



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Local Government and Communities Committee

**Wednesday 23 September 2020**

**Session 5**



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**LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE**

**23<sup>rd</sup> Meeting 2020, Session 5**

**CONVENER**

\*James Dornan (Glasgow Cathcart) (SNP)

**DEPUTY CONVENER**

\*Sarah Boyack (Lothian) (Lab)

**COMMITTEE MEMBERS**

\*Keith Brown (Clackmannanshire and Dunblane) (SNP)

\*Gail Ross (Caithness, Sutherland and Ross) (SNP)

\*Alexander Stewart (Mid Scotland and Fife) (Con)

\*Annie Wells (Glasgow) (Con)

\*Andy Wightman (Lothian) (Green)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Kevin Stewart (Minister for Local Government, Housing and Planning)

**CLERK TO THE COMMITTEE**

Peter McGrath

**LOCATION**

Virtual Meeting



## Scottish Parliament

### Local Government and Communities Committee

Wednesday 23 September 2020

*[The Convener opened the meeting at 10:00]*

### Decision on Taking Business in Private

**The Convener (James Dornan):** Good morning. I welcome everyone to the 23rd meeting in 2020 of the Local Government and Communities Committee. I once again thank the broadcasting office for its work in helping to organise the meeting. I ask everyone to ensure that their mobile phones are in silent mode.

Agenda item 1 is consideration of whether to take in private agenda item 7, which is consideration of our work programme. As we are meeting virtually, rather than asking whether everyone agrees I will instead ask whether anyone objects. If there is silence, I will assume that members are content. Does anyone object? No. We are therefore agreed that item 7 will be taken in private.

## Subordinate Legislation

### Insolvency Act 1986 (Scotland) Amendment Regulations 2020 [Draft]

10:00

**The Convener:** Agenda item 2 is consideration of the draft Insolvency Act 1986 (Scotland) Amendment Regulations 2020. The committee will first take evidence on the instrument. I welcome Kevin Stewart, the Minister for Local Government, Housing and Planning, and James Hamilton, who is a solicitor in housing and local government at the Scottish Government.

The instrument is laid under affirmative procedure, which means that Parliament must approve it before the provisions can come into force. Following this evidence session, the committee will be invited under the next agenda item to consider the motion to approve the instrument. I remind everyone that Scottish Government officials can speak under this item but not in the debate that follows. I invite the minister to make a short opening statement.

**The Minister for Local Government, Housing and Planning (Kevin Stewart):** Thank you, convener. I thank the committee for giving me the opportunity to talk to you as part of your consideration of the draft regulations, which will disapply registered social landlords from the new debt moratorium that was introduced in the Corporate Insolvency and Governance Act 2020. The act was introduced by the United Kingdom Government as a consequence of the current pandemic in order to create a regulatory environment in which companies are supported to survive the Covid-19 emergency and can continue as going concerns. One of the mechanisms that has been introduced by the 2020 act is a new freestanding moratorium that allows a company that is in financial distress breathing space in which to explore its rescue and restructuring options, free from creditor action.

Through the regulations, we are ensuring that application of the moratorium, which applies to all eligible companies and automatically applies to registered social landlords, which are companies in Scotland, does not conflict with the existing provisions in relation to insolvency, including a debt moratorium, in the Housing (Scotland) Act 2010.

In Scotland, only 10 RSLs are companies to which the new moratorium that was introduced by the 2020 act would apply. Therefore, the majority of RSLs would not be covered by that act. The financial health, governance and performance of RSLs are thoroughly and systematically monitored

by the independent Scottish Housing Regulator to ensure that RSLs remain solvent and well governed.

The existing moratorium provisions in the 2010 act have never been used. However, if the existing provisions were to be tested, they would provide sufficient time and space for RSLs to deal with financial difficulties in their businesses. Financial difficulties in the social housing sector are rare and have, where they have arisen, been resolved satisfactorily within the sector with guidance, support and, where required, intervention from the Scottish Housing Regulator. The assurance that strong regulation of the sector brings is important because it ensures that tenants remain in their homes and it allows providers to continue to be able to access cheap borrowing to develop more affordable housing.

