



OFFICIAL REPORT
AITHISG OIFIGEIL

Local Government and Communities Committee

Wednesday 17 March 2021

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

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LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

12th Meeting 2021, 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) (Ind)

*attended

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

Virtual Meeting

Scottish Parliament

Local Government and Communities Committee

Wednesday 17 March 2021

[The Convener opened the meeting at 09:00]

Decision on Taking Business in Private

The Convener (James Dornan): Good morning and welcome to the 12th meeting in 2021 of the Local Government and Communities Committee. I ask members to ensure, please, that mobile phones are in silent mode. Broadcasting staff will operate your cameras and microphones as usual, so please allow a short pause before being called to speak, in order to allow them to do so. We have received apologies from Andy Wightman.

Agenda item 1 is consideration of whether to take in private items 5 and 6. Item 5 is consideration of the draft annual report for the parliamentary year from 12 May 2020 to 24 March 2021, and item 6 is consideration of a draft legacy paper.

As we are meeting remotely, 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?

Silence it is, so that is agreed. Items 5 and 6 will be taken in private.

Subordinate Legislation

Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021 (2021/99)

Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2021 (2021/100)

Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Amendment Regulations 2021 (2021/142)

09:01

The Convener: Agenda item 2 is consideration of negative instruments 2021/99, 2021/100 and 2021/142, as listed on the agenda. I refer members to paper 1 and the recently issued addendum, which contain further detail. The instruments are laid under the negative procedure, which means that their provisions will come into force unless Parliament agrees to a motion to annul them. No motions to annul have been lodged.

The Delegated Powers and Law Reform Committee considered instrument 2021/99 on 9 March and determined that it did not need to draw the attention of Parliament to the instrument on any grounds within its remit.

The Delegated Powers and Law Reform Committee considered instrument 2021/100 on 9 March and agreed to draw it to the attention of Parliament under the general reporting ground in respect of drafting errors.

The Scottish Government committed to bringing forward an amending instrument to correct the errors before the instrument comes into force on 30 March. The amending instrument, 2021/142, which was laid on Monday, aims to correct those drafting errors. However, the instrument will breach the 28-day laying requirement, because the regulations will come into force on 29 March, which is one day before the first set of regulations come into force on 30 March. Consideration of instrument 2021/142 is subject to any recommendation of the Delegated Powers and Law Reform Committee.

Does anyone have any comments on the instruments?

Sarah Boyack (Lothian) (Lab): My only comment is about the fact that, as I understand it, the extended period is being extended until next year. The Scottish Government should regularly

monitor whether there is any opportunity for the pre-application consultation process to be reinstated earlier. I understand that we have the pandemic, and it has been good to read about the responses from community and business organisations, but my concern is about for how long the pre-application requirements are going to be changed.

The Convener: Your comments are on the record.

As there are no other comments, I invite the committee to agree that it does not wish to make any recommendations in relation to instrument 2021/99. Does anyone object?

No one objects, so that is agreed.

Subject to recommendations by the Delegated Powers and Law Reform Committee, I invite the committee to agree that it does not wish to make any recommendations in relation to instruments 2021/100 and 2021/142. Does anyone object?

No one objects, so that is agreed.

Petitions

09:04

Pre-1989 Scottish Secure Tenants (Rights) (PE1743)

The Convener: Petition PE1743, from John Foster, on behalf of Govan Community Council, calls on the Scottish Parliament to urge the Scottish Government to amend the Rent (Scotland) Act 1984 to prevent disproportionate rent increases being set for Scottish secure tenants. We last considered the petition on 18 November 2020 and agreed to write to the Scottish Government to indicate our agreement with the tenant that the matter should be addressed as a matter of fairness, by legislative amendment if necessary.

I invite members to consider next steps in the light of the response that has been received, as set out in paragraph 12 of the clerk's paper. We might wish to consider what action to take. Under the Parliament's standing orders, our options are: to refer the petition to the Scottish ministers, another committee or any other person or body, for them to take such action as they consider appropriate; to report to the Parliamentary Bureau or to the Parliament; to take any other action that we consider to be appropriate; or to close the petition. Do members have suggestions about what the committee might prefer to do?

Sarah Boyack: I draw members' attention to my entry in the register of members' interests in relation to my former employment with the Scottish Federation of Housing Associations.

It would be useful if the issue could be addressed in the next session of Parliament, because it has not been completely addressed. I note that the papers that we got from Scottish Government this week say that it is looking at issues to do with rent; the petition needs to be on that agenda.

The Convener: Are you suggesting that we draw the petition to the attention of the future committee on local government?

Sarah Boyack: The petition should be drawn to the attention of whichever committee is responsible for the topic.

Keith Brown (Clackmannanshire and Dunblane) (SNP): I think that that is the default position, anyway. If we do not propose any further action, the petition will not be closed but will be carried forward to the next session. The Minister for Local Government, Housing and Planning has said that he does not intend to change legislation on the issue, but the Government will be keeping it

under review. I would let the petition be carried forward to the next session, by default.

Gordon MacDonald (Edinburgh Pentlands) (SNP): I agree with that. I think that there will be a new housing bill; the issue should be looked at as part of that.

The Convener: Our action is quite clear: we will let the petition go and it will be dealt with by whichever future committee is responsible for the topic.

Scottish Landlord Register (Review) (PE1778)

The Convener: Petition PE1778, by David Findleton, calls on the Scottish Parliament to urge the Scottish Government to review the effectiveness of the Scottish landlord register scheme. We last considered the petition on 18 November 2020, when we agreed to write to the Scottish Government, the Convention of Scottish Local Authorities and the Scottish Association of Landlords to seek views on the issues that are raised in the petition. I invite comments from members on next steps, in the light of the responses that have been received, as set out in paragraphs 24 to 29 of the clerk's paper.

As there are no comments, I suggest that we do with this petition what we decided to do with the previous one: take no action and let it run on to the next session, to be considered by whichever committee will deal with it.

That concludes the public business of the meeting. We will shortly resume the meeting in private on Microsoft Teams.

Before we do that, as this might be our final public meeting I record our thanks to all those who have contributed to the work of the committee over the past 5 years: all the stakeholders who gave evidence, all the people behind the scenes here at the Parliament—the Scottish Parliament information centre researchers, the official report, broadcasting, the committee engagement unit, security and everyone else who has helped along the way.

In particular, I thank the clerks. We have had great support from them over the past few years, without which we would have not been able to do our job.

I also thank all my fellow committee members—past and present—for their dedication to and hard work for the committee, and I wish all those who are not returning next session all the very best in their lives beyond the Scottish Parliament. I give a big “Thank you” to members who have been on the committee for quite some time; everybody has played a really important role and I thank you all for your support.

One of the good things about the committee is that we have dealt with differences in a really positive way. We have always tried to make sure that we get the best result for the people who have come before us and whose issues we deal with.

09:09

Meeting continued in private until 09:57.

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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