



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Local Government, Housing and Planning Committee

**Tuesday 28 February 2023**

**Session 6**



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**LOCAL GOVERNMENT, HOUSING AND PLANNING COMMITTEE**  
**6<sup>th</sup> Meeting 2023, Session 6**

**CONVENER**

\*Ariane Burgess (Highlands and Islands) (Green)

**DEPUTY CONVENER**

\*Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

**COMMITTEE MEMBERS**

\*Miles Briggs (Lothian) (Con)

\*Mark Griffin (Central Scotland) (Lab)

\*Paul McLennan (East Lothian) (SNP)

\*Marie McNair (Clydebank and Milngavie) (SNP)

\*Annie Wells (Glasgow) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

David Allan (Scottish Community Development Centre)

Carol Calder (Audit Scotland)

Yvonne Gavan (Scottish Government)

Stuart Graham (Community Planning Network)

Patrick Harvie (Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights)

Peter Kelly (Poverty Alliance)

Adam Krawczyk (Scottish Government)

Tim McKay (Accounts Commission)

Kirsty McNeill (Coalition for Racial Equality and Rights)

Ruth Whatling (Homeless Network Scotland)

**CLERK TO THE COMMITTEE**

Euan Donald

**LOCATION**

The David Livingstone Room (CR6)



## Scottish Parliament

### Local Government, Housing and Planning Committee

*Tuesday 28 February 2023*

*[The Convener opened the meeting at 09:00]*

### Decision on Taking Business in Private

**The Convener (Ariane Burgess):** Good morning, and welcome to the sixth meeting in 2023 of the Local Government, Housing and Planning Committee. Mark Griffin, Annie Wells and Marie McNair join us remotely. I remind all members and witnesses to ensure that their devices are on silent and that all other notifications are turned off during the meeting.

The first item on our agenda is a decision on whether to take items 6, 7, 8 and 9 in private. Do members agree to take those items in private?

**Members indicated agreement.**

## Subordinate Legislation

**Cost of Living (Tenant Protection) (Scotland) Act 2022 (Amendment of Expiry Dates and Rent Cap Modification) Regulations 2023 [Draft]**

**Cost of Living (Tenant Protection) (Scotland) Act 2022 (Early Expiry and Suspension of Provisions) Regulations 2023 (SSI 2023/8)**

09:01

**The Convener:** Our second item is evidence on the draft Cost of Living (Tenant Protection) (Scotland) Act 2022 (Amendment of Expiry Dates and Rent Cap Modification) Regulations 2023 and the Cost of Living (Tenant Protection) (Scotland) Act 2022 (Early Expiry and Suspension of Provisions) Regulations 2023.

We will hear from Patrick Harvie, Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights, who is joined by Scottish Government officials Yvonne Gavan, who is a team leader in the housing services and rented sector reform unit; Yvette Sheppard, who is the head of that unit; Adam—I am sorry; I am not sure that I will get your name right, but I will try—Krawczyk, who is head of housing, homelessness and regeneration in the Government's communities analysis division; and Poppy Prior, who is a lawyer. I welcome the minister and his officials to the meeting, and I invite him to make an opening statement.

**The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie):** I appreciate that the full titles of the instruments are a bit of a mouthful. I am pleased to be at the committee to present on the Cost of Living (Tenant Protection) (Scotland) Act 2023 (Early Expiry and Suspension of Provisions) Regulations 2023—sorry, there was a typo in my brief; that was the 2022 act—and the draft Cost of Living (Tenant Protection) (Scotland) Act 2022 (Amendment of Expiry Dates and Rent Cap Modification) Regulations 2023.

The convener and committee members will remember that the emergency act that we introduced last year had three key aims: to protect tenants, stabilising their housing costs by freezing rents; to reduce the impact of eviction and homelessness through a moratorium on evictions; and to avoid tenants being evicted from the rented sector by landlords who wanted to raise rents between tenancies during the temporary measures, reducing the number of unlawful evictions. The act came into force on 28 October.

Since then, it has provided additional protection for tenants across the rented sector as we continue to live through these challenging and uncertain economic times.

Last month, we published our first report on the operation of the emergency legislation, which covers the period from when it came into force in October until the end of December. In that report, in line with the act's requirements, we set out our intended position for the social rented sector rent cap after March 2023. That is the main focus of one of the instruments that is before you.

Scotland has led, and continues to lead, the way across the United Kingdom in the delivery of affordable housing, having delivered more than 115,000 affordable homes since 2007, and we have equally ambitious targets over the next decade. We also lead the way in the UK on our decision to end the right to buy in order to ensure that we retain social rented homes for people who are in the greatest need.

Our commitment to affordable housing is second to none, which is why we have placed so much emphasis on enabling continued investment in the delivery of high-quality social housing. During the passage of the Cost of Living (Tenant Protection) (Scotland) Bill through the Parliament, concerns were raised by members from across the chamber about the impact that a continued zero per cent rent freeze could have on that investment; indeed, some members of the committee who are here today expressed those concerns. However, due to the unprecedented economic circumstances at the time, we felt that it was imperative that all tenants living in the rented sector be afforded the protection that the emergency measures provide.

We agreed to work closely with social sector landlords and, by the time that the bill completed its passage through the Parliament, we had already established a short-life task and finish group to support that work. The group, which comprised a number of key social sector landlord representative groups including the Convention of Scottish Local Authorities, the Scottish Federation of Housing Associations and the Glasgow and West of Scotland Forum of Housing Associations, stressed the fine balance between affordability and investment, and stressed the need to set our social sector rents at levels that would ensure the continuation of essential work such as new build programmes and work towards energy efficiency and carbon neutral targets.

The group reached an agreement that would result in increases of 6.4 per cent in respect of local authority social housing and 6.1 per cent for housing associations as an average across Scotland. It is important to note that the agreement of an average figure is essential to allow some

degree of flexibility. The majority of rents will be increased at levels below the agreed 6.4 and 6.1 per cent figures, but there might be some landlords who will, for specific reasons, need to go beyond those levels.

In the light of that agreement, the draft Cost of Living (Tenant Protection) (Scotland) Act 2022 (Amendment of Expiry Dates and Rent Cap Modification) Regulations 2023 and the Cost of Living (Tenant Protection) (Scotland) Act 2022 (Early Expiry and Suspension of Provisions) Regulations 2023 expired the rent cap for the social sector from 26 February, enabling social landlords to set rent levels that they judge, in the light of tenant feedback, to strike a balance on supporting repairs and maintenance, working towards meeting carbon neutral targets and continuing to provide the wide range of support that they offer every day to their tenants in times of such pressure.

The regulations also make changes to the rent cap for the student accommodation sector. As laid out in the first report, feedback from stakeholders demonstrated that the rent cap was having no impact on the student accommodation sector, in contrast to the mainstream private rented sector. That was because the nature of the majority of contractual student tenancy agreements means that rents are set annually, tenancies typically last for the entire academic year and they rarely, if at all, allow for in-tenancy rent increases.

In the light of that feedback, and in recognition that student accommodation tenancies are structured differently from other types of tenancies, we concluded that the rent cap should be suspended from 30 March, which is what the two sets of regulations seek to do. However, I make it clear that, by suspending the student accommodation rent cap instead of expiring it, ministers will continue to monitor the sector, and they have powers to revive the provisions if fresh evidence shows that there would be benefit from doing so to deliver a necessary and proportionate response to the cost of living.

I turn now to the affirmative instrument that the committee is considering today. Soon after we published our first report to the Parliament, we laid the draft Cost of Living (Tenant Protection) (Scotland) Act 2022 (Amendment of Expiry Dates and Rent Cap Modification) Regulations 2023, along with a statement of reasons. In addition to the first report on the 2022 act, which was laid before the Parliament on 12 January, the statement of reasons sets out updated data and economic analysis that shows that the unprecedented economic position has not yet changed fundamentally and that many households in the private rented sector in particular continue to struggle.

Yesterday's announcement by the Office of Gas and Electricity Markets on energy price caps from April this year will bring no consolation, despite the decreases, as the UK Government measures mean that the average domestic energy bill will still increase from £2,500 to £3,000, at the same time as the £400 energy bill support scheme is ended, which will drive up fuel poverty to more than 50 per cent in the private rented sector. For that reason, the draft Cost of Living (Tenant Protection) (Scotland) Act 2022 (Amendment of Expiry Dates and Rent Cap Modification) Regulations 2023 seek to extend the rent cap measures for the private rented sector for a further six-month period to 30 September, as well as the eviction moratorium provisions across all rented sectors covered by the 2022 act, and the other important provisions in the act.

On the continuation of the private sector rent cap measures, although the focus continues, of course, to be on protecting tenants, we recognise the on-going impacts that the cost crisis might be having on some private landlords. That is why the regulations propose that the rent cap be varied to allow for in-tenancy rent increases of up to 3 per cent.

The voluntary approach to rent setting that is taken by landlords in the social sector is intended to equate to an approximate average rental increase of less than £5 per week across the country. As rents in the private rented sector are generally significantly higher, allowing for a maximum 3 per cent rent increase equates to a similar average rent increase for tenants in a two-bedroom property, which is the most common property size in the private rented sector. We consider that that gives a measure of parity in monetary terms while continuing to protect tenants from unaffordable rent increases. There is also a safeguard for private landlords, who can opt to apply to rent service Scotland for a rent increase of up to 6 per cent if they have an increase in their defined prescribed property costs within a specified period.

On the proposed continuation of the eviction moratorium provisions, tenants in the private and social rented sectors as well as those living in student accommodation will continue to benefit from the additional time to find alternative accommodation that is provided by the six-month pause in the enforcement of eviction action. In addition, they are protected from private landlords seeking to end a tenancy to raise rents above the cap, and there is provision to reduce the number of unlawful evictions by increasing the level of damages payable.

As with the rent cap, the eviction moratorium provisions include a number of safeguards for landlords and recognise that there are some

circumstances in which enforcement of an eviction order or decree should be able to proceed—for example, it could be done to protect communities in instances of serious antisocial behaviour. The provisions strike the appropriate balance between the protection of tenants and the rights of landlords.

In summary, we believe that the evidence that the cost crisis is still very much with us shows that it is crucial to continue beyond 30 March some of the protections that were brought in by the 2022 act. As promised during the bill's passage through the Parliament, we have kept the measures under review and continue to consider their on-going necessity and proportionality. We have used our powers to make changes to the act where the evidence has shown that measures were required, and that is what the two sets of regulations that are before the committee seek to achieve.

Thank you, convener, for giving me the time to introduce the measures. I thank the committee for its scrutiny and look forward to members' questions.

**The Convener:** Thank you very much for your detailed opening statement. We have a number of questions; you might well have touched on some of the issues already, but we will ask our questions all the same, because it will give us—and you—an opportunity to open things up and go a bit deeper.

I will begin with a general framing question. Last week, the committee heard concerns from witnesses that the measures in the act were not addressing some fundamental problems in the housing system such as the lack of supply of affordable housing, high initial rents of private rented homes and homelessness provision. Fenella Gabrysch, who is trying to access private rented accommodation, told the committee:

"The ... barriers that we face"

day to day to try

"to access property are horrific".—[*Official Report, Local Government, Housing and Planning Committee, 21 February 2023; c 53.*]

Minister, I am interested in hearing how the emergency act fits in with what the Scottish Government is doing on affordable housing and renting reform. How can we use the act's powers as a bridge to that wider reform?

**Patrick Harvie:** As I think that we discussed with a number of members in the debates in the Parliament during the bill's passage, there are connections between the emergency measures in the act and the Government's longer-term work through the new deal for tenants and the commitment to a new housing bill later this year.

However, although there were strong expectations of the emergency legislation, which

delivered important necessary protection, it could not deliver everything that people wanted from longer-term legislative reform, particularly the protections around rent levels, which relate to tenancy rent increases and do not apply to the setting of rents for new tenancies. That issue is well understood through the debates on the legislation that we have had.

09:15

Longer-term work on rent controls is on-going. We are keen to engage with the sector, by which I mean landlords and tenant interests, as well as academics who can bring expertise on the way in which the housing rental market works. We are doing that work in line with our commitment to the ethos that is set out in "Housing to 2040", which is that the right to adequate housing is a human right. We will have a great deal more to say on that in due course.

The principal bridging mechanism between the emergency legislation and our longer-term work is the power to alter the system of rent adjudication. If we were to move directly from the emergency measures by switching them off entirely at some point in the future and go back to open market comparisons for rent adjudication, there would be severe and unintended consequences. Therefore, in due course, we will announce proposals on how we intend to use those powers in the act.

**The Convener:** Thank you for highlighting the fact that rent adjudication will create a bridge between the current position and your proposals.

You touched on the rent cap in your opening statement, but I would like to hear more on that. Why has the Scottish Government taken a different approach to the continuation of the rent cap in the different sectors, and how proportionate and fair is that?

**Patrick Harvie:** Again, as we debated during the passage of the Cost of Living (Tenant Protection) (Scotland) Bill, we recognise that the two dominant parts of the rented sector—the social rented sector and the private rented sector—operate differently. In particular, the social rented sector has a long tradition, and requirement, for consultation and engagement with tenants in relation to rent setting. We wanted to respect that necessary and valuable engagement and consultation.

We know that rental income does not necessarily provide for profit—social landlords are not profit-making bodies—but it provides for investment in new build, for retrofitting for energy efficiency and net zero, for maintenance and upgrades of properties and for a wide range of services that social landlords provide in the community. The social rented sector plans such

investments over a long time. Given that several members echoed concerns from across the sector during the passage of the bill, more people recognised that some short-term protection was necessary but that, if the zero per cent cap continued for an extended period, it would not only reduce rental income in the year of the cap's operation but have a compound impact on the financial planning of social landlords over a much longer period, and there would be a detrimental impact on tenants because of the reduced investment.

Such factors do not apply to the private rented sector in the same way. That sector tends to be profit making and tends to have a lower level of energy efficiency than the social rented sector, because some properties have not been upgraded in the way that will be required in the future under the new-build heat standard and the heat and buildings regulations on retrofitting. In the absence of some of the factors that apply in the social rented sector, we felt that the legislation was appropriate.

The difference in approach was also necessary because, in the absence of large organisations representing private landlords—we have a diverse and fragmented private rented sector—there was no opportunity to negotiate a voluntary agreement with private landlords that would have achieved the same effect as the agreement that I am pleased to say that we reached with the social rented sector.

The difference in approach is a mixture of a recognition of the different factors and characteristics of the two parts of the rented sector and the differences in opportunity to achieve a voluntary agreement in the nature of how rent is set. All those factors led us to recognise that a different approach had to be taken. However, I emphasise, again, the broad level of parity that we are talking about. As private rented sector rents are significantly higher than social rented sector rents, we believe that there will be, roughly speaking, parity in monetary terms between the rental increase that will be allowable for that most common type of property—two-bedroom properties—in the private rented sector.

