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Local Government and Regeneration Committee

The remit of the Committee is to consider and report on a) the financing and delivery of local government and local services, and b) planning, and c) matters relating to regeneration falling within the responsibility of the Cabinet Secretary for Infrastructure and Capital Investment.

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0131 348 6040
### Committee Membership

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<tr>
<th>Convener</th>
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<tr>
<td>Kevin Stewart</td>
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<th>Willie Coffey</th>
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<td>Scottish Conservative and Unionist Party</td>
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<th>Cara Hilton</th>
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<td>Scottish Labour</td>
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**Note:** The membership of the Committee changed during the period covered by this report, as follows:

Jayne Baxter (Lab, Mid Scotland and Fife) joined the Committee on 2 September 2015, replacing Alex Rowley (Lab, Cowdenbeath).
George Adam (SNP, Paisley) joined the Committee on 5 November 2015, replacing Clare Adamson (SNP, Central Scotland).
Introduction

1. This report summarises the work and achievements of the Local Government and Regeneration Committee over the parliamentary year between 11 May 2015 and the dissolution of Parliament on 23 March 2016.

Bills

2. We considered three bills over this period.

Footway Parking and Double Parking (Scotland) Bill

3. The Footway Parking and Double Parking (Scotland) Bill\(^1\) was introduced as a member's bill by Sandra White on 21 May 2015. Although the Presiding Officer stated that the Bill’s provisions were outwith the legislative competence of the Scottish Parliament, we agreed that we would still proceed with a Stage 1 inquiry.\(^2\) We felt that, as it is an issue that affects many communities, it was important the Parliament should have the opportunity to debate the Bill.

4. We were keen, therefore, to hear from as many people and communities across Scotland. In addition to the call for written evidence, we also sought views via an on-line questionnaire and Facebook. The call for evidence was made more accessible when it was translated into Easy Read format. The response to the Committee’s consultation was outstanding: we received 64 written submissions (including 7 to the Easy Read version) and 3,983 responses to the on-line questionnaire. 555 people commented on, and 804 people ‘liked’, the Facebook conversation. The Committee was able to reflect these views when we took oral evidence from representatives of groups affected by the Bill, such as disability groups and the Road Haulage Association, and representatives from local authorities and Police Scotland who would be responsible for the implementation and enforcement of the Bill.

5. We also wanted to progress with our Stage 1 inquiry to encourage the UK and Scottish governments to resolve their discussions and devolve the relevant powers to the Scottish Parliament.

6. We were delighted, therefore, when the Minister for Transport and Islands confirmed that the UK Government had undertaken to devolve the relevant powers in the Scotland Bill. The Minister also confirmed that the Scottish Government, if returned to government after the 2016 Scottish Parliament election and following the devolution of the relevant powers, would introduce its own bill on the issue of irresponsible parking in session 5.
Burial and Cremation (Scotland) Bill

7. We were designated secondary committee, with the Health and Sport Committee as lead committee, when the Burial and Cremation (Scotland) Bill was introduced on 8 October 2015. The Health and Sport Committee considered the general principles of the Bill as well as those sections of the Bill which relate to losses during pregnancy (sections 50-55). We considered all other sections of the Bill.

8. We took extensive evidence and reported on the Bill on 8 February 2016. We concluded that the Bill could have set out further detail on many provisions, for example on the proposed licensing scheme for funeral directors. We also reflected the strong concerns expressed to us regarding the proposed removal of the rule that prevents new crematoria being built within 200 yards of residential properties.

9. Stage 2 consideration saw the Scottish Government amend the Bill in a number of areas highlighted in our report. Offences and the behaviour to be criminalised are now expressly stated on the face of the Bill. Provisions on holding of information and registers were amended so they are kept in electronic form. A duty on local authority burial authorities to publish fees in written form and on their websites, thus increasing transparency of costs, was also added to the Bill. Another amendment now provides local authorities should have regard to a person’s known religion or belief when disposal of remains rests with them.

Air Weapons and Licensing (Scotland) Bill

10. We also completed our consideration of Stage 2 of the Air Weapons and Licensing (Scotland) Bill during this period.

11. Having made a number of recommendations in our Stage 1 Report, we were pleased that the Scottish Government addressed many of these by amendment at stages 2 and 3. For example, the Act enables air weapons to be sold to people in England and Wales provided they are delivered to a registered firearms dealer for collection and requires licensing boards to publish annual reports on their performance.

