OFFICIAL REPORT
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DRAFT

Local Government, Housing and Planning Committee

Tuesday 20 May 2025

Session 6

The Scottish Parliament
Pàrlamaid na h-Alba

Tuesday 20 May 2025

CONTENTS

LOCAL GOVERNMENT, HOUSING AND PLANNING COMMITTEE

15th Meeting 2025, Session 6

CONVENER

*Ariane Burgess (Highlands and Islands) (Green)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Meghan Gallacher (Central Scotland) (Con)
*Mark Griffin (Central Scotland) (Lab)
*Fulton MacGregor (Coatbridge and Chryston) (SNP)
*Emma Roddick (Highlands and Islands) (SNP)
*Alexander Stewart (Mid Scotland and Fife) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Maggie Chapman (North East Scotland) (Green)
Katy Clark (West Scotland) (Lab)
Jamie Halcro Johnston (Highlands and Islands) (Con)
Willie Rennie (North East Fife) (LD)
Graham Simpson (Central Scotland) (Con)
Shirley-Anne Somerville (Cabinet Secretary for Social Justice)
Paul Sweeney (Glasgow) (Lab)

CLERK TO THE COMMITTEE

Jenny Mouncer

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Local Government, Housing and Planning Committee

Tuesday 20 May 2025

[The Convener opened the meeting at 08:37]

Subordinate Legislation

Town and Country Planning (Fees for Appeals) (Scotland) Regulations 2025 (SSI 2025/124)

The Convener (Ariane Burgess): Good morning, and welcome to the 15th meeting in 2025 of the Local Government, Housing and Planning Committee. I remind all members and witnesses to ensure that their devices are on silent.

The first item on our agenda consideration of three negative instruments, the first of which is the Town and Country Planning (Fees for Appeals) (Scotland) Regulations 2025. Do members have any comments on the instrument?

I have some comments on two of the instruments. On this one, I am a bit concerned about small and medium-sized enterprises and community-led housing being caught up in the regulations. Before my time in the Parliament, there was discussion during the passage of Planning (Scotland) Act 2019 about the fact that the regulations would be coming. I would be interested in hearing from the Minister for Public Finance about how we handle the situation for SME construction companies and developers, and community-led housing.

I would also like to ask him about the Town and Country Planning (Fees for Local Reviews) (Scotland) Regulations 2025, which is instrument that we will be discussing today.

Mark Griffin (Central Scotland) (Lab): I share your concerns about the impact on SME developers in particular, and that we are potentially pricing them out of the appeals system. I might feel differently if developers were submitting appeals for every application that was refused and if those applications were all being rejected on appeal, but the figures show that more than 50 per cent are approved on appeal. I am worried that the fees could constrain the pipeline of housing delivery at a critical time. It would be right to ask the minister about those concerns.

The Convener: Yes, that would be good. Being the planning committee, we also know about the equal challenges in planning, so it would be good to hear about how the minister plans to balance those challenges.

Meghan Gallacher (Central Scotland) (Con): I agree with the comments that have been made already. We are in a housing emergency, which has been acknowledged not only by councils up and down the country but in the Scottish Parliament.

I agree with Mark Griffin's comments about SMEs in particular. We do not want them to be priced out of development. We need to ensure that developments can happen across the country in suitable and appropriate areas. Based on that, I believe that we should have the minister in to discuss that matter further and so that we can ask questions.

Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2025 (SSI 2025/125)

The Convener: The second instrument is the Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2025. Is the committee agreed that we do not wish to make any recommendations in relation to the instrument?

Members *indicated agreement.*

Town and Country Planning (Fees for Local Reviews) (Scotland) Regulations 2025 (SSI 2025/126)

The Convener: The third instrument is the Town and Country Planning (Fees for Local Reviews) (Scotland) Regulations 2025 (SSI 2025/126). Do members have any comments on the instrument?

Mark Griffin: As I said in my previous comments, it would be helpful to receive a response from the minister in charge.

The Convener: No other member has indicated that they wish to speak on the instrument. We will arrange to bring in the Minister for Public Finance next week.

Housing (Scotland) Bill: Stage 2

08:41

The Convener: The second item on our agenda is consideration of the Housing (Scotland) Bill at stage 2. This is day 4 of our consideration of the bill at stage 2.

I welcome to the meeting the Cabinet Secretary for Social Justice and her officials. We are also joined online and in the room by other MSPs who are present to debate amendments to the bill that they have lodged.

