative. Amongst significant instruments considered by the Committee were:

- The [Relevant Adjustments to Common Parts \(Disabled Persons\) \(Scotland\) Regulations 2020](#), which set out the process by which a disabled person may carry out relevant adjustments to common parts of premises if the disabled person uses or intends to use the premises as their only or main home, and a majority of the owners of the common parts consent.
- The [Energy Efficiency \(Domestic Private Rented Property\) \(Scotland\) Regulations 2020](#), which introduce measures to improve the energy efficiency of certain private rented property in Scotland.
- The [Fuel Poverty \(Additional Amount in respect of Remote Rural Area, Remote Small Town and Island Area\) \(Scotland\) Regulations 2020](#), which makes provision for the definition of Remote Rural Area, Remote Small Town or Island Areas as areas where households should have uplifts to the UK Minimum Income Standard (MIS) applied, for the purposes of calculating fuel poverty.

Inquiries and Reports

26. The Committee undertook a number of inquiries over the Parliamentary year.

Empty homes in Scotland

27. The Committee continued its inquiry into empty homes in Scotland towards the end of the last Parliamentary Year. The aim of the inquiry was to explore:

- The extent of, and reasons for, empty homes in Scotland;
- How effective existing legislation and policy is at addressing the problem of empty homes;
- What more can be done to prevent homes remaining empty and to encourage owners to bring them back into use.

28. The Committee's call for views ran from 5 April until 17 May 2019 and received 31 responses. On 15 May the Committee took oral evidence from the Scottish Empty Homes Partnership and Rural Housing Scotland on. On 5 June 2019 it took evidence from Scottish Land and Estates and a number of Councils. On 22 May 2019, the Committee held an informal evidence session with people with lived experience of empty homes. On 24 June 2019 Committee Members visited East Ayrshire to see first-hand the impact that empty homes have on the local area, and to discuss the issue of empty homes with representatives of the community. The Committee's evidence taking concluded with a session with the Minister for Local Government, Housing and Planning, Kevin Stewart.

29. The Committee published its report on 10 November 2019. Its recommendations included calling for the introduction of compulsory sales orders to tackle the blight of empty homes and for Councils to stop using the council tax levy, which allows local authorities to remove the discount on empty properties and charge a council tax increase of up to 100%, as a revenue raising tool. The Committee also highlighted the challenge faced by rural communities in dealing with empty homes. It also called for the Scottish Government to review the Rural and Islands Housing Fund.

30. The Scottish Government responded to the report on 17 December 2019 and the Committee led a Chamber debate on the issue on 7 January 2020. Access to detailed information and documents relating to the Committee's scrutiny are available on [the Committee's Inquiry page](#).

Committee Members in East Ayrshire seeing the impact of empty homes on communities



Building Regulations and Fire Safety in Scotland

31. Following a major inquiry report published on 30 October 2017 after the Grenfell Tower tragedy in London, the Committee continued to hold the Scottish Government to account for its response in Scotland.
32. The Committee held three further oral evidence sessions during this Parliamentary year. On 20 November 2019, it heard from the Association of British Insurers; the Royal Institution of Chartered Surveyors; Professor Jose Torero; and the Fire Prevention Association. On 22 January 2020, the Committee heard from the Minister for Local Government, Housing and Planning, Kevin Stewart and Scottish Government officials. On 26 February 2020, the Committee took evidence from Phil Diamond Chartered Building Surveyor, UK Finance, Royal Institution of Chartered Surveyors, Law Society of Scotland and Property Managers Association Scotland.
33. During these sessions, the Committee explored:
 - The concept of enhancing professional competency in the construction industry, particularly in relation to the assessment of fire risk in “real life” situations versus adopting a stricter regulatory approach to minimise risk;
 - The efficacy of existing tests for fire safety in the construction industry, in particular the British Standard [BS] 8414 test and the pros and cons of “blanket” bans on certain materials;
 - Whether and how modifications to buildings that may affect the level of fire risk are monitored, particularly in relation to apartment buildings;
 - The reasons behind some apartment buildings being “zero valued” by surveyors because of a perception that they do not fully meet fire safety requirements, and how this can be resolved;
 - The importance of having good quality, interlinked smoke and fire alarms in all Scottish households; and
 - The overall direction of Scottish Government fire safety policy post-Grenfell.
34. Access to detailed information and documents relating to the Committee's scrutiny are available on [the Committee's Inquiry page](#).

Budget Scrutiny

35. The Committee continued to take a "full-year" approach to its budget scrutiny of the Local Government and Housing sectors, as envisaged under the revised process recommended by [the Budget Process Review Group's report of June 2017](#).
36. The Committee ran a call for written evidence between 2 July 2019 and 23 August 2019. The focus of the Committee was on the long-term financial sustainability of local government and organisations and individuals with an interest were invited to submit written evidence setting out their views. A total of 25 responses were received.

