



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

LOCAL GOVERNMENT AND REGENERATION COMMITTEE

Wednesday 22 June 2011

Session 4

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LOCAL GOVERNMENT AND REGENERATION COMMITTEE
2nd Meeting 2011, Session 4

CONVENER

*Joe FitzPatrick (Dundee City West) (SNP)

DEPUTY CONVENER

*Kevin Stewart (Aberdeen Central) (SNP)

COMMITTEE MEMBERS

Ruth Davidson (Glasgow) (Con)

*Kezia Dugdale (Lothian) (Lab)

*Mark Griffin (Central Scotland) (Lab)

*David Torrance (Kirkcaldy) (SNP)

*Bill Walker (Dunfermline) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Aileen Campbell (Minister for Local Government and Planning)

Jim Mackinnon (Scottish Government)

Graham Owenson (Scottish Government)

CLERK TO THE COMMITTEE

Eugene Windsor

LOCATION

Committee Room 5

Scottish Parliament

Local Government and Regeneration Committee

Wednesday 22 June 2011

[The Convener *opened the meeting at 10:00*]

Work Programme

The Convener (Joe FitzPatrick): I welcome everyone to the second meeting this session of the Local Government and Regeneration Committee and remind you to switch off your mobile phones and any other electronic equipment, as they will interfere with the speaking equipment.

We have received apologies from Ruth Davidson MSP.

The first item of business is an oral evidence-taking session with the Minister for Local Government and Planning, Aileen Campbell MSP, and Government officials on the Scottish Government's priorities for the local government portfolio. We have received a letter from the minister that sets out some background information. I welcome the minister and thank her for the letter, which was very helpful when we were preparing for the meeting. It has been circulated with the papers for the meeting.

I also welcome: Ian Davidson, deputy director at the local government outcomes and partnership division of the Scottish Government; Graham Owenson, head of the Scottish Government's local government finance unit; and Jim Mackinnon, the chief planner in the Scottish Government.

Before we move to questions, I invite the minister to make a short opening statement.

The Minister for Local Government and Planning (Aileen Campbell): I thank the committee for inviting me to a meeting at an early point following my appointment as Minister for Local Government and Planning. It is quite different to be sitting on this side of the table.

As members know from my written submission, my primary portfolio responsibilities are local government, planning and building standards. Members know that I do not cover regeneration interests—that responsibility lies with the Cabinet Secretary for Infrastructure and Capital Investment, Mr Neil. However, it is clear that there are important links between my portfolio and Mr Neil's portfolio and areas in which they overlap—business rates incentivisation, for example. As members would expect, Mr Neil and I will want to

explore those portfolio links further. I am sure that you will speak to him in due course.

My ministerial post is new, and it emphasises the importance that we place on the new relationship between the Scottish Government and local government, which was established in 2007. That relationship has transformed the way in which we work with local government in its overt recognition that having a partnership of mutual respect between central Government and local authorities is critical for delivering excellent public services. I want to continue to build on that relationship and believe that, in partnership, we can deliver much more for the people of Scotland, despite the difficult financial situation that public services face.

The committee will be aware of the financial and other challenges that we face over the coming months, principally those challenges associated with reduced funding as a consequence of the Westminster Government's cuts and the spending review process that we are about to embark on. Those cuts make the imperative for public service reform more urgent. That reform process will be informed by the findings and recommendations of the Christie commission, which is due to report later this month. All of that sets a challenging context for local government, but I am sure that the committee shares my commitment to driving up performance and catalysing real improvements in the delivery of public services through a continuing focus on outcomes that matter to the people.

The priorities for the local government part of my portfolio reflect those aims. Over the next year, I will focus in particular on further strengthening our relationship with local government through the Convention of Scottish Local Authorities and direct engagement with councils; the local government settlement beyond 2011-12 through the spending review process; further embedding the cornerstones of community planning and single outcome agreements as the means of planning and delivering outcomes that matter for people and communities throughout Scotland; ensuring that the preparations for the local government elections in May 2012 are focused and thorough; and driving forward the emerging programme of reform with a culture of continuous improvement for local government.

I am pleased that the committee has a wealth of past and present local government experience—indeed, I believe that four members of the committee are elected councillors on Aberdeen City Council, North Lanarkshire Council and Fife Council. I welcome and value your experience. I know that you already have first-hand understanding of the importance of strong

relationships between central and local government in Scotland.

I was pleased to be able to meet COSLA leaders within days of my appointment and I am committed to openness and honesty in how I engage with local government. I have also welcomed the opportunity to meet a number of elected members and senior executives from councils, to discuss at first hand issues that they face.

I have taken away some important messages from those meetings and I have been struck by the extent and depth of innovation in local government. In Fife, I visited a combined social work services contact centre, to see how critical services are being joined up to provide a single point of contact for people. In Renfrewshire, I was impressed by an innovative project to provide healthy school meals and a community project to provide children's play areas. Yesterday, in Perth, I visited the impressive Almondbank House, which is a multi-agency facility for young children who are unable to engage with mainstream education.

