



OFFICIAL REPORT
AITHISG OIFIGEIL

Local Government and Communities Committee

Wednesday 16 December 2020

Session 5



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LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE
33rd Meeting 2020, Session 5

CONVENER

*James Dornan (Glasgow Cathcart) (SNP)

DEPUTY CONVENER

*Sarah Boyack (Lothian) (Lab)

COMMITTEE MEMBERS

*Keith Brown (Clackmannanshire and Dunblane) (SNP)

*Gordon MacDonald (Edinburgh Pentlands) (SNP)

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

*Annie Wells (Glasgow) (Con)

*Andy Wightman (Lothian) (Green)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Neil Langhorn (Scottish Government)

Catriona MacKean (Scottish Government)

Euan Page (Scottish Government)

Graham Simpson (Central Scotland) (Con)

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 16 December 2020

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (James Dornan): Good morning, and welcome to the 33rd meeting of the Local Government and Communities Committee in 2020. Please ensure that all mobile phones are in silent mode. I welcome back—for a brief visit—Graham Simpson, who joins us for later items.

I offer a reminder that broadcasting will operate cameras and microphones, as usual. Please allow a short pause after being called to speak to allow them to do so.

Agenda item 1 is consideration of whether to take agenda item 7 in private. Item 7 will be consideration of evidence that we will hear today. The committee will also decide whether to take in private the work programme at our next meeting on Wednesday 23 December.

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 you are content. Does anyone object?

No one objects, so it is agreed that item 7 will be taken in private, and that we will consider the work programme at our next meeting, on Wednesday 23 December, in private.

Subordinate Legislation

Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Amendment Order 2020 [Draft]

Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Amendment Regulations 2020 [Draft]

09:31

The Convener: Agenda item 2 is an evidence session on two instruments: the draft Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Amendment Order 2020; and the draft Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Amendment Regulations 2020.

From the Scottish Government, I welcome Kevin Stewart, the Minister for Local Government, Housing and Planning; Catriona MacKean, who is deputy director in the better homes division; Simon Roberts, who is team leader in housing standards and quality; and Rachel Nicholson, who is a solicitor in the housing branch of the local government and economy division.

We understand that the two instruments have a common purpose, so we are taking evidence on them jointly, but they will be formally debated separately.

The instruments are laid under the affirmative procedure, which means that the Parliament must approve them before the provisions can come into force. Following this evidence session, the committee will be invited at the next agenda items to consider the motions to approve the instruments.

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): I am grateful for the opportunity to speak to the two motions seeking approval for the instruments. With the committee's permission, I intend to speak to both instruments together. If approved, they will postpone to February 2022 the requirement for all homes to meet new standards for smoke and heat alarms and carbon monoxide detectors.

Before I start, I would like first of all to record my apology for what happened, and for any distress or anxiety that folk have experienced either as a result of the messaging that went out from private

companies, or from the failure of the Scottish Government to effectively communicate our own messages as we had originally intended this year.

The misuse of our logo absolutely should never have happened, and in an ideal world, without the pandemic, we should have done more ourselves to get clear messages out there. There are lessons to be learned; I assure the committee that we have learned them and that we will stop that situation, or anything like it from happening again.

As it currently stands, the changes relate to the requirement for all homes to have interlinked fire and carbon monoxide detectors situated in specific areas within the home, and are due to come into force on 1 February 2021. However, it is clear that the Covid pandemic has created difficulties for people seeking to install new fire and carbon monoxide alarms and has cut across our original plans for publicising the changes. We have listened to the concerns, and we agree that there is a strong case for a one-year delay to the implementation of the legislation, to allow people more time to carry out that important safety work.

However, improving fire safety remains a key priority for the Scottish Government. The instruments do not change the substance of the new standard, as it was considered by the committee at the previous meeting on 19 December 2018. The basic principle that the standard will help to reduce the risk of death and injury has not changed. Although we plan to delay implementation of the legislation, to allow more time for people to fit alarms and to resume our plans to raise public awareness as we move through the pandemic, I urge home owners to install alarms to the new standard at the earliest opportunity to ensure, not only compliance with the regulations but that people's homes are as safe as possible.

I request that the committee considers two related instruments, because, during the course of preparing the amendment for the date for the tolerable standard, which affects all housing, it came to light that we would also require to change the date on which the existing standard ceases to be part of the repairing standard for private landlords. That required an additional instrument, because the power in section 86(2) of the Housing (Scotland) Act 1987 is to amend the tolerable standard by order, but the power in section 20A(1) of the Housing (Scotland) Act 2006 is to vary the repairing standard by regulations. To ensure that the duty on private landlords to provide smoke and fire alarms as well as carbon monoxide alarms is not removed and aligns with the tolerable standard, the second instrument for the repairing standard is also required.

In our combined efforts to minimise the various harms of this awful pandemic, we have had to be

flexible. I hope that the committee will agree that it is right that we show that flexibility now and allow further time to raise awareness and to give people the additional time and opportunity to fit the necessary alarms. If the delay is approved, we will resume and build on our work with partners to raise awareness of the changes before the new deadline. We will also work with suppliers and retailers to maximise effective support and advice to homeowners.

As we know, the standard is already clear for the private rented sector, and, given the strides forward that have already been made by landlords in the social rented sector, our focus will be on supporting householders to ensure that satisfactory fire and carbon monoxide alarms are installed, so that we can improve the safety of their homes. Although the delay will give people a further 12 months to install the alarms, I hope that most people will recognise the safety benefits of the standard and act much sooner. I have instructed my officials to explore all avenues to ensure that that is as easy as possible for people to do.

As we know, Scotland has rigorous standards for smoke and fire alarms. We know that the presence of working fire and smoke alarms significantly reduces casualties and fatalities within the home. One death from fire is one death too many, and we want to do all that we can to ensure that people are supported. Therefore, I ask the committee to support the motions, in order to balance a proportionate response to the impacts of the pandemic with our ambition to improve fire safety in all Scottish homes.

I am happy to take questions from members.

The Convener: We move to questions from members. If Graham Simpson has any questions, I will invite him to ask those after committee members have had the opportunity to ask theirs. Andy Wightman is first.

Andy Wightman (Lothian) (Green): Given that the committee approved the instrument in December 2018 and Parliament passed it in 2019, can you explain what efforts were made to raise awareness of it between January 2019 and February 2020, when the pandemic hit?

