

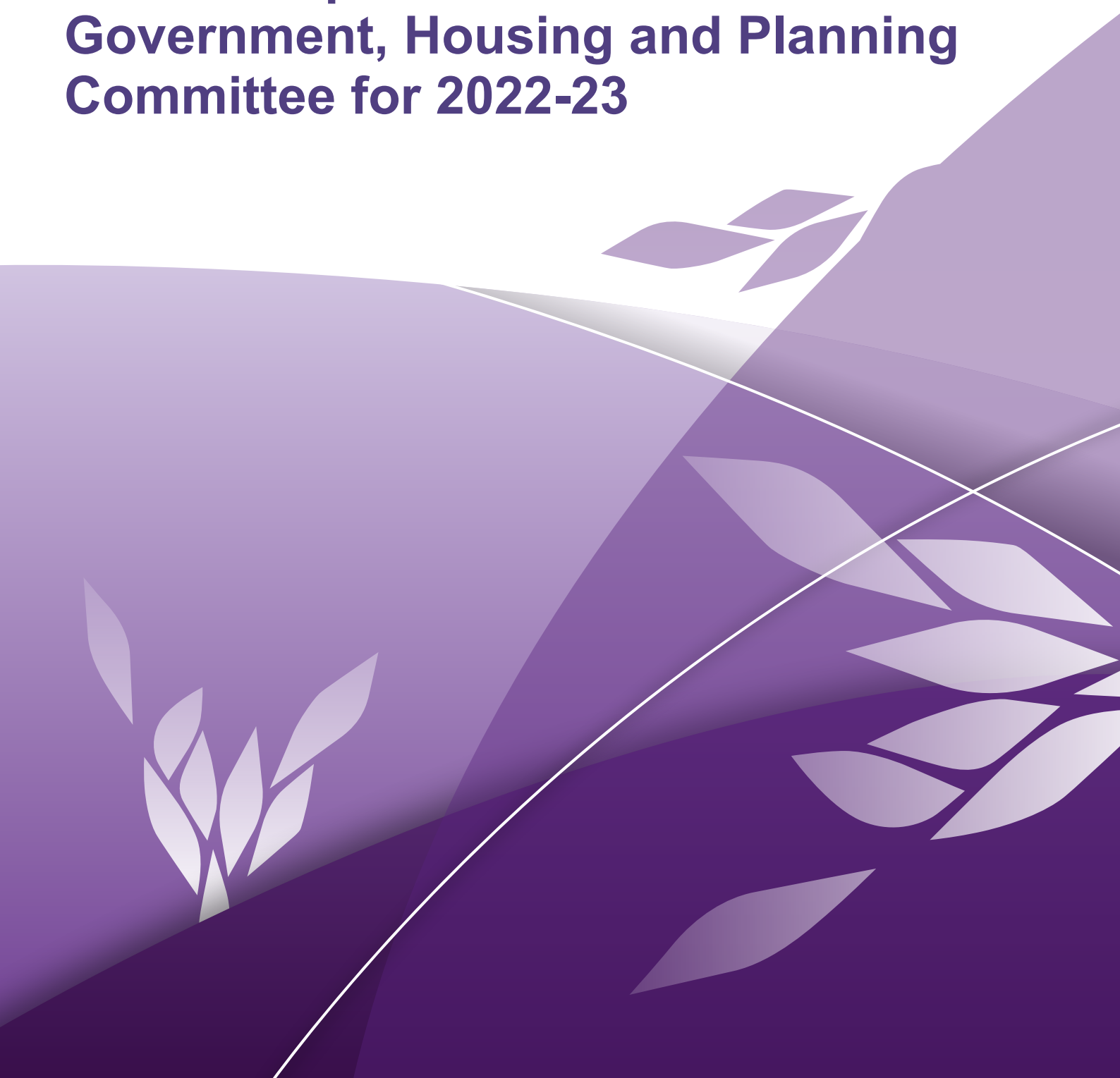


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Local Government, Housing and Planning Committee

Annual Report of the Local Government, Housing and Planning Committee for 2022-23