I am sure that the committee shares my enthusiasm for such projects—large and small—which make a positive impact on local communities and support the wider community outcomes that matter to local people. Innovation that drives improvement and efficiency in public services really matters, and in my ministerial role I will be considering how and where it is taking place throughout Scotland. The sort of imagination and creativity that I witnessed in Fife, Renfrewshire and Perthshire is exactly what will make things happen and I will encourage and champion it wherever I see it.

As the committee knows, responsibility for elections falls within my ministerial portfolio. The next set of elections in the cycle will be the local government elections next May. Those are the only elections for which the Scottish Parliament currently has legislative responsibility and it is vital that we get them right. We are undertaking a number of key activities in preparation for 2012. We require to put in place the legislation that governs the running of the elections and we are progressing the development and testing of the electronic vote-counting system that will be used. Electoral administration is above politics and I hope that we can work together to improve electoral structures in Scotland, continuing the excellent work that the committee's predecessor committee and Bruce Crawford did over the past four years.

We know that improving early years experience in Scotland is key to enabling us to address some of our most entrenched problems of poverty, poor health, poor attainment and antisocial behaviour. We know that investment in the early years repays

in economic terms, too. Our bespoke Scottish economic modelling work demonstrates that without effective intervention in the early years the costs for a child with severe needs can be nine times higher. In the previous session of the Parliament, the Finance Committee recognised the strength of those arguments in its report on its inquiry into preventative spending.

We will continue to build on the success of our early years framework, which we published in December 2008, by creating an early years taskforce to co-ordinate policy and ensure that early years spending is prioritised by the whole of the public sector. In the context of my portfolio, we will ensure that every council in Scotland reflects that agenda in its single outcome agreement.

The Government considers that planning is vital to making our country more successful. Key to that are up-to-date and clear development plans and high-quality individual developments. We need a planning system that not only fosters economic recovery and growth but protects and enhances the places where we work, live and spend our leisure time. That means getting everyone who is engaged in planning to take a proactive and positive approach. I want communities to play an active role in the planning system. The earlier that people are engaged, the better.

Much has been done to modernise the planning system and we want to give greater certainty to developers and communities. This is an exciting time in the context of delivery of the new planning system and planning's ability to make a real contribution to the future of Scotland. The Scottish Government is taking forward a number of broad areas of work in relation to planning. We are ensuring that the planning system is suitably resourced, we are driving a culture of continuous improvement through the development of performance frameworks and support for cultural change, and we are following up on the review of the first 12 months of the modernised planning system.

A range of individual projects are under way. For example, there is work to help to address the difficulties around infrastructure provision and the Scottish sustainable communities initiative is continuing. There is also important work to consider how enterprise zones could apply in Scotland and the new Scottish cities strategy.

Building standards are about the principle of getting good outcomes and there have been various modernisations in that regard. Our broad areas of priority in building standards relate to verification and energy. As always, we are keen that all areas of the system should be fit for purpose. On energy, for example, the 2010 standards are set at a good level, but we need to explore how much further we can go. There will be

a review for 2013, but we must be mindful of capital costs and their effects on the industry.

As for legislation, much of the planning legislation that is likely to come before the committee will be in the form of Scottish statutory instruments on permitted development rights, which remove the need to apply for planning permission for certain developments. After the summer recess, we intend to introduce legislative changes to householder permitted development rights, which relate to features such as extensions, dormer windows and outbuildings. We are also reviewing non-domestic permitted development rights, and new legislation on that should be forthcoming in the first half of next year. The initial public consultation on that closes on 1 July.

We are working on a number of potential changes to the modernisation legislation that was introduced in 2009, to pick up some of the teething issues with the new system. Further public consultation is needed, with a view to making a statutory instrument in early 2012.

Given your predecessors' involvement in the second national planning framework, members will be interested in the first annual update of NPF 2. The annual update on the national planning framework action programme will be ready shortly and I would be happy to discuss it with the committee in detail, once it has been made available to you.

Through all my engagement with local authorities, I have strengthened my view that partnership is important. It is by working in partnership with local government and other public service delivery partners that the improved outcomes for people that we seek will begin to be achieved.

It is your job to question, inquire and scrutinise over the next five years. This is my first appearance before you—the first of many—and I am sure that the next time we meet, you will be exercising your challenge and scrutiny role over my portfolio. I look forward to these exchanges and to working with you in a positive and constructive way. I welcome your questions.

The Convener: I thank the minister for her remarks, which show the breadth of both her remit and the committee's.

I will kick off the questions by asking the minister about the relationship between her and her portfolio and the Cabinet Secretary for Finance, Employment and Sustainable Growth and his portfolio. During the previous session, much of the committee's engagement was with the cabinet secretary. How do you think that engagement will work, now that we have a new, specific role covering local government?

Aileen Campbell: Primarily, my role involves the relationship with local government. There is clearly a lot of overlap with Mr Neil's portfolio and regeneration. We intend to work closely and constructively together to deliver the best for regeneration and to ensure that local government has an active voice on that agenda. I intend to proceed along those lines. I know that Mr Neil will work with me in delivering outcomes for regeneration.