Kevin Stewart: The legislation was highlighted in the media as it passed through Parliament. As with all publicity campaigns, timing is a key factor. If you promote things too early, people will have forgotten the message by the time it comes into force.

The plan was always to ramp up publicity and communications in the run-up to the deadline. However, Covid-19 and its associated public health information have without doubt taken precedence over other marketing campaigns and

have been at the forefront of all that the Scottish Government has done on communications since the beginning of the year.

We continued to work closely with the Scottish Fire and Rescue Service. I recognise that the change could have been better supported and amplified with more intensive activity, but that would have been lost given everything else that has gone on this year. It is regrettable that stuff that we planned has not been possible, but it is right that the pandemic response has been our priority from March.

Andy Wightman: Are the public confused between the understandable need for homes to have adequate fire protection equipment, which most people regard as an obvious requirement, and the introduction of the arrangements as part of the tolerable standard, which generally relates to aspects that make a home fit to live in, such as having an indoor toilet and enough insulation, rather than critical safety features? There is a lot of confusion between those two things. To be frank, there is no duty on home owners to fit such equipment, as you know. If it has not been fitted by whatever date the regulations specify, the house will be below the tolerable standard. Many houses are below that standard. Will you reconsider how the duty is being framed in legislation?

Kevin Stewart: The minimum standard for fire alarms under the tolerable standard defines what is expected for all homes. The measure is proportionate. We use many vehicles in secondary legislation to enact regulation. I am more than willing to discuss with the committee and with Mr Wightman in particular how they might want to proceed in the future, but we can use the proposed legislative vehicle to bring the arrangements into play.

We all place importance on fire safety. Using the tolerable and repairing standards is the right thing to do, but I am willing to have further conversations with Mr Wightman and the committee. We are using the tolerable and repairing standards as the vehicle today and I urge the committee to back the motions that I will move later.

Andy Wightman: The Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Order 2019 says only that “satisfactory equipment” must be in place and does not define what that means—the definition is in the guidance. Much of the concern that many of us have heard from constituents has been that what the guidance requires is overelaborate. Do you agree that having something fitted, even if it is below the standard, is better than having nothing? Do you agree that the standard should be achieved over a

longer period rather than by a set date that is just a year from now?

Kevin Stewart: Something is better than nothing, but the committee agreed at the tail end of 2018 that we had to make—[*Inaudible.*—]—to set the most rigorous standards that we could for smoke and fire alarms.

09:45

As Mr Wightman and other committee members are aware, those standards are already in place in the private rented sector. The social rented sector is working through them. If I remember rightly, I said at that point to the committee that we should be taking an all-tenures approach in many of the things that we do, and that includes owner-occupiers.

We must ensure that people protect their two main assets—their lives and their homes. Those more advanced systems will do that. We know that some of the other alarms that have been used in the past, without interlinking, have caused difficulties. We know that some folk have not checked batteries in previous fire and smoke alarms. The new standard provides greater protection. That is what I thought we were all about, particularly in light of what happened after the Grenfell tragedy, about which the committee has had a fair amount of discussion.

I reiterate that it is already the standard in the private sector, that the social rented sector is aspiring to meet it, and that I think that it should be the same across all tenures, including in owner-occupied homes.

Sarah Boyack (Lothian) (Lab): Good morning, minister. Will you say a bit more about what happened in 2019, after those SSIs were passed? How many installations were carried out in 2019, and how many Scottish homes still need those alarms to be installed in order to meet the guidelines?

Kevin Stewart: I do not have those figures in front of me. If we can ascertain them, I will be more than happy to write to the committee.

All homes in the private rented sector should have those alarms, and I know that, in the social sector, as Ms Boyack will know from her previous work, housing associations and councils are aspiring to ensure that the new alarms are in place.

Sarah Boyack: I am very much aware of that work. As you have said, it is really important, because of the Grenfell fire legacy. How many Scottish homes in the private ownership sector still need alarms to be installed in order to meet the guidelines, and what meetings have you held with the Convention of Scottish Local Authorities to

discuss the implementation of the legislation, given the importance of local authorities in monitoring the tolerable standard? You said in your letter to the committee that you

“expect local authorities to make ... use of all their discretionary powers to offer appropriate support.”

Will you tell us what progress was made through the use of local authorities’ discretionary powers in 2019 and early 2020?

Kevin Stewart: I expect local authorities to use their discretionary powers in many areas of business—and they do that, as Sarah Boyack knows. We are in continuous discussion with local authorities on very many issues.

I will hand over to Catriona MacKean. She will be able to give more specifics on some of the discussions that took place in the run up to bringing forward the regulations, and on what has gone on since. Although there have been continued discussions with SFRS throughout the period, discussions on this particular issue with the Convention of Scottish Local Authorities may not have been at the top of our agenda during the pandemic. Catriona MacKean will fill in some more of the detail.

Catriona MacKean (Scottish Government): We have focused our discussions on the fire service as a trusted source of information, advice and direct support to households, particularly those at the highest risk of fire. Any discussion with local authorities during my time in this role has been about understanding the impact that the pandemic has had on our plans and on how we can progress safely while restrictions are in place. We have an increasing understanding of the barriers that people—including owner-occupiers—face in having alarms installed.

Our future conversations with local authorities will be about how we can make it as easy as possible for home owners to make changes, access advice and find the services that are available. That will be our focus.

Sarah Boyack: That is helpful. I am keen to find out what happened after Parliament passed the legislation. Local authorities are important, not only in relation to monitoring the tolerable standard but because of the support packages that were mentioned in evidence to the committee in December 2018.

Given the letter that you sent us on 11 December, how many homes do you expect will have alarms installed before February 2022? The health and social impacts of the pandemic will continue for some time. Surely that gives us quite a challenge and little time to catch up? If the new deadline is 2022, and the pandemic lasts through much of 2021, does that not give local authorities

and suppliers a tight timescale? Communication was a challenge the first time we tried to roll out the programme.

Kevin Stewart: I did not catch the start of Ms Boyack’s question—I do not know whether it was the same for everyone—so I would be grateful if she could repeat the first part of it.

Sarah Boyack: Given the letter that you sent us on 11 December, how many homes do you think will have had alarms installed before February 2022? We are about to move into 2021, and there is a strong expectation that the health and social impacts of the pandemic will be with us for some time. Older people or people who have to self-isolate will find it challenging to access the advice and finance that they will need to make those important improvements to their houses.