The regulations that the committee is considering will disapply the 10 RSLs that are companies from the new moratorium. That will remove the potential for conflict between the two insolvency regimes, which could lead to negative consequences for RSLs, their tenants and stakeholders. The introduction of the regulations has been welcomed by the Scottish Housing Regulator and UK Finance—the collective voice for the banking and finance industry—because the regulations will ensure that a consistent approach is taken across the sector.

All social housing tenants will continue to be protected by the strong provisions that are already in place to deal with financial difficulties in RSLs, where they occur. I thank you, again, for giving me the opportunity to speak to the committee.

**The Convener:** Thank you, minister. Nobody has any questions. Sarah Boyack wishes to declare an interest.

**Sarah Boyack (Lothian) (Lab):** I declare an interest as a former employee of the Scottish Federation of Housing Associations.

**The Convener:** Thank you. Agenda item 3 is formal consideration of motion S5M-22618, which calls for the Local Government and Communities Committee to recommend approval of the draft Insolvency Act 1986 (Scotland) Amendment Regulations 2020.

I invite the minister to move the motion and to speak to it, if he has anything further to add.

**Kevin Stewart:** I have nothing further to add.

*Motion moved,*

That the Local Government and Communities Committee recommends that the Insolvency Act 1986 (Scotland) Amendment Regulations 2020 [draft] be approved.—[Kevin Stewart]

*Motion agreed to.*

**The Convener:** Thank you. The committee will report on that instrument in due course. I invite the committee to delegate authority to me, as convener, to approve a draft of the report for publication. I thank the minister and his official for taking part in the meeting.

10:07

*Meeting suspended.*

10:08

*On resuming—*

### **Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (Coronavirus) Order 2020 (SSI 220/268)**

**The Convener:** Agenda item 4 is evidence from the Minister for Local Government, Housing and Planning on the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (Coronavirus) Order 2020.

Andy Wightman has lodged a motion to annul the instrument, which will be taken as agenda item 5. Before we move to the formal debate, we have an opportunity to take evidence from the minister and his official.

Again, I welcome Kevin Stewart, the Minister for Local Government, Housing and Planning, and Graham Thomson, who is the temporary accommodation and programme strategy team leader in the Scottish Government.

Minister, before I ask members whether they have any questions, would you like to make any opening remarks?

**Kevin Stewart:** Thank you again, convener. I will outline the work that has led to the laying of the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (Coronavirus) Order 2020.

The First Minister made it clear in Parliament yesterday that the Covid-19 pandemic is far from over, and that the virus still represents a significant threat to public health.

As we know, the pandemic has had multiple impacts. In relation to the instrument, lockdown had a significant impact on the availability of both temporary and settled accommodation. Restrictions on local authorities and registered social landlords have resulted in slowed turnover of void properties. That has resulted in lower numbers of allocations, which are still not back to normal levels. With that in mind, I agreed to extend the temporary coronavirus exemptions in the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020.

As you will see from the letter from the Convention of Scottish Local Authorities to the Delegated Powers and Law Reform Committee, the decision was reached with the full support of local authorities, which have worked tirelessly over the past few months to keep people safe and supported, and to provide them with somewhere warm to live during this public health crisis.

Since extending the order in May to all homeless households, we have worked in partnership with local authorities to develop guidance to support its implementation. The intelligence that they provided, alongside data that was collated by the Scottish Housing Regulator, told us that although voids are now being turned over and allocations to homeless households are being prioritised, the impact of the additional pressures on the system is still being felt.

The result is that some councils will not by October be in a position to cease using emergency provision in hotels and bed and breakfasts. That includes local authorities that would not previously have been at risk of breaching the original order, given that they did not use B and B accommodation prior to the pandemic.

The decision to extend temporary exemptions until 31 January 2021 was made to take account of the enormous impact of the pandemic on the housing system and on councils. The decision to include an extra exemption relating to supply was in direct response to a robust evidence base.