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Contents

Introduction	1
Membership changes	2
Meetings	3
Legislation	4
Bills	4
Cost of Living (Tenant Protection) Scotland Bill	4
National Care Service (Scotland) Bill	5
Legislative Consent Memoranda: Levelling-Up and Regeneration Bill (UK Legislation)	5
Subordinate Legislation	5
Inquiries	7
Understanding Barriers to Local Elected Office	7
Local Governance Review and New Deal for Local Government	7
Damp and mould in the rental sector	9
Building Safety	9
National Planning Framework	10
Pre-Budget Scrutiny 2023-24	10
Equal Opportunities	11
Post-Legislative Scrutiny of the Community Empowerment Act 2015	12
Part 9	12
Part 2	13
Committee Reports	16
Public Petitions	17
Evidence from public bodies	18

Local Government, Housing and Planning Committee

To consider and report on matters relating to local government, housing and planning falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government and the Cabinet Secretary for Finance and the Economy, and matters relating to the Local Government Boundary Commission and local governance review and democratic renewal within the responsibility of the Deputy First Minister.



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Committee Membership



Convener
Ariane Burgess
Scottish Green Party



Deputy Convener
Willie Coffey
Scottish National Party



Miles Briggs
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Scottish Labour



Ivan McKee
Scottish National Party



Marie McNair
Scottish National Party



Annie Wells
Scottish Conservative
and Unionist Party

Introduction

1. This report covers the work of the Local Government, Housing and Planning Committee during the parliamentary year from 13 May 2022 to 12 May 2023.
2. This is the Committee's second annual report since its establishment in June 2021.
3. The Committee focuses on:
 - local government (including councils)
 - the planning system in Scotland
 - housing and housing strategy
 - building standards

Membership changes

4. There was one membership change in the reporting year with Paul McLennan MSP leaving the Committee on 18 April and being replaced by Ivan McKee MSP.

Meetings

5. The Committee held 33 meetings over this period, all of which took place partly in private. No meetings were held entirely in private. Items taken in private generally involved consideration of evidence heard earlier in the meeting, consideration of draft reports and approaches to inquiries and other work programme issues.

6.



Source: Scottish Parliament

- the total number of meetings= 33
- number held entirely in private= 0
- number held entirely in public= 0
- number which included private items= 33

Legislation

Bills



Bills scrutinised

Source: Scottish Parliament

Cost of Living (Tenant Protection) Scotland Bill

7. The Cost of Living (Tenant Protection) Scotland Bill was introduced on 3 October 2022 with the intention of:
 - temporarily restricting landlords from increasing the amount of rent they can charge on residential tenancies
 - temporarily placing certain restrictions on evictions from residential tenancies
 - allowing for Scottish Ministers to make regulations about matters a rent officer or a First-Tier Tribunal must consider in determining rent.
8. Parliament agreed to treat the Bill as an emergency bill and considered it over three consecutive days. The Committee had no formal role in respect of the Bill but agreed to take evidence on the issues expected to arise in it from various stakeholders on 4 October 2022.
9. The Committee also took evidence from the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights at the same meeting.
10. The Bill was passed on 06 October 2022 and became an Act on 27 October 2022.
11. The Committee agreed to consider the review reports and associated secondary legislation under the Act when they were laid before Parliament to understand the impact of the Bill and whether it is appropriate for its provisions to be continued. The Committee was unable to consider the first review report due to ongoing legal proceedings but was able to consider the issues in the context of related subordinate legislation.

National Care Service (Scotland) Bill

12. The Bill seeks to establish a National Care Service for Scotland.
13. The Bill would allow Scottish Ministers to transfer social care responsibility from local authorities to a new, national service. This could include adult and children's services, as well as areas such as justice social work. Scottish Ministers will also be able to transfer healthcare functions from the NHS to the National Care Service.
14. The lead committee for this Bill is the Health, Social Care and Sport Committee. The Local Government, Housing and Planning Committee held three evidence sessions on the Bill as a secondary committee. The Committee concluded its consideration by [writing to the lead committee with its conclusions](#).