37. Following the call for written evidence, the Committee held three evidence sessions:
- On 25 September 2019 it held an informal seminar with participants from: Accounts Commission; COSLA; CIPFA Scottish Directors of Finance Section and SOLACE Scotland. The session explored local authority finances to get a better idea of the tough spending decisions councils have to take, and how they take them.
 - On 2 October 2019 it heard from the Scottish Council for Voluntary Organisations, UNISON Scotland and The Robertson Trust. The session explored the range of services local authorities deliver, changes to services and funding and the ways in which external partners can support transformational services.
 - On 9 October 2019 it heard from Homes for Scotland; the Chartered Institute of Housing Scotland, The Royal Town Planning Institute; Shelter Scotland. The session explored funding and housing delivery in local areas and housing shortages. The Committee also heard from Professor Kenneth Gibb and Professor James Mitchell on the wider issue of reforming and increasing the empowerment of local government.
38. Following these sessions, on 31 October 2019 the Committee wrote to the Scottish Government setting out conclusions and recommendations arising from its pre-budget scrutiny for consideration in advance of budgetary proposals being finalised. It also agreed to hear from the Scottish Government on the issues raised within its letter ahead of receiving its formal response. On 20 November 2019 it heard from the Cabinet Secretary for Communities and Local Government Aileen Campbell and the former Minister for Public Finance and Digital Economy, Kate Forbes.
39. A further evidence session took place with the Accounts Commission, on 8 January 2020, on its report “Local Government in Scotland: Financial Overview 2018/19”. The session focussed on many of the wide-ranging themes of evidence arising from the Committee’s pre-budget scrutiny and key points raised in its letter, with a particular focus on the ongoing challenge councils face in remaining solvent whilst delivering effective public service.
40. On 19 February 2020, the Committee held two further evidence sessions:
- The first, with local government representatives to explore their views on the Scottish Government’s now published budgetary plans, and
 - The second, to allow the Cabinet Secretaries to respond to these and to any other matters the Committee raised to help inform future decisions on the annual Budget Bill which was taken in the Chamber and passed on Thursday 27 February.
41. Access to detailed information and documents relating to the Committee's scrutiny are available on [the Committee's Budget Scrutiny page](#).

Taking evidence from Cabinet Secretaries Kate Forbes and Aileen Campbell on the Budget



First-tier Tribunal (Housing and Property Chamber)

42. The Tribunal was set up to deal with a variety of disputes and issues from landlords, tenants, letting agents and factors. The Committee held a one-off evidence session on 11 March 2020 to examine how well the First Tier Tribunal for Scotland (Housing and Property Chamber) is working. During the session, the Committee heard from:

- Shelter Scotland;
- Scottish Association of Landlords;
- Property Managers Association Scotland;
- The Law Society of Scotland;
- Living Rent; and
- Scottish Courts and Tribunals Service.

43. During the session, the Committee explored:

- How the Tribunal is making improvements to deal with an increase in private rented applications, which would previously have been heard at the Sheriff Court.

- How the Tribunal is addressing delays in the time taken from receipt of an application to reaching an outcome.
 - The process by which enforcement orders can be made against property factors which fail to comply with the Property Factors' Code of Conduct.
44. Access to detailed information and documents relating to the Committee's scrutiny are available on [the Committee's Inquiry page](#). Further work on this issue has unfortunately been delayed due to the COVID-19 crisis.

Alcohol Licensing in Communities

45. The Committee held two evidence sessions in the previous Parliamentary year looking at the transparency, accountability and opportunities for public participation in the alcohol licensing system. The Committee held a round table evidence session with stakeholders on 23 May 2018 and on 27 March 2019 where it heard from Ash Denham, Minister for Community Safety. Thereafter, the Committee wrote to the Scottish Government, the Law Society of Scotland and Clerks of all Licensing Boards in Scotland on issues raised.
46. In response to written submissions by the Licensing Boards, at its meeting on 28 June 2019 the Committee held a one-off round table evidence session to further explore the main challenges and opportunities licensing boards are facing in delivering public health objectives via the licensing system. This concluded the Committee's work on this issue. Access to detailed information and documents relating to the Committee's scrutiny are available on [the Committee's Inquiry page](#).

Community Wellbeing Digital Engagement

47. The Committee undertook an online listening exercise between November 2019 and January 2020. The purpose of this was to find out from the public what they wanted the Committee to focus on in relation to future work on community wellbeing. At the centre of this work was the use of an innovative digital engagement platform, backed up by a number of community events across Scotland and promotion via social media.
48. During this time, the Committee received over 220 separate ideas and suggestions from over 700 people from a wide range of backgrounds, ages and locations. Members of the public used the [YourPriorities tool](#) to feed in their views and it was also used to capture some of the key issues raised in the community events.
49. The main workstream arising from this engagement was intended to be post-legislative scrutiny of some of the main elements of the Community Empowerment (Scotland) Act 2015, in order to assess how well it is working for local communities 5 years on. Unfortunately, this work has been delayed due to the COVID-19 crisis.
50. Access to detailed information and documents relating to the Committee's work including a summary paper of the key issues raised and letters to the subject

Committees whose remit were engaged by comments received, and COSLA, are available on [the Committee's Community Wellbeing page](#).

Evidence from Public Bodies

51. During the year the Committee took evidence from three independent public bodies whose work falls within the Committee's remit. The focus of these sessions included the office-holder's performance over the past year, whether they considered they had adequate powers to fulfil their role, and key challenges for them looking ahead. The Committee heard from:

- the Scottish Housing Regulator
- the Scottish Public Services Ombudsman
- the Commissioner for Ethical Standards in Public Life in Scotland

Public Petitions

52. The Committee considered the following Public Petition during this Parliamentary year:-

Petition PE1719 by Rachel Gibson on behalf of tenants Cartcraigs Road

The petition called on the Scottish Parliament to urge the Scottish Government to review the current 'stay-put' policy as it applies to the fire strategy for existing multi-storey residential buildings.

53. The petition was referred to the Session 5 Local Government and Communities Committee by the Public Petitions Committee on 21 November 2019. The Committee agreed to consider the Petition as part of its scrutiny into Building Safety and Fire Regulations on 22 January. Following further consideration of the Petition on 4 March 2020, the Committee agreed to write to the Scottish Fire and Rescue Service on issues raised in the petition and to close the petition.
54. Access to detailed information and documents relating to the Committee's scrutiny are available on [the Committee's Petition page](#).