The Convener: Thank you for that. As far as the Cabinet Secretary for Finance, Employment and Sustainable Growth is concerned, are there parts of this committee's remit for which he is still responsible?

Aileen Campbell: I apologise for having responded with regard to Mr Neil.

Mr Swinney has an overarching role and he will still be taking an active interest in what I do and in my relationship with local government. However, I have primary responsibility for local government—for all aspects of local government finance, performance and scrutiny, community planning and developing and maintaining the relationship that Mr Swinney established with local government back in 2007.

The Convener: One of the most "historic" parts of that relationship, we might say, was the concordat. How do you feel the concordat is likely to develop during this session?

Aileen Campbell: I have just referred to the groundbreaking relationship that Mr Swinney established with COSLA and local government during the previous session and we intend to work with COSLA to develop and enhance that partnership. Discussions are on-going, but I am happy to share with the committee any information as it pans out.

We certainly want to continue with that partnership, which I think has been constructive for both parties over the past four years. I know that COSLA wishes to continue with it and the matter was heavily discussed in my initial meetings with the COSLA leadership within days of my coming into post.

The Convener: It will be much appreciated if you keep us up to speed on that.

One particular aspect of the concordat was the single outcome agreements. At what pace do you think they will develop?

10:15

Aileen Campbell: There has been a real shift in opinion because everyone now realises that single outcome agreements have been the way to do business. There is always room for improvement

to maintain progress and ensure effective scrutiny of those outcomes. I do not see there being too much difference in the approach; single outcome agreements will remain part of the landscape and they will be enhanced during the next five years of the parliamentary session. They seem to be the only game in town.

During my visits to a number of different councils, I have heard that they appreciate the focus on outcomes that has developed during the past four years and we will maintain that and seek to continue with it.

Kevin Stewart (Aberdeen Central) (SNP): I should first declare my interest as a member of Aberdeen City Council, as the minister mentioned.

I am interested in expanding on the issue of single outcome agreements. Obviously some community planning partnerships are more advanced in what they have and there seems to be more co-operation between various bodies in certain places than there is in others. Is the minister minded to look at best practice in certain parts of the country to see whether it can be exported elsewhere?

Aileen Campbell: Yes. In the summer months, I intend to get out and about and visit as many local authorities as I possibly can. I have already met Perth and Kinross, Fife and Renfrewshire councils, and seen some of their good practice. I have seen their community planning partnerships working well, effective engagement with stakeholders around the table, and how they are delivering for folk in their communities. It is in my mind to see more evidence of that good practice.

Some local authorities and community planning partnerships might need a bit more support and time to bed in. It is a fairly new way of working so it is about creating the space for folk to let me know if they need a bit more support or whatever else they feel that they need from Government to take community planning partnerships forward. I would certainly like to showcase the existing innovation and promote the good practice that is happening in many of our local authorities. The three authorities that I have met so far have the bit between their teeth and want to deliver more for the communities that they serve.

Bill Walker (Dunfermline) (SNP): Convener, with your permission, I would like to extend a warm welcome to the minister from the oldest member of the committee and Parliament to one who is still one of the youngest members.

Aileen Campbell: One of the youngest, just about. I think that there are younger members now.

Bill Walker: Yes. It is great to hear about all the things that you have been going through and you

have anticipated some of my questions, although I have some points to make, if I may.

I was so pleased to hear about the voting system and how you are looking at best practice, which is great. I am one of those members who is a councillor, on Fife Council along with David Torrance. There is a lot of experience around the committee table, although I am not volunteering to do more work necessarily. Despite his youth, David Torrance has been a councillor for 20 years; I am volunteering him.

I am looking forward to the output from the Christie commission. As a councillor, I have noticed lots of things. Minister, do you agree that it is not necessary to spend a lot of money to get better reforms? One thing that I have learned from being a councillor in a previous life is that it is necessary to learn from best practice. For example, Fife Council has a very good economic development department and planning department, although occasionally they come into a little bit of conflict. I am not saying that there is a silo mentality, but do you agree that we should look at best practice and how to get the best out of what we have already without necessarily spending a lot more money?

Aileen Campbell: Yes, and that is certainly the message that has come from the three councils that I have visited. All the local authorities recognise that times are tough financially so they need to think imaginatively and innovatively and not have the silo mentality that you have described.

In the three councils that I have visited, there was a lot of crossover in how they want to work and deliver the outcomes. They want to deliver more. That is another thing that I would like to showcase during the summer months, to ensure that councils are achieving those things. I want to see how they are working and examples of what they are doing and then consider how I can take that message and share it more widely.

There is always work to do and room for improvement, and we keep an eye on all of that. Measures are in place to scrutinise how councils work. I agree that we need to work together, and that already happens. At national Government level, there is crossover in portfolio briefs, so we have to practise what we preach. When we go out to local authorities, we must ensure that they are working together.