Kevin Stewart: I urge everyone who can do it to do it as soon as possible, so that they can make their homes as safe as possible.

We will keep a close eye on how the whole situation pans out. We are already looking at what marketing needs to be done to get the information out there. Beyond that, we are in continued discussions with the SFRS on how we can support the most vulnerable people, who may face difficulties with installation or cost. Officials, along with others, are looking at how we can reduce costs for those who cannot afford it.

Folk have asked me, “Why should we spend our money on this?” As I pointed out, it is about protection of their two greatest assets: their life and their house. I expect those who can afford to install an alarm to go ahead and do that.

I assure the committee—although I am certain that it will keep a close eye on the matter—that we will give regular updates on the programme and its roll-out, so that we can all scrutinise what is happening to the extent that I am sure that committee members would want to do. It is important that we get our approach right. A further delay would not necessarily be beneficial. We undoubtedly have to strike a balance between protecting people’s safety and recognising the situation that we currently find ourselves in as we come out of the pandemic period.

The committee can be assured that I will scrutinise the programme, as, I am sure, it will do, and I give an assurance that I will continue to keep folk up to date on how we are getting on.

The Convener: I think that what Sarah Boyack was asking was, given the pandemic and the fact that we were struggling last year, how we can be assured that we will not hit the same problems this year, in the run-up to 2022.

Kevin Stewart: I do not think that we were struggling last year. As I said earlier, when it

comes to marketing such programmes and moving things forward, timing is everything. The marketing experts—of whom I am not one—say that it is always best to leave such campaigns until later, so that folk do not lose sight of them.

As things stand—and probably for the wrong reasons—there is greater awareness of the change now than there has been. We should take the positive from that, build on it and continue to make progress. We should take advantage of a not particularly brilliant situation and keep getting the messaging out there about what is required and why we are taking such steps for people's safety. Beyond that, we must ensure that people know what the right systems are and the reasoning for installing them.

As I have said, we already have the standard in the private rented sector, and the social housing sector is making progress on installation; the same needs to happen in the owner-occupied sector. As I have said to the committee previously, far too often in the past, Governments and the Parliament have legislated for particular sectors at different times. We should get away from doing that and, where possible, take an all-tenures approach, particularly on safety. A while back, the committee was quite adamant—as was I—about ensuring that we raise safety standards, which is what we want to do in this area. In recent times, the Government has had co-operation with David Stewart on proposals on fire-suppression systems, on which we have made progress.

I will continue to keep a close eye on all safety measures and will aim to create the highest possible standards to protect people right across the country. As I have said previously, even one death resulting from a fire is one too many.

Alexander Stewart (Mid Scotland and Fife) (Con): I welcome the minister's acknowledgment that the Scottish Government dropped the baton on the issue. In the past, whenever the committee made representations on it, it was assured that there would be a strong awareness-raising campaign. That approach has failed, and we now find ourselves having to extend the programme to ensure that our communities can move forward and have such standards, which we acknowledge need to be put in place.

10:00

Where in the process do we have a discussion about the fitting of the devices that are being suggested? Is there clear advice and an approved process to ensure that the public are given as much information as possible on how to install or have the alarms fitted in their homes, in order to enhance safety—[*Interruption.*—]procedures?

Kevin Stewart: There was a bit of break-up again, but I think that I got the gist of Alexander Stewart's question. If I miss anything out, I am sure that he will come back to me.

With regard to the equipment that needs to be installed, the Scottish Government website has all the details of the requirements, and I ask folks to ensure that their constituents are directed to that.

As we move forward, a key thing that needs to happen in relation to the marketing campaign is that we must ensure that people know exactly what is and is not suitable. With regard to installation, interlinked battery systems can be fitted by householders, but systems that need hard wiring might require an electrician.

It has been pointed out to me in a text that I did not answer part of Sarah Boyack's questions about guidance on allowing such work to go on. That work can be done now, as long as folk ensure that they have the right personal protective equipment and observe social distancing. Again, all that guidance is on the Scottish Government website.

Beyond that, I thank the Construction Industry Coronavirus Forum, which has been fantastic in communicating messages to householders on what can and cannot happen with regard to the works, in order to keep everyone safe. A key element of the marketing is ensuring that folk are directed to what the required devices are. I hope that I picked up everything that Alexander Stewart asked.

Alexander Stewart: We have a number of vulnerable individuals who are elderly and who require to have such devices installed. Is there a mechanism in place to protect them from rogue traders or scammers who might see that as an opportunity to exploit them?

Kevin Stewart: As Alexander Stewart knows, because we have had discussions about the issue previously, I want to do everything possible to ensure that scammers do not put the fear into people and do not con them out of money. We will keep a close eye on all that is going on and I am sure that individual members will do so, too. As always, we will also ask partners, such as Age Scotland, to alert us to anything untoward that is happening out there, so that we can deal with it accordingly.

My message to more vulnerable folk, older folk and organisations that deal with the public is that the best way of seeking advice is through trusted sources, such as the Scottish Fire and Rescue Service and Citizens Advice Scotland. It is best for people not to take advice from leaflets that pop through their doors or cold callers who come to their doors.

The Convener: Keith Brown is next.

Keith Brown (Clackmannanshire and Dunblane) (SNP): Thank you, convener. I understand perfectly that Covid and the pandemic have had an impact on all sorts of Government business and not just the obvious stuff.

However, given what the minister said about how crucial the timing of the marketing is, should we expect to have the legitimate Government marketing at around the same time next year as we got the less legitimate marketing—if I can put it that way—from people this year? My concern is that, although I understand why the marketing should take place as close to the event as possible, the run-up to Christmas, with a deadline in January or whenever, is not a great time to get folk to lay out for additional expenditure or to put additional requirements on people. Is that what is intended?

Kevin Stewart: Not necessarily. We are still discussing how to deal with the marketing campaign. As I said, I am not a marketing professional or expert in any way, and we will have to take the relevant advice from those with that experience. I do not think that it will necessarily take place at around the same time of year as people received the leaflet this year—it is likely to be before then.

As Mr Brown and others are aware, we must also ensure that that messaging does not get lost among other messaging. As I have said previously to the committee, I will keep a close eye on that, as members can imagine. The same would go for whoever might be sitting in this chair after the election. We will continue to keep the committee informed throughout the process, so that folks know exactly what is happening.