Members who wish to speak should indicate that by catching my attention or that of the clerk. Voting is by a show of hands, and it is important that members keep their hands raised until the clerk has recorded their name. That is especially important for colleagues who are online. I will let you know when we have counted your vote.

We will not dispose of any amendments beyond the end of part 3 of the bill today. At previous meetings, we have explained the procedure that we will be following, so I propose that we move straight to consideration of amendments.

Section 19: Setting and variation of rent

The Convener: Amendment 218, in the name of Rachael Hamilton, is grouped with amendments 219, 565, 220, 138, 161, 201, 494 to 496, 139, 238, 497 to 499, 140, 239, 162, 202, 240, 399, 400 and 228. I remind members that amendments 138 and 161 are direct alternatives. That means that they can both be moved and decided on, but the text of whichever is the last agreed to is what will appear in the bill.

I point out that if amendment 37, in the group "Rent control areas: changes to between-tenancy rent controls", is agreed to, I cannot call amendments 162 or 202 due to pre-emption.

I call Alexander Stewart to move amendment 218 on behalf of Rachael Hamilton, and to speak to as many amendments in the group as he wants to.

Alexander Stewart (Mid Scotland and Fife) (Con): Amendment 218 is consequential to amendment 219. Amendment 219 introduces flexibility to adjust rent mid-tenancy in response to significant changes in circumstances. That is particularly relevant in cases in which an employee leaves their job but remains within the property as the tenant or when a successor takes over the tenancy after a death, moving to a market rent from a nominal rent that is linked to employment.

When rent needs to be raised because of circumstances that are considered by ministers to be an emergency, amendment 219 would enable that to be done in an incremental manner, removing the limit on the number of times that rent can be increased.

Amendment 220 is consequential to amendment 214, which was debated previously. It amends proposed new section 43J of the Private Housing (Tenancies) (Scotland) Act 2016 to the same effect, but for tenancies that are situated in a rent control area.

In relation to amendments 138, 161, 162, 201, 202, 294 and 495, rent increase appeal processes must be fair, proportionate, time limited and bound to ensure timely resolutions that provide certainty for landlords and tenants. An open-ended system with no cost to tenants might inadvertently encourage speculative appeals, and that would put strain on adjudication bodies.

08:45

On amendments 139 and 140, rent setting is inherently subjective and it reflects the market and what tenants are willing to pay. Therefore, rent officers or tribunals should not be allowed to vary rent determination.

On amendments 496 and 499, the repairing standard clearly establishes that, under the enforcement baseline for property conditions, it is a criminal offence to let a property that fails to meet the standards. The amendments are not only unnecessary but would introduce subjectivity to a well-defined framework.

On amendments 238 and 240, the existing costs of dealing with appeals are already seen as a deterrent against misuse by landlords. Penalties will only have a negative impact on the supply of small landlords by discouraging them from the sector.

I move amendment 218.

Mark Griffin: Amendment 565, in my name, exempts mid-market rent properties from the rental increase frequency proposals. I appreciate that the Government has a consultation on exemptions. My amendment proposes an exemption that is more administrative than policy related. Its purpose is to smooth out the administration procedures for registered social landlords and their subsidiaries.

In the bill as introduced, a rent increase notice would be tied to a 12-month cycle that begins on the date that tenants start a lease. For some medium-sized to larger-sized RSLs, that would mean having to issue hundreds of updates throughout the year that depend on the lease start date of sitting tenants.

I hope that the Government can give me assurances from the exemption consultation that this is an administrative issue that can be smoothed over so that there is not such a burden on the delivery of mid-market rent properties. I hope that the landlords who are described in amendment 565 will be able to issue a single rent notice to all their tenants on one particular day of the year that is decided on by those landlords and their tenants—the date is normally 1 April. I look forward to hearing the Government's response to my proposal and how it might tackle the issue in the exemption consultation.

Emma Roddick (Highlands and Islands) (SNP): My amendments seek to rebalance the skewed nature of where power lies in the tenant and landlord relationship. Amendment 138 seeks to extend the time that a tenant who is living in a designated rent control area has to refer a rent increase to a rent officer from 21 to 42 days, because 21 days is not long enough. The Government has already rightly recognised that there is work to be done on increasing tenants' awareness of their rights in the private rented sector. When the time required to read and understand the notice, seek assistance and get advice is factored in, 21 days is a very short period.

