



The Scottish Parliament
Pàrlamaid na h-Alba

**Local Government and
Regeneration Committee**

6th Report, 2012 (Session 4)

Annual Report 2011-12

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The Scottish Parliament
Pàrlamaid na h-Alba

Local Government and Regeneration Committee

Remit and membership

Remit:

To consider and report on a) the financing and delivery of local government and local services, and b) planning, and c) matters relating to regeneration falling within the responsibility of the Cabinet Secretary for Infrastructure and Capital Investment.

Membership:

Ruth Davidson (1 June 2011 – 16 November 2011)
James Dornan (7 March 2012 - present)
Kezia Dugdale (1 June 2011 – 22 December 2011)
Joe Fitzpatrick (Convener) (1 June 2011 - present)
Mark Griffin (1 June 2011 – 22 December 2011)
Anne McTaggart (22 December 2011 - present)
Margaret Mitchell (16 November 2011 - present)
John Pentland (22 December 2011 - present)
Kevin Stewart (Deputy Convener) (1 June 2011 - present)
David Torrance (1 June 2011 - present)
Bill Walker (1 June 2011 – 5 March 2012)

Committee Clerking Team:

Clerk to the Committee

Eugene Windsor

Senior Assistant Clerk

Euan Donald

Assistant Clerk

Seán Wixted



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Local Government and Regeneration Committee

6th Report, 2012 (Session 4)

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The Committee reports to the Parliament as follows—

1. This report covers the work of the Local Government and Regeneration Committee during the parliamentary year from 11 May 2011 to 10 May 2012.

Introduction

2. This was the first year of the Committee's existence following the beginning of the 4th Session of the Scottish Parliament on 11 May 2011. The Committee was formally established, by a motion of the Parliament on 1 June 2011, and met for the first time on 15 June 2011.

Inquiries and reports

Public services reform and local government: strand 1 - partnerships and outcomes

3. In the wake of the work of the Commission on the Future Delivery of Public Services chaired by the late Campbell Christie (aka "the Christie Commission"), the Committee agreed that its first major series of inquiries should consider the impact of the Christie Commission proposals on local government in Scotland.

4. The Committee agreed to undertake a series of linked inquiries, over a period of 18 months, looking at the issue of public services reform in local government. In line with the agenda for the reform of parliamentary business during Session 4, as set out by the Presiding Officer Tricia Marwick MSP, the Committee decided to approach the scrutiny process in a more innovative and flexible way and agreed to structure this work into three distinct inquiries, or strands:

- Strand 1 - Partnerships and Outcomes;
- Strand 2 – Benchmarking and Performance Indicators;
- Strand 3 – Shares Services.

5. This structure will allow the Committee to vary and adapt the remit of strands 2 and 3 based on the findings of the first strand. The Committee also agreed to

use a variety of evidence-gathering methods along with the standard inquiry format of taking written and oral evidence and producing a report. This included fact-finding visits; round-table evidence sessions and one-off committee events/conferences. The Committee launched strand 1 of this work in December 2011, and expects to publish its findings and recommendations before the end of June 2012. The Committee appointed Alex Linkston as adviser for its Strand 1 inquiry. Strand 1 will, in turn, help shape strands 2 and 3 of this work.

Living wage in Scotland

6. In December 2011 the Committee undertook a short, focussed inquiry on issues relating to the benefits of a living wage for individuals, families and communities; the introduction of a living wage by local authorities in Scotland; and the extent to which public procurement could include criteria linked to the payment of a living wage.

7. The Committee held a series of evidence sessions on implementation of a living wage policy, with key stakeholders, at meetings on 7, 14 and 21 of December 2011, and 18 January 2012. This included oral evidence from representatives of the Greater London Authority on the operation of the living wage in London; and the Olympic Delivery Agency on their policy of using the procurement and construction of the 2012 Olympic Park at Stratford, London to deliver the first ever living wage Olympic Games.

8. The Committee published its report on the Living Wage in Scotland on 3 February 2012. In another innovation to the standard committee inquiry approach, the Committee undertook a parliamentary debate on the findings and recommendations of its report in advance of a formal written response from the Scottish Government. This debate took place in 1 March and allowed the Scottish Government to take the views of the Parliament into account before making its formal response to the Committee on the report.

Dangerous buildings and building MOTs

9. As part of its commitment to undertake focussed one-off evidence sessions to examine areas of interest to the Committee, in January 2012 the Committee undertook an examination of policy in relation to dangerous buildings and building MOTs.