We do not have huge pots of money to bring about that change in culture, but it is important, especially when times are tough financially. The change fund is an example of a pot of money that has helped local authorities to refocus how they deliver some services. I want to explore those issues further during the summer months. We

definitely need to work together and across portfolios. We must realise that councils deliver services to the people and that the people who receive those services are not necessarily concerned about who provides them. People want a good service that they can get when they need it.

The Convener: I ask members to indicate to me or the clerk when they want to come in. Kevin Stewart has another question.

Kevin Stewart: I want to follow on from Bill Walker's point about silos. In some places, silos have been broken down to a huge degree. In Aberdeen, enterprise, planning and infrastructure are all together, which I believe is the wisest way to do business. However, there are still hold-ups, particularly in these tough times, and they are sometimes down to various agencies. In particular, I draw the minister's attention to Transport Scotland. Some development is held up because for certain improvements, Transport Scotland needs to see money up front. We all know that that is difficult in these tough times and that the banks—which mainly take decisions in London rather than Scotland, and certainly not locally any more—will not allow borrowing to pay up front for some developments. I ask the minister or Mr Mackinnon to comment on whether there is a way to break through that very definite barrier. I am all in favour of developers paying for improvement, but that should maybe come after or halfway through a development rather than up front, as some folk currently insist.

Aileen Campbell: I understand and acknowledge the issues that Kevin Stewart raises. We all recognise that there is a scarcity of funds out there. Work is on-going to consider the issue that he describes about a requirement to pay up front because money is tight, which might put off a lot of development. I will bring in Jim Mackinnon to comment further, but I certainly take on board your comments.

Jim Mackinnon (Scottish Government): Mr Stewart raises an interesting question. A few years ago, we signed a document called "Delivering Planning Reform", in which the Scottish Government as well as local authorities collectively made commitments to do certain things. That also involved commitments from Government agencies, including Transport Scotland and Scottish Natural Heritage. There has been widespread recognition that that is beginning to make a difference, although inevitably there will be cases in which things have not worked out as expected.

We have done a lot of work on development funding and we have issued guidance to local authorities to recognise that big up-front payments could stop a development altogether. We are keen

to move to what is almost a pay-as-you-develop approach, as houses or factory units are completed. We are working on that and on development charges. In the north-east, there is a progressive approach through the future infrastructure requirements for services—FIRS—approach, so that people know up front what they have to pay.

Mr Swinney has also assigned to me a brokerage role for developments that might have stalled because of decisions by Government agencies or others to ask for more information and more advice. I am happy to meet the heads of planning in Aberdeen city and shire and Transport Scotland representatives to broker solutions and ensure that development is not unreasonably delayed.

Kezia Dugdale (Lothian) (Lab): I congratulate the minister on her position and welcome it—I have not had the opportunity to say that to her in person.

I will return to single outcome agreements. You will know that I have a particular interest in child poverty. I am concerned that some of the anti-poverty agenda has moved from the local government and communities portfolio into the health portfolio. I would welcome your comments on single outcome agreements. Is it a concern that only 14 of Scotland's 32 local authorities have a direct commitment to tackling child poverty, given that local government drives much service delivery for the anti-poverty agenda?

Aileen Campbell: Thank you for your kind words. I listened to your maiden speech and I know that child poverty is close to your heart and that you want to tackle it. I also understand that you have a wider interest in cross-party groups on the subject.

Local government recognises that it must deliver more. Local authorities are acutely aware that children in their areas need to be cared and catered for, that poverty is a blemish on Scotland and that, if children live in poverty in their areas, they need to deal with those children effectively. Single outcome agreements will reflect that. Local government is acutely aware of the need to deal effectively with the issue, regardless of whether that is done by local authorities or the healthcare service.

On education provision and being corporate parents, local authorities understand their role clearly and want to make a difference. I have not met a local authority that has wanted to shy away from its responsibility to ensure that the children in its area can aspire to greatness and come out of the poverty trap. Local authorities are working hard to overturn the statistics.

Kezia Dugdale: Absolutely. I do not doubt for a second that councillors have the best intentions for tackling poverty. My concern is more about the fact that a Save the Children report and the Scottish Government's child poverty strategy document identified that little progress had been made since 2004-05 and that more than 200,000 children in Scotland still live in poverty. Does the lack of progress in the past five or six years tell us that we need a much more centre-led, strategic approach to tackling child poverty in Scotland?

Aileen Campbell: We have committed to having a task force on the early years, to ensure that the early years and children are a priority in all portfolios. We want that to be reflected in our work with local government.

It is clear that the statistics for children who live in poverty are horrible. It is horrible to know that such figures exist in 21st century Scotland—a potentially very rich country. My gut feeling is that we as a country do not have some of the powers that we need to tackle child poverty effectively. We do not control social security and benefits. We do not have all the tools that we need to overturn some of the figures. However, we will work hard with the powers that we have to ensure that progress is made.

The feeling across the Government is that we want to examine and improve the child poverty situation. However, we as a Government do not have all the powers that we need to tackle that effectively. With the new powers that are coming to the Scottish Parliament—I hope that we will have more in the next few years—perhaps we will be able to tackle child poverty effectively. Ensuring that children have the best start in life and can continue to aspire and prosper in this country motivates and drives many of us in the Scottish Parliament.