I want to make it absolutely clear that I am committed both to reducing the numbers of people in temporary accommodation, which we are doing through rapid rehousing, and to improving the quality of such temporary accommodation. That is why I legislated in May to extend the unsuitable accommodation order. That legislation took account of the pandemic and made it clear that we would not just return to the homelessness system that we had previously.

Although the temporary exemptions mean that the extension to all homeless households will not come into full effect until January, that still means that we will fulfil our commitment to outlawing, during this parliamentary session, the use of unsuitable accommodation, in advance of when we had originally planned.

Once again, I thank you for your time.

**The Convener:** Thank you very much, minister.

**Andy Wightman (Lothian) (Green):** I have a couple of questions.

First, what efforts have been made, since the extension in May, to ensure sufficient suitable temporary accommodation during the past months?

Secondly, will you say a little more about the rationale behind the new exemption for circumstances in which a local authority

“is unable to place the household in suitable accommodation as a result of the impacts of coronavirus on temporary accommodation supply in the area”?

**Kevin Stewart:** First, in these unprecedented times, we have taken action with our local authority partners and the third sector to ensure that people are safe and secure during the pandemic.

10:15

As the committee is well aware, we have invested more than £1.5 million to ensure that rough sleepers were off the streets and in hotel accommodation. We are now in a situation in which, once again, local authorities and third sector partners are doing what they can to provide personal plans to move folk out of hotels and into other accommodation. That includes some bed and breakfast accommodation. As I pointed out in my opening statement, we are still in a situation in which void turnovers that would normally take place have been slower because, obviously, restrictions are still in place.

Local authorities are doing their utmost. Last week, I spoke to the working group that is putting together the guidance on unsuitable accommodation. The guidance, which is to be agreed between the Scottish Government and the Convention of Scottish Local Authorities, takes a logical approach. I am grateful to local authorities' officials and, of course, to councillors for their co-operation. They share my ambition to ensure that mainstream temporary accommodation should be in place for folk who find themselves homeless.

Beyond that, there have been discussions over the piece—[*Inaudible*.]—not only around what accommodation can come into play.

As I said, I am grateful for the efforts that have been made. We are beginning to see the opening up of allocations. Only this morning, I read that Fife Council is fully opening up its allocations. That is what we want, but it must be done safely.

**Andy Wightman:** I am still not clear why, if Fife Council is opening up, a statutory exemption should be in place for circumstances in which suitable accommodation is not available in the local area. That leaves it wide open to local authorities to make a judgment that could, in effect, condemn homeless people to unsuitable accommodation for long periods.

**Kevin Stewart:** Neither I, nor local authorities want that. I point out to the committee that there have been a number of anomalies during the

pandemic. I think that folk need to take account of that.

I will give a couple of examples. There has, sometimes, been a lot of homelessness in areas where we would not normally expect it. During lockdown, it came to our attention that a number of folk in the Pitlochry area were going to lose their tied accommodation. I have to say that Perth and Kinross Council did exceptional work to ensure that those folk had secure accommodation. With the best will in the world, there is not a level of mainstream temporary accommodation available in that area to house all the affected folk. Perth and Kinross Council, which, over the piece, has been a trailblazer when it comes to rapid rehousing, could not use its normal methods because of the number of folk. In such cases, we have to resort to what is available. Sometimes, that is hotel accommodation and bed and breakfasts that would be deemed to be unsuitable.

Also, given the circumstances in which we find ourselves, sometimes the only way to allow someone to self-isolate, particularly the most vulnerable people, is to use hotel and bed and breakfast accommodation. If that option were to be closed, it would cause great difficulty.

I will give one other example. The committee will be aware that, during the pandemic, there was a prisoner release programme. We did everything possible to ensure that people could leave prison and move into accommodation safely. However, as I am sure the committee will understand, some folk went back to households that, although they seemed fine to begin with, did not work out.