Inquiries and reports

12. We also undertook and completed a number of short, focused inquiries during this last parliamentary year.

Arm’s length external organisations

13. Having touched on the issue of the delivery of local authority functions through arm’s length external organisations (ALEOs) a number of times over the session we decided to hold a short inquiry to consider aspects of their governance.
14. Our report makes a number of recommendations principally directed at improving governance and monitoring by the local authorities in relation to these arm’s length bodies who are responsible for spending in excess of £1.3billion of public money. We want to see democratic responsibility enhanced as well as the provision of greater opportunities for public involvement and input to the operation of ALEOs.

15. We make the observation that local authorities retain ultimate responsibility for the delivery of services by ALEOs and should continually monitor whether they remain the most effective way to deliver these service.

**City deals and local government pension fund investments**

16. During his evidence to us on the 2015-16 budget, the Deputy First Minister (DFM) and Cabinet Secretary for Finance, Constitution and Economy highlighted the lack of investment by local government pension fund managers into local infrastructure projects. The DFM suggested this might be an area of high returns and, at the same time, a way to use local government pension funds to help regenerate local areas.

17. In the light of the announcement of the Glasgow and Greater Clyde city deal agreement, we were also keen to explore the potential for this funding to be used as investment into some of the infrastructure projects which would arise from city deal funding.

18. As part of our inquiry, we visited Manchester and met with officials from local authorities in the Greater Manchester city deal. We heard about the benefits accruing from their city deal as well as the large infrastructure investments being made, particularly in affordable housing, by the local authority pension schemes. We also pursued these opportunities with officials from Inverclyde Council, local pension scheme trustees and the Glasgow and Greater Clyde city deal when we met in Greenock on 5 October 2015.

19. Our report encouraged greater local infrastructure investment and challenged the pension fund trustees’ cautious approach to risk and restrictive view on their fiduciary duties. We also supported informal collaboration between pension funds particularly to share expertise and reduce investment costs.

**Fixed odds betting terminals**

20. Our inquiry into fixed odds betting terminals (FOBTs) arose following our consideration of the policy issues relevant to our remit set out in the proposed Scotland Bill.

21. In its report, the Devolution (Further Powers) Committee questioned whether the proposals in relation to FOBTs would give any meaningful effect to the Smith Commission proposals. We set up an inquiry to consider this further.
22. In addition to our call for evidence, we also sought views via an on-line questionnaire and on Facebook and we took oral evidence in a round-table format from a range of stakeholders, including representatives from the betting industry, the Campaign for Fairer Gambling and local authorities.

23. In our report, we agreed that the powers set out in the Scotland Bill will make little difference to local authorities in trying to limit the number of FOBTs in betting shops. We also set out our significant concerns that FOBTs are a form of ‘hard gambling’, unsuitable for the unsupervised betting shop environment, and recommended that local authorities should be given greater powers to ban them from betting shops.

24. Following the publication of our report, the Cabinet Secretary for Justice has confirmed the Scottish Government will amend legislation to extend planning controls on changing premises into betting shops.

Evidence sessions

25. We have made extensive use of one-off evidence sessions over this year, as we have over the whole session. We have found these very useful as a means to hold an organisation to account, to highlight a specific issue or to update members on developments in a policy area. We held evidence sessions on the following issues and from the following organisations over the year

- Accounts Commission for Scotland;\(^9\)
- Scottish Public Services Ombudsman (SPSO);\(^10\)
- Electoral Management Board on the 2012 local government elections;\(^11\)
- Improvement Service and SOLACE Scotland on the local government benchmarking framework;\(^12\) and
- Commissioner for Ethical Standards in Public Life in Scotland.\(^13\)

Complaints process for joint health and social care

26. This was an issue highlighted to us by the SPSO, who was concerned that a robust complaints process was not in place ahead of the integration of health and social care.