Kezia Dugdale: What power would you like and what would you use it for?

Aileen Campbell: I would like to have more control over benefits, to ensure that people who are working and in poverty have more finances at their disposal, so that they can bring about the aspirational qualities that Scotland's children need.

We need those powers. We do not have the financial tools to bring about the effective change in child poverty that we wish to see. We should all recognise that we have only limited powers in the Scottish Parliament, and we need more so that we can deliver for Scotland and have bespoke, tailored policies to ensure that change happens as quickly as possible.

10:30

Kevin Stewart: Aberdeen City Council has an anti-poverty strategy embedded in its work, so it is looked at in every single report. It is fine to have that, but if we do not have the powers we are in difficulty. The Scottish Parliament obviously does not have all the powers that I would like it to have—I share your view, minister—but for me, one key thing on the horizon is welfare reform, which seems to be top of the Con-Dem coalition Government's agenda in Westminster. That reform will probably have an even worse effect on child poverty, and it will certainly have a real effect on spending in local authorities, in terms of taking in housing benefit and all the rest of it. Are there any plans across the Scottish Government to look at the effect that the welfare reforms will have not only on the Scottish Government and local authorities, but on the people of Scotland?

Aileen Campbell: Work is always on-going to examine legislative changes by the United Kingdom Government at Westminster. I am aware that colleagues in COSLA and local authorities are acutely aware of the pressure that may be placed on them with the changes that the Welfare Reform Bill will bring. I understand that there is frustration among some local authorities about the relationship with the Department for Work and Pensions. We need to find ways to make those relationships better, to ensure that councils' views and messages are heard at Westminster, and I am willing to do anything that I can to help with that process.

Kevin Stewart: Frustration with the DWP is putting it mildly in some cases, minister. Thank you for your answer.

Mark Griffin (Central Scotland) (Lab): I, too, welcome the minister to her post.

Minister, how closely will you monitor the issue of equal pay in local authorities, and in particular the financial implications of any pending cases? What discussions have you had with the heads of local government on finance? Some local authorities are looking at a bill of up to £100 million if cases go against them. Senior counsel has predicted that that will happen, so what contingency plans do you have for bailing out local authorities?

Aileen Campbell: The Scottish Government recognises that there is an issue with equal pay, but it was not involved in the negotiations with COSLA and it is an issue for local authorities. There has been previous engagement between COSLA and the Scottish Government, and if COSLA sees any way for the Scottish Government to intervene to resolve outstanding issues on equal pay, I am sure that we will consider that.

Equal pay is a real issue, and we need to ensure that it is resolved quickly. It is the responsibility of local government, and it is up to authorities as autonomous bodies to resolve it. However, I have my eye on it, and if there are any ways in which we can help local authorities, I will be happy to begin the process of engagement.

Mark Griffin: Thanks for that answer. You say that you are willing to assist. Does that go as far as financial assistance?

Aileen Campbell: If COSLA or local authorities come up with a list of ways in which the Scottish Government can helpfully intervene on equal pay, we will need to look at that and find ways to resolve issues and to work together to ensure that things happen quickly. However, as I said, local authorities are autonomous entities, and the issue, rightly, is looked at by them. We hope that they can resolve some of the issues quickly.

Kevin Stewart: Obviously, the agreement on equal pay and single status was dealt with in 1999. It was a joint agreement between the then Scottish Executive, local government and the trade unions. Some local authorities moved quicker than others to implement the scheme. I say to the minister that if assistance was given to a local authority that was backward at coming forward in dealing with equal pay, I am sure that she would find local authorities that dealt with the matter at an earlier stage knocking at her door asking for funding to cover their bills. Do you plan to look at the status of equal pay across local authorities in Scotland to see who has implemented it, who has implemented it well and who may have difficulties in future because they have not equality proofed the scheme that they have come up with?

Aileen Campbell: Of course, that would be an eminently sensible approach, to ensure that we have a full picture of how local authorities approached the issue. Kevin Stewart rightly says that the negotiations happened in 1999. Where councils have exercised their responsibilities quickly and effectively, it would be sensible to examine what they have done and to question, look at and work with the local authorities that are still involved in negotiations and are still finding ways to resolve the issues, because we need to ensure that the equal pay issue is resolved quickly. If councils have managed to resolve the issue quickly, we need to establish how they have done so and why others have not. That would be sensible.

Kevin Stewart: I am glad to hear the minister say that. We have to look at the realities of the situation. An equal pay act came into force in the 1970s, yet some 40 years later a huge number of public bodies are failing to provide women, in

particular, with the pay that they need and deserve.

Bill Walker: I will change the subject slightly, minister, and perhaps also ask Mr Mackinnon the same question. It is about NPF 2 and the list of priority projects. I was pleased to hear that a new paper will come out on that; that is excellent. I do not want to bore everyone with the details, but local people in Fife have asked why a certain project is included, and another group of people have said that they would like a different project to be included. When the annual update on the framework comes out, will we get some information on how projects get into the system and what the criteria are in broad terms?