**The Convener:** Thank you very much for that response.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** Good morning to you and your team, minister. We heard in committee last week about the below-inflation rent rises that you mentioned, which will provide challenges for social landlords in relation to improving homes and retrofitting. Have we been able to do any kind of assessment of the impact of those rises? Are they bound to have an impact in the immediate years to follow? What can we do to assist with that particular

problem? Is there, perhaps, consideration of any additional resource?

**Patrick Harvie:** The impact has been a subject of concern from the social rented sector, but we have been pleased with our ability to reach agreement with the sector. The average approach—the approach of not setting a cap and not even seeking a voluntary, uniform cap for the social rented sector, but of offering an average instead—allows for some flexibility.

Some social landlords will have an urgent need to invest in quality and maintenance as well as other aspects of their investment programme. Some will have managed more successfully than others to keep rents low and under control during the pandemic. They will not all have followed exactly the same path, because they are independent bodies. Given the different circumstances that different social landlords are in, it was appropriate that we allow some degree of flexibility.

Social landlords exist for a social purpose and they are not there to extract the maximum rent that they can extract from the properties that they have on offer; they take that social purpose very seriously. None of them would seek to impose unaffordable rent increases or ones that could reasonably be avoided. In fact, we are seeing early indications that the rents that are being set are significantly below average. I have seen figures from some local authorities that have set their rent increases for the coming year at 2, 3 or 4 per cent—significantly below the average that we have been seeking. We anticipate that that will continue to be the case, and the Scottish Housing Regulator will continue to give us information on that.

**Willie Coffey:** I presume that there has been knocking on your door with requests for consideration of additional resource. Will we keep an eye on the matter and invite some kind of data gathering to help us to understand how it is progressing and what impact it is having over the next few years, so that we can be in a position to adjust in future years, if necessary, when times are—let us hope—a bit better?

**Patrick Harvie:** Absolutely. The commitment to social housing from the Scottish Government remains very strong. There has always been an understanding that the targets for new provision in the current decade are likely to be backloaded to some extent, and the impact of construction costs is affecting that, too. We will continue to commit to work with the social rented sector to understand not just the impact that the legislation might have had and might continue to have, but the wider necessity to provide the high-quality, net zero and sufficient social housing that Scotland needs.

**Willie Coffey:** Last week, we heard from the North of Scotland Regional Network of Tenants and Residents, which reminded us that the issues are not just about rent but are also about the whole costs of housing, as tenants have mentioned. Things such as service charges and energy costs are falling on tenants and they need to be considered.

Is the Scottish Government aware of the wider impact that some of those economic issues are bringing to bear? Have we considered that impact and can we do anything to assist?

**Patrick Harvie:** Yes. I reinforce the point that we have never suggested that the emergency legislation is a solution to every aspect of affordability in the rental market. We believed that it was necessary in order to prevent some very significant rent increases, of which we were becoming aware, and to protect people in the throes of the extreme cost of living crisis. The longer-term goal of having a broader and deeper understanding of what affordability really means in housing is about acknowledging those wider costs, which include things such as service charges and utilities, as Willie Coffey said.

A genuinely comprehensive understanding of affordability is also about place. It is about issues such as transport costs and energy costs, which we have talked about, and it requires that longer-term work. “Housing to 2040”, as well as our commitment to legislation in the area, will continue to deliver on those aspirations.

**Miles Briggs (Lothian) (Con):** Good morning to the minister and the officials. The committee has heard from a number of private landlords with regard to investor confidence in the sector being knocked and what they believe will be a significant number of landlords seeking to leave the market. What assessment has the Scottish Government made of the impact that the private rent cap will have? Do you have any data specifically on urban and rural and island landlords that you can share with the committee?

**Patrick Harvie:** A longer-term argument can obviously be had—it has played out in the chamber on a couple of occasions—about whether a regulated approach to private renting is compatible with continued investment. Our view, which is also acknowledged in the report on rent control by the cross-party group on housing, is that regulated markets can be attractive to investors. Indeed, we regularly make that case in relation to the long term.

If we consider the history of the devolved approach to housing, for example, we have seen a very substantial increase in the size of the private rented sector at the same time as continued improvements in the robustness of regulation. We

therefore do not believe that there is a fundamental contradiction between having a well-regulated sector that strikes appropriate balances for tenants' rights and continued investment in the sector.

On current data, it is more of an administrative than a statistical source, but the Scottish landlord registration scheme shows that 340,149 private rented properties were registered in Scotland in December 2022, which is slightly more than the 339,632 that were registered in August, before the introduction of the rent cap. I was told just yesterday that we have now seen the figures for January, which are roughly the same—they are still very slightly, albeit not significantly, up on the August figure.

Of course, there will be those who suggest that there is an intention among landlords to leave the private rented sector at some future point. It is fair to say that we hear that in Scotland as well as south of the border. Some of the push factors there have involved tax changes that the UK Government has pursued, which impact on landlords' profitability throughout the UK. There are severe challenges in the housing system throughout the UK, and severe challenges to affordability. We believe that it is necessary and achievable to strike the right balance between protecting tenants in relation to affordability through regulation and ensuring that we have continued investment in housing supply.

**Miles Briggs:** I do not know whether the Scottish Government has live data on this that the minister could share with the committee. Especially as we approach the September date, it is important to see how potential changes and the decisions of individual landlords will impact. That may be the critical point.

I return to the question that the convener asked about the setting of a 3 per cent cap and the Scottish Property Federation's suggestion in its evidence that it should be closer to 5 per cent. Given inflation and what the minister has outlined, why was the private rented sector figure not closer to that, or to the 6 per cent average for the social sector?

09:30

**Patrick Harvie:** As I said in my opening remarks and reinforced to the convener, we believe that we have struck a balance that achieves a degree of parity. Private rented sector rents are significantly higher than social rented sector rents. A 3 per cent increase in the private rented sector is broadly equivalent to an impact of £5 a week—or thereabouts—in the social rented sector, if we look at the most common property type, which is the two-bedroom property.

Obviously, there will be slight variations for one-bedroom, three-bedroom and four-bedroom properties, because we cannot apply that average at a uniform level. We would need to control each rent individually to achieve that, but setting that 3 per cent cap achieves something that is broadly in parity in monetary terms.

I reinforce the point that the additional safeguard for landlords is there. If they face additional prescribed property costs during the specified period, they can apply for an increase of up to 6 per cent through Rent Service Scotland. I think that that strikes the appropriate balance between tenants and landlords, who will in a significant number of cases face significant challenges through the cost of living crisis.

On average, tenants in the private rented sector tend to have lower incomes than those in other tenures. They tend to spend a higher proportion of their income on their rent and are facing a number of other challenges. We believe that the legislation strikes the appropriate balance, going forward.

**Miles Briggs:** You touched on students, and I want to ask specifically about Edinburgh. As an Edinburgh MSP, I have never known it so bad with regard to the numbers of people who are contacting me to say that they cannot find any available property. The levels of homelessness in the capital are going up. The number of people who are living in temporary accommodation is at its highest ever level and it includes a record number of children and pregnant women. The third outcome that you mentioned—limiting homelessness—does not seem to have helped in the capital.

I am concerned that, when students return this autumn, accommodation will not be available for them because many properties, when students move out, are going straight into being rented longer term to people who work here in the capital. Along with the universities, what assessment have you made of that situation, especially for Edinburgh? Last term, the message was put out to students that, if they did not have accommodation, they should not matriculate.

**Patrick Harvie:** We have to continue to engage with the universities around the obligations that they have to look after the students that they choose to attract, whether those are domestic or overseas students.

We took the view that the specific measures in the emergency legislation in relation to the purpose-built student accommodation market were not having a significant effect, because the scope for in-tenancy rent increases was negligible to non-existent. Although the intention to achieve parity of protection was always there, we had to take the view that the specific measures on the

rent cap in the purpose-built student accommodation sector were not having that effect, so that has been suspended.

In relation to the wider arguments, we have long acknowledged that there are deeper issues to explore in relation to student accommodation. That is why we have the current review. The members of the steering group for that have been working hard, and the review is nearing completion. We expect the steering group to make its recommendations to ministers, and at the appropriate time we will report to Parliament and give our response.

Mr Hepburn—the minister who is responsible for the higher and further education side—and I will continue to engage with each other across Government and with the education sector around those issues.

**Miles Briggs:** Have universities contacted the Scottish Government to express their concerns on that issue?

**Patrick Harvie:** I am not aware of recent contact from the universities on that issue.

**Yvonne Gavan (Scottish Government):** Education colleagues are in on-going dialogue with the universities and colleges, but nothing specific has come to us.

**Patrick Harvie:** Miles Briggs also mentioned homelessness. If we look at the tenures from which homelessness referrals come, there has been an extended period of a number of years in which the private rented sector has been a significantly higher source of homelessness than other tenures. That reduced significantly during the period of the emergency legislation for Covid, but there has been a continual rise and, before the introduction of this emergency legislation, it was exceeding its pre-Covid levels.

That increase has not been seen in other tenures, so we have an issue in relation to eviction from the private rented sector as a source of homelessness. That is another reason why we believe that the measures—particularly those on protection from eviction—remain necessary.

**The Convener:** We move on to questions from Mark Griffin, who is online.

**Mark Griffin (Central Scotland) (Lab):** I declare an interest as the owner of a private rented property in the North Lanarkshire Council area.

Good morning, minister. You touched on some of my areas of questioning in your opening statement and your answers to the convener's questions, but will you expand on the Government's long-term plans to introduce private sector regulation and on how the transition from

the emergency legislation into further long-term rent controls might happen? Can you give the committee a more definitive timescale for when you expect to introduce that legislation?

**Patrick Harvie:** We confirmed fairly recently that we intend to introduce that legislation as soon as we can after the summer recess this year.

There are a number of areas where there is a clear public expectation from stakeholders about the provisions in the plan, particularly around homelessness prevention. Through the new deal for tenants, we have also signalled a number of other areas where we expect to make progress. It talks about not only the development of a national system of rent controls, but other tenants' rights—for example, some of the softer things that give people a sense of dignity at home, such as the ability to personalise their home or to keep pets. We have also talked about some of the more challenging issues, such as protection from eviction during the winter months. The legislation that we will introduce to Parliament later this year will address a number of those measures as well as others.

It is important to flag up the recognition across political parties of the value of the approach that is taken in "Housing to 2040". It is also important to flag up that the approach involves not only developing plans extensively with stakeholders and the public, but trying to create a long-term vision for the role that housing plays in meeting wider policy objectives for people in Scotland. That includes tackling poverty and inequality, creating and supporting jobs, looking at issues around demographics and depopulation and the work on our hugely important targets for emissions reduction and net zero. Between the housing bill and the heat in buildings bill, we will address all aspects of that.

**Mark Griffin:** Thank you for that answer. The other issue that I want to cover is one that the SFHA raised last week. What is the Government's view of mid-market rent being part of the affordable housing supply programme and being covered by the private sector rent cap? Given the SFHA's comments last week, is the Government considering amending the type of tenancy for mid-market rent in the housing bill that you plan to introduce after the summer recess?

**Patrick Harvie:** That is a very good question. We acknowledge that, given the nature of mid-market rent, there are differences not only in rent levels, but in what is included in the rent. For example, there are issues in relation to service charges.

Although we took the view in relation to the emergency legislation that mid-market rent properties tend to be private residential tenancies

and would be treated as such in the act, we recognise that there are longer-term issues to work through before we introduce the new bill and get to a national system of rent controls. We are keen to engage with the social rented sector to understand people's concerns about that and identify the appropriate way to address them.

**The Convener:** Annie Wells also joins us online.

**Annie Wells (Glasgow) (Con):** Minister, why do you think that extending the evictions pause is necessary and proportionate, given that landlords generally pursue eviction as a last resort and that precautions are already in place, such as the need for landlords to comply with rent arrears pre-action requirements?

**Patrick Harvie:** I begin by reinforcing my earlier answer to Miles Briggs about the pattern of evictions in different tenures. For quite a long time, eviction from the private rented sector was extremely dominant as a source of new homelessness. That began to come under control, but it remained high before the pandemic. The emergency regulation that was brought in at the start of the pandemic significantly reduced that. After that time, and before the introduction of the Cost of Living (Tenant Protection) (Scotland) Act 2022, we saw a steady and very marked increase in homelessness from the private rented sector. We did not see that same effect in social housing that is provided by either local authorities or registered social landlords. We recognise that something significant and harmful has happened regarding the sources of homelessness.

We took the view that the economic situation has not markedly changed since the introduction of the legislation. There is a necessity to give a level of protection, not only by pausing evictions to allow people more time to find new accommodation but by having significant measures to create disincentives for unlawful eviction, which remains a serious problem in Scotland. Landlords previously faced a very low level of penalty, which meant that they did not find it to be a disincentive.

We have made it easier and more relevant for tenants who are faced with unlawful or unreasonable eviction to take action to protect themselves from that. We believe that both the moratorium and the additional protections that are provided by the measures against unlawful eviction remain necessary in the current circumstances. The concerns that other members have raised about the availability of rented housing in some parts of the country reinforce the necessity of those measures.

**Paul McLennan (East Lothian) (SNP):** I declare an interest as the owner of a property in East Lothian, which is rented to my in-laws.

Last week, Shelter Scotland expressed concerns about tenants being evicted for rent arrears of more than £2,250. Shelter called for that amount to be increased, because evidence from its law service about work on eviction cases showed that the average amount of arrears was about £5,700. Have you considered increasing that figure?

**Patrick Harvie:** We debated that issue and I reflected on it during our debates on the bill. We weighed up various factors while trying to reach an approach on rent arrears. In my opinion, tenants in very severe rent arrears need support so that they do not become stuck where they are, building up ever more rent arrears. They need support through the tenant grant fund and from other forms of financial support and they need to be able to work constructively with their landlords to resolve the reasons why they are in rent arrears, so that they can work out the best way forward.

We think that the approach that we took in setting that level of severe rent arrears gives appropriate protection without leaving people stuck where they are and building up ever more unaffordable rent arrears. If arrears reach a level of severity that is significantly beyond what we have currently set out, they will be extremely destructive and disruptive to a person's circumstances. Whether they stay where they are or move to another property, those debts will become a burden that we believe is unreasonable. The type of protection that people who are facing those arrears need is not simply for us to say that they should stay where they are and see the arrears grow ever higher.