Sometimes, there is no alternative but to use such accommodation in the circumstances. We must remember that we are in unprecedented times. I do not want to unfairly lock down the available options, and I do not want to punish local authorities for doing their level best for people.

I go back to my point that we all have a shared ambition to ensure that the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2020 works. It was put in place earlier than we first envisaged it would be, and we are working with partners to get it right. However, we are in unprecedented times and options must be kept open.

**Sarah Boyack:** I draw attention to my entry in the register of members' interests.

I have three questions for you, minister. First, you mentioned that you had given £1.5 million of additional funding to local authorities. Can we get a breakdown of the categories and the amounts, so that we can see how the money is being spent across the country? That would be helpful.

Secondly, Shelter Scotland has raised with us a concern about the capacity to deliver social distancing in temporary accommodation. Will you comment on that? What are the guidelines? Can we see the guidelines before they come into effect? I understand that, in addition to the order, you will prepare guidelines for local authorities so that you can assist them in implementing the order effectively. It would be good to get a sense of what those are.

Thirdly, do you have a view on how long it is acceptable for people to be in temporary accommodation? I am conscious that a range of people fall into temporary accommodation, particularly during the pandemic. As you said, that can happen unexpectedly; it can come from nowhere. I am thinking in particular of women and families who are fleeing domestic violence and people who have unexpectedly been made homeless because of family splits or whatever. What is your view on that, notwithstanding the fact that the pandemic has made everything much harder?

**Kevin Stewart:** First of all, on the £1.5 million of funding, if I gave the impression in my earlier answer that it all went to local authorities, that is not the case. It went to third sector partners. I am more than willing to write to the committee with a breakdown of where all the money went and, beyond that, to highlight other resources that we have put into play from the £350 million fund that the Government put in place.

On social distancing in hotels and bed and breakfasts, I am sure that Sarah Boyack will understand that, in some cases, the only way to ensure that social distancing is possible is to use hotel and bed and breakfast accommodation with the right measures in place to make sure that folk are getting all that they need. That cannot be done in shared situations or in the hostel accommodation that was previously used by some local authorities. We have to ensure that we get it right for everyone and that we do not spread the virus.

As we speak, we are finalising the guidance that is being put together jointly by the Government and COSLA. I have no problem with sharing that guidance with the committee. It is a good piece of work, and there has been a lot of co-operation. As I said, last week I spoke with officials who have been dealing with the guidance, along with elected members from a number of councils, so that we get that absolutely right and take account of areas in which folks think there might be difficulties. We have done a good job, and I am more than willing to share the guidance with the committee.

The committee is aware that I have already extended the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2020 to ensure



that women with children and pregnant women spend as little time as possible in unsuitable temporary accommodation. That was the right thing to do. There are no exemptions to that in the order that we are considering today, because we still have to do the right thing.

I am acutely aware of the difficulties in relation to folks who have fled domestic violence during lockdown. I am sure that all of us have seen situations in which tensions within families have grown. That is why I have asked local authorities and RSLs to ensure that 80 to 90 per cent of allocations go to homeless people, folks who have fled domestic violence and other vulnerable people. We have to get that absolutely right. I know that local government colleagues are doing their utmost. We do not agree on everything, but we agree that we have a duty to get it right for the most vulnerable people.

**Alexander Stewart (Mid Scotland and Fife (Con):** In your opening statement, you gave examples of local authorities that are working tirelessly, and you mentioned some of that work in your previous answer. You talked about spikes across the country and you used the example of Perth and Kinross, where there was a spike in a rural setting. Are we finding more spikes in urban or in rural settings? In rural settings, there are fewer opportunities for individuals to access such accommodation. Is there a knock-on effect in rural communities?

**Kevin Stewart:** We are seeing different things in different places. In the past, many of the main difficulties have been in urban settings, but unusual things are now happening in rural settings. I gave the example from Pitlochry. As a former councillor for Perth and Kinross Council, Mr Stewart will know that that is not the norm in such a place. That has happened not just in Pitlochry but elsewhere.

