



LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

AGENDA

10th Meeting, 2021 (Session 5)

Wednesday 3 March 2021

The Committee will meet at 9.00 am in a virtual meeting which will be broadcast on www.scottishparliament.tv.

1. **Decision on taking business in private:** The Committee will decide whether to take item 3 in private.
2. **Fair Rents (Scotland) Bill:** The Committee will take evidence on the Bill at Stage 1 from—

Kevin Stewart, Minister for Local Government, Housing and Planning, Amanda Callaghan, Head of Private Housing Services Unit, Housing and Social Justice Directorate, Yvonne Gavan, Legislation and Strategy Team Leader, Housing and Social Justice Directorate, and Craig McGuffie, Scottish Government Legal Directorate, Scottish Government;

and then from—

Pauline McNeill, Member in charge of the Bill, Scottish Labour Party;

Mike Dailly, Principal Solicitor and Solicitor Advocate, Govan Law Centre;

Kate Spence, Researcher, MSP staff, Scottish Labour Party.

3. **Fair Rents (Scotland) Bill:** The Committee will consider the evidence heard earlier in the meeting.
4. **Travelling Funfairs (Licensing) (Scotland) Bill (in private):** The Committee will consider a draft Stage 1 report.

LGC/S5/21/10/A

Peter McGrath
Clerk to the Local Government and Communities Committee
Room T3.40
The Scottish Parliament
Edinburgh
Tel: 0131 348 5232
Email: peter.mcgrath@parliament.scot

The papers for this meeting are as follows—

Agenda item 2

Note by the Clerk

LGC/S5/21/10/1

PRIVATE PAPER

LGC/S5/21/10/2 (P)

Agenda item 4

PRIVATE PAPER To follow

LGC/S5/21/10/3 (P)

Local Government and Communities Committee

10th Meeting, (Session 5) 24 February 2021

Fair Rents (Scotland) Bill – Note by the clerk

Background

1. The Fair Rents (Scotland) Bill is a Member's Bill introduced by Pauline McNeill MSP (the Member in charge) on 1 June 2020. A Member's Bill is introduced by an individual MSP, not the Scottish Government. The Local Government and Communities (LGC) Committee is leading on scrutiny of the Bill at Stage 1 (scrutiny of the general principles of the Bill). You can read the Bill and accompanying documents [here](#).
2. The Bill and accompanying documents have been prepared by Govan Law Centre on behalf of the Member of charge. The Member in charge undertook a [consultation on her proposals](#) as part of the process of developing the Bill in May 2019. There were 98 responses to the consultation; 38 from organisations and 60 from individuals. A [summary of the consultation responses](#) was prepared by the Scottish Parliament's Non-Government Bills Unit with commentary on the results by the Member in charge.

Overview of the Bill

3. In recent years, there have been various legal changes to the landlord-tenant relationship and some tax changes that have affected landlords. The Member in charge considers that more legal changes are needed to make private rents fairer and to create a better balance of power between landlords and tenants. She also wants to increase the amount of public data about rent levels. In pursuit of this, the Bill is split into four sections:
4. Section 1 prevents a landlord in a private residential tenancy from increasing rent in any year by more than the Consumer Price Index (CPI) plus 1%. (This mirrors rules for areas declared as [rent pressure zones](#).) There is a power in the Bill to modify the 1% amount up or down. The [CPI](#) is a measurement of changes in the price of a "basket" of goods and services and is used to calculate inflation.
5. Section 2 allows a tenant in a private residential tenancy to apply at any time to a Rent Officer, a public employee working for [Rent Services Scotland](#), for a 'fair open market rent' set for the property. The tenant may appeal a determination to the [First-tier Tribunal for Scotland \(Housing and Property Chamber\)](#). The Tribunal is a judicial body set up to decide on private landlord-tenant disputes. The Bill sets out criteria for determining a "fair open market rent". This is based partly on the criteria for determining an "open market rent" under the [Private Housing \(Tenancies\) \(Scotland\) Act 2016](#) but includes a list of further matters to which "paramount consideration" should be given in determining whether to reduce the rent. These include matters such as poor energy efficiency, inadequate internal décor and furniture, etc.
6. Section 3 requires landlords to enter additional information in the [Scottish Landlord Register](#) when they join the Register or re-register on it. (A landlord must re-register every three years.) As well as providing information about property they rent out (or wish to be able to rent), and any agent for the property, they would also have to state

“the monthly rent charged, the number of occupiers, and the number of bedrooms and living apartments”.

7. Finally, at section 4, the Bill places a duty on the Scottish Government to report on the impact of section 1 of the Bill on the affordability of rents for tenants and on the operation of section 2.
8. The [SPICe briefing on the Bill](#) contains more information.

Committee Scrutiny

9. The Committee issued a [call for views on the Bill](#) on 12 October 2020, which closed on 24 December 2020. [Two hundred and three responses were published](#).
10. During a recent work programme discussion, the Committee agreed to take oral evidence on the Bill from a number of interested organisations and individuals. At its meeting on 24 February, the Committee heard from—
 - [Living Rent](#)
 - [Scottish Association of Landlords](#)
 - [ALACHO](#)
 - Professor Douglas Robertson; Honorary Professor at Stirling University
 - [Citizens Advice Scotland](#)
11. At its meeting on 3 March, the Committee will take evidence from the Minister for Local Government, Housing and Planning, Kevin Stewart, followed by the Member in charge of the Bill, Pauline McNeill MSP.
12. At its meeting on 23 February, the Delegated Powers and Reform (DPLR) Committee considered a response from the Member in Charge, Pauline McNeill MSP, on points raised on the delegated powers provisions in this Bill at Stage 1 and agreed to report to the Local Government and Communities Committee as lead committee on the Bill. This report will be published on [the DPLR reports page](#) prior to the LGC meeting on 3 March.

Next Steps

13. The Committee will consider its next steps following the evidence session on 3 March 2021.