09:45

**Paul McLennan:** The report on the 2022 act does not provide any data on changes in homelessness over the period in which the act has been in force. Can you say any more about the impact of the measures to protect tenants from homelessness? Are you expecting any increases in homelessness as the six-month restriction on enforcement of eviction orders comes to an end?

**Patrick Harvie:** In our view, the provisions will clearly, almost by definition, have prevented some rented sector households from falling into homelessness by, as I said, giving them extra time to find alternative accommodation or seek housing advice and support from specialist agencies.

For private rented sector tenants, the measures continue to provide protection by making it easier and more meaningful, as I said, to challenge unlawful eviction. Unlawful eviction is a type of

experience that people can go through that is more likely to lead to homelessness. In fact, I count myself among their number. I narrowly avoided homelessness when I was evicted from a flat by a dodgy landlord long before some of the current protections were in place, so I take very seriously the impact on people's lives when they encounter those behaviours or practices.

The longer-term work on homelessness prevention duties is, I think, long awaited by the sector. We have engaged extensively with stakeholders to make sure that the measures that we bring forward will help to strengthen the protection against homelessness and to reduce it. I am not sure whether Adam Krawczyk has any current data that he wants to throw into the conversation on current patterns.

**Adam Krawczyk (Scottish Government):** We published homelessness data at the end of January. As has been said, there is a bit of a time delay before local authorities provide us with the record-level data, so the data that we published in January took us to the end of September 2022. The next release, which will be around July, will take us to the end of March, so it will include the period that is covered by the act.

The statistics that we published in January showed increasing trends across homelessness and the use of temporary accommodation, but the publication provides an insight into where the homelessness cases are coming from. It is not just about the private rented sector; it is also about people wanting to leave their parental homes, and about relationship breakdown. An analysis has been published on the website as to the causes of homelessness.

The increase in the number of households from the private rented sector who are presenting as homeless may or may not be due to evictions. There can be other reasons why people choose to leave or to present as homeless, so I do not think that we can pin it down to evictions. However, we can pin it down to the previous tenure and the main reason why people are presenting as homeless.

**The Convener:** We move back online with some questions from Marie McNair.

**Marie McNair (Clydebank and Milngavie) (SNP):** The committee heard from Shelter Scotland that its advisers have reported that tenants are unclear about their rights under the act, that there is a lack of clarity on the eviction provisions and that the Scottish Government messaging is causing some confusion. How do you respond to those concerns? What more can you do to ensure that tenants and landlords are aware of their rights under the act and future changes?

**Patrick Harvie:** I am aware of Shelter's criticisms, and I would very much welcome having further dialogue with it and, indeed, with other agencies—I know that Citizens Advice Scotland has been discussing the same issues—and hearing their ideas about what more we can do.

That said, I draw attention to the significant amount of work that we have done as we have developed the new deal for tenants and in our particular focused activity around the 2022 act. I am talking not just about conventional news releases and other activity across conventional media but about a wide range of social media content. For example, the renter's rights website has been updated and advertised widely, and we have made wider cost of living information available through general practice surgeries, libraries, community centres and leisure centres. That information has included numbers and contact details for organisations that can offer individual advice and support, not just generic information about the legislation's provisions, and of course it includes Shelter and Citizens Advice Scotland.

There has also been direct communication through key partner organisations such as tenant and landlord representative bodies, social and local authority landlords and educational establishments, giving tenants the information that they need about the new legislation and telling them how to access more information, should they need it. We have also had direct communication with registered landlords via local authority text message alerts and with registered letting agents, and there has also been engagement with the three tenancy deposit schemes to facilitate dissemination of information to tenants who are registered on their newsletter. There have also been direct messages to an extensive list of stakeholders, including colleges, universities and purpose-built student accommodation providers, confirming the nature of the measures and giving information for tenants.

As I have said, though, we continue to be very open to further suggestions about what more we can take forward on this. I know that, particularly as changes come through, landlords as well as tenants will continue to have questions about what those changes will mean for them, and we are keen to ensure that they have access to the answers that they need.

**Marie McNair:** That information will be really useful to the committee.

I have no more questions, convener. They have all been covered.

**The Convener:** I just want to look at the social rented sector side a bit more, minister. I have been made aware of one social rented housing

provider—and I know that you are in discussions with it—whose experience since the act came in has been that tenants seem to be getting the wrong message. It has seen a 1.16 per cent increase in rent arrears, and the figure is higher than in any other reporting period in the previous financial year. It has suggested to me that people seem to think that they can just stop paying their rent, with the result that they are increasingly going into arrears that they will have to pay. There is therefore an issue with messaging and communicating what is really happening with the act and other measures, and I was just wondering whether you have discussed that issue with housing associations.

**Patrick Harvie:** Obviously, we are in regular dialogue with them. I have to say, though, that I have seen some media reports that have not quite captured the full detail of this. If there is an announcement about what is going to happen to the cap, not every media report will properly capture the difference between the impact on the social rented sector and the impact on the private rented sector. That is why we need to continue to work directly with social landlords, for example, who have that on-going responsibility for consultation and tenant engagement, as well as with private landlord representative bodies and organisations that speak directly to and advocate on behalf of tenants.

It also worth reflecting on the fact that there is a role for organisations that engage with tenants in the social rented sector but which are not social housing providers, such as the Tenants Information Service, and the work of local authorities such as Glasgow's tenant-led housing panel—is it a panel? [*Interruption.*] I have been told that it is a commission—I will actually be seeing some of them later this week. They, too, continue to have a role not just in letting us know about additional channels of communication that we should be using but in speaking directly to tenants. Indeed, they have been very active in doing so.

**The Convener:** Thank you. It is good to hear that you are connected and proactive on that issue. I agree that the nuance of this is not necessarily conveyed in the media.

Finally, I am interested to hear about the relationship between increasing intervention and regulation on private renting over the past 20 years and the experience of other European countries.

**Patrick Harvie:** Previously, when we have debated not so much this legislation but the new deal for tenants, it has been clear that ideology comes into the debate a little bit. There are some who are of the view that a more deregulated, more free-market approach to housing will increase

supply and that any impact on prices will be detrimental to that. Actually, if we look at some European countries that have had systems of rent controls in place for a long time, we see a larger private rented sector as a proportion of the housing stock than we see in Scotland.

That is not the universal experience, and it is well understood that rent controls can achieve their objectives well or poorly. We continue to engage with all stakeholders to ensure that we design a system that is right for Scotland and that will be able to achieve protection in terms of affordability but which will also be consistent with what Scotland needs in terms of good-quality housing supply and investment in all the hugely important priorities around the transition to net zero.

There is a connection between rental income and investment in either sector. That relationship between rental income and investment is not the same in the social rented sector—which, as I said earlier, is a non-profit-making sector—as it is in the private rented sector. There are examples of build to rent, but a great deal of private rented accommodation is not actually provided by landlords—it is not necessarily built by them but is acquired by them as existing property.

Therefore, there are huge differences between the sectors, and we are keen to continue to do the work that we have been taking forward since the publication of the new deal for tenants and which will continue to be in development until the bill is introduced later this year. I look forward to further extensive dialogue with the committee at that point.

**The Convener:** Thank you, minister. I am sure that we all look forward to that coming forward. Thank you for your evidence.

Item 3 is consideration of the motion on the draft regulations. I invite the minister to move motion S6M-07703.

*Motion moved,*

That the Local Government, Housing and Planning Committee recommends that the Cost of Living (Tenant Protection) (Scotland) Act 2022 (Amendment of Expiry Dates and Rent Cap Modification) Regulations 2023 [draft] be approved.—[*Patrick Harvie*]

**The Convener:** Do members wish to comment?

**Miles Briggs:** I will not rehearse the arguments that we made in the chamber with regard to our concerns about the legislation, but I will place on record once again that it is clear that this has impacted on both the social and private rented sectors and very much destabilised them. Those are not necessarily my words but the words of the sector when it has expressed its concerns. I welcome some of the changes that the Scottish

Government has brought forward, but we will not support the instrument today.

**The Convener:** Minister, do you wish to add anything?

**Patrick Harvie:** No. We have covered the main arguments that needed to be made.

**The Convener:** The question is, that motion S6M-07703 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

#### For

Burgess, Ariane (Highlands and Islands) (Green)  
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
Griffin, Mark (Central Scotland) (Lab)  
McLennan, Paul (East Lothian) (SNP)  
McNair, Marie (Clydebank and Milngavie) (SNP)

#### Against

Briggs, Miles (Lothian) (Con)  
Wells, Annie (Glasgow) (Con)

#### *Motion agreed to,*

That the Local Government, Housing and Planning Committee recommends that the Cost of Living (Tenant Protection) (Scotland) Act 2022 (Amendment of Expiry Dates and Rent Cap Modification) Regulations 2023 [draft] be approved.

**The Convener:** The committee will publish a report setting out its recommendations on the instrument in the coming days.

### **Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2023 (SSI 2023/21)**

**The Convener:** The next item is consideration of two negative instruments: the Cost of Living (Tenant Protection) (Scotland) Act (Early Expiry and Suspension of Provisions) Regulations 2023 (SSI 2023/8) and the Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2023 (SSI 2023/21). There is no requirement for the committee to make any recommendations on negative instruments. As there are no comments from members, are we agreed that the committee does not wish to make any recommendations in relation to the instruments?

**Members** *indicated agreement.*

**The Convener:** I now suspend the meeting to allow for a change of witnesses.

10:01

*Meeting suspended.*

10:06

*On resuming—*

### **Community Planning Inquiry (Post-legislative Scrutiny of the Community Empowerment Act 2015)**

**The Convener:** The next item on our agenda today is to take evidence from two panels of witnesses on post-legislative scrutiny of the Community Empowerment Act 2015, in our community planning inquiry. This is our first session in the inquiry. We will look at the impact of the Community Empowerment Act 2015 on community planning and at how community planning partnerships respond to significant events, such as the Covid-19 pandemic and the current cost of living crisis.

We are joined, in our first panel of witnesses, by Carol Calder, who is the audit director at Audit Scotland; Stuart Graham, who is a representative of the community planning network; and Tim McKay, who is deputy chair at the Accounts Commission. We have received apologies from Councillor Steven Heddle, who is vice-president of the Convention of Scottish Local Authorities. He was to have joined the panel today, but is unable to attend. I welcome our witnesses to the meeting.

We will try to direct questions to specific witnesses where possible, but if a witness would like to come in they should indicate that to the clerks. Each committee member will explore a particular theme. Annie Wells will start our discussion this morning by asking witnesses questions about the challenges that communities face.

**Annie Wells:** Thank you, convener.

Good morning, panel. What are the main challenges that are being faced by communities across Scotland, and have they changed in the years since the act was passed in 2015? I am thinking about the Covid pandemic, in particular. Looking ahead, what role should community planning partnerships have in supporting communities during the cost of living crisis? I put those questions to Stuart Graham, first.

**Stuart Graham (Community Planning Network):** It is nice to see you again, Annie. Thank you for the question about the challenges that our communities face. You correctly identified the cost of living crisis as a current challenge. Climate change is also a big challenge that communities are increasingly aware of.

One of the things that we have noticed through our work on cost of living is that community planning is about looking upstream at causes as

well as about trying to address things in the here and now. We are looking at the nature of poverty and how it has changed over the past 10, 15 and 20 years. One of the changes that we have noticed is that, previously, people probably thought of poverty as being synonymous with unemployment, and thought that if a person was in a job they were probably in a reasonably good place and would have a platform from which to progress in their life. However, we are increasingly aware—research is showing us this—that many people who are experiencing poverty are in work, so there is a different challenge.

We have worked with our community planning partners to address the cost of living crisis. I come from a council background, but we have worked closely with our third sector and other partners in employability to address the crisis.

We have to understand how the cost of living crisis impacts on different communities differently. We speak about our communities, but they have various communities within them. That was especially relevant in relation to the response to Covid. Work has been done in my community planning partnership—and probably in most partnerships in Scotland—on the differing impacts of the Covid crisis on different communities and people. We developed what we in Renfrewshire call a social renewal plan to address specific elements.

The community planning partnership can make use of all the intelligence that our various partners have. We engage with our individual communities in different ways; if we then bring their experience and knowledge together, we can form a better picture of how we can work together to address the issues that communities face.

There are learning and listening aspects to our community planning. There is also a deliberative aspect in relation to what we actually do to mitigate circumstances and—we hope—to address upstream practices, as well.

**Tim McKay (Accounts Commission):** the Accounts Commission is more focused on local authorities. From our point of view, one of the big issues that has come out of Covid—or, rather, which will follow Covid—is that local authorities are struggling for sustainable funding streams, which obviously has a knock-on effect on community planning.

The other thing to say is that a lot of good things happened during the Covid pandemic—local authorities were very flexible in their responses. It is perhaps not an issue, but one of the points that we make is that a lot of the good practice and good things might disappear after we recover from Covid. We hope that the good practice will continue in the future.

**Carol Calder (Audit Scotland):** To add to that, I note that community planning partnerships can help communities by working collaboratively. The issues that affect communities cannot be resolved by one agency—the council—alone. There has to be more collaboration and working together on how public sector resources in a place and a community can be used to best effect, whether that is about data—as Stuart Graham mentioned—and understanding communities well or working collaboratively to redesign services and improve inequalities.

**Annie Wells:** Thank you very much for those answers, panel.

I will ask about inequalities. Data that has been collected by the Improvement Service shows massive inequalities between communities in the same local authority area; for example, between Springburn and Maryhill, and Kelvinside and Jordanhill, in Glasgow. Reducing inequalities is a core purpose of community planning. How successful has that been?

**Stuart Graham:** The way that the legislation was framed, in making reducing inequalities a particular duty of community planning, was helpful. It has helped us to focus on the fact that it is everyone's duty to do that. As Carol Calder said, it is the duty not only of the council but of all the partners.

We have to bear it in mind that many of the wicked issues that we face are moving targets. It is not the case that issues that we have to address stay the same until we have addressed them. Inequalities are a movable feast.

We try to focus on the lived experience of people who are impacted by inequalities, and to work out the differences between communities that Annie Wells spoke about. Much more than we did previously, we now also talk about environmental justice, and justice in relation to the ways that our communities are served by various agencies.

One thing that we are looking to do together is to build consistency and cohesion into how we treat and react to all our communities. They can be communities of place who experience poverty, as evidenced through the Scottish index of multiple deprivation, or they could be communities of interest, such as disability groups and race equality groups.

10:15

We, as public agencies—as Carol Calder said, the more we act together, the better we can do it—have to listen to those communities. We need to listen to them about the changes that they want, the demands that they make, and the things that

they are experiencing and we must try to focus on that.

As Tim McKay said, it is also very often a question of resources, so we need to focus on where we put those resources. However, having that impetus to reduce inequalities through community planning is helpful to us as partners in terms of shaping our response.