In the past few weeks and months, I have spent a fair amount of time talking to front-line staff in the housing options hubs to get a feel for what is going on across the board. Even some of those folks say that they are seeing things that are not normal, which is why we need to take account of what is going on during the pandemic. The folks on the front line are doing their level best, but I do not want a situation in which we may be closing down their options. They want the best for people—there is absolutely no doubt about that—and we cannot close down their options at this moment.

10:30

I reiterate that everybody has a shared ambition to ensure that unsuitable accommodation is not used. That is why we have moved to change all

the regulations over the piece. As I said, we brought in measures early on. We have to take account of the unprecedented times. If the committee wants to continue to monitor matters, I would be more than happy for it to write to me, or I would be more than happy to give it regular updates on what is going on. However, I would be wary if options were closed down at the moment.

**The Convener:** We will move on to agenda item 5. The committee will now consider motion S5M-22768, in the name of Andy Wightman, which asks the committee to recommend that the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (Coronavirus) Order 2020 be annulled.

Andy Wightman will speak to and move the motion. There will then be an opportunity for members to contribute to the debate, and the minister will then speak to the motion. Andy Wightman will be invited to wind up and to make it clear, in closing, whether he wishes to press or withdraw his motion.

**Andy Wightman:** My reason for lodging the motion to annul the order was to persuade the Government to come forward with a better order. My objections to it are prompted by Shelter Scotland's comments on it, and they focus on two policy issues.

My understanding is that the order that was introduced in May was intended to be interim and that it would not be continued beyond 30 September. Recent statistics have shown record numbers of people in temporary accommodation. The exemptions in the May order were intended to be temporary, and work was to be undertaken during the first six-month emergency period to ensure that they would not be required beyond that. However, in the order that we are considering today, we find the exemptions being extended for another four months.

My other policy objection relates to the additional exemptions that have been placed in the order. The minister responded to my previous questions about why that is. The problem is that looking at the impact of coronavirus on the temporary accommodation supply in an area is a broad invitation to breach the spirit of the unsuitable accommodation order. It also makes people who need accommodation pay the price of that failure.

In its briefing, Shelter Scotland argued:

"Express reference to the impact of coronavirus on the supply of temporary homeless accommodation in secondary legislation, will in practice make it very difficult for homeless applicants to assert a legal right to suitable temporary accommodation."

It seems to me that this is fundamentally about resources. Homeless people should not pay the

price of a failure to secure sufficient suitable temporary accommodation. The minister said that he does not want to close down options. The whole point of ending unsuitable temporary accommodation is precisely to close down options. That option should not be available. It is not a good option.

I urge the Government to reconsider, amend and reintroduce the instrument.

I move,

That the Local Government and Communities Committee recommends that The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (Coronavirus) Order 2020 (SSI 220/268) be annulled.

**Sarah Boyack:** I agree with a lot of what Andy Wightman said. Our challenge is that, at the heart of the issue, we simply do not have enough appropriate housing across the country. There is a fundamental shortage of the affordable and appropriate housing that people need. It is also about the capacity of our local authorities to have available not only physical housing but the right support, for a range of people.

For example, we mentioned people who are homeless. They might have pre-existing needs that require urgent attention and support, and not only in the short term—they might need long-term and proper support to enable them to move on in their lives. Support is also needed for people who are going through the trauma of leaving abusive relationships. We know the difficulty that women with children in particular have in getting accommodation. In addition, there is the hidden issue, which we are not even discussing, of people who simply cannot move on generally, because of the impact of the pandemic.

Those are real challenges for our councillor colleagues. I know people who are having to wait years to get access to social housing or to the right move. Although I welcome the work that is being done, the critical issue as we move into the winter months is to get people into safe and dignified accommodation that meets their needs.

My challenge in considering the motion that is before us is that I do not want to stop the work that councils are doing, even if it is not perfect. That work is underfunded and councils are dealing with a shortage of housing. The work of Shelter and other third sector organisations has been fantastic throughout the pandemic, and we will need them to support people through Christmas and into next year, until the pandemic is under control.