Beyond that, it is not just about the marketing campaign. We all regularly have the opportunity to speak to folk, and I will ensure that we communicate with all members on the issue, because I know that a number of folk have had correspondence on the matter.

Keith Brown: That is a useful suggestion because, as MSPs, we all have the ability to put such information in annual reports to get it out there.

However, given what you said previously about asking people to install the alarms now, are you confident that people are aware of what they have to do, what the standard is and how they can go about it without getting ripped off, if they do it in advance of the marketing campaign?

Kevin Stewart: As I said earlier, on the Scottish Government website, we have all the detail of what folk should be looking for in order that they do not get, as Mr Brown put it, “ripped off”. We can

highlight all that information to all members of Parliament and use your good offices to get that message across to folk who might already have been in touch with you on the issue. I am happy to keep members apprised of exactly what is going on and to provide the necessary information so that they can inform their constituents about what is required of them. As Mr Brown just mentioned, I urge folk who can to do this as soon as possible. It will make them safer by protecting them in their homes, which is a good thing.

Keith Brown: Thank you.

The Convener: Does Graham Simpson have any questions?

Graham Simpson (Central Scotland) (Con): Yes, I do. Hello to everyone; it is good to be back at the committee.

Good morning, minister. I have a few questions. To be honest, I am a bit confused, and my confusion goes back to the question that Andy Wightman asked at the start about where various responsibilities lie. In a letter to the committee on 20 October, you said:

“As with other housing standards, it will be the responsibility of the homeowner to meet the new fire and carbon monoxide alarm standard. However, it should be noted that the legislation does not create a direct duty on homeowners. The legal duty rests with the local authority to ensure homes in its area are meeting the standard. Homes that don’t have the right alarms will clearly not be meeting the safety standards, but nobody will be breaking the law if they are not able to comply.”

Therefore, people have a duty to do something, but they will not be breaking the law if they do not do it and, actually, the legal duty rests with the local authority. That is utterly confusing. Who is actually responsible? Is it the home owner or is it the council?

Kevin Stewart: Although the legislation does not create a direct duty on the home owner, it will in practice be the responsibility of home owners to meet the new standard. As local authorities are required to have a strategy for ensuring compliance with the tolerable standard within a reasonable period, they have a wide range of discretionary powers to assist home owners with that and other matters and, where necessary and appropriate, to require home owners to carry out work to improve substandard homes. However, I would expect local authorities to be proportionate in anything that they do here.

The aim of housing standards is to improve houses, not to criminalise home owners. It is therefore right that the new standard for fire alarms should be built into the tolerable standard, as improvement to fire safety should be part of the basic requirements for all tenures. Our aim here is therefore to work in partnership with people as we

move forward to get them to recognise that installing the alarms is the right thing to do to protect their lives and homes. It is not an attempt to criminalise people but a regulation to encourage folk to play their part in getting this absolutely right.

Graham Simpson: In that case, do people not have to be scared that they are going to be breaking the law if they do not have the devices fitted? Is that the case?

Kevin Stewart: No. I do not want to put the fear in anyone. We all need to encourage people to ensure that they recognise that the alarms are of benefit. If someone chooses not to have them installed, local authorities have the discretionary power to say that they are not meeting the required standard. However, I would expect responses to be proportionate. In addition, the standard will have to be met when anybody tries to sell their home, so it is in their interests to get it done.

Everyone recognises that we have to be proportionate in everything that we do on the issue. We do not want to criminalise people, but we want to ensure that folks meet the standard, because it is best for them, their neighbours and their communities. As I have said previously, one death from a fire is one too many, and we can do a great deal in helping to reduce risk by ensuring that everyone across all tenures adheres to that standard.

10:15

Graham Simpson: I, like many people, got the leaflet from Aico with the Scottish Government logo on it. You have explained that that should not have happened—of course it should not—but if you go to its website today, the message there is that

“You must comply to the new legislation by February 2021.”

That is the date at the moment and it says “you must comply”, which is aimed at home owners. You say that people will not be criminalised, but do you think that the message from Aico is too severe?

Kevin Stewart: That message from Aico is not one that the Scottish Government would have related to people. I do not want anyone to be afraid of any message on that issue. It would be fair to say that I was not a happy bunny about the leaflet that went out and the situation that arose—the term “raging” could have been used when I first got sight of that leaflet. As Mr Simpson pointed out, the words on that leaflet were designed to instil fear, which I do not think is beneficial.

On the part that officials played in that leaflet, I repeat that they did not follow proper procedure; it

was a mistake, following which I have sought and been given assurances that lessons have been learned and that it will not happen again. It did not have ministerial approval and it should have been signed off by ministers, but it was not.

I can appreciate why some folk thought that the use of the Scottish Government logo could be seen as us endorsing products, but that is not the case either. We do not endorse any products or services. Had ministers been consulted, which is what should have happened, I would not have approved that partnership or the messaging that went out, because I feel that the tone was very wrong and it frightened people unnecessarily. I hope that that answers Mr Simpson’s question about my view on that important issue.

Graham Simpson: Can I ask one more question, convener?

The Convener: [*Inaudible.*] We now move on to the next item, which is formal consideration of S5M-23439, which calls on the committee to recommend approval of the draft Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Amendment Order 2020, which we have just taken evidence on. I invite the minister to move the motion—[*Inaudible.*]—anything further to add?

Kevin Stewart: You broke up towards the end there, convener, but I move,

That the Local Government and Communities Committee recommends that the Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Amendment Order 2020 [draft] be approved.

The Convener: Do you have anything further to add?

Kevin Stewart: No, convener.

The Convener: I believe that Andy Wightman has a question.

Andy Wightman: It is not so much a question as a contribution to the debate. That was a useful—[*Inaudible.*]—from the minister. I am pleased that he apologised for a failure. Governments should do that more often; it is not difficult to do and it is appreciated.

As the minister acknowledged, this causes a bit of difficulty for home owners in understanding what is required. There is an impression out there that there is an obligation on home owners to make their homes safe by putting fire and heat installations in place. In reality, failure to do so has no consequence in law for the home owner. It merely means that their home will fall below the tolerable standard. Home owners have difficulty in understanding the difference between those perspectives. It is not hard for those in the rental sector, because they have a duty of care to tenants.

I am reassured that the minister intends to keep the committee apprised of progress during the next 14 months. I assume part of that assurance is that if it were determined that more time was needed and the deadline should be extended beyond February 2022, the minister would consider doing so.