Legislative Consent Memoranda: Levelling-Up and Regeneration Bill (UK Legislation)

15. The Committee was designated as a secondary committee for consideration of the Legislative Consent Memorandum (LCM) lodged by the Scottish Government on the Bill. Our scrutiny focused on aspects of the Bill which engaged with devolved competence in respect of planning data.
16. The Committee took evidence on the LCM [at its meeting on the 25 October 2022](#) from a panel of planning professionals. It subsequently took evidence from The Minister for Public Finance, Planning and Community Wealth [at its meeting on 1 November 2021](#). The Committee then [wrote to the Secretary of State for Levelling-Up, Housing and Communities](#) with a number of queries before [writing to the lead committee](#) to report its conclusions once a [response](#) was received.

Subordinate Legislation

17. The Committee considered 41 Scottish Statutory Instruments during the reporting year, of which four were affirmative instruments whilst twenty-seven were negative instruments. Particularly significant instruments included those relating to—
 - The Cost of Living (Tenant Protection) (Scotland) Bill
 - Town and country Planning
 - Building safety and cladding
 - Non-Domestic Rates



SSIs considered

Source: Scottish Parliament

Inquiries



Inquiries held

Source: Scottish Parliament

Understanding Barriers to Local Elected Office

18. The Committee has continued to consider the relative lack of diversity in Scotland's councillors and barriers deterring people from participation in local politics. Following the May 2022 local elections, the Committee took evidence from stakeholders with a particular focus on participation of women in local politics and heard that relatively low levels of remuneration were a key barrier to increased diversity. The Committee then took evidence from Scottish Government officials on the results of their Candidate Diversity Survey on 6 December 2022 and awaits the recommendations of the reconvened Scottish Local Authority Remuneration Committee.

Local Governance Review and New Deal for Local Government

19. Since the beginning of the session the Committee has closely tracked progress on the Scottish Government's Local Governance Review. The Review includes several different pieces of work and the Scottish Government has confirmed that it is intended in part to result in a New Deal for Local Government which will include a Fiscal Framework. A Local Democracy Bill is also expected to be introduced during the current parliamentary session.
20. During the reporting year the Committee held several evidence sessions including hearing from COSLA, SOLACE, the former Cabinet Secretary for Social Justice, Housing and Local Government, the Accounts Commission and local government Directors of Finance.
21. The Committee is still pursuing this inquiry and most recently held a joint event with Scotland's Futures Forum on strengthening the relationship between local and central government in Scotland.

The Convener standing with the Minister for Local Government Empowerment and Planning and Cllr Heddle at the Futures Forum event



Source: Scottish Parliament

The Minister for Local Government Empowerment and Planning delivering a speech at the Futures Forum event



Source: Scottish Parliament

Damp and mould in the rental sector

22. The issue of damp and mould in social and private rented housing prompted considerable public concern and media interest following the death of [two-year old Awaab Ishak who tragically died in 2020 as a result of a severe respiratory condition due to prolonged exposure to mould in his home.](#)
23. The Committee decided to take evidence on this issue to understand the extent of the problem in both private and social rented housing in Scotland and to see whether the regulatory framework is fit for purpose.
24. The Committee held an evidence session on [2 May 2023](#) with tenants and landlords and will be pursuing the inquiry into the new reporting year.

Building Safety

25. Last reporting year the Committee took evidence on building safety and more specifically on issues around cladding. At that time the Committee agreed it would return to this issue on an annual basis to see what progress has been made on the Single Building Assessment programme, and associated cladding remediation

work.

26. The Committee held a session on [18 April 2023](#) with stakeholders representing insurers, surveyors and local authority building standards. The Committee will be holding further sessions in early part of the new reporting year to hear from Homes for Scotland, the High Rise Scotland Action Group and the Scottish Government.

National Planning Framework

27. The Scottish Government published its fourth draft National Planning Framework (NPF4) on 8 November 2022. It set out how places and environments will be planned and designed in the years to come.
28. Parliament had 120 days to report on the draft framework. The Local Government, Housing and Planning Committee led joint scrutiny of the framework during the previous reporting year.
29. The final version of NPF4 was laid in Autumn 2022.
30. The Committee took evidence on the final version of NPF4 on [22 November 2022](#) and [29 November 2022](#) to inform Parliament's consideration of it. It then [published its report on the revised NPF4 on 21 December 2022](#). The framework was subsequently approved by the Parliament and came into force in February 2023.
31. The Committee agreed to hold annual sessions on NPF4 going forward to monitor progress and assess its impact.