Amendments 139 and 140 set meaningful penalties for landlords in a rent control area who ignore the requirements and limits that are set out for that area. Amendment 139 sets the compensation payment that a landlord must pay to a tenant at three times the amount by which the proposed increase exceeds the permitted increase, and amendment 140 obliges the rent officer to order that to be paid. To me, that is a just penalty, as the amount will be linked directly to how much more than the legal limit the landlord has attempted to charge their tenant.

Maggie Chapman (North East Scotland) (Green): One of my hopes for the bill is that it raises tenants' awareness of their rights significantly. As Emma Roddick has already alluded to, there is a lot of opacity and people are not sure where they stand. Too often, renters do not know their rights, they do not know where to get the right information and they do not know how to challenge landlords who contravene those rights.

Under the bill as drafted, tenants would have a mere 21 days in which to challenge a rent increase. If they do not act within those three weeks, an illegal increase would then be unchallengeable. That cannot be right. Tenants—perhaps thousands of them—who have busy lives, might not have time to research their rights and might not even be aware of those rights, and if they do not make a challenge in those three weeks, they will be ripped off by landlords, with the stamp of approval of the Scottish Government and the bill. I hardly need to say that I do not think that that is acceptable. Until we get to a position in which tenants know their rights and are fully supported, we need to offer some flexibility. My amendments 161, 162, 201 and 202 do that by increasing the limit from three weeks to one year.

I have not simply invented that figure. It comes directly from the Social Security (Scotland) Act 2018, which allows those with a good reason not to have challenged a decision on their payment sooner to challenge it for up to a year. There is therefore congruence with other legislation that the Parliament has passed.

My other set of amendments in the group addresses concerns that were raised by Living Rent. At the moment, renters who challenge rent can end up with the rent officer raising the rent beyond that which is being asked by the landlord. That acts as a serious disincentive to challenging an unreasonable rent notice and might explain why there are so few challenges to rent service Scotland. My amendments 497, 498, and 499 would resolve that anomaly and offer discretion to the rent officer to take into account quality, energy efficiency and other relevant standards when considering a rent challenge.

Amendments 238, 239, and 240 would introduce a £10,000 fine if the landlord has levied an increase beyond that which is allowed under rent control provisions. That is absolutely crucial. At the current level of £1,000, landlords might take a calculated risk that, if they can raise rents more than is allowed, the amount that will be gained might be more than that £1,000. A fine of £10,000 would offer a genuine disincentive. We cannot allow landlords to chance their arm or write off fines as simply a cost of doing business.

Emma Roddick's amendments 139 and 140 also try to create, through the fines system, a financial incentive for landlords not to challenge illegal increases. The fines are less strong, but I support the principle behind the amendments.

Amendments 399 and 400, from the Government, would lengthen the timescale for challenging rent increases in areas that are not rent controlled. That is welcome, but a nine-day increase is minimal and not sufficient, and I ask the cabinet secretary to consider bringing back a much stronger version at stage 3.

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): As are the members who lodged the amendments in this group, the Government is determined to bring forward a system of rent control that supports the stabilisation of rents for tenants while ensuring that there is a balanced approach that provides

appropriate protection for the property rights of landlords and supports investment in the development of rented homes. Although some amendments do not quite strike the balance that is needed, I absolutely recognise the importance of the issues that have been raised—in particular, those that have been raised by Maggie Chapman and Emma Roddick—about the need for tenants to understand their rights and be able to enact those should they so wish. I understand in particular the importance of allowing sufficient time for tenants to challenge a rent increase that they feel is not in line with the rules, as Emma Roddick set out.

That is why we lodged Government amendments 399 and 400, in the name of Paul McLennan, which would affect tenants in properties that are not covered by rent control. Those amendments would increase from 21 days to 30 days the period during which a tenant in an area that is not rent controlled or in an exempt property can refer a proposed increase to the rent officer. The amendments are designed to assist tenants to make use of their rights to challenge a rent increase that they see as excessive. I consider that extending the window to 30 days is a proportionate means of achieving that.

I turn to the amendments that have been lodged by members.

Graham Simpson (Central Scotland) (Con): I have been listening very carefully, as I always do, to the arguments that have been put forward by Emma Roddick and Maggie Chapman. Emma Roddick suggests increasing from 21 days to 42 days the period during which a tenant can appeal a rent increase. The cabinet secretary is suggesting increasing the period from 21 days to 30 days. If, for example, someone were on holiday for two or three weeks, that would eat up the 21 days and not give them much time to do anything, even in the proposed 30-day period. Will the cabinet secretary reflect on that ahead of stage 3 and accept what other members are attempting to achieve?