I was originally of the view that we need to give this a new fresh two-year reset. Given the assurances that the minister has provided to the committee, I am content to agree to the regulations. However, as he is well aware, given that the reassurances we sought last time that were not delivered—for whatever reason—we will keep a very close eye on them. We appreciate the minister's commitment to keeping the committee informed on the progress of ensuring that there is better public information on regulation—particularly that there is a better understanding in the public mind about exactly what their duties and responsibilities are.

Sarah Boyack: I was actually disappointed with the minister's comments. I very much welcome the apology that he started off with, but fundamentally there has been no campaign to give people the information that they need.

If someone looked at the website—as the minister suggested—and then went to install the equipment, it would not have been straightforward. Retailers should have that information in shops so that people know what they need to buy.

I genuinely do not think that a one year extension will be enough. We are going to need two years, because it is likely to be next summer before we get through the pandemic.

The minister talked about the need for a decent communications strategy and said that that needs to be done closer to the time when people need to be engaged. Surely we need an on-going comms strategy, because we do not want everybody trying to get these installed in the run up to Christmas next year, as Keith Brown said. It has got to be something that people do throughout the year.

When people are moving home—which they are doing all the time, even through the pandemic—that would be a very good time to get this kit installed, but there is no publicity about doing that. We do not need a one-off publicity drive; we need political leadership at Scottish Government and local government levels. I do not see that there has been any of that during the past two years.

It is important that this is given much higher priority. The minister's opening points about fire safety are absolutely bang on; it is critical to people. Taking into account the comments that Graham Simpson made, we need to give people enough time to do it. However, we also need to

ensure that there is a proper process, done by proper installers—not a one-off lay fit.

It is also about retailers. If the idea is that many people can install this themselves, when they buy the equipment, they need to know that it is the right equipment. That is not the case now.

It is important to have a consistent campaign that works with all the stakeholders, such as the SFRS, local authorities, all the consumer groups that have been mentioned and the raft of support organisations. Even if the kit is relatively straightforward to fit, many people, such as those in tenements, people with disabilities and older people, will be unable to reach their ceilings, so they will need suppliers to install the equipment.

The requirement needs to be introduced properly; it cannot be done in a couple of months. If we all went out and tried to buy the stuff from the shops tomorrow, the supplies would not be available; there is also a supplier issue.

A strategy is needed. I welcome the fact that the minister will return to the committee regularly, but we need an implementation strategy, which is not just a publicity campaign. Much more needs to be thought through for the logistics. The change is important for everybody because it is about their property and their life. We must get this done for people and provide support.

There are lessons to learn. We are talking not about a one-off publicity campaign but about much more than that. People need more time than will be provided by resetting the dial by one year, so I think that two years are needed. The minister does not look happy at my comments, but I would prefer to ingrain that period now with a proper campaign. For a lot of people, the issues are the head space, the health concerns and the money. People might not have seen £200 as an obstacle a year ago, but a number of people have lost their jobs in the past year, and we have not got through the pandemic.

A lot more needs to be done. I would like a two-year implementation process, which would be more realistic and would help all those who are involved to make the arrangements work in practice, so that we are not back here next year to say that the work is not quite done.

We do not even know how many homes need to be done. How much equipment needs to be supplied? Is the industry geared up? Are installers geared up? An awful lot needs to be done, for which we need leadership and a strategy that can be rolled out. I do not see that happening in the next six months as we run into the election, and then we will be back to where we were last summer. I see the convener looking at me, so I will take the hint and wind up.

Alexander Stewart: I acknowledge that the minister indicated that the Scottish Government was embarrassed by the process. It is right that he apologised for the difficulties that were identified. I heard what he said and I acknowledge that lessons are to be learned, but I also heard what Sarah Boyack said about the need for a stringent campaign that raises awareness not just once but as part of a strategy with a purpose. Charities have voiced comments and Age Scotland has made strong recommendations, which we have all received. We know from our mailbags that difficulties were created when the leaflet went through doors. Mr Wightman—[*Inaudible.*]
—strong views about the standard.

I have sympathy with Sarah Boyack's view that the period should be extended by more than one year. That would give local authorities and COSLA the opportunity to manage the change, which we know will have a financial implication and will put vulnerable people in difficult situations. Specific campaigns might be needed for particular home owners and individuals.

I acknowledge what the minister said but, like Sarah Boyack, I do not believe that it goes far enough to ensure that we will have the seamless transition that is hoped for by 2021. There is merit in extending the period by a further year.

10:30

Keith Brown: Talk of "embarrassment" is a bit tedious, really. As I think we all know, Covid has impacted on everybody. We make allowances for all sorts of people—citizens and others—because of what Covid has done to their work programmes and lives, and I think that that is equally true for the Government. I am more than willing to acknowledge the impact that the Covid pandemic has had on the Government when it comes to this issue, and I congratulate the minister on being up front about that.

However, I also agree that this a good thing to do and, because of the safety that is inherent in the proposal, I do not support delaying it for a further year. I think that it has to be done as quickly as practically possible. It is a good thing, and we all support it, so I do not think that delaying it for two years is the right thing to do, unless it absolutely has to happen.

However, Sarah Boyack and others made important points about the way in which the marketing campaign is undertaken. I am thinking particularly about owner-occupiers, many of whom are older people on fixed incomes such as pensions. It is a big item for many of them, and they will be uncertain about where to source the right supplies at the right price and of the right standard. It is probably going to have to happen

over a period of time. I do not think that it can be left, notwithstanding the minister's understandable point that the closer to the event that it is done, the more likelihood it has of registering with people. I think that it will have to be done in a series of hits and over a sustained period, in order to achieve the early take-up that the minister has said he wants.

The minister suggested that it could be done in conjunction with MSPs putting it in their annual reports—rather, that may have been my suggestion, but it was at his initiative. MPs and councillors could also be part of that. That is very important.

I support it. I do not think that a delay is in the interests of public safety. It is important that we get on and do it, but also that we take people with us and, in particular, that we bear in mind older people who are on fixed incomes and who want the right information about how to go about it correctly.

Graham Simpson: I have listened with interest to the views of members, and am of the view that the issue is still a bit confused. I take on board Sarah Boyack's point that it is not easy for people to find what is required in shops or to know what they are meant to buy.