Aileen Campbell: I will be happy to share the update with you when it comes out and to return to the committee to discuss the issues. The framework is full of projects that are of national importance. I will hand over to Jim Mackinnon to elaborate on that.

Jim Mackinnon: First, Mr Walker, may I ask which projects you are talking about?

Bill Walker: The project that questions have been asked about—questions have been posed to me—is the proposed freight terminal.

Jim Mackinnon: The Babcock one?

Bill Walker: Yes. The other project that has been brought up is the west Fife railway project, which is not listed. It is a question of the criteria, and it would be good to learn more about them. I realise that it is all about money, of course, but it would be good to learn more about the criteria when the new listing comes out. I would be pleased to speak to you about the issue outwith the committee.

Jim Mackinnon: I am certainly more than happy to meet you. I have a copy of the national planning framework with me, if you would like to take it away. I am also happy to provide copies to the committee along with the action programme, which, as the minister says, we hope to send out very shortly.

This is our second national planning framework. The first was done on a non-statutory basis, but the second was done on a statutory basis, so it has a legal basis. The national planning framework sets out two things: a spatial strategy, which is a bit like a structure plan for Scotland, which will be familiar, and what are called national developments. With the Planning etc (Scotland) Act 2006, we tried to introduce a hierarchy, from national developments through to major developments, such as supermarkets, to local developments and the permitted development that the minister has mentioned.

We were required to produce a participation statement saying how we would go about drawing up the national planning framework, and we had events all over Scotland at the start of the process, when we produced the consultative draft, which contained various projects.

We decided that national developments were, essentially, major infrastructure projects of the scale of the Forth replacement crossing. I appreciate the significance of the west Fife railway project but, in a way, that is a regional project rather than a national project. The identification of national developments allows the case to be established in principle so that, if there is to be any subsequent consenting, the issues are around siting and design rather than the principle, which need not be revisited. The decisions around the designation of national developments involve a democratic process that includes 60 days of parliamentary scrutiny. Babcock went through that, and I do not recall that your predecessor committee raised any issues. I am happy to discuss that matter further, and also to brief the committee on the national planning framework and national development.

That is where we are at the moment. Some people are happy that certain developments have been designated as national developments and others are not. I guess that that is just the nature of planning.

Bill Walker: That is a very good answer. I look forward to perhaps discussing matters with you further.

Kezia Dugdale: The Scottish National Party manifesto made a commitment to introduce a new funding floor to ensure that no local authority receives less than 85 per cent of the Scottish average revenue support. In Edinburgh, we currently have 82 per cent of the Scottish average, and raising it to 85 per cent would require the equivalent of £22 million. Can you give us some guidance on how quickly my constituents will see that money, and some assurance that it will be in addition to the capital city supplement, not instead of it?

Aileen Campbell: As you rightly point out, the manifesto made a commitment that no local authority would receive less than 85 per cent of the Scottish average revenue support. The cost of that will be supported by additional money from central Government.

Of course, all of this is tied up in the spending review settlement, which will be announced later this year, and the Government has committed to engaging with all local authorities to ensure that they can know in advance what their funding settlements will be and can put in place their own

arrangements to deliver that money as quickly as they can.

I will bring in Graham Owenson to elaborate.

Graham Owenson (Scottish Government): Obviously, we want to engage in discussions with COSLA over the summer in preparation for the spending review settlement later in the autumn, which the minister mentioned. The details of how the funding floor will be applied will be confirmed as part of the local government finance settlement consultation, which normally takes place at the end of November or the beginning of December, so councils will know for sure what the situation is at that point. As I said, we will discuss the matter with COSLA over the summer, and the intention is that the arrangement will be in place from 1 April 2012.

Kezia Dugdale: So you are still committed to that promise. You still want to do it.

Aileen Campbell: Yes.

David Torrance (Kirkcaldy) (SNP): Congratulations, Aileen.

I want to ask about one of my favourite subjects: microgeneration, and the planning delays around it. In Fife, we have seven area committees, and the results and the length of delay vary from committee to committee, so much so that some of the small companies in Fife avoid lodging planning applications in Fife and move their installations to other areas. How can we speed up the process? There are lots of grey areas in the planning committee refusal and approval process.

Aileen Campbell: Folk are concerned about delays or perceived delays in the planning process. The issue of how we speed up the planning process to ensure that developments are not curtailed and investment is not missed has been raised with us. However, we want to ensure that the planning process as a whole is improved, and that entails thinking about not only the speed of the process but ways of ensuring that people come to local authorities with robust planning applications that have all the necessary details and information and do not cause delays.

There is a hierarchy of planning applications, and we want to ensure that applications are dealt with at the appropriate level, so that the process does not become burdensome for committees or reporters. Whoever looks at applications must have the time and space to deal with those that it is most appropriate for them to deal with.