27. We took oral evidence from the Scottish Government, representatives from health and social care partnerships and the Care Inspectorate.\(^14\)\(^15\)

28. As a consequence of this work, all parties agreed to work together and expedite the commencement of the complaints process and bring forward the previously projected dates for laying regulations.
Commission on Local Tax Reform

29. The Commission on Local Tax Reform was set up following a recommendation in our 8th Report, 2014 (Session 4) *Flexibility and Autonomy in Local Government*, and considered alternatives to the current council tax model. We took evidence from the co-chairs, the Minister for Local Government and Community Empowerment and the President of COSLA, at our meeting on 24 February 2016.\(^\text{16}\)

Draft budget scrutiny

30. In line with our decision at the start of session 4, the majority of our budget scrutiny was mainstreamed into our overall work programme. This parliamentary year our inquiry into city deals and local government pension fund investment in infrastructure projects (see paragraphs 15 to 18) considered many aspects of local government budget spend.

31. In addition, we took evidence from the Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy on the draft budget and local government funding settlement at our meeting on 3 February 2016.\(^\text{17}\)

Subordinate legislation

32. The Committee considered 6 affirmative and 26 negative statutory instruments this parliamentary year.

Petitions

33. The Committee has continued its consideration of Petition PE1534 calling for a review of the current rights of appeal within planning and other consenting processes which give deemed planning consent within this parliamentary year.

34. The Committee wrote to the Scottish Government seeking its view on the petition. The Cabinet Secretary for Social Justice, Communities and Pensioners' Rights replied stating that the Scottish Parliament rejected the issue of a 'third party' or 'equal' right of appeal when it considered the Planning Etc. (Scotland) Act 2005. He stated that planning reform had sought, instead, to front-load engagement in the planning process.

35. Following the establishment of the Review of the Scottish Planning System, we agreed to await the Review's report and recommendations before considering the petition further. The Review is currently due to report in May 2016.
Engagement and social media

36. In line with previous years, we have sought to engage with the public as much as possible to inform our thinking and give greater weight to our scrutiny of the Scottish Government and report recommendations.

37. Some of this engagement has been incredibly successful – see paragraph 4 in relation to the consultation on the Footway Parking and Double Parking (Scotland) Bill – and we thank everyone who has taken the time to respond to us over this parliamentary year.

38. As in recent years, we have continued to make use of YouTube videos as a way of promoting our committee inquiries and calls for evidence. We produced a video to highlight our inquiry into FOBTs, which was viewed 147 times. We also produced a video as part of our legacy to our successor committee and used this to illustrate our commitment to wider engagement and greater use of social media.

39. We have undertaken fewer external visits and meetings this year, as is usual with the final year of a session. Some of our members did, however, travel to Manchester to meet with local authority officials to discuss the opportunities arising from local authority pension fund investments and from city deal status and we were impressed by their enthusiasm for change and proactive approach to making the most of new powers.

40. We also travelled to Inverclyde as part of our inquiries into ALEOs and city deals and local pension fund investment. We spent the morning meeting with a range of people and projects involved with delivering local services and regenerating the Inverclyde region. In the afternoon, we held an informal meeting with representatives from community groups and members of the public capturing their views on how local services are provided. This helped inform our formal committee meeting in Inverclyde Council Chambers, when we took evidence from Inverclyde Council members and officials as well as pension officials.

41. Throughout the year, we took equal opportunity considerations into account for all of our work, as demonstrated in this report.

Meetings

42. The Committee met 24 times this year. Eight meetings were held entirely in public and 16 were held partly in public.

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1 Footway Parking and Double Parking (Scotland) Bill, as introduced (SP Bill 69, Session 4 (2015)).
2 Local Government and Regeneration Committee, Footway Parking and Double Parking (Scotland) Bill web page.
3 Burial and Cremation (Scotland) Bill, as introduced (SP Bill 80, Session 4 (2015)).
Local Government and Regeneration Committee, Burial and Cremation (Scotland) Bill web page.

Air Weapons and Licensing (Scotland) Bill, as introduced (SP Bill 49, Session 4 (2014))

Local Government and Regeneration Committee, inquiry into arm’s length external organisations web page.

Local Government and Regeneration Committee, scrutiny of Draft Budget 2016-17 web page.

Local Government and Regeneration Committee, inquiry into fixed odds betting terminals web page.