Keith Brown made a very good point about the date of February 2022 potentially clashing with the Christmas period. I would be minded to support a delay, but it does not have to be for a further year. If the committee supports a delay today, the only way that the committee can go is to reject what is in front of it so that the minister can come back with a revised date, or for the minister to agree not to press the issue and to come back to the committee.

It is important that everyone is on board—as they are. Everyone supports doing something. It is a matter of getting it right. My concern is that the minister's suggested timescale is a little too tight, and needs to be pushed back a bit so that we can get it right.

It was not done correctly, as the minister has to his credit acknowledged, but it needs to be done correctly. I urge the minister to think again and to work with the committee, as it is now and as it will be after the Scottish elections.

It may just need a rethink. Press the pause button. Thank you.

The Convener: Minister, I want to clarify that, if we go for the deadline of February 2022 and people have not achieved what they were asked to achieve by then, there is no sanction on them, and they will just be encouraged to get it done as quickly as possible—[*Inaudible.*] You then put it back to a point where you still have that end—

[*Inaudible.*—and that does not seem to meet with the issues that it would appear will need to be met in February 2022.

On that note, minister, I will give you the opportunity to sum up and respond to the points made in the debate.

Kevin Stewart: Convener, I had great difficulty hearing your last point, because your connection was breaking up quite badly. I did not get the gist of that at all, I am afraid. Do you want to repeat that?

The Convener: Can you hear me now?

Kevin Stewart: I can hear you now.

The Convener: The point that I was making was that, if somebody has not achieved what they have been asked to achieve by February 2022 there will be no sanction on them; there would just be the support and encouragement to get it done as quickly as possible. Is that right?

Kevin Stewart: Yes, there would be no sanction. Any response on that must be proportional. There will be no sanction, but we need to encourage folk to do it.

I have listened to the points about a further delay, and I will cover that point first. When we introduced the new fire and smoke alarm legislation in 2018, I took account of feedback from stakeholders and I agreed to that two-year lead-in time before the regulations would come into force. The primary purpose of an extension for another year is to improve that protection from fire in people's homes. As with many issues that have arisen because of the pandemic, we have to consider the balance of harms. I have responded flexibly in seeking the right balance, but I do not think that an even longer delay would be the right thing to do. The delay that we are asking for will give folk another 12 months to install the alarms, and I hope and think that most people recognise the safety benefits of taking these actions now. I have asked my officials to explore all avenues to ensure that it is as easy as possible for people to do that.

Much of our discussion this morning has centred around the marketing campaign, but Sarah Boyack is right that there are other aspects of the strategy that we need to get right, which is why we have had and are having substantial discussions with the Scottish Fire and Rescue Service about the part that it has to play in helping us to get it absolutely right. We have put in place and are discussing practical plans with the SFRS to help us to restart our plans to raise awareness, but also to ensure that its messaging is similar to ours and to help it with practical things. For example, with regard to the installations that it will be carrying out in the homes of some of our most vulnerable

people, we have helped it with the provision of ladders so that it will be able to do that.

The SFRS has lots of ladders on vehicles, but we have helped in that regard. It is about the practical implementation and not just about the marketing strategy. I am happy to come back to the committee regularly and to keep it informed by writing to it about how we are getting on with all of that.

We are also looking at the key points about retailers and getting the messaging right through them. I cannot find the place in the briefing about that, but we will also let the committee know how we intend to move forward on that front. We have to be careful in all of that because, as I said earlier, we do not want to endorse individual manufacturers or products, which I believe folk would think would be wrong. However, I think that we can find a happy medium to get that right.

We will communicate on not only the marketing but the other strategic points that have to be made and on the on-going discussions with all partners to keep the committee apprised of what is happening. As I said, it is about balance and getting it right. I repeat that I am sorry that we did not get it right previously. However, as Mr Brown pointed out, the pandemic has put a stop to many things that we aspired to do over the past number of months. I hope that, as we move forward, we can get back to some kind of normality not only on this front, but in many other areas of government that we have had to pause because we have had to deal with the pandemic situation.

I urge the committee to support both motions. The committee can be assured that not only will I scrutinise the matters involved carefully indeed, but that it will also have the opportunity to do so, so that we get it right for the people out there.

The Convener: Thank you, minister. The question is, that motion S5M-23439, in the name of the Minister for Local Government, Housing and Planning, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

Sarah Boyack: I vote no, but I do want to accelerate this stuff, though.

Keith Brown: I do not want to see a delay in a vital public safety measure, so I vote for the motion.

Gordon MacDonald (Edinburgh Pentlands) (SNP): I vote with the Government so that we get the measure through and roll it out across the country.

Annie Wells (Glasgow) (Con): I vote against the motion for the same reasons as Sarah Boyack.

Alexander Stewart: I vote against the motion for the reasons that have been expressed by Sarah Boyack and I.

Andy Wightman: I vote for the motion, but rather reluctantly, because I think that more time is needed. However, I heard what the minister said and the assurances that he gave the committee. The committee's job is to keep the minister's feet to the fire, with the proviso that if further time is needed, because we do not know what the course of the pandemic will be, there is the option of a further extension.

The Convener: I vote yes to the motion for the same reason that has been outlined, which is that it is about a safety measure that has to be implemented, with the flexibility that the minister mentioned.

For

Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Wightman, Andy (Lothian) (Green)

Against

Boyack, Sarah (Lothian) (Lab)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wells, Annie (Glasgow) (Con)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Motion agreed to,

That the Local Government and Communities Committee recommends that the Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Amendment Order 2020 [draft] be approved.

The Convener: The committee will report on the order in due course. I invite the committee to delegate authority to me as convener to approve a draft of the report for publication.

Members indicated agreement.

The Convener: The next item is consideration of motion S5M-23438, which calls for this committee to recommend approval of the draft Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Amendment Regulations 2020, on which we have just taken evidence. I invite the minister to move the motion.

Motion moved,

That the Local Government and Communities Committee recommends that the Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Amendment Regulations 2020 [draft] be approved.—[Kevin Stewart]

Motion agreed to.

The Convener: The committee will report on the regulations in due course. I invite the committee to delegate authority to me as convener to approve a draft of the report for publication.

Members indicated agreement.

The Convener: I clarify that there will be a single report on both SSIs.

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

I suspend the meeting briefly to allow for a changeover of officials.

10:47

Meeting suspended.

10:51

On resuming—

Hazardous Substances Planning (Common Framework)

The Convener: The next agenda item is evidence on a common framework for hazardous substances planning. The committee has the opportunity to question the minister on the outline framework in advance of writing to him with our observations about that framework early in the new year.