**Tim McKay:** It is interesting that you started your question by referring to the data on inequalities. One of the issues that we have found is that the quality of data that comes out of the community planning process is not very good. When we talk about improving outcomes, we need to have data to show whether all the activity is improving outcomes, but such data does not really exist at the moment.

**Carol Calder:** I will briefly add to that. In the Accounts Commission's local government overview each year, we pull out case studies of councils having worked well with their partners to improve outcomes for local communities. We have a lot of ground-level evidence on project initiatives but, as Tim McKay said, there is a gap between that and what has happened strategically in the community planning partnerships in terms of their being able to demonstrate how their priorities and the actions that are being taken against those priorities are improving outcomes overall. There are things happening at the local level but there is a wee bit of a disconnect in relation to how partnerships can demonstrate overall improvements in respect of inequalities.

**Annie Wells:** That is perfect. Thank you for those responses.

Stuart Graham has touched on the subject of my next question. We spoke about communities of place. The guidance to part 2 of the 2015 act speaks about impacts on communities of interest. People with disabilities have been mentioned; communities of interest also include young people leaving care and vulnerable adults, for example. Is there any evidence that community planning partnerships are identifying and engaging with those communities?

**Stuart Graham:** As Carol Calder said, there will be evidence in examples of good practice from various community planning partnerships. However, I cannot say off the top of my head whether that is cohesive right across the community planning landscape.

However, we now in some cases learn much more from the lived experience of those communities. Tim McKay is right that there can be gaps in data, especially in data on our inequalities communities. We can, I hope, address some of the gaps through day-to-day engagement with

communities on things that are not yet evidenced in data, but are part of people's experience.

We also have to bear in mind the interaction between various policy agendas. We are pursuing the digital agenda at the moment, for example, and are trying to get as many people online as possible. However, we need to recognise that there are dangers around that agenda in terms of digital exclusion; community planning can focus on that to try to anticipate inequalities and address them at source.

On the ground, we are probably better at speaking to our various communities than we were previously, but we need to keep going with that and to translate knowledge and understanding into policy direction in order to narrow inequalities.

**Annie Wells:** Thanks very much for that.

**Tim McKay:** I have one thing to add. Stuart Graham quite rightly referred to digital exclusion; that is a topic that we are very interested in. This year, we are doing a report on digital exclusion. It will look at communities of interest that are often digitally excluded—the aged, the poor and the young—and will consider the impact that that exclusion has had, particularly because, during Covid, an awful lot of services went digital. There is a danger that some people are being left behind because of that.

**The Convener:** It sounds as though that report will be a valuable piece of work and that it will be useful to look at it.

I bring in Mark Griffin on community empowerment

**Mark Griffin:** The Community Empowerment (Scotland) Act 2015 was supposed to give communities a louder voice and a say over the services that they rely on, and to build, in communities, capacity to advocate on their own behalf. Is there evidence that that has happened? Is it happening consistently in 32 local authority areas, or do you see a difference in performance across the country?

**Carol Calder:** Our best value audit reports look at community empowerment and partnership working in each individual council. There is a very strong commitment from councils to engage with communities. Councils traditionally consult on the budget process, but they might also consult on the cost of living crisis. Communities are involved in other ways. The pandemic was a turning point: then, communities and councils were working together really well to meet the needs of the most vulnerable people. There are lessons to be learned from that.

In answer to your question, I would say that the picture is mixed. There is not so much evidence about the extent to which communities are actively

involved in decision making about services and reform of services. However, there is more evidence that councils are engaging communities in discussions about their priorities. The Accounts Commission will report on a national basis about the extent to which communities have been involved with councils to develop their new priorities with the new council make-up. That work is on-going and we will report on it next year. It will touch on some of the things that you are asking about.

The picture is varied across Scotland and there is not much evidence of communities being involved in strategic change, but there is much more engagement with and involvement by communities. The better councils have built on what was achieved during the Covid period. Tim McKay mentioned that we would like to see that momentum being sustained and not falling back; there has certainly been an increase in involvement.

**Stuart Graham:** We speak about how influential communities feel that they can be—whether they feel that they have a voice and can impact on policy decisions. That can happen in a number of ways, such as through community groups, community councils or third sector interfaces.

There is evidence that some groups feel that they have more influence than others. For example, legislation about community asset transfer has probably been easier for communities to grasp, because a building or piece of land is visible within the community, so the extent to which the community can decide what happens to it is very visible. Other aspects of the legislation have been a bit more difficult for communities to grasp; therefore, we might have seen less community involvement in those areas.

We are also seeing an increase in participatory budgeting exercises across Scotland. Councils are being asked to deliver 1 per cent of their budgets through participatory budgeting, through which people have a direct vote about councils' spending, which is playing out across the piece.

**Mark Griffin:** Thanks for that, Stuart. That leads me on to my next question, which is about how empowered communities feel. The Scottish household survey statistics flagged up that communities feel less empowered. Do people know what community planning partnerships are? Do they know that they exist or what they do? What can we do—or ask the Government to do—to increase awareness of what community planning partnerships do and how people can get involved and have their voices heard, so that people make decisions about their services?

**Stuart Graham:** My personal view, which may not be the view of my community planning

colleagues, is that community planning is sometimes the invisible glue. Perhaps we do not promote it as something that people should feel is separate from the public service that they receive. If community planning is working right, maybe communities should not know that four or five partners have joined together and worked really hard to deliver a joined-up service to them. It is more important that they know how to get involved and how to influence decisions, which can be through contact with their local councillor, MSP or MP; active involvement by joining a local community group; or influencing things through campaigns. Individuals should know that we are not asking them to be involved at every hour of every day, but we could get better at making sure that, when they need to get involved, they know how to do so.

We certainly want to encourage community groups to get active, organised and involved in solutions—sometimes before they identify problems, because it sometimes takes a problem to arise before people want to become empowered and get organised. One of the questions is about what they become empowered to do. It is for communities to say what they want to see in their local areas so that we can work better together to support them. There have been some positive moves towards that, but I am not sure whether we need to publicise or promote community planning partnerships as something different. We just want to get people involved where they are comfortable getting involved so that a better outcome is produced for them at the end of the day and they can evidence that back to us.

**Carol Calder:** I have some anecdotal evidence that shows that sometimes, when expectations are raised, there are some perverse outcomes. I have a real-life example from some years ago to illustrate that. A community was involved in a big discussion about participatory budgeting. It was an all-day session that was very well run and there were ask-the-audience buttons and polls. At the end of the session, people were asked whether they felt more or less empowered as a result of being involved in the initiative and, actually, the data showed that they felt less empowered.

Because they were in a room together, they were able to discuss that result, and the reason why they felt less empowered was that they had more of an understanding of all the decisions that councils make and of what could be done and what services are provided. The session had opened up to them all the stuff that they were not involved in. Sometimes you need to look behind the figures, because community engagement raises expectations, and there can be perverse findings from that.

**Tim McKay:** Mark Griffin asked how community planning partnerships are working across the country. Over the past five years, our best value reports have all looked at participatory budgeting and, to be honest, it is a patchwork—it is working a lot better in some places than it is in others. That is not so much about the community planning partnerships because, as Mark Griffin said, people do not really know what they are; it is really about what the partners do to get the message across, such as involving the public in the whole process, reducing bureaucracy and making participation requests.

The person in the street will not know quite what the process is, but if the community planning partnership or the council explains it and invites people to participate, that is the key to getting them in.

**The Convener:** We will move on to our next theme, which is the role of the third sector. I remind our witnesses that they do not need to operate their microphones because we have somebody here to do that for us.

10:30

**Paul McLennan:** I will not touch on every aspect of the third sector. I chair the cross-party group on social enterprise, which has also discussed the issue, so it has been picked up outwith this committee's evidence sessions, and the same thing has been said there. There is a mixed picture across local authorities in relation to how people see community planning partnerships. They agree that the exercise is worth while but, across the board, there is a mixed picture as regards how people see participation and the involvement of local authorities.

Have the objectives of the 2015 act been met with regard to third sector participation? What can we do to ensure that the growth in community planning partnerships is sustained, along with the wellbeing of the groups, across all 32 local authority areas? I know that the convener will touch on locality plans. Part of the context that has come through is that participation is sometimes fine at that level but that, when it comes down to localities, it does not quite flow through.

**Carol Calder:** I think that the first part of your question was about how the participation with the third sector has been.

**Paul McLennan:** Yes—it was about whether the ambitions of the 2015 act have been met in terms of third sector participation.

**Carol Calder:** We have not done a lot of work on that, but there are challenges for the third sector, particularly just now, with the cost of living crisis and councils' funding being really tight. It is

about the extent to which their funding is going to be impacted by that. They are also at the mercy of short-term funding, so their ability to plan ahead and work on long-term projects with partners is inhibited.

We have not done specific audit work on that, but all the challenges that impact on councils—such as inflexibility, reductions and uncertainty of funding—also impact on third sector organisations and will be an inhibiting factors in relation to their ability to engage with partners to deliver services.

**Paul McLennan:** Will audit work on that be considered in the future? Community planning is looked at in the best value report, but it is considered more from a council point of view, rather than there being a focus on how the third sector is involved. The feedback that we have shows that some third sector organisations think that engagement with councils has worked very well and others think that it has not. Taking into account what you said about the pressures that exist, I wonder whether Audit Scotland and the Accounts Commission might in the future look at whether councils are doing enough to embed the third sector into community planning.

**Carol Calder:** In the local government overview last year and our report this year, which will be out in May, we talk about the importance of reform of services and service redesign, which should be undertaken in conjunction with communities and the third sector as well as other public sector partners. We are beating that drum on the involvement of the third sector. In the future, we will do more work around reform and the extent to which councils are working with partners in the widest sense, including the third sector.

Tim McKay might be able to comment on some discussions that the Accounts Commission has had with the sector.

**Tim McKay:** Generally, our relationships with the third sector are quite good. I think that the funding issue is crucial—not just the amount, but the continuity. As you know, it is a hand-to-mouth and year-to-year existence, so part of the solution is to get a longer-term fiscal framework, as we keep calling it.

I sponsor the local government overview, so I take your point. We can perhaps look a little more closely at how councils are bringing the third sector into community planning partnerships.

**Paul McLennan:** One of the key questions is how we ensure that growth is sustained across all 32 community planning areas. Stuart, I do not know what your experience is of hearing from local areas about that, but how can we get a more equitable experience?

**Stuart Graham:** “Equitable” is a good word. The experience will vary from area to area, and a lot of that is based on the relationships that are built over time and how good, not so good or challenging they are. One thing that we can do is to work to make those relationships as good as possible.

Covid and the cost of living crisis have shone a spotlight on the excellent work that the third sector does, and the value of the third sector has become a lot more visible to people because of its response. In fact, a lot of the resilience and adaptability that community planning partnerships have had during those events is due to the third sector.

The difficulty lies in how that translates into sustainability, as my colleague said. The third sector is seeking to be recognised for what it has provided and to be resourced adequately. That is sometimes difficult, and there is danger when there are mixed policy messages that say, “You’ve done a great job and you’re really important, but there’s a lack of resource, so you’re going to get less money.” Making sense of that can—understandably—be frustrating for third sector organisations.

We have to build on the positive strides that happened out of necessity during the past few years and ensure that as many agencies as possible can act to build good relations across the sector. Recognising what the third sector does, where it fits in and what its outcomes are is key to that. That relates to the question about influence. Sometimes, the influence that a person feels that they have as an individual is due to their being a member of a third sector organisation and the way that it acts as part of the community planning family. Those things are tied up together.

**The Convener:** I like it that you call all those different elements the community planning family.

I am going to pick up the theme of local outcome improvement plans and locality plans, and I direct my first question to Carol Calder. Are local outcome improvement plans and locality plans the right mechanisms for tackling huge issues such as inequalities, poverty and climate change? Do they provide an opportunity to take a preventative approach?

**Carol Calder:** As an auditor, I do not care what the mechanism is. I am not sure that I can say whether those are appropriate mechanisms, because it is not really for us to say that. However, what we look for in a preventative approach is whether it disrespects the boundaries of other partners or the third sector. It is about working with communities; allowing them to influence decision making and build trust and relationships; focusing on the areas where the most impact can be made

and prioritising them; involving people in decisions about the services that they want; and breaking down the boundaries with other partners so that the resources in the community can be used to best effect.

I am repeating my response to an earlier question, but I cannot say whether the LOIPs or the area plans are helpful in that regard. They are a means to an end. It takes the motivation, ambition and willingness of all the people in the community planning family to work together to deliver clear outcomes for communities.

**The Convener:** You said something about respecting boundaries, but you also talked about breaking them down. Based on what you have said, it is also about ensuring that the right groups are involved in the planning process.

**Carol Calder:** I talked about disrespecting boundaries.

**The Convener:** Ah. Good—I am glad that you have clarified that.

**Carol Calder:** It is by ignoring the silos, the name tags and who is from which agency and by working collaboratively at that level that the gains can be made. I know that that happens. Stuart Graham has lots of examples of how it happens in local initiatives and projects across Scotland. Having more disrespecting of boundaries locally and more joint working, joint governance, joint resourcing, joint data sharing and scrutiny is the way that we can make the most of community planning.

**The Convener:** That relates to what Tim McKay said earlier about the fact that local authorities were much more flexible during Covid. We are concerned that that is changing. Something of the respectful disrespecting of boundaries needs to stay in place.

**Tim McKay:** You asked whether LOIPs are effective. A LOIP will be good and effective if it has a clear set of outcomes and a good data set to allow us to measure the outcomes. Unfortunately, that is not always the case. It is about whether there are good mechanisms in place.

In preparation for this meeting, we produced a little table that shows all the best value reports that we have done and which councils have LOIPs and which do not. A lot of councils do not have LOIPs. I do not want to draw too much from the data with an auditor sitting beside me, but that might indicate that LOIPs are not working as envisaged. However, a LOIP will be good and will work when it has good data and the outcomes can be measured.

**The Convener:** Absolutely. The outcomes need to be SMART—specific, measurable, achievable, realistic and timely.

Connected with that, I am interested in whether you believe that there is a cluttered landscape of plans. Maybe some councils do not have LOIPs because they have to produce so many other plans in relation to responsibilities and strategic aims at the local level. How do CPPs and individual partners connect their CPP duties to other areas of responsibility such as integration joint boards, local planning and children's services planning, for example?

**Stuart Graham:** The Scottish Parliament and the Scottish Government have wrestled for a number of years with how to declutter that landscape. We had single outcome agreements at one point and, if I remember correctly, the thrust of those was to have one plan where everything would be covered. Maybe it was a wee bit too ambitious to try to contain everything within one document.