10. This involved taking written and oral evidence from key stakeholders on the proliferation of buildings in a dangerous structural state in Scotland, and the statutory responsibility of Scottish local authorities to take action where such buildings cause a danger to public safety.

11. The Committee also considered proposals for a building MOT scheme as proposed by the Built Environment Forum Scotland. This proposal would see the establishment of a regulated system of structural inspection of privately owned buildings across Scotland, by local authorities, with a view to ensuring that essential maintenance work was identified and carried out. Following this evidence session the Committee wrote to the Minister for Local Government and Planning, bringing the evidence it had received to his attention.

Legislation

Police and Fire Reform (Scotland) Bill

12. The Police and Fire Reform (Scotland) Bill was introduced on 16 January 2012. The Justice Committee was appointed as the lead committee (“the lead committee”) for Stage 1 consideration of the Bill, with the Local Government and Regeneration Committee being appointed as a secondary committee. The purpose of this legislation is to establish a single nation-wide police service, and fire and rescue service, in Scotland.

13. The Committee examined the Bill given the major implications it proposes to make to the statutory delivery of police and fire services, which are currently delivered through joint police and fire boards, made up of locally elected council members.

14. In reporting its findings and recommendations to the lead committee, the Committee supported the general principles of the Bill. However, the Committee drew attention to the need for an increase in the number of board members of the proposed independent authorities which will oversee the administration of the new services, namely the Scottish Police Authority and the Scottish Fire and Rescue Service Board.¹

Local Government Finance (Unoccupied Properties Etc.)(Scotland) Bill

15. The Local Government Finance (Unoccupied Properties Etc.)(Scotland) Bill was introduced on 26 March 2012. The purpose of this Bill is to encourage owners of long-term empty homes and business properties, to bring those properties back into use by providing a statutory framework to vary the exemptions which such properties currently qualify for in terms of Council Tax, or in the case of business properties, Non-Domestic Rates.

16. The Committee began taking oral evidence on this Bill on 9 May 2012, and expects to complete Stage 1 consideration by late June 2012.

Subordinate legislation

17. The Committee considered a total of 26 Scottish Statutory Instruments: five were subject to affirmative procedure, 19 were subject to negative procedure and two were subject to no procedure. The Committee recommended that the Parliament approve all of the affirmative instruments. A motion to annul was lodged in respect of one negative instrument. This motion was disagreed to by the Committee.

UK Parliament legislation

18. The Committee considered one Legislative Consent Memorandum (“LCM”) in relation to a piece of UK Legislation with devolved implications. LCM (S4) 5.1 was introduced into the Parliament by the Scottish Government as a consequence of the introduction of the Welfare Reform Bill 2011 (“the UK Bill”) in the UK Parliament. The UK Bill proposed major changes to the welfare and benefits system throughout the UK, including major changes to several existing welfare

¹ Report agreed to by division.

payments such as Housing Benefit and Council Tax Benefit, as well as the introduction of a new single benefit payment, to be known as the Universal Credit.

19. The Health and Sport Committee was designated as the lead committee (“the lead committee”) for the consideration of this LCM. The Local Government and Regeneration Committee, along with the Infrastructure and Capital Investment Committee, were designated as secondary committees to consider the LCM, on the grounds that areas coming under the remit of these committees would be affected by the provisions of the UK Bill. As such, the Committee reported its findings and recommendations on the LCM to the lead committee.²

20. The Committee examined the potential impact of the provisions of the UK Bill for local government in Scotland. In particular, the Committee examined the role local authority staff would have in the transition to the Universal Credit and the prospect that large numbers of benefits staff may lose their jobs as a result of the reforms proposed in the UK Bill.

21. In light of the potential widespread impact of this legislation, the Committee recommended to the lead committee that the Parliament should consider establishing a full-time welfare reform committee to examine all of the potential consequences of welfare reform in Scotland. Such a committee was subsequently established by the Parliament on 25 January 2012.

Proposals for Members’ bills

22. The Committee has also considered two draft proposals for Members’ bills. On 1 February 2012 the Committee took written and oral evidence from Mark Macdonald MSP on his proposal for a high hedges bill. On 8 March the Committee took oral evidence from Dave Stewart MSP on his proposal for a building repairs bill. Both members presented the Committee with a statement of reasons as to why they had not consulted on their bill proposals. On both occasions the Committee accepted the reasons presented by the members enabling them to progress to the final proposal stage for their respective bills.

Budget process

23. In October and November 2011 the Committee undertook scrutiny of the Scottish Government’s Spending Review 2011 and Draft Budget 2012-13. The Committee wrote to all local authorities, and other key stakeholders. The primary focus of the Committee’s scrutiny was to assess the scale of the challenges faced by local authorities in terms of the funding gap created by the real terms reduction in the local government budget settlements up to 2015.