Shirley-Anne Somerville: I will reflect on that exact point imminently, Mr Simpson.

Graham Simpson: Very good.

Shirley-Anne Somerville: Emma Roddick and Maggie Chapman have set out very strong points on that.

Amendment 138, in the name of Emma Roddick, and amendments 161, 162, 201 and 202, in the name of Maggie Chapman, would extend the length of the period in which a tenant can challenge a rent increase notice. Amendment 138 would give the tenant up to 42 days to notify the landlord that they intend to refer a rent increase to the rent officer, and amendments 161 and 162 would give the tenant up to one year to notify the landlord of an intended referral to the rent officer or tribunal. Amendments 201 and 202 would give the tenant another year to make a referral.

If some of those amendments are agreed to, the tenant would have up to two years to challenge a rent increase notice. That would leave landlords and tenants facing a long period of uncertainty regarding the rent that is applied. Although I agree with the principle that tenants should have sufficient time to challenge an increase, extending the period beyond the current combined period of 63 days could create significant uncertainty for landlords and tenants.

However, I recognise the concerns that members have raised, and I accept that we have perhaps not quite got that balance correct yet, as Emma Roddick has set out. I am happy to discuss with members what might be necessary to ensure that tenants have enough time to challenge the increase but in a way that does not create undue uncertainty for tenants and landlords. Given the Government's willingness to work through that process with Ms Roddick and Ms Chapman, I ask them not to move their amendments.

Rachael Hamilton's amendments 218, 219 and 228 would change the provisions that regulate how frequently the rent may be increased for a property in a rent control area. Where a property in a rent control area is not a previously let property, it is not subject to the rent cap at the start of the tenancy. For those tenancies, the landlord is prevented from increasing the rent in the first 12 months.

The bill sets out a power for ministers to prescribe circumstances in which increases in the first 12 months would be permitted. Amendments 218, 219 and 228 would expand that power to prescribe the circumstances in which the landlord could increase the rent more frequently than once a year, including in circumstances that are considered to be an emergency. The amendments could result in some tenants in a rent control area being subjected to more rent increases more frequently than other tenants. I consider that allowing more frequent rent increases would undermine the intention of the bill's rent control measures. I therefore urge Rachael Hamilton, or Alexander Stewart on her behalf, not to press amendment 218 or move amendments 219 and 228. If he does so, I urge members not to support them.

Amendment 565, in the name of Mark Griffin, would disapply the rules on rent control for any tenancy in which the landlord is a registered social landlord, a subsidiary of the registered social landlord or any one of three named corporate bodies. I very much recognise that the intention is to exempt mid-market rents, which we have

spoken about in relation to amendments in previous groups. Although I acknowledge the need to protect the delivery of such tenancies, that is best done through the consultation that we have previously discussed in committee. For that reason, I cannot support Mr Griffin's amendment 565, but I encourage the mid-market rent providers to make that exact point in the consultation, because Mr Griffin's points require further airing during that process.

Meghan Gallacher: Is the Government still reaching out to people who will be impacted by the consultation and actively engaging with all stakeholders to ensure that they respond to the consultation and are aware of it?

Shirley-Anne Somerville: Absolutely. Mid-market rent and build to rent are among the areas of key focus for other stakeholders, in particular tenants and their representatives, that we have discussed. I assure Meghan Gallacher that work to encourage those exact points to be made is on-going.

09:00

Amendment 220, in the name of Rachael Hamilton, would require that rent increase notices for private residential tenancies in rent control areas set out the reasons for the proposed rent increase. It is not clear what benefit that would provide for tenants. Under the Private Housing (Tenancies) (Scotland) Act 2016, a tenant with a private residential tenancy can refer a proposed rent increase to a rent officer for adjudication, and the rent officer will determine the rent with reference to the factors that are set out in the relevant sections of the act. Those factors do not include consideration of the reason for the rent increase.

I am of the view that requiring all landlords with private residential tenancies to provide that information to tenants when increasing the rent would be an unnecessary intrusion into the landlord's privacy with no obvious benefit to tenants, and there would clearly be an increase in the bureaucracy and requirements for private landlords. In addition, there would be significant resource implications in relation to the administration of such information. I urge her not to move the amendment.