When we introduce a new plan or set of plans, we need to take account of the impact on other things and ensure that there is an overview somewhere of how the different plans will work together. That is particularly true of LOIPs. Community planning is supposed to be about being stronger when we work together and making sure that we are not pulling apart. The more separate plans we create, the greater the risk can be that we will unintentionally pull apart. We need to consider those unintentional consequences as well.

However, if we have a strong LOIP and a strong community planning partnership, we will have a vehicle that can, we hope, rein that in and say, "Hang on a minute—this is what we're doing through children's services planning, but how does it impact on what we're doing on climate change or community safety?" We need to have a mechanism for those various plans to come together and speak to one other.

It can sometimes become messy where we have local plans and also plans at a regional level, such as some of our economic plans. In addition, the Scottish Government has its national performance targets. We have spoken in the past about having a golden thread between those things. It is about trying to get a sense of where each organisation fits in.

As Carol Calder said, disrespecting boundaries can be a good thing, so maybe we should be challenging each other—in a positive way—to try to move those outcomes on. It is about getting the right dialogues between the various plans that we are developing. There may be a good reason for having a set of three or four different plans; as long as they are speaking to and recognising their impacts on one other, that may be where we need to be.

**The Convener:** It is about having coherence across all the plans. Of course, while everyone is being asked to create plans, delivery still needs to happen, and that parallel process is also challenging. Carol Calder wants to comment.

**Carol Calder:** You stole my word "coherence", convener. I was going to say that we look for coherence in the plans when we are auditing an individual council.

Plans are important. Without a plan, things will not happen. Plans make things happen, but they can be so complicated, messy and interlinked that they can stop things happening, too, or there can be perverse contradictions within them. We therefore look for simplicity and coherence in councils' objective setting and priority setting and how that links to their partners' priority setting. We also look at how councils demonstrate delivery against their key outcomes, because there is lots to measure.

I am sure that Stuart Graham will tell you how swamped in data we are, but does it tell us a story about whether things are improving? Not necessarily. There is a lot of data, and trying to see the wood through the trees is really difficult.

The important thing is the clarity of the measures, as Tim McKay said. It is about being able to demonstrate that a plan has delivered against the high-level priorities and having coherence across the plans so that they align with one other rather than cutting across one other and becoming too complicated. There can be so many measures and activities that it becomes impossible to see our way through them.

10:45

**The Convener:** Thanks for that. It takes quite a skill set to be able to pull all of that together.

**Stuart Graham:** One of the good examples that we have had is the work that is happening across Scotland with the Promise, which is particularly for care-experienced young people, whether they are still in care or are care leavers. That work has been nested into children's services plans while also taking account of all the other partners. Those who are involved in it really think of themselves as being providers of children's services, and it is about asking what more can be done. The universal aim is to improve outcomes for children but, within that, they are trying to reduce inequalities for care-experienced young people as a group. The way that those things are linked together and the enthusiasm with which people are buying into that work make it a good example, and we hope that it will bear fruit.

**The Convener:** Thanks very much. It is great to have that example of the Promise.

We will move on to the next theme. Data is something that we have been touching on, but not delving into. There are questions from Marie McNair.

**Marie McNair:** Good morning, panel. The issue of data has been touched on already. Back in 2013, Audit Scotland concluded that community planning partnerships

“are not able to show that they have had a significant impact in delivering improved outcomes across Scotland”.

Carol Calder, would you make the same assessment now?

**Carol Calder:** We have not done any national work on community planning for a while, but we have done work on best value audit reports on individual councils and we are still reporting similar messages about the ability to demonstrate those improved outcomes at a high level. That remains an issue, so there is still a bit of a disconnect between what is happening on the ground and how partnerships can demonstrate how all of that activity has contributed to delivering against our priority outcomes.

It is not easy and, as I have said, we have discussed the complexity of the planning arrangements and all the data and measures that go into that. It is hard to extract from that and crystallise those measures, but it is really important to do so, because that demonstrates the worth of planning partnerships by demonstrating what they can do.

**Marie McNair:** What evidence is there that community planning efforts are being focused on the most disadvantaged communities? Is there evidence of CPPs and individual partners using the data collected by the Improvement Service to target interventions and policies? I will pop that to Stuart Graham.

**Stuart Graham:** Just to rewind a bit to the data question, one of the issues that we sometimes find difficult in a local community planning partnership sense is that we get data from lots of different sources, but when, for example, we go to present an annual report through the LOIP, a lot of the data will not have been collected that year, so we cannot really get that full picture. There is an issue with the timing of data and how often it is collected, and then there is the question of what you are actually trying to make a difference on. You might be looking at a longer-term target; for example, a behavioural change in relation to public health might be a longer-term rather than a short-term target. We sometimes need to have a think about what we expect to see from the data that we get and then about whether we have that and how we might supplement the data.

In the cases where we have strong data and there is a strong correlation between the data that we have and the levers that the community planning partners can pull we can see a difference in what that outcome looks like compared with where there is a weaker link between those things. For example, if economic aspects have targets around the number of jobs being created or the number of VAT-registered firms in a local area, and something like the financial crash of 2008 happens, that knocks them all off. It is about understanding the influence of the community planning partnership’s investment on the outcome that you are looking to see. I probably have not explained that very well. Let me know if there is anything that you want me to clarify.

**Marie McNair:** No, you are absolutely fine. Does anybody else want to come in on that?

**Tim McKay:** I echo the point that Stuart Graham made about the data. I know from my practical experience when I was a councillor that when getting data—typically from the national health service, Police Scotland and the council—it is really difficult to get them to be coterminous: in other words, looking at the same period at the same time. I do not know whether there is a role for Scottish Government in trying to get those datasets a bit more aligned, but it can be very difficult to get sets of data that all look at the same period.

**Stuart Graham:** On your point about the inequalities in some areas and whether the data points towards those, the Scottish index of multiple deprivation has given us a good starting point. As you said, the Improvement Service has its own datasets on community planning and local authority areas. We always have to look at those to see what has changed since the SIMD data came in. For example, sometimes, if an area has been within the 5 per cent most deprived in an SIMD iteration, that might change if there is housing demolition and renewal in the area. That might not necessarily mean that the outcome would be improved for the people who already lived in that area—it might be a new cohort of people—so we always have to factor in as much knowledge as we can about all the data sources, to get as close as possible to the true picture of what is going on.

Therefore, one aspect—it is the same with all the other issues—is to get coherence between all the different bits of data that we all separately own to get something that is a bit better, collectively.

**Marie McNair:** I was really impressed by the level of detail that the Improvement Service held on the interface.

What are the biggest challenges and barriers to CPPs making the impacts that the Local

Government in Scotland Act 2003 and the Community Empowerment (Scotland) Act 2015 anticipated? I will go back to Stuart Graham with that question.

**Stuart Graham:** The biggest barrier is that it is always a moving target; as I said, nothing is static. We always have to take account of the contextual aspects around the aspirations or outcomes that we were looking for at that particular time. The 2008 financial crisis was probably before that, but we have obviously had Covid and the cost of living crisis and we have to factor in wars, the energy crisis and all those sorts of things.

There will always be a resource barrier. That is never going to change. We will always have more work than we have resource to meet. What we have through community planning is a way to have that conversation about what we need to focus on now and where we can upstream things. Lack of resource is a huge barrier to community planning partnerships, which aspire to make early interventions. That is something that we would always love to do more of, but the resources for that are significantly squeezed. We need to take those decisions, but that set of decisions always needs to be taken, reviewed and recalibrated as we go along, to see what it is best to do on the day.

We have made really good strides, and the Scottish Government has been good at being a partner in community planning at a local level rather than being the person who marks your jotters or homework and tells you whether you are doing well or badly. That has been really positive. The link between the local, regional and national could be much stronger.

**Marie McNair:** Thanks for that. Carol Calder, do you want to comment?

**Carol Calder:** The question about barriers is really difficult to answer. I might turn it on its head and ask what actually facilitates good partnership working. I guess that it is the things that I have mentioned before about building relationships and trust, which is really hard to do. I have mentioned disrespecting boundaries three times now. We all work in our silos and under our own logos, and it is hard to break that down. It happens at a very local level across councils across the country, but I think that there is more to do on that.

In an environment where there is so much uncertainty and financial pressure, the natural tendency is for agencies to hunker down and do their core work. I do not have any evidence to support that theory, but that is my speculation.

Not knowing what funding there will be in future definitely does not help. We are always ringing the bell for a fiscal framework that has more flexibility, because that is also a barrier. As Tim McKay and

Stuart Graham said, there is an issue about things being coterminous, as well. The NHS and councils have very different cultures and different ways of operating, for example, and that gets in the way, as well as the data issues that Stuart mentioned—the timing, the period that the data from each organisation covers and trying to match those things together.

Some structural elements are barriers, but people make change happen, so if we flip it on its head and get the right leaders in the right places strategic change can happen. Those leaders are engaged, motivated and want to bring people along with them. They are also able to see the levers that exist in other agencies as well as in their own, and they can see that they can use those levers to make change.

**Marie McNair:** Tim McKay, do you want to have the last word on that?

**Tim McKay:** No, my colleagues answered the question very well.

**The Convener:** We will move on to talk about culture change of statutory partners, with a question from Miles Briggs.

**Miles Briggs:** Good morning and thank you for joining us. You will be aware of the conversations that are taking place about the local governance review and the potential development of a new deal. How will those two things lead to opportunities to improve the picture and take the empowering communities agenda forward?

**Carol Calder:** I refer you to my previous answer, because flexibility to do things differently with funding and more certainty about longer-term funding create more opportunities for councils to work with partners, communities and the third sector in order to deliver. The new deal is an important part of that. I will not speak on behalf of the commission because Tim McKay is sitting right next to me, but I am sure that it is very keen for the new deal to progress as soon as possible. Although it is inhibiting things at the moment, when it is agreed, it will help councils to be innovative and disrespect boundaries if the partnership agreement is framed in a way that allows more flexibility.

**Tim McKay:** We have been pressing for a long time for what we refer to as a fiscal framework. That would mean a longer-term budgeting process for councils so that they know further in advance what their funding streams are likely to be.

I do not want to be controversial but, as Carol Calder said, part of the new deal is less ring fencing. Councils argue that ring fencing is constraining their ability to make more localised choices, so what might come out of the new deal is fewer constraints for councils in that respect.

That will give them the freedom that they have been asking for to disrespect boundaries to some extent, which could help.

**Miles Briggs:** I want to bring together some of the questions that Annie Wells, Mark Griffin and Marie McNair asked. My reading of where we are with being able to empower communities, which comes from the schemes that I have been involved with in my area, is that middle-class communities know how to use the process and are well organised in doing so. How can we further embed empowerment, especially for those who are furthest removed from decision making and the planning system, so that they can organise in a way that allows them to create genuinely sustainable projects that can take over community assets or make the system work for them?

11:00

**Stuart Graham:** My experience and my thinking, which have changed a wee bit, are slightly different. You are right to say that some of the more affluent communities with high levels of social capital and skills can organise themselves. Sometimes, however, that is equally true of our most hard-pressed communities, some of which have been involved in community engagement schemes going back to the 1990s or before that. It is often the case that such communities—I can think of some in our local authority area—are highly organised and aware of how they can work with the system.

There is also the bit in the middle—the areas that are neither tremendously affluent nor hard pressed, where people are just getting on with things. It is in those areas, where there is sometimes less of an organised community culture, that local assets need to be looked at.

On the point about culture change, we are finding that people are aware that, if there is a bit of land or a building in their area—and not just assets that a community planning partner does not want anything to do with—they can ask about it. In our area, we have some good and diverse examples of land and assets being used. When more of that happens in an area, we start to build up a critical mass of people in the community who know what the possibilities are and what outcomes can be achieved, and who have experience of doing that. Those people then start speaking to one other. Sometimes, the best bits of community planning are not what we try to do and to control; they are about communities learning for themselves. However, it takes a while to get that critical mass.

On asset transfer, I do not think that I have ever heard a community group say that a project was easier than it thought it would be—it is always the

other way round. However, when a group has learned from a project and is willing to share that learning, that is when the critical mass starts to come. I have heard of areas where people in diverse communities have started to speak to one other about their different experiences and share their knowledge, which is invaluable.

**Miles Briggs:** We need to get to that point.

**Stuart Graham:** Yes.

**Carol Calder:** This is about targeting. We cannot do everything for everybody all the time, so it must be about prioritising communities that are vulnerable or in more deprived areas. As has been mentioned, people there might not be as engaged with the council or there might be quite a groundswell of activism. It is for the partnerships to target those areas and agree what they want to focus on. That is the way to engage those who are not engaging.

**Tim McKay:** Sometimes the issue is cultural rather than being to do with how well off people are. We get hotspots of people who are quite engaged in the community planning and empowerment process. Sometimes it is the poorer communities that are doing it. As Stuart Graham alluded to, that is because they build up a little pool of expertise and they see others doing it, which encourages action.

**The Convener:** I will stick with that theme as I have a couple of other questions on it. What are your thoughts on how community planning partnerships work in practice with the statutory organisations? Has there been a genuine change in culture in partner organisations relating to budgets, staffing decisions and priorities?

**Carol Calder:** I do not think that I have any evidence to enable me to answer that with any confidence. We have looked at individual councils and their relationships with other agencies and they have expressed the view that there are difficulties, particularly when it comes to engaging with the NHS. As I said earlier, the NHS is organised in quite a different way. Councils have a democratic mandate, but the NHS has a direct relationship with Government. However, I do not think that I can give any further examples.

**Stuart Graham:** In my experience, there are some good examples of that, but not at the level of organisations formally sharing their budgets; the good examples are perhaps a bit further down at the level of parts of organisations coming together to put in resource. For example, there is good community safety work where council wardens, the police and the fire service come together locally to do joint co-ordination tasks and they are working with housing officers and so on. Day-to-day staffing resources and the budgets that have been allocated for certain things are working really

well in that area, but there is no formal situation whereby all the budgets are put into one pot.

On my side of things, there is generally more sharing of the financial outlook between different partners but, again, that does not really translate into people saying, “We’ll put all our money into one pot and decide what will come out of it.”

On the point about prioritisation, there is probably an understanding at a strategic level, but there are some particularly good bits of work happening at a more operational managerial level. I am thinking about things such as local employability partnerships and partners working together to get positive destinations for school leavers. Partners are working together really strongly on those things.

**The Convener:** Thank you for those examples. Schedule 1 to the act sets out a list of statutory partners. Should it be amended to include new partners or remove existing ones?