I welcome back the Minister for Local Government, Housing and Planning. I also welcome Euan Page, who is the head of the UK frameworks unit in the Scottish Government constitution and UK relations division, and Neil Langhorn, who is head of development delivery in the Scottish Government planning and architecture division.

We have allocated up to 40 minutes for the session. There is a pre-arranged question order, so I will call members in turn to see whether they have any questions. Members who have questions should aim to complete them within six minutes, although there might be some latitude.

I invite the minister to make a short opening statement.

Kevin Stewart: I thank the committee for inviting me to assist in its deliberations on the provisional common framework for hazardous substances planning. The framework is one of a number of provisional common frameworks that will come before Parliament, and is part of a programme that my colleague the Cabinet Secretary for Constitution, Europe and External Affairs has co-ordinated for our interest.

I am supported today by officials from the Scottish Government planning and architecture division, and the constitution and UK relations division. They have been involved in production of the framework and have worked with their counterparts in London, Cardiff and Belfast. This has been a collaborative effort that has demonstrated genuine co-operation and engagement between the UK Administrations. It has included a successful stakeholder engagement session and scrutiny of the draft framework by the review and assessment panel.

On those occasions, only minor issues were raised and considered. It was felt overall that the provisional framework raises no contentious issues, and that it can be operated without restriction of devolved powers. All the Administrations also agreed that there is little scope for a market impact in this policy area.

The outline framework was published in July 2019 as an example of how common frameworks are being developed. The framework continued to make progress through the project board. The joint ministerial committee on European Union negotiations approved the framework in September, which makes it one of the first frameworks to have come before a Scottish Parliament committee.

The framework follows agreed protocols for framework development, including agreed UK processes for making policy recommendations to ministers, as well as governance and dispute resolution arrangements.

The framework has been developed in accordance with the principles of the JMC(EN), which were agreed by all Administrations in 2017. Those include the principles that United Kingdom frameworks should ensure the functioning of the UK internal market as well as acknowledging policy divergence, and that they should respect the devolution settlements and the democratic accountability of the devolved legislatures. On that basis, we consider that the framework delivers against the principles that were agreed in 2017.

I will be happy to answer the committee's questions, although I might have to defer to my officials on the more technical aspects.

The Convener: The common framework is a very technical matter. I am sure that it must have taken a bit of work to get the four Administrations to agree on it. How did they go about that?

Kevin Stewart: As you will be aware, in many areas of government officials from across the four Administrations have been considering proposals for such frameworks. Most have involved legacy arrangements that are connected with the UK's leaving the EU. I have not been directly involved in all the discussions, but I am sure that Neil Langhorn or Euan Page can provide detail on how they have gone about the process with their counterparts in the other Administrations. Perhaps we could hear from Mr Langhorn first.

Neil Langhorn (Scottish Government): The process has been collaborative. It is probably fair to say that this has been one of the simpler frameworks. It is not an area in which there is divergence among the Administrations, so it was relatively simple to reach agreement on it. There have been only minor changes made to its wording, along the way.

There has been a series of engagements, and the framework has gone through a number of stages including, in March 2019, a technical round-table meeting with stakeholders to check that they were all content and, in August 2019 and January 2020, review and assessment panels involving officials from the four Administrations.

We have been feeding into the framework process through the planning area of the Government.

Euan Page might say a bit more about the frameworks process more generally.

Euan Page (Scottish Government): As the minister and Neil Langhorn have said, it has been a collaborative process, the substance of which, for us, has been planning. There have not been significant issues such as how new arrangements might manage significant divergence among the Administrations.

The frameworks process was instigated in autumn 2017, when the JMC(EN) reached agreement on a set of principles to which the minister has alluded. We have seen a gradual reduction in the number of overall framework policy areas that are under consideration, which now total around 30. The process has been marked by a commitment to proceed by agreement and not by imposition by one Administration. The Scottish Government points to that as a productive way forward and a model for future co-operation on the practical and constitutional implications of EU exit.

The Convener: Why have the Administrations gone down the route of having a concordat as opposed to legislation? I will put that first to Mr Page—if I may, minister—because he is still on screen.

Kevin Stewart: That is fine.

Euan Page: Early in the process, an assessment was made of whether there was a need for a statutory underpinning in any particular common framework area. In this case, it was recognised that, beyond the necessary fixes to current legislative arrangements to ensure continuity and a functioning statute book, there was no need for a new legislative underpinning to the hazardous substances framework. My colleague Neil Langhorn might wish to say more on the policy detail and the rationale.

11:00

Neil Langhorn: As Euan Page said, there was early consideration of whether a legislative underpinning was necessary for each of the frameworks. For the hazardous substances framework, it was decided that that was unnecessary because it is, essentially, a continuation of the current arrangements. It was therefore considered not to be necessary to have a legislative framework, because what was required would be possible through a common framework.

The Convener: That is great. Thank you. Minister—do you have a point to make on that?

Kevin Stewart: No. I think that most of it has been covered. According to the JMC principles, legislative provision should be considered only when absolutely necessary. We are clear about the devolved responsibilities and powers, which is why the way that the work has been done has created an appropriate forum for matters to be addressed. Also, we have to acknowledge the fact that the powers lie here.

Sarah Boyack: I will pick up on monitoring. The outline framework states that

“relaxed hazardous substances standards would not bring a significant enough benefit to operators to influence which administration they set up business in”.

I would like to hear a bit of the background to that conclusion and the evidence behind it. Once the framework is in place, what monitoring is intended of what happens on the ground in planning applications?

Neil Langhorn: On monitoring, it has been agreed that there will be meetings of officials every six months after the framework is passed so that we can keep in touch on how things are working. We receive details of planning applications and statistics on how many cases there are. A formal review process is scheduled for two years after the framework comes into force, to see whether changes are necessary at that point.

Throughout the stakeholder engagement on whether there was scope for divergence, no concerns were expressed by Administrations or stakeholders—from the industry and local authority sides—to the effect that there was appetite for change and, therefore, scope for divergence. That has been the only conclusion, as it has been confirmed throughout engagement that that is the situation.

Kevin Stewart: As Neil Langhorn has just pointed out, stakeholder engagement confirmed that there was no appetite to change the current process and to amend limits. It is important that I point out to the committee that the UK will still be party to relevant international agreements in the sphere, such as the United Nations Economic Commission for Europe's Convention on the Transboundary Effects of Industrial Accidents, and its Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, as part of the Aarhus convention.