The problem is that not enough support has been provided to our local authorities over the past few months. I know from talking to people in my area that we have 1,200 households in unsuitable accommodation at the moment. The council is buying short-term let properties to take them off

the market and make them accessible to people for longer-term tenancies, which is great. However, my council is £10 million over budget for temporary accommodation because of Covid.

Because of the fundamental problems that our councils face, I find it difficult to stop the statutory instrument going through. Although it would make me feel good to knock it back, it would not change things on the ground. I therefore ask the minister what scope there is for improving the statutory instrument, as has been suggested, and for giving more resources to councillors to let them get on with the challenge.

I have met people on the streets who have been homeless and spoken to them about the kind of problems that they have. It is not that they do not appreciate being put up in short-term temporary accommodation such as hotels. However, for example, I spoke to people who were told that they could not stay in a hotel during the day; they were, in effect, back on the streets during the day, but in the hotel at night. There is a human cost to the pandemic, which I think that we all get.

Coming back to the issues, are there areas in the guidance that will be agreed between the Government and local authorities that the minister can improve? What extra resource can the minister put in place, and will he deal with the challenges that Shelter included in its briefing to the committee?

**Kevin Stewart:** As I said, the primary policy intention of the SSI is to take account of the on-going impacts of the pandemic. We would all agree that where we thought that we would be in May is somewhat different from where we are. We are still in a situation in which the virus is on the go. We have to take cognisance of that, putting in place all necessary measures to ensure that we stop its spread, and doing our level best for people at the same time.

Mr Wightman says that he wants to annul the instrument and that the Government should come back with something better. I do not know whether we could come back with something better. I do not know what that would be. However, even if we did that, we would not be able to come back with something that would put that exemption in place in time, so that is a non-starter.

As we go on, we must continue to co-operate with local authorities and other partners. As I have said, we all share the same ambition. As I said earlier, I am more than happy to continue to liaise with the committee about all that we are doing. We will share the draft guidance, as Sarah Boyack suggested, so that the committee knows exactly what we are doing. We will continue to communicate with the committee around how we are tackling this with all partners.

On affordable housing supply, which Sarah Boyack highlighted, I note that since we came to power this Government has delivered more than 90,000 affordable homes, and we have delivered more affordable housing during the current parliamentary session. However, there has been a blip in that delivery as well because of the coronavirus pandemic. We are now getting back to that delivery, but that in itself will not resolve the situation that we find ourselves in during the pandemic period.

We are in unprecedented times, and we all need to take account of that. We all share the same ambition. We just need a little longer to get to where we are going. However, I repeat that we are still in advance of where we said we would be in last year's programme for government. We did not intend to lay the orders on unsuitable accommodation until March, but we brought them forward because of the situation that we find ourselves in. We need to take cognisance of that situation, and I ask members to take the logical view and vote for the order. They can be assured that I will continue to communicate with the committee and provide you with the information that you want on what we are doing as we move forward.

We all want to get this right for people—for the most vulnerable people—and I am quite sure that we can do so together as we emerge from the pandemic period.

**The Convener:** I invite Andy Wightman to respond to the debate and to press or seek to withdraw the motion.

**Andy Wightman:** I thank members and the minister for their contributions. On Sarah Boyack's point, I understand the problems and the challenges that local authorities are facing and I agree with what she says. I am incredibly sympathetic to them, but I simply do not see why those challenges should be the excuse for continuing a regime whereby homeless people can be put in unsuitable accommodation. That is not a problem or a challenge of local authorities' making.

With regard to the minister's comments, on the substantive point about the annulment of the instrument, he said that the Government would not be able to bring forward a replacement in time. I disagree. I have two objections to the order, which I have set out. Those things could be removed via a simple textual edit and the instrument could be brought back before 30 September.