**Stuart Graham:** Our statutory partners are generally fine. Most people who need to be there are there, but it would be worth while to look at the third sector interfaces. I do not think that they could be statutory partners because they are not statutory bodies, but encouraging them to be as involved as possible might be a way forward.

There is a difficulty with regard to where the more regional partners can play into. It is quite difficult for the likes of the Scottish Enterprise groups, economic development groups and transport partnerships to play into the required number of community planning partners. Perhaps that process needs to be considered in order to make it work more effectively for those partners.

**Tim McKay:** I would not take anyone out of the list. Is there anyone that you were thinking of removing or adding?

**The Convener:** Not at all. I just wanted to ask the question.

**Tim McKay:** I suppose that the answer is no. Stuart Graham makes a good point: it is useful to have those other, non-statutory organisations at the table, such as the Federation of Small Businesses. I know that some councils engage with them, which is a good thing.

**The Convener:** That answer is helpful.

**Stuart Graham:** Engagement with the private sector is an area that could probably be strengthened, because it is supposed to be one of the key arms of community planning. We tend to engage with the chambers of commerce, which is good and effective, but there is perhaps more that we can do. We work through local employability partnerships and things like that, but we could perhaps do more in the private sector.

**The Convener:** We move on to our final theme, which is leadership and the role of the Scottish Government and Audit Scotland.

**Willie Coffey:** I remember that, in 2003, when I was on East Ayrshire Council and the first of the community plan documents arrived, I thought, “Goodness gracious—who’s gonnae deliver this?”, or words to that effect. I wondered who would be behind it and who would lead it. The question of leadership arose early and it is still there, in my view. The success or otherwise of these things often comes down to good, strong, dynamic and enthusiastic leadership.

What are your views on that topic? How can we provide better leadership? I am not asking whether leadership is important, because we know that it is, but how do we get the type and quality of leadership that will drive the plans and engage with communities, which perhaps look to local authority officials to lead the processes? Do we need more of a focus on leadership at a national level? Should the Scottish Government make provision for leadership skills, or should local authorities do that? Your views on that would be appreciated.

**Stuart Graham:** As you have correctly identified, leadership is something that drives outcomes and gets us there. Police Scotland and the Scottish Fire and Rescue Service led some work in Renfrewshire a while ago that looked at having a leadership process—it was not a qualification—that community planning partners could buy into. From our perspective as a council, it was great that that process was led by the police and fire services.

There is leadership of the community planning process, which involves making sure that the process happens and that the vehicle is fit for purpose, and there is leadership of the agendas. The interesting thing for me is that various community planning partners are sometimes the best faces to lead some of that work. We have spoken a lot about community empowerment. Sometimes, the third sector interfaces will be the best organisations to lead on that, because communities engage with them most often. Some initiatives will be best led by councils and others will be best led by the police and fire services. Sometimes, the fire service is a good organisation to lead initiatives because it has a high public approval rating.

It is important to have some kind of process—it does not have to be a leadership qualification—that everyone must go through, and an understanding of each party’s agenda and what each party can contribute. The more that we take that approach, the better we will do.

Recently, Police Scotland has been adopting a public health approach to some aspects of its work, which is a good example of that. I do not think that that work is being driven through community planning, but that is effectively what it is. It is about an organisation saying, “Actually, we should be looking at our business in a different way and taking that on board.” For me, that is leadership: it is about changing the culture of how an organisation deals with certain things.

**Tim McKay:** Willie Coffey is absolutely right to say that leadership is crucial. We refer to barriers to community planning partnerships working effectively, and poor leadership is sometimes one of them. In the best value reports, we identify where community planning partners are getting on well together, and that typically happens in councils where there is good leadership—although other partners can also have good leadership.

It is difficult to know how to encourage good leadership. Again, in our best value reports, we always emphasise how important leadership is and we identify where we feel that it has failed or caused a problem. I hope that that encourages good leadership. It is difficult to define good leadership, although we sometimes do that. Forgive me—I cannot quote the definition, but leadership is a bit like an elephant: we know it when we see it, but how we get it is a difficult question. Carol Calder may have the answer.

**Carol Calder:** I have had a bit more time to think about it because I am answering Mr Coffey’s question last.

I have been thinking about how leadership has changed over the years. A direct route to being the chief executive of a council was to be the director of finance. However, leadership has changed: it is not just about managing a council, but is now about collaborative leadership. We picked up on some of the principles of that in our most recent local government overview report and we will pick up on the topic again when we look at reform and the redesign of services. It is not necessarily just about managing a council, although there are managers in councils who do that.

11:15

Tim McKay has reminded me of the Scottish Leaders Forum. I was at its most recent meeting, at which somebody whose name I cannot remember quoted something that, when I heard it, made me think, “That’s brilliant—I’m going to use that.” He said, “Leadership works when you leave at the door your silos, your logos and your egos.” I thought, “I’ll remember that because it rhymes and it’s very clever”, but he was absolutely right. As I have said, plans do not make change; people do.

Plans help to get us there, but it is the people who drive things forward.

As for what skill set we need for collaborative leadership, we are looking for people who are energised about change. They might in a way be voting for their own job to go, but they have a longer-term vision of where they want to get to. They will disrespect boundaries—I think that it is the fourth time that I have said that—but they will have the energy to do this sort of thing and will be looking for opportunities and levers. They will be thinking, “If I don’t have the levers, can I find out which other agencies do so that I can use them?” They will be asking, “How do we come together to make things happen?”

At that meeting of the Scottish Leaders Forum, I was interested to hear so much discussion about the issue and to see people recognising and understanding it and knowing where they need to get to. I guess that the next thing, though, is that, as an auditor, I want to see that that is happening. There is a lot of talk about collaborative leadership being what is needed to drive things forward. I think that the style of leadership has changed dramatically over the past 10 or 20 years.

**Willie Coffey:** Thank you so much for those responses. I want to widen things out a little with a question that is particularly for Carol Calder. Community planning is not just something that councils do; it stretches far further and wider than that. Do you or Audit Scotland look at such elements in your work on, for example, NHS services or the whole range of other publicly delivered services? Might you include community planning dimensions in such work?

**Carol Calder:** We definitely look at partnership working across the piece in the work that we do. My focus is on local government, but we also have teams looking at the NHS and social care every year. However, the more that we work on those things, the more integrated that work becomes, because the issues are not based in silos but are cross cutting.

I would perhaps not use the term “community planning partnership”, as that is a specific thing, but I think that we would talk about partnership working in its wider sense, and we would definitely say that partnership working would include not just the public sector but the third sector and communities. I therefore think that you will see that weaving through quite a lot of our work.

I am not sure whether part of your question is about whether we are doing something specific on CPPs. On that issue, I would have to say, “Not at the moment.” However, we will continue to do work on best value in councils, which covers partnership working. In that respect, we will always be looking at partnership working.

**Willie Coffey:** Thank you. Is the Accounts Commission intending and planning to audit the CPP process?

**Tim McKay:** It is not in our work programme at present—

**Carol Calder:** But we have done it in the past.

**Tim McKay:** Yes. As Carol Calder has said, we did a report on that a few years ago. Our work programme always takes world circumstances into account, and your question will certainly prompt me to ask the same question when we look at our work programme. However, there is nothing planned at the moment.

**Willie Coffey:** Okay. Thanks very much for that.

**The Convener:** Willie Coffey asked about the skills that are required for leadership, and I note Carol Calder's point about collaborative leadership. I have noticed that, when different organisations are brought together, you need facilitation skills and the ability to break down silos. Should a collaborative leadership style include those skills of facilitating things and bringing people together? Do we also need people who are specifically trained as facilitators to come into certain situations and help to break down silos?

**Carol Calder:** We need either and both, to be honest. This is not just about corporate collaborative leadership; there is the political leadership, too. Just to be clear, I am about to speculate—I do not have any audit evidence for this—but one barrier might be the energy and drive in some chief executives to move things forward in a different way not being reflected in, say, joint services. If the councils that want to work together are of different political persuasions, that might get in the way of things, too. Facilitation to get over those barriers might be an issue to think about but, as I said, I am just thinking on my feet and speculating.

In short, I think that we need both—people who have been trained to have that skill set, and also external support coming in, depending on the circumstances.

**The Convener:** It seems to me that, the more evidence-taking sessions that I sit through in both this committee and the other committee that I sit on, the more I feel that Scotland needs really well-trained facilitators.

**Stuart Graham:** This probably goes back to Willie Coffey's question about leadership, but I want to highlight the work of the community planning improvement board, which is very much about how we drive the whole community planning system forward and how the leaders of the different community planning partners can take ownership of that in their organisations in a collective and collaborative sense. That work is

facilitated by the Scottish Government and the Improvement Service, with one of my colleagues on the community planning network feeding into it, and it is a good example of trying to look at the whole system and move things on together.

**The Convener:** That concludes our run-through of the themes of our inquiry. Your evidence has been very helpful for the next stage of our work on community planning partnerships. Thank you for coming in today to share your perspectives and experience.

I will suspend the meeting to allow a change of witnesses.

11:21

*Meeting suspended.*

11:25

*On resuming—*

**The Convener:** I welcome our second panel of witnesses to the meeting. We are joined in the room by: Peter Kelly, director at the Poverty Alliance; Kirsty McNeill, policy and research officer at the Coalition for Racial Equality and Rights; and Ruth Whatling, head of policy and equality at Homeless Network Scotland. We are joined online by David Allan, deputy director at the Scottish Community Development Centre. As I mentioned to the first panel, we will try to direct our questions to a specific witness where possible but, if you would like to come in, please indicate that to the clerks. David, as you are appearing virtually, please indicate that you wish to come in by putting an R in the chat function.

Annie Wells will begin the questions. Three of our colleagues are joining us virtually, so some questions will come from people who are online.

**Annie Wells:** Good morning, panel. What are the main challenges faced by communities across Scotland and have they changed in the years since the Community Empowerment (Scotland) Act 2015 was passed? We could talk about the Covid pandemic, for example. Also, looking ahead, what role could community planning partnerships have in supporting communities during the cost of living crisis? I put that question to David Allan first.

**David Allan (Scottish Community Development Centre):** The main challenge during the Covid pandemic was the increasing isolation of many of our disadvantaged and more—*[Inaudible.]*—communities—*[Inaudible.]* Coming out of Covid and going straight into the cost of living crisis has exacerbated the problems facing—*[Inaudible.]* That is what has happened throughout—

**The Convener:** Sorry to interrupt, but your audio is dropping out. We will check with broadcasting. We might drop the video and see whether it works just with audio.

**David Allan:** Okay. Is that better?

**The Convener:** Brilliant. Go ahead.

**David Allan:** I was just saying that moving from the pandemic and the increasing—*[Inaudible.]*—of some groups into being faced with the cost of living crisis—*[Inaudible.]*

**The Convener:** David, your audio is still bad, and we still cannot hear you fully. We will go to someone in the room while we will try to work on the tech side. Peter Kelly, do you want to come in?

**Peter Kelly (Poverty Alliance):** I would be happy to come in. Thanks for the invitation to come along.

Obviously, the Poverty Alliance's key concern is around poverty and inequality. The challenge that has been faced by communities and therefore by community planning partnerships over the past seven or eight years since the passing of the act—and indeed before that—is the rising patterns of poverty and inequality in Scotland and across the UK. The significant challenge is that those patterns are oftentimes outwith the control of community planning partnerships and they cannot have a significant impact on them.

Since 2015, there has been downward pressure, through a series of changes and cuts to social security, on the incomes of those who were already on the lowest incomes. That context has made some of the long-term changes that community planning partnerships want to make all the more difficult to achieve.

11:30

The pandemic clearly exacerbated many of the problems that already existed in many communities. I know that, over the past several years, committee members and other parliamentarians will have heard a great deal about what those problems were. I think that Dave Allan started to talk about the isolation that was experienced. Members of the Poverty Alliance have talked about the so-called supercharging of existing inequalities during the pandemic.

Those issues have made the challenges relating to the structures that are in place to address poverty and inequality all the more difficult to address.

**Ruth Whatling (Homeless Network Scotland):** I thank the committee for inviting me. It is great that a homelessness organisation is part of this discussion.

I will build on what Peter Kelly said. Poverty is the most important driver of homelessness. There is therefore a big risk that homelessness levels will increase. Homelessness can be prevented and tackled really effectively at a local level, so community planning partnerships have a key role to play in that regard.

I will say a little bit about the pandemic and the impacts on homelessness. You will probably all be aware that there was quite a positive impact on some aspects of homelessness. For example, the number of people rough sleeping dropped significantly. The number has gone back up a little, but it is still quite low in Scotland. The main homelessness problem in Scotland relates more to indoors than to outdoors.

A positive that came from the pandemic was that people were not evicted, following legislation that was introduced by the Scottish Government. However, there is a risk that the cost of living crisis and the other issues that Peter Kelly mentioned will result in an increase in the number of people who are homeless. There has already been an increase in the number of open homelessness applications and in the number of people in temporary accommodation.

There is a massive opportunity for community planning partnerships to play a role in preventing homelessness.

**Kirsty McNeill (Coalition for Racial Equality and Rights):** I, too, thank the committee for inviting me to contribute.

One of the main challenges for black and minority ethnic communities in Scotland is poverty, which links to the Covid pandemic and the current cost of living crisis. Statistics show that, in Scotland, somebody from a black and minority ethnic background is more than twice as likely to be in poverty as somebody from a white Scottish or British background. Despite the 2015 act requiring that socioeconomic inequalities be taken into account, a race-blind approach is being taken to tackling inequalities.

Each year, local child poverty action reports are created and presented to the Scottish Government by health boards and local authorities. In practice, community planning partnerships would be useful vehicles to deliver the reports. Our research has shown that, as far as we can see from the written reports, a race-blind approach is also taken to local child poverty action reports. The reports do not discuss in detail how child poverty is affecting various black and minority ethnic children or groups in the area. There is no evidence of targeted action, and there is very little data on whether black and minority ethnic families are engaging with mainstream services.

Black and minority ethnic people are at higher risk of poverty, but, in our experience, we do not necessarily see that from the work of community planning partnerships.

**The Convener:** Thanks, Kirsty. We will go back to try David now. We have made some adjustments; let us see if we can hear him.

**David Allan:** Can everybody hear me now?

**The Convener:** So far, so good.

**David Allan:** As I was saying before, and picking up on a couple of the other—*[Inaudible.]*

Things have changed over that time. The pandemic brought to the fore issues of people being increasingly isolated—*[Inaudible.]* Issues around poverty have tended to be more concentrated in urban areas of deprivation, but I think that they have become far more widespread—*[Inaudible.]*—rural deprivation—*[Inaudible.]*—huge issues as well. If we are aligning that to the community planning agenda, the dispersed nature of poverty or fragility becomes more difficult for community planning partnerships to deal with. There is the issue of critical mass: there might be only two or three people, or a particular group, in a particular area that have a particular issue, so it becomes more difficult to have a place-based response that is—*[Inaudible.]*

Those are real challenges moving forward.