10:45

Jim Mackinnon: The question is highly topical, and I know that it has been raised by members for some time. We have introduced permitted

development for a wide range of microgeneration technologies, whereby planning permission is not required, but there are two difficult areas in which there are outstanding issues: domestic wind turbines and air-source heat pumps. To be honest, the problems are proving to be a bit intractable, although we are looking at solutions. The issue with wind turbines relates to aviation safety, which is an area in which no Government wants to play fast and loose with public safety. The issue with air-source heat pumps is, what is an acceptable noise threshold? We are working on those issues, as we are extremely conscious of the public interest in, and the desire to make progress on, some of the huge challenges that we face on energy. We would probably be happy to come back to the committee on them in due course.

The issue of the existence of different committees in Fife is a matter for Fife Council rather than the Scottish Government.

Mark Griffin: While we are on the subject of planning, I have a number of questions about wind turbines, which Jim Mackinnon mentioned. How are the discussions with the aviation authorities progressing? Can any solutions be found? I know that expensive solutions are available for large-scale wind farms, but have any solutions been found for companies that want to erect a single turbine to cut down their energy use? Is agreement with the aviation authorities close on such solutions?

My other point is about the different scales of development. Currently, applications for major developments go to the full council for consideration. We were advised that any objector to such an application has the right to be heard. If a fairly contentious application has been made for a strategic development and thousands and thousands of objectors decide to exercise their right to be heard at a meeting of the full council, that would be too burdensome for the council and could hold up the application unnecessarily. Are there any plans to amend the legislation in that regard?

Aileen Campbell: You asked about wind turbines and the effect that they have on aeroplanes and radar. We must have a degree of comfort that turbines will not interfere with aeroplanes, airports and all the technologies that go with them, so I would imagine that that is an issue that is looked at continually. If there is a specific concern in your local area that has not been resolved, we could get back to you and liaise with you on that, if you would find that helpful.

As far as meaningful engagement with the public in the planning system is concerned, the changes that were made to the planning system were designed to front-load the consultation and engagement process, so that it took place at the

very start of the application process. Regardless of the fact that I have been charged with ministerial responsibility for planning, I am acutely aware in my capacity as an MSP that that engagement must be meaningful. I want to look at that closely to ensure that people feel that they have a voice in the planning system and know when they can have a say, and that their voice is heard and taken into account.

Jim Mackinnon: I have a couple of points to add. Scotland is not unique in having a problem with turbines and aviation safety—it is an issue right across the UK. Tomorrow, Mr Swinney and Ms Campbell will meet the Northern Ireland planning minister but, although there have been discussions across the UK about how to resolve the matter, no one is finding it terribly easy. We also have regular contact with Scottish Renewables, which acts as the umbrella body for the renewables industry. Mr Griffin should rest assured that we are not doing nothing. We have regular dialogue with the key parties.

Mr Griffin also made a point about every objector being heard. We would want to change the legislation on local authority developments, because at the moment developments on a very small scale can go before the full council. We want to consider how we can avoid such situations, and that will have to relate to the standing orders of the individual councils. Mr Stewart, as a former council leader, will know that practice varies between councils. However, the legislation is not drafted in such a way that thousands of people will be able to make representations. I understand that some councils do not allow people to speak; instead, they consider a report and may offer a hearing in certain circumstances. However, there is no presumption in the legislation that everyone should speak before a committee of the full council.

Kevin Stewart: I am still deputy leader of Aberdeen City Council; I was never leader—that is another Stewart.

Mr Mackinnon is right to mention the standing orders of individual councils. Although we will hear from objectors at hearings, we do not hear any objections at planning or development committees, let alone at the full council. That is because we could have a situation in which developers and objectors galore were beating down the door in order to speak. In certain cases, I could imagine council meetings going on for a month or two. Standing orders therefore have to be considered.

Mr Griffin raised a point about wind farms and aviation, and the minister and Mr Mackinnon said that it was a problem not only for Scotland but for the UK as a whole. Obviously, it has also been a problem elsewhere. There have been huge

developments in Europe, and I am thinking in particular about those between Denmark and Sweden. There is a huge amount of aviation over that part of the Baltic, and it is obviously a hugely important sea lane as well. Can we learn lessons from the ways in which they have resolved some of their difficulties? Have we considered them?

Aileen Campbell: We are always willing to learn lessons from small countries in Europe. I am not aware of the particular situation that you mention, but I am certainly not ruling out learning lessons from it.

Jim Mackinnon: I am happy to endorse the minister's point about learning from others. When there is a planning application for a wind farm, the Civil Aviation Authority is consulted. In a case in Ayrshire at the moment, the Civil Aviation Authority is happy that the application does not interfere with airspace. However, the people acting on behalf of the airport operators also have to be consulted on landings and take-offs, and they may offer a different perspective. When there is advice to refuse an application, Scottish ministers have to be notified. Generally—although not always—we have tended to call such applications in, because of public safety issues. However, we are happy to learn how other countries in northern Europe approach the issue.

Kevin Stewart: The minister raised the issue of radar, and I have heard it raised elsewhere. People have said that wind farms interfere with radar in certain places, and I am more concerned with such questions than I am with questions over height. In some ways, questions over height should be easy for the Civil Aviation Authority and the airports to deal with, but it is not so easy if objectors—especially objectors from the aviation industry—are saying that there may be interference with radar.