I accept that that would breach the 28-day rule between the laying of an instrument and its being passed in Parliament, but it would not be the first time that the Government had breached that rule. An explanatory letter would have to come to the

committee. I am sure that the committee understands that, if it was to recommend to Parliament that the instrument be annulled, it would be accepting that it wanted the Government to come back with an amended instrument. That would obviously not be in place for 30 September and it would breach the 28-day rule, but that should not be a problem.

10:45

Fundamentally, the minister said that we are still in a situation in which the virus is on the go. No one disputes that in any way whatsoever. However, we have thousands of empty homes, second homes and short-term lets. After months of considering the impact of Covid, and now that we have a much greater, acute focus on the question of homelessness more generally, I do not see why we continue to allow homeless people to be put in unsuitable temporary accommodation because of long-term failures in Scotland's housing system.

**The Convener:** The minister has said that he would like to intervene.

**Andy Wightman:** I am happy to take an intervention.

**Kevin Stewart:** I thank Mr Wightman for taking the intervention. As he rightly points out, if we were to come back with an amended order, we would breach the rule in relation to the amount of time that is available to lay an SSI. Beyond that, we would not have the opportunity to go back and consult all the folks whom we have already consulted, including—vitality—local authorities. That option is a non-starter. Did Mr Wightman speak to local authority housing leads and others about the issue before he asked for an annulment?

We are getting people into empty homes in the social sector and the private sector. Progress is slower than it would normally be because of the conditions in which we find ourselves. With the best will in the world, we have to keep our options open and take cognisance of the problems that we are facing with the pandemic.

**Andy Wightman:** I accept that there would be no time to do the consultation, but the order is a negative instrument, and the only opportunity that Parliament has to debate the policy intentions of negative instruments is, as we are doing today, through a motion to annul. If we disagree with the instrument or elements of it, the only option is to invite the Government to resubmit it. Other committees that I have sat on have done that. I accept that the process is not perfect.

I press the motion.

**The Convener:** The question is, that motion S5M-22768, in the name of Andy Wightman, be

agreed to. Are we agreed? If members disagree, they should register that via the digital channels.

I see that there is disagreement, so there will be a division.

**For**

Wightman, Andy (Lothian) (Green)

**Against**

Boyack, Sarah (Lothian) (Labour)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Dornan, James (Glasgow Cathcart) (SNP)  
Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
Stewart, Alexander (Mid Scotland and Fife) (Con)  
Wells, Annie (Glasgow) (Con)

**The Convener:** The result of the division is: For 1, Against 6, Abstentions 0.

*Motion disagreed to.*

**The Convener:** The committee has agreed not to recommend to Parliament that the instrument be annulled and has made no recommendation to Parliament in respect of the instrument.

The committee will report on the instrument in due course. I invite the committee to delegate authority to me, as convener, to approve a draft of the report for publication. I see that members agree to do so.

I thank the minister and his official for taking part in the meeting.

**Town and Country Planning (General Permitted Development) (Reverse Vending Machines) (Scotland) Amendment Order 2020 (220/269)**

**Building (Scotland) Amendment Regulations 2020 (220/275)**

10:50

**The Convener:** The next agenda item is consideration of two negative instruments. I refer members to paper 3, which contains further detail. The instruments have been laid under the negative procedure, which means that their provisions will come into force unless the Parliament agrees to motions to annul them. No motions to annul have been lodged.

The Delegated Powers and Law Reform Committee considered the Town and Country Planning (General Permitted Development) (Reverse Vending Machines) (Scotland) Amendment Order 2020 at its meeting on 15 September 2020, and it determined that it did not need to draw the Parliament's attention to the order on any ground within its remit.

The Delegated Powers and Law Reform Committee also considered the Building (Scotland)

Amendment Regulations 2020 at its meeting on 15 September 2020, and it determined that it did not need to draw the Parliament's attention to the regulations on any ground within its remit.

As no member has any comments on the instruments, I invite the committee to agree that it does not wish to make any recommendations in relation to them. As no member has objected, we agree to that.

That concludes the public part of the meeting.

10:51

*Meeting continued in private until 12:01.*

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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