24. The Committee appointed Bill Howat as adviser for its budget scrutiny and held four evidence sessions with stakeholders in October and November. The Committee’s report was published as part of the Finance Committee’s report on the Scottish Spending Review 2011 and Draft Budget 2012-13, which was published on 9 December 2011.

² Report agreed to by division.

Petitions

25. Since June 2011, the Committee has considered two separate petitions referred to it by the Public Petitions Committee of the Parliament.

26. Petition PE1320 in the name of Douglas McKenzie, on behalf of Communities Against Airfield Open Cast called on the Scottish Parliament to:

“..urge the Scottish Government to amend Planning Circular 3/2009, Notification of Planning Applications to (a) provide the same status to a planning objection to a major development from a neighbouring local authority as to one from a government agency in order to trigger a notification to Scottish Ministers and (b) state that such objections by a neighbouring local authority to major developments which represent a departure from the development plan should be a significant factor in the decision to call-in.”³

27. The Committee took oral evidence on this petition on 14 September, and 23 November 2011. Having considered the evidence received, the Committee concluded that the Scottish Government was unlikely to accede to the request of the petitioner as it considered the changes being sought to the relevant planning regulations to be unnecessary. As a consequence, the Committee formally closed the petition on 18 January 2012, however, undertook to consider the issues raised by the petition when carrying out any further inquiry work in the area of planning policy.

28. Petition PE1405, in the name of Andrew Muir, was referred to the Committee on 15 November 2011. This petition called on the Scottish Parliament to:

“..request the Government to carry out urgently an independent “fit for purpose” review of the Scottish Public Services Ombudsman which encompasses opening a public inquiry to collect evidence to scrutinise the high rate of case closures since Mr Jim Martin [the Scottish Public Services Ombudsman] took office in May 2009.”⁴

29. The Committee took oral evidence from the petitioner on 8 February 2012. On 14 March 2012 the Committee took oral evidence from the Scottish Public Services Ombudsman on a variety of issues, including those raised in relation to PE1405.

30. Following the evidence received, the Committee concluded that the Scottish Government did not have the statutory authority to carry out the form of review the petitioner was seeking. As a consequence, the Committee formally closed the petition on 28 March 2012.

Other issues

31. Throughout September 2011 the Committee undertook a series of round-table evidence sessions on the three main parts of its remit: (a) local government, (b) planning policy, and (c) regeneration policy. The aim of these sessions was to

³ Petition PE1320

⁴ Petition PE1405

inform the development of the Committee's long term work programme. The Committee took evidence from 25 key stakeholder organisations as part of this process.

32. On 16 November 2011, the Committee took oral evidence from Mr Jim Martin, Scottish Public Services Ombudsman, on his 2010-11 annual report which had been laid before the Scottish Parliament. This was the first consideration of the Ombudsman's annual report by the Committee since the start of Session 4 of the Parliament.

Meetings

33. During the parliamentary year, the Committee met 26 times: four meetings were held wholly in public, and 22 had both public and private items on the agenda. Items taken in private included the consideration of evidence heard and draft reports, the Committee's work programme and the appointment of an adviser.

34. All meetings of the Committee were held in Edinburgh.

Visits

35. On 5 August 2011 the Convener attended a demonstration, hosted by the Scottish Government in Perth, of the electronic counting equipment being used in the Scottish local government elections on 3 May 2012.

36. On 2 September the Committee undertook a fact-finding visit to North Edinburgh to examine urban regeneration projects being carried out by City of Edinburgh Council utilising HM Treasury's Tax Incremental Financing ("TIF") pilot project. This regeneration project is the first TIF supported project to be approved for development in the UK. This visit was carried out as part of the Committee's business planning meeting, to assist in formulating its work programme for the coming 12 to 18 months.

37. As part of the Committee inquiry into Public Services Reform and Local Government: Strand 1 – Partnerships and Outcomes, the Committee undertook two fact-finding visits in early 2012. On 29 February 2012 the Committee visited Kelso to see projects administered by Scottish Borders Council, NHS Borders and the voluntary sector. On 21 March 2012 the Committee visited Livingston to examine partnership work being undertaken in West Lothian.

Equalities Issues

38. Over the past year, the Committee has set out its commitment to equalities in its work programme by examining the potential for the implementation of a living wage for the lowest paid local authority workers in Scotland, as well as looking at delivering a living wage to low paid private sector workers via the public procurement system.

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