Planned offshore developments, and how they may clash with offshore aviation and helicopters, may be outside the witnesses' sphere of influence.

Aileen Campbell: Mr Stewart raises good points, and I am willing to get back to him with more detail. I reiterate that I am happy to learn lessons from others who are managing effectively the interaction of onshore and offshore wind farms with aviation authorities.

Jim Mackinnon: Mr Stewart, I have enough problems dealing with terrestrial wind farms.

Kevin Stewart: I understand that, Mr Mackinnon.

Jim Mackinnon: Marine Scotland is responsible for regulation in this area. We will provide you with information on how it deals with that important issue.

The Convener: I want to take you away from planning. In your opening remarks, you talked about the Christie commission. The committee is looking forward to hearing the outcome of Christie's deliberations. Running alongside that process are some headline public sector reforms. It would be interesting to hear how you see those as impacting on this committee, in particular. I refer to reforms to the police, the fire service and social care, all of which have a direct local government impact as well as an impact on other remits.

Aileen Campbell: Christie will report at the end of this month. We will look closely at what the commission recommends and any conclusions that it draws from its thorough investigations of public service reform. The Government is yet to present its legislative programme, so I am unable at the moment to give a firm indication of its plans for social care. However, anything that impinges on the issue will come to the Local Government and Regeneration Committee as the lead committee. We will need to look at the outcomes-based approach in the light of the Christie commission's report, to see whether there is a need to strengthen the general provisions for the role of local authorities and the infrastructure of delivery.

Responses to the consultation on the police were published yesterday. There was a clear indication of a willingness to look at how policing is delivered in our communities. COSLA is very much part of that discussion. If there are any firmer developments, I can liaise with the committee to make it aware of changes or differences that are made in light of the consultation responses.

David Torrance: The question that I wanted to ask about the police has been answered.

The Convener: That is great—the question was pre-empted. As members have no more questions, I thank the minister and her team for their evidence, which will help us to work out our work programme for the months ahead. No doubt we will see you again soon.

Aileen Campbell: I understand that the committee will probably be working on an away day. If you need any additional support over the summer months, by all means get in contact with me. We will assist in any way that we can, if you would like to take up that offer.

The Convener: I am sure that we will.

10:57

Meeting suspended.

11:05

On resuming—

Subordinate Legislation

Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2011 (SSI 2011/264)

The Convener: Item 2 is subordinate legislation. We have one negative instrument before us. The regulations seek to amend the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 in relation to the remuneration of local authority members. Members have a note from the clerks that sets out the purpose of the regulations. The Subordinate Legislation Committee considered the regulations at its meeting yesterday and has drawn our attention to the fact that it considers that the powers exercised in the regulations under section 18(4) of the Local Government and Housing Act 1989 are not appropriate. However, it has also noted that that does not affect the operation of the regulations. Are there any questions or comments about the regulations? Your silence suggests none. That being the case, and given that no motion to annul has been lodged, is it agreed that the committee has no recommendation to make on the regulations?

Members *indicated agreement.*

Reporter (European Union)

11:07

The Convener: The next item is the appointment of a European Union reporter, which is a position that was set up in the previous session. Members have a paper from the clerks on appointing such a reporter to scrutinise EU legislation. Are any members interested in the position? I seek nominations.

David Torrance: I nominate Kevin Stewart.

Bill Walker: I second the nomination.

The Convener: As there are no other nominations, do we agree to appoint Kevin Stewart as European Union reporter for the Local Government and Regeneration Committee?

Members *indicated agreement.*

Budget Adviser

11:09

Meeting continued in private until 11:21.

11:08

The Convener: Item 4 is to discuss the appointment of our budget adviser. Again, members have a paper on the subject from the clerks. Are there any questions or comments on the paper?

Bill Walker: It is important that we appoint an adviser because the budget is such a complicated area. I think that you were going to say that, convener—I am sorry that I jumped in there. We need a budget adviser; I just hope that it does not cost too much money and I hope that the cost is part of the budget.

Kezia Dugdale: For the sake of balance, might we add something to the person specification about the adviser being independent?

The Convener: Independent?

Kezia Dugdale: Independent of mind. The last thing that we want as part of our parliamentary scrutiny is to have a party-political person as our adviser.

The Convener: Of course.

Kezia Dugdale: It would be good for Parliament if we were to stipulate that the adviser should be independent.

The Convener: Of mind. I think that that goes without saying—

Kezia Dugdale: It is not currently stipulated.

The Convener: It is important that the budget adviser helps the whole committee rather than any one section of it. It is reasonable to find a way of achieving that.

If there are no other comments or questions, do we agree in principle to appoint a budget adviser and do we agree the remit and person specification of the adviser, as laid out in the clerks' paper, with Kezia Dugdale's suggested change?

Members *indicated agreement.*

The Convener: Finally, do we agree to consider a list of candidates for the post of budget adviser in private at a future meeting?

Members *indicated agreement.*

The Convener: Thank you. As previously agreed, the meeting will now move into private session.

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