Amendments 494 to 496, in the name of Maggie Chapman, seek to introduce an adjudication process that would include consideration of market rents and property quality when a tenant in a rent control area challenges an increase. Currently, rent increases in rent control areas will be limited in line with the cap, and the reference in the bill to the rent officer is to confirm that that is the case. Ms Chapman's amendments 497 to 499 are similar to amendments 494 to 496 but would apply in cases in which a landlord or a tenant requests a review of a rent officer's determination of a proposed increase.

The amendments effectively seek to override the rent cap and would instead create a subjective process that goes beyond the rent cap and the current process of applying open market rent for properties outwith rent control areas. The current proposals are the correct approach and provide clarity to investors and landlords, and I therefore cannot support the amendments.

Maggie Chapman: I have a quick question. One of the concerns is that the rent that is adjudicated could be higher than the amount that was asked for. That surely cannot be what the Government is intending. Is that what the cabinet secretary intends, or is there room for something else to come through?

Shirley-Anne Somerville: I am happy to carry on having these conversations with Maggie Chapman in the run-up to stage 3 if she thinks that there is a flaw in what is being suggested by the Government at stage 2, or a gap in the proposals that would create problems for tenants. I have tried to set out that we believe that it is important that there is a process in place that is based on the rent cap and does not have a subjective process attached to it. However, with that caveat, if there are further discussions that we can have ahead of stage 3, I would be happy to carry on with those. The Government has been clear about the importance of the rent cap in providing clarity to landlords and tenants.

Amendment 139, in the name of Emma Roddick, and amendment 238, in the name of Maggie Chapman, would both require a rent officer to impose a financial penalty on a landlord that would require the landlord to pay a sum to the tenant if the rent officer were to find that a rent increase notice that was referred to them for verification proposes an increase above the level of the rent cap. The amendments would provide for different financial penalties, either three times the amount that was requested by the landlord above the rent cap or an amount of £10,000.

Amendment 140, in the name of Emma Roddick, and amendment 239, in the name of Maggie Chapman, are similar. The amendments relate to cases in which a landlord or tenant refers a rent officer's determination under section 43M of the Private Housing (Tenancies) (Scotland) Act 2016 for review and the rent officer finds that the proposed rent is above the level of the cap. In those circumstances, the rent officer would be obliged to issue an order for the landlord to pay a penalty to the tenant. The amendments would provide for different financial penalties: either three times the amount or an amount of up to £10,000.

The amendments do not include a defence of reasonable excuse for a landlord, which may have included making a genuine error. There would also be no right of appeal to an independent impartial tribunal, nor would there be discretion for the rent officer to not impose a penalty when they consider that a penalty is not appropriate.

In addition, rent service Scotland is a non-judicial body and rent officers are arguably not equipped to make a judgment on the culpability of a landlord or on the appropriate level of penalty. As such, there would likely require to be a further level of consideration, potentially by the First-tier Tribunal, which would create a far more complex and costly process than is set out in the amendments.

Although I have concerns about the details of the amendments, which mean that I cannot support them, I understand the concerns that the members are seeking to address through them. I urge Emma Roddick and Maggie Chapman not to move their amendments. Instead, I offer to work with them, similar to my offer on amendments 137 and 237, which were debated in an earlier group. I would be happy to discuss the issues further, ahead of stage 3, with a view to reaching an agreement on what might be appropriate. I hope that that would address the concerns that they have quite rightly raised in committee today.

Finally, amendment 240, in the name of Maggie Chapman, would require the First-tier Tribunal to impose a financial penalty on a landlord, ordering them to pay a sum to the tenant if the tribunal finds that the initial rent under the tenancy was set too high or that the first rent increase was introduced too early. The penalty would be up to £10,000. Again, there is no defence of reasonable excuse for a landlord who might have made a genuine error, and there is no discretion for the tribunal not to impose a penalty where it considers that the penalty is not appropriate. For those reasons, I cannot support the amendment, and I urge Ms Chapman not to move it.

I urge Emma Roddick, Rachael Hamilton and Maggie Chapman not to move their amendments in this group and instead to work with me ahead of stage 3 to consider whether we can find consensus on possible changes to penalties on landlords who do not comply with their duties under this part of the bill.

The Convener: As no other member wishes to speak, I call Alexander Stewart to wind up and press or withdraw amendment 218.

Alexander Stewart: I have listened to the cabinet secretary's comments, and I am sure that Rachael Hamilton will reflect on them, but I would still like to press amendment 218.

The Convener: The question is, that amendment 218 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gallacher, Meghan (Central Scotland) (Con)
Griffin, Mark (Central Scotland) (Lab)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Burgess, Ariane (Highlands and Islands) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 218 