**Annie Wells:** Thanks for that, David.

I will move on a wee bit. We heard from the previous panel about the lack of data, but we have some data. Data is collected by the Improvement Service, which shows massive inequalities between communities in the same local authority areas, for example, in Glasgow, between Springburn and Maryhill, and Kelvinside and Jordanhill. Reducing inequalities is a core purpose of community planning. How successful has that been? Maybe David could kick that one off, seeing as he is still on my screen.

**David Allan:** The point about data is really interesting, and I was interested in the conversation in the earlier part of the meeting. The issue is not only about the synchronising of data among agencies but about what data communities bring. A couple of years ago, we worked with local groups in Moray to develop data-led locality plans, and they were conscious of the kind of data that they were bringing to the perspective and considered how it could match up with, add to and complement the data that was being gathered by the council and the statutory partners.

That work was a good example of bringing in council statisticians to work with the groups to look at the breakdown of the data in the different areas.

Localities had been placed on the data that did not make any sense to the communities involved—the localities were based on the raw data regarding level of deprivation from SIMD—*[Inaudible.]*—whereas the natural communities did not conform to those boundaries. The groups worked with the community planning partners to redefine those boundaries so that they made more sense. They recognised where there were concentrations of issues or problems—*[Inaudible.]*—inequalities as well, to see a way of bringing that together by addressing it as a whole community rather than by focusing on one particular, small part of the area.

**The Convener:** Thanks for that, David. Your audio is still dropping out. I think that Kath Byrne is going to chat to you through the BlueJeans function to see whether we can sort that out. Does anyone in the room want to come in?

**Peter Kelly:** I will quickly follow up on what David was saying. The question around data is related to but also separate from the issue of whether we are having an impact on inequalities.

Over the period that I have observed community planning, I have seen a better use of data and I have seen data being used more creatively. I have seen the various actors at local level being very focused on how they use data and trying to understand the data that is available to them. For instance, in Inverclyde, a great deal of work has been going on with the local authority, with support from Public Health Scotland and the Improvement Service, to better understand the data that is available and how it can be applied. That is in the context of local child poverty action reports, but I think that the example is applicable to wider community planning.

There is more and better data around, and as David Allan said, it is important to bring in other forms of data, particularly qualitative data.

On the question about the long-term outcomes that are set in LOIPs—and elsewhere in other versions of plans—and whether inequalities are reducing, again we need to tease out what is within the gift of the various community planning partners that can affect those long-term outcomes. They might set the outcomes, but to what extent is it within their gift to achieve them?

For instance, we know that, very worryingly, health inequalities are starting to widen again in Scotland. The community planning partners can make a significant contribution to reducing those inequalities, but there are processes taking place at Scotland and UK levels that are driving some of those widening inequalities. We need to get the balance right between understanding the specific role of community planning partners in reducing those inequalities and the contribution that they make to that.

**The Convener:** Annie, do you have any further questions?

**Annie Wells:** I have one final question, convener. Kirsty McNeill spoke about this a bit earlier. As well as communities of place, the guidance on part 2 of the 2015 act referred to impacts on communities of interest. What evidence is there that community planning partnerships are identifying and engaging with those communities?

**Kirsty McNeill:** From our work on anti-racism and race equality we know that there is a considerable body of evidence that geographical approaches to tackling inequalities often fail and can widen inequalities. Our experience of locality planning, to a greater or lesser extent, replicates that. There is little evidence to show that locality planning is working for black and minority ethnic groups, and these communities are largely absent from the structures that are responsible for locality planning. If we discuss the plans in more detail later, we will see that there is very little mention of those communities in the plans.

Previously, staff in CRER—not me—supported a senior colleague in one of the most prominent community planning partnership organisations to propose a communities of interest-focused locality plan. That colleague had been able to come up with proposals that would target severe inequalities, staying firmly within the locality eligibility criteria. However, unfortunately, that did not go ahead, which was down to reluctance at senior level, where commitment to, and understanding of, inequalities is low. The community of interest in that case was the African community in Glasgow.

**Annie Wells:** Thanks for that. Ruth Whatling, do you have anything to add?

**Ruth Whatling:** People come in and out of homelessness, so the situation is not the same. However, people who are at risk of homelessness or who are at risk of the more repeat or entrenched forms of homelessness are really on the margins of society. They are marginalised and discriminated against across the board, so they are the people who are least likely to be engaged with in the planning processes.

Our organisation would therefore welcome something in the LOIPs about preventing homelessness, which would require engagement at a more organised systemic level with people who are at high risk of homelessness, many of whom will be the people who Kirsty McNeill and Peter Kelly are talking about. Therefore, in a sense, it is not the same clear group of people.

**Annie Wells:** Peter, do you want to add anything?

**Peter Kelly:** No, I think that colleagues have covered the points well.

**The Convener:** We will now move to the theme of community empowerment. Mark Griffin, who joins us online, has questions on that.

11:45

**Mark Griffin:** The Community Empowerment (Scotland) Act 2015 was supposed to strengthen people's voices and to give them a say in the services that they rely on. Has that been realised at all as a result of the act, particularly in relation to disadvantaged and marginalised communities? What more should we be asking Government to do to realise that and to give those marginalised and disadvantaged communities a voice in the services that they rely on?

**Peter Kelly:** We are still very much on a journey in relation to community empowerment, involvement or participation—whichever phrase you want to use. The Local Government in Scotland Act 2003 talked about making sure that people and communities are genuinely engaged in the decisions that affect their lives. Across Scotland, large parts of society and the population would not say that they feel as though they are actively engaged in the decisions that affect their lives. Things have definitely changed and improved, particularly since the 2015 act, but there is an awful lot of scope for further improvement.

I will again comment through the lens of the local child poverty action reports, which are a requirement under the Child Poverty (Scotland) Act 2017. We have seen some really creative approaches to involving people with direct experience of poverty in shaping those approaches to addressing child poverty at local level. We have seen a whole range of approaches. I could talk at length about different examples of local authorities and community planning partnerships actively seeking ways to engage with people, but those examples of good practice are still in the minority.

I do not feel as though we have embraced participation across community planning partnerships in their totality in the way that I guess that we hoped that we would have through the 2015 act. There has been improvement and progress, but much more can still be done.

**Ruth Whatling:** I agree with Peter Kelly and will add to that.

A lot is written in national and local policy about the need to engage with people more widely, but the practice—certainly across Scotland—is not as consistent.

I was reminded of a piece of work that Heriot-Watt University did in England, but that is probably

also relevant here, that suggested that localism can further marginalise people, particularly severely and multiply deprived people, in the community.

Similarly to what Kirsty McNeill mentioned earlier, I note that we need to put enough time, effort and expertise into meaningful engagement with people who are less likely to trust public services, people who may have experienced trauma and people who are really at the hard end, having experienced homelessness and all sorts of crises in their lives. Unless we get better at doing that, we are at risk of further marginalising people. Things have improved, and community empowerment is talked about a lot more than it used to be, but there is still a long way to go to get consistent practice.

**Kirsty McNeill:** I thank Ruth Whatling for that answer, in which she made some really good points.

At the national level, we undertook a review of all the LOIPs, to look at how they had detailed involvement with black and minority ethnic groups. We found that very few of them were involving such groups—or at least that their involvement was not detailed in those reports. A small number of them had mechanisms for engagement with people with protected characteristics. I think that one or two of them also had them in relation to race issues specifically, but that was not widespread practice.

I hope that I am not getting too detailed here, but we also looked at some of the locality plans in Glasgow. On those, there was little evidence of the involvement of black and minority ethnic groups. However, I highlight one example of good practice: in Govanhill, the locality plan notes the involvement of black and minority ethnic groups through community conversations, which were facilitated by a multilingual team.

There is a need for individuals and groups that are responsible for leading on the development and delivery of those plans to set out specifically how equality groups are involved in the related processes, but there is little incentive for marginalised communities to contribute their views or their time to involvement processes that might not improve their circumstances.

**David Allan:** I emphasise what the other witnesses have said. We have seen the need for a systematic approach to promoting community involvement in community planning. Peter Kelly mentioned that that is still sporadic. There are good examples, but they are still dispersed and not adopted across the board.

The 2015 act required authorities and community planning partnerships to take a systematic approach to involving the whole range

of communities in their areas in community planning processes and to improving situations. That has not been done. There are numerous reasons for that, but we need to get better at doing that. We need to be more systematic and put sufficient time and resource into helping people to participate equally with others who might be more comfortable with doing that.

There is also conversation about whether the 2015 act has just helped stronger communities to become even stronger and not helped to level the playing field in community participation. We need to consider that.

**Mark Griffin:** A report on the impact of the Christie commission said:

“community empowerment comes from strong relationships between community members and staff in public services”.

That is obvious and goes without saying.

Since the 2015 act was introduced, has there been a change in how open public service staff are, and how they go out, engage with and build relationships and trust with marginalised communities? Is the culture changing among staff in public services to the extent that we are getting meaningful engagement and participation?

**Kirsty McNeill:** It is difficult for us to speak to every area in Scotland, because we do not know the ins and outs, and, for the areas that we are not involved in, all we can see is from the plans.

In Glasgow, work that is done through the community planning partnerships tends to be achieved through good working relationships that exist. However, sometimes, there is a barrier with people at a higher level who are perhaps not as involved with equalities because there can be a lack of resourcing relating to equalities, both within specific posts and generally through public service organisations.

**Peter Kelly:** On the relationships between officials who are tasked with producing reports of whatever form, we have good evidence of change in a few community planning partnership areas.

Edinburgh has done interesting work to engage with people with direct experience of poverty on an on-going, long-term basis flowing from the Edinburgh Poverty Commission that was set up. That is now part and parcel of the LOIP. The end poverty Edinburgh group, which is a group of citizens in Edinburgh with experience of poverty, is referred to in the LOIP.

What has worked there, and in other community planning partnership areas, is taking time to build relationships and putting in resources. That would generally be done by the local authority, as local authorities often take the lead on that, to ensure

that relationships are built up. Edinburgh is a good example. Similarly, Dundee has an approach in which participation and involvement are seen as a priority in the development of local child poverty action reports.

In other areas, including rural communities, there are some examples of good practice. For example, Aberdeenshire has adopted quite innovative ways of engaging with a panel of people with experience of poverty. That worked quite effectively during the pandemic, when there was remote or online engagement.

There are a lot of good examples, but I repeat that I would have to say that I am not convinced that such approaches are embedded enough in the way that community planning partnerships go about their business.

**Mark Griffin:** My final question, which is a broad one, is probably for all four witnesses. Are people in the groups with which you are involved even aware of community planning partnerships? Do they know what the partnerships do and how to get involved in them?

**Ruth Whatling:** That will vary a lot. As we have discussed, in areas where we have had programmes of work, people might be a lot more aware of the local planning arrangements. However, with mechanisms such as LOIPs, people generally do not know how significant they are in local planning or what they drive. There is quite a big gap in awareness among the people with whom we work.

**David Allan:** I agree with that. From the feedback from the groups that we work with and support across the country, it seems that, even where they are aware of community planning partnerships, there is a lack of understanding of how they can get involved and influence those processes and structures. There are different levels. People—certainly those in the more active groups—might be aware of community planning but less aware of how they can get involved and influence decision making.

**Peter Kelly:** I echo what David Allan has just said. Among the community and voluntary organisations in our network, there is an awareness of community planning partnerships and their function. However, those organisations' capacity to engage is limited. That is a strategic decision that many organisations take. Their purpose is not to engage in community planning processes; it is to achieve the ends of their organisation. Therefore, community planning partnerships need to find ways to make the engagement relevant and possible.

Broadly speaking, the TSIs do a good job of representing third sector voices. It is a different question when we think about people with direct

lived experience. However, by and large, TSIs do a good job in their engagement, which is often in quite difficult circumstances. It is difficult for TSIs to be part of the community planning partnerships, but their role is important.

**The Convener:** Kirsty, do you have anything to add?

**Kirsty McNeill:** No—I think that the answer has been well covered.

**The Convener:** We will move on to the role of the third sector. Paul McLennan has questions on that.

12:00

**Paul McLennan:** The issue of the third sector's involvement has been raised a couple of times. I used to chair a community planning partnership when I was an East Lothian councillor, and I know that one of the key things is, as has been said, the involvement of local organisations. Do you see any issues with regard to the involvement of your national organisations?

A prime example that I want to highlight is the poverty-related stigma report that Peter Kelly's organisation has published and which talks about BME communities being twice as likely to be affected by such issues. How can we get national organisations involved in some of the discussions that are happening at local level in community planning partnerships? After all, that will be fundamental, because there are certain issues that need to be addressed at local level; indeed, Peter Kelly touched on the work that Inverclyde was doing in that respect.

My second question is about the role of TSIs, which Peter Kelly has mentioned. The evidence and feedback that we have received from the third sector on TSIs have been very mixed; some organisations had had very good experiences, while others had had not so good experiences. How do we get an equitable experience across all local authorities?

I will bring in Peter Kelly for my first question and then open things up to the other witnesses.

**Peter Kelly:** This sounds like a bit of a glib answer, but it is all about resources and capacity. National organisations such as ours see community planning partnerships as an important locus for influencing change at local level, but the reality is that trying to engage with 32 partnerships is just beyond our capacity.

The issue, then, is finding efficient ways of taking learning from examples of good practice on some of the themes that my organisation and colleagues work on and applying that to different places. Again, there is good evidence of our

starting to do that a lot better. I am talking mostly about the area of child poverty, but the Improvement Service has been very effective at sharing good practice with officers engaged in child poverty planning at local level. That has been really important. Organisations such as SCDC have also been important in sharing good practice on what works with regard to involvement.

We need to find more and better ways of doing that, and support for national infrastructure organisations such as ours is important in allowing us to share some of the lessons that we are learning. For example, in our work on child poverty since the Child Poverty (Scotland) Act 2017, we have gathered a lot of good experiences and good practice from Edinburgh, Glasgow, Inverclyde, Dundee and Aberdeenshire, but we have not really had the opportunity to share that as systematically as we would like to. I am sure that other national third sector organisations will be in the same position.

Resources are important, but we also have to recognise the constraints and find ways of efficiently and more effectively sharing what we are learning.

**Ruth Whatling:** My response will be similar to Peter Kelly's. We recently completed our "Staying in" programme, which is about place-based approaches to preventing homelessness, and some of the recommendations from that are really for local planning partners. We are going to their local planning meetings as much as we can, particularly in Glasgow, where the project took place.