Pre-Budget Scrutiny 2023-24

32. The Local Government, Housing and Planning Committee's pre-budget scrutiny for 2023-24 focussed on funding for affordable housing.
33. The Committee focussed on:
 - Whether there is adequate funding in place to deliver on the Scottish Government's affordable housing supply programme;
 - what the impact has been of increasing costs for housing development programmes and how the Scottish Government's financial support for housebuilding is working in practice to mitigate those increased costs;
 - how funding could be best used to meet housing needs and deliver on planning and design objectives;
 - if the building of 110,000 affordable homes is meeting Scotland's housing needs;
 - how funding for affordable housing is contributing to the delivery of the national outcomes in the National Performance Framework

34. The Committee held two evidence sessions on this topic and [wrote to the then Cabinet Secretary for Social Justice, Housing and Local Government](#). The Committee intends to return to the issue over the course of the session.

Equal Opportunities

35. As noted above, the Committee has continued its work on the lack of diversity in Scotland's councillors and barriers deterring people from participating in local elected politics. As part of this work, the Committee has taken evidence from several equalities organisations, with a particular focus on increasing the numbers of female councillors.
36. The Committee has also made efforts to listen to the views of underrepresented groups as part of its work on the Cost of Living (Tenant Protection) (Scotland) Bill and its inquiry into damp and mould in social and private rented housing. The Committee is acutely aware that the impact of both issues is most keenly felt by people in lower socio-economic groups and are therefore conscious of the importance of listening to the views and experiences of those most affected.

Post-Legislative Scrutiny of the Community Empowerment Act 2015

37. Over the course of this year the Committee has continued the work of its predecessor Committee by undertaking post-legislative scrutiny of Parts 9 and 2 of the Community Empowerment (Scotland) Act 2015.

Part 9

38. Part 9 of the Act aimed to improve the availability of allotments in Scotland and to reduce waiting times. It also required every local authority to prepare a food-growing strategy. The Committee undertook post-legislative scrutiny to explore the impact that the legislation has had.
39. The inquiry examined whether the Act had improved access to growing spaces and found a considerably increased demand for allotments across local authorities that remains unmet.
40. The Committee took evidence on this inquiry over 3 sessions from a range of witnesses including community organisations and local authorities, and visited a number of sites in Edinburgh and Glasgow.
41. It then published its report on 5 October 2022 with a number of recommendations for the Scottish Government: [Allotments and community growing: the impact of Part 9 of the Community Empowerment Act](#).

Committee Members visiting an allotment



Source: Scottish Parliament

Part 2

42. The Committee continued its scrutiny of the impact of the 2015 Act with an inquiry into Part 2, which covers Community Planning. Community Planning is about public bodies working together to deliver local services within Community Planning Partnerships, and the Act created statutory duties for this to take place.
43. This inquiry looked at the difference the Partnerships have made, the challenges they face, and how they respond to significant events such as the Covid-19 pandemic and the current cost-of-living crisis.
44. The Committee heard from 10 panels of witnesses drawn from different sectors and the Scottish Government. 132 organisations and individuals submitted written responses to a call for views and a survey. An online engagement event was also held with 37 third sector and community representatives, and Committee members visited organisations in Paisley involved in Partnership work.
45. The Committee expects to publish a report early in the new reporting year.

Committee Members meeting with Community groups in Renfrewshire



Source: Scottish Parliament

Committee Members on their way to meet with Community groups in Renfrewshire



Source: Scottish Parliament

Committee Reports

46. The Committee published 10 reports during the reporting year all of which can be accessed on the Committee's [website](#) .



Reports published

Source: Scottish Parliament

Public Petitions

47. The Committee continued its predecessor Committee's consideration of two petitions this year: Public Petitions PE1743 and PE1778.
48. PE1743 sought an amendment to the law to protect the rights of pre-1989 Scottish Secure Tenants, and PE1778 proposed a review of the Scottish Landlords Register scheme. The Committee has been in correspondence with the Scottish Government about progress made in relevant areas of work and expects to reach its conclusions later in 2023.

Evidence from public bodies

49. During the reporting year the Committee took evidence from the Scottish Housing Regulator and the Scottish Public Services Ombudsman on their respective annual reports. Both evidence sessions took place on [6 December 2022](#).