That cements many of the requirements of the current regime that operates in international law. Any stripping back of the hazardous substances regime would result in a breach of those international obligations. That limits what the UK, as a party to the conventions, could do, but it also constrains the devolved Administrations, of course. It is right that we have signed up to all

those treaties, and that we have stringent regulations in place. We must and will, by means of the framework, ensure that we continue to meet those international obligations.

Sarah Boyack: I have a follow-up question. Clearly, it is for the civil service policy lead to make sure that the framework is monitored and implemented, but will there be reporting to Parliament about what is happening with the legislation and whether there are any key issues that members need to be aware of or concerned about? Is a system in place to deliver that?

Kevin Stewart: I am, as always, more than happy to keep the committee informed of any developments, proposed changes, or anything else about the framework that arises from, for example, meetings at official and ministerial level. It is absolutely imperative that we get all that right—not only for the framework, but for other things, too—and that we live up to our international obligations.

Sarah Boyack: Thank you. That is helpful. I am thinking about our constituents' safety and of the transparency of environmental standards, which are really important.

Alexander Stewart: Is the informal dispute resolution process sufficiently robust to deal with fundamental disagreements between Administrations on hazardous waste?

Kevin Stewart: Euan Page has been working at the coalface on the frameworks, so it would be useful for him to come in on dispute resolution.

Euan Page: As was alluded to earlier, the foundational approach in respect of common frameworks is to manage divergence by dialogue and agreement between Administrations and not by imposition by one Administration. As the minister and Neil Langhorn have said, assessment is fairly robust that the practical scope for policy divergence in this area is limited, so arrangements will rest on the existing commonality of approach across the UK.

As the minister said, we will continue, even after EU rules fall away, to operate in a shared framework and set of constraints that have been provided by obligations under international law. Observation of and implementation of international obligations are devolved responsibilities. In those circumstances, when it comes to the policy matter that is under consideration and the general approach that has been taken to common frameworks, we are satisfied that the dispute resolution process will be sufficient.

However, there is a wider question about how frameworks will operate in a reconfigured system of intergovernmental relations, and questions need to be answered about potential escalation routes if

a dispute in a common framework area cannot satisfactorily be resolved.

Kevin Stewart: I add that the working group to discuss issues and share learning on that issue has been in place for several years and will continue, as a requirement of the framework agreement. That process has worked well, and I hope that it will continue.

However, as I have already said to Ms Boyack, if anything should change in that regard, I will be more than happy to let the committee know about it. We must recognise, though, that the matter is a devolved competence and that we have international treaty obligations to live up to and adhere to.

The Convener: Does Alexander Stewart wish to add anything?

Alexander Stewart: I am content with those responses, convener.

Andy Wightman: As the minister has said, we have international obligations. As Mr Page has said, implementing international agreements is a devolved competence. However, compliance with and accountability for meeting international obligations are, of course, responsibilities of the UK Government. Breaches that might have been identified in the past would have been unlikely to be significant because we were living within the framework of EU law. However, we now do not have that legal framework.

How would the process of negotiating and ratifying amendments to such treaties be handled, given that the UK Government would lead on that and the UK Parliament would be responsible for ratifying them? Is a procedure for consultation of the devolved Administrations in that scenario built in to the framework, or is one being contemplated?

Kevin Stewart: I will ask Mr Page to come in first, then I will do so—if that is okay, convener.

The Convener: Certainly.

Euan Page: Mr Wightman has raised an important point. The frameworks process was instigated with recognition of the need to address a range of cross-cutting issues that would bear on the development, implementation and operation of common frameworks—for example, the UK's future trading relationships, its future economic and regulatory relationship with the European Union and how the UK, as a state party to agreements that have been made under international law, would fulfil its obligations under those and demonstrate its compliance.

The matter of how, precisely, the cross-cutting issue of international obligations is reflected in common frameworks across the piece is still to be finalised in the common frameworks process.

However, there is strong recognition that there needs to be clarity that, although international relations is a reserved matter, the UK will be the state party to existing and future international obligations in this framework area and others. The devolved responsibilities on implementation and observance of international obligations, and the impact that such obligations have on devolved policy considerations, must be fully taken into account.

Kevin Stewart: I will add to that. Mr Wightman is correct that the UK is taking the lead on international agreements, but the agreements regarding how we deal with hazardous substances planning that I mentioned earlier are already embedded. That will continue—certainly under the current Government—and it is a devolved matter.

It is true that concerns have been expressed in various quarters about changes that might occur after the transition period for the UK leaving the European Union, and about what has been called the race to the bottom. On this particular matter, I assure the committee that we have strong legislation that is underpinned by the international agreements. That will continue.

The Convener: Does Andy Wightman wish to add anything?

Andy Wightman: That was my only question. Thanks, convener.

The Convener: That completes our evidence session. I thank the minister and his officials for being with us today. I remind our witnesses to leave the meeting by pressing the red telephone icon in the video call facility, and I remind committee members that we remain in public session for the next item of business.

Subordinate Legislation

Valuation Appeal Committee (Procedure in Civil Penalty Appeals) (Scotland) Regulations 2020 (SSI 2020/382)

Non-Domestic Rates (Restriction of Relief and Consequential Amendments) (Scotland) Regulations 2020 (SSI 2020/391)

11:15

The Convener: The next agenda item is consideration of two Scottish statutory instruments. I refer members to paper 4, which contains further detail. The instruments have been laid under the negative procedure, which means that their provisions will come into force unless Parliament agrees to a motion to annul them. No such motion has been lodged.

The Delegated Powers and Law Reform Committee considered the Valuation Appeal Committee (Procedure in Civil Penalty Appeals) (Scotland) Regulations 2020 at its meeting on 1 December 2020 and determined that it did not need to draw the attention of Parliament to the instrument on any grounds within its remit. That committee also considered the Non-Domestic Rates (Restriction of Relief and Consequential Amendments) (Scotland) Regulations 2020 at its meeting on 8 December 2020 and made a similar determination.

As members have no comments to make on the instruments, I invite the committee to agree that it does not wish to make any recommendations in relation to them. No member has objected, so that is agreed.

That concludes the public part of our meeting. We will resume in private session in five minutes.

11:16

Meeting suspended until 11:21 and continued in private thereafter until 11:29.

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