We recognise that we cannot do that for all the community planning partnerships, so we are looking at sharing of good practice nationally through, for example, putting champions in place. Where local areas are really taking on board the recommendations, we are sharing that practice and saying, "Look at what you can do if you do things a little bit differently."

That said, this is not just a matter of our finding clever and different ways of influencing change—it is also pertinent to the questions that have been raised about leadership. It is about the people who sit within local planning mechanisms seeing those things as being important to their work and seeking them out, as well as our trying to influence what they do.

**David Allan:** I reinforce what both Peter Kelly and Ruth Whatling said. The importance of share learning, for CPPs and the people who are involved in them, cannot be overstressed.

A couple of years ago, we were involved with the Improvement Service in the context of a programme of work with all 32 CPPs on what they were learning about community participation,

community involvement and community planning. The sharing of learning was really useful for all the CPPs involved. It was not just folk from the statutory agencies were involved in the process but community reps, TSIs and elected members. The role of national intermediaries can be really important in the wider sharing of learning about what works and what gets in the way of good community planning. I agree with Peter that such work needs to be resourced.

**Kirsty McNeill:** On the question about the involvement of national-level organisations in local planning, CRER is a national organisation, but we also work at Glasgow level. We were involved in equality-focused engagement around the Glasgow plan. I cannot comment on wider third sector involvement in Glasgow, aside from in the equalities context, but I can say that, as members of the CPP equalities group, we had direct input, as well as input to consultations through written submissions. We also did some facilitation with small community groups.

However, as I said in more detail in our written submission to a previous consultation, none of those routes led to a particularly successful outcome. Regardless of how well we are involved in such processes, decisions are ultimately made at the highest strategic level. Therefore, for us to get involved in every local area would not necessarily be a good use of our time. There are probably small black and minority ethnic groups that are better placed to speak to issues that might be unique in their areas.

**Paul McLennan:** Thank you.

**The Convener:** We move on to the next theme: local outcomes improvement plans and locality plans. In the interests of time, I will try to combine three questions into one. A number of witnesses have touched on LOIPs, as I have learned that they are called. Kirsty McNeill, I thank CRER for its work on whether LOIPs engage with black, Asian and minority ethnic people.

Do the other witnesses think that LOIPs effectively address the inequalities that communities face? Do they take a preventative approach? Is there a cluttered landscape, when it comes to how individual partners connect their CPP duties with other areas of responsibility, in the context of, for example, integration joint boards, locality planning and children's services?

**David Allan:** There is a cluttered landscape of local planning processes, and it is becoming even more cluttered with the development of local place plans under the Planning (Scotland) Act 2019. The processes all offer good opportunities for people to get involved in influencing local planning, but there is a danger that people just do not know where their involvement will land and which plan will take

precedence. That is not being addressed anywhere at the moment, as far as we can see, and it needs to be addressed if people are genuinely to feel involved and engaged in influencing the development of services and responses at local level.

We have seen some good examples of local folk getting involved, particularly in locality planning. Those processes are more community-led, rather than being top-down. There is still some way to go with that, particularly regarding how more marginalised communities can contribute to the planning process.

**The Convener:** Does anyone else want to add to that?

**Kirsty McNeill:** In the interests of time, I will summarise part of our written response. We undertook a review of local outcomes improvement plans, which showed that the majority have very little focus on race equality, despite the guidance that plans should demonstrate an understanding of local needs and circumstances. Although a few plans highlighted specific actions relating to black and minority ethnic communities, the majority did not address those inequalities. Even when inequalities were mentioned, there was no discussion of strategies to tackle and address those inequalities—they were stated, but without any action plan.

I can talk about the preventative approach. One common theme with issues affecting black and minority ethnic communities is that, although there is an acknowledgement of the problem—for example, a mention of high rates of poverty or disproportionate levels of hate crime—that does not translate into preventative action.

Community cohesion is one area in which community planning could have a much stronger role in providing preventative approaches to reducing inequalities. There is a strong relationship between community cohesion, safety and discrimination. We know that a large number of racist hate crimes take place in Scotland, which contributes to a lack of cohesion at local level. There is a need for local solutions.

A good way forward would be to build community cohesion into local outcomes improvement work. That could create better relationships in local communities and could, ultimately, help to prevent hate crime and improve people's lived experience. One way of helping that to happen would be to consider amending the Community Empowerment (Scotland) Act 2015 to require CPPs to promote community cohesion.

I do not have an answer about the cluttered landscape. Others will be better placed to answer that question.

**Peter Kelly:** I can start with the cluttered landscape. From the viewpoint of an organisation that is external to the processes and does not have a responsibility to comply with them, the landscape feels cluttered. The discussions that we have with officials suggest that it feels burdensome for them.

What then happens is that external organisations gravitate towards the processes in which there is an opportunity to have an influence. I do not know whether LOIPs are seen in that way, partly because, although they are reviewed regularly, they are very long-term processes.

In the local child poverty action report process, there are opportunities to have an influence on what community planning partnerships do—and particularly on what local authorities do—and on how they use resources. We have seen that through the work that we have been involved in in Renfrewshire, where resources have followed engagement. That has been really positive; it is what we want to see. We have seen that in Inverclyde, too.

There is no doubt that the landscape is cluttered and that it is difficult for those of us who are external to say, "This is the important place where decisions will be made."

You asked whether LOIPs take a preventative approach in addressing inequalities. Those that I have read certainly use the right language. However, I go back to my earlier point about the context that we are working in. The cost of living crisis and the pandemic have radically impacted the ability of community planning partners to follow through on the preventative approach. Quite rightly, they have spent the past three years responding to crises. There is a question about how we can ensure that we take a properly preventative approach as we come out of the crisis that we are in at the moment.

12:15

**The Convener:** You make a really good point that we are coming out of the Covid pandemic and are in a cost of living crisis, and that those have changed what needs to be addressed because urgent things come to the fore.

The next theme is on measuring the impact and use of data, although we have already touched on data. I will bring in Marie McNair, who joins us online.

**Marie McNair:** Good afternoon, panel. My first question has been covered, so I will move on to the next one. Are CPPs and their partners using data to inform targeted interventions and policies?

**Peter Kelly:** The evidence that I have is that there is acute awareness of the need to use high-

quality data. However, the challenge with some of the data that we are most concerned with, on poverty, is that we need good and timely data from a local level. Income and poverty statistics are always challenging because, generally, they are at best a year out of date when they arrive. Because of the pandemic, they have been even more out of date and less reliable. Getting access to good data on income and poverty is really important, as is supplementing the data where information is not available. As David Allan said, we should think about how we use engagement to supplement the data when there may not be useful sources.

However, there are other experiences. I mentioned Inverclyde, where good work has gone on to make better use of data and to ensure that it is well aligned with the outcomes and targets that are set. There is good evidence of the importance of using data. In work that we are involved with in Midlothian, data has come up as a key issue among community planning partners, which shows that the need for better data is still there.

It is a continuous process because, as new issues are identified, we need to identify data sources to support effective planning.

**Ruth Whatling:** The national data that we have on homelessness is great. The Scottish Government collects it, and it is collected from people who approach their local authority for support.

We are in a similar situation to that of Peter Kelly's organisation, but the time lag in receiving homelessness statistics is not as long as it is for poverty statistics; homelessness statistics are roughly five months old by the time that they are published, and they allow for significant comparisons to be made across local authorities.

However, the reason why I used that example is because, in the landscape of social policy, it is hard to attribute changes in data to specific interventions, even if we can drill down and know that a significant number of people are accessing services at the local level. That is because there are gaps in statistics on homelessness, as there are in other statistics, and one thing that is missing from the data is people's voices. Maybe that is where the local planning mechanisms can come in—it might be indicative of the lack of awareness of the mechanisms at the local level that I am using different language every time that I mention them, so I apologise for that. Maybe community planning mechanisms can come in to engage with people and hear their voices, which are missing from the great-quality data that we have.

**Kirsty McNeill:** There has been a lot of talk today about data and the fact that there is so much data but, in relation to ethnicity in Scotland, we have had a lot of challenges with data

availability at the national level. That is exacerbated at the local level—for example, we cannot see what the poverty rates are by ethnicity in local authority areas, which makes it challenging for community planning partnerships to take actions to improve outcomes. As I have highlighted, actions are not targeted on black and minority ethnic groups but, even if they were, we would struggle to have the required level of data to see whether improvements were being made. There are also the complications that Ruth Whatling pointed out.

We do not see any targeted interventions to address the inequalities that black and minority ethnic communities face, which means that gaps can, in theory, widen. There is an opportunity for targeted interventions to take place, as I highlighted, if more interventions are aimed at and focused on communities of interest alongside geographical communities.

**The Convener:** Marie, do you have any more questions?

**Marie McNair:** I have a final question, but I think that it has been covered. What are the biggest challenges and barriers to CPPs making the impacts that the Community Empowerment (Scotland) Act 2015 anticipated?

**The Convener:** Does anybody have anything to add on that question? Peter Kelly has an additional comment.

**Peter Kelly:** I have some final comments. Community planning partnerships have been tasked with a significant role and have a significant challenge. The biggest challenge that they face is the resources that are available to local partners to deliver on their responsibilities. That is a question of the resources that are available from the Scottish Government and the UK Government.

That is undoubtedly the biggest challenge that we face. Unless more resources go into local community planning partnerships and the various organisations around them, we will struggle to meet some of the long-term outcomes that have been set. The eternal question is how we get more resources into the system—unless we do that, we will continue to have some of those challenges.

**The Convener:** We move on to theme 6, which is on culture change in statutory partners.

**Miles Briggs:** I will merge a few of my questions. What is the panel's experience of partnership working in community planning? Where have you seen more collaboration taking place? Has the panel seen a shift towards preventative action? You have touched on the Edinburgh and Midlothian cases, but could you present any further examples, especially in relation to resources?

Who wants to come in first?

**The Convener:** No one is leaping at it.

**Miles Briggs:** I will pick on Peter Kelly, as he referred to Edinburgh and Midlothian.

**Peter Kelly:** That is fine. We are in a position to give examples of good practice, because that is what we are drawn to. When we are drawn into those conversations, it is primarily with local authorities that want to improve practice. Another good example is Argyll and Bute Council. We have done a good deal of work with it and a range of community planning partners and service delivery organisations to improve their understanding of poverty and how it impacts people in the rural context.

You start to see where there is a willingness to do that work, which is in part driven by the plans that are put in place. If plans are put in place for more progress on addressing poverty, and if one of the means to do that is having different partners working together more closely, that drives collaboration.

The community planning process has been useful in helping to foster a greater collaborative approach. Through our work, I can see that really important changes have been made to how Argyll and Bute Council develops plans and puts them in place. That work focuses mostly on addressing child poverty. However, I know from engaging with other third sector organisations in Argyll and Bute that they might not have experienced the same sense of culture change and involvement. It is the same story: we need to spread the lessons relating to engagement and collaboration, even within one community planning partnership area.

**Ruth Whatling:** I will consider the issue from a slightly different angle. Across Scotland, 26 local authorities now deliver the housing first approach, which is underpinned by the principle of collaboration. It is important that everyone, including the health and housing sectors, comes together to address the individual's support needs. There are examples across Scotland of such an approach being taken effectively, when there are resources and leadership. There is therefore evidence to show that that approach can have a significant impact. That comes at the issue from an angle that is slightly different from the place approach.

**Miles Briggs:** The witnesses have touched on statutory partners throughout the session. Do you believe that anyone who is not included in schedule 1 to the 2015 act should be included? On the flipside, should anyone be excluded from those conversations? We can perhaps start on the positive and think about who should be included.

**Ruth Whatling:** I guess that I have a question back to you. Housing is an incredibly important foundation for every person. We should consider the risk of experiencing homelessness and the impact that homelessness can have on people. My question is about how we get housing into the local planning mechanisms. Should we do that by requiring a specific part of a local authority to be represented on the group? That question about what is possible goes back to you.

**Miles Briggs:** That is not just an issue with the 2015 act. In relation to the integration of health and social care, housing is excluded. It is about creating that opportunity.

**The Convener:** I think that David Allan wants to come in on Miles Briggs's previous question. Please be succinct.

**David Allan:** I will not say anything on the previous question, because Peter Kelly and Ruth Whatling have covered what I was going to say.

On the question about who else could be involved in community planning, it is difficult to legislate for non-statutory organisations. However, TSIs have a role in community planning, and it would be well worth considering extending the right to be involved in community planning to local community anchor organisations, such as community-based housing associations, community development trusts and so on, because they have an increasingly leading role in developing and supporting community infrastructure. That would be a good and positive road to go down if we want other groups to be involved on a more equal footing within CPPs.

**Peter Kelly:** The Department for Work and Pensions is sometimes involved at a local level. It plays an important part in relation to some of the issues that we are concerned about, so, although I do not think that we could require the DWP to be involved, more structured engagement with it would be really helpful.

**The Convener:** We move to our seventh theme, which is on leadership and the role of the Scottish Government and local authorities. I will bring in Willie Coffey.

**Willie Coffey:** I have only one question, which is on the importance of leadership. Given the time, I will pick on Kirsty McNeill and ask her to offer an idea or two on the issue. We heard from the previous witnesses about the importance of leadership, but—let us be honest—such leadership is inconsistent across community planning partnerships. Do you agree that leadership is a key ingredient to delivering locally? Do we place enough emphasis on leadership and leadership skills to allow community planning partnerships to have a reasonable chance of success across the board?

I am afraid that we do not have time to go round all the witnesses, but I would be obliged if Kirsty McNeill could give her thoughts on that.

**Kirsty McNeill:** My answer will be fairly short anyway. I obviously agree that leadership is very important in relation to equality and anti-racism. Better leadership is needed in community planning spheres to create the right environment for change.

Specifically, the existing guidance for community planning partners could be strengthened in relation to tackling inequalities and, in particular, as I have highlighted today, inequalities that affect communities of interest. More generally, we should ensure that staff who are involved in community planning have the right equalities knowledge and competence to be able to deliver change for black and minority ethnic communities.

**Willie Coffey:** Thank you. If any of the other witnesses has any other points on that, I would be obliged if they could send them to the committee. We are really short of time, so I will hand back to the convener.

**The Convener:** That was a great response from Kirsty McNeill. The witnesses have been brilliant. I have been making notes—I try not to make too many—on the things on which we can take action. The session has been very helpful. I apologise that we were pressed for time. We could talk about these issues at length. I appreciate the witnesses joining us today.

We agreed at the start of the meeting to take the next two items in private.

12:31

*Meeting continued in private until 12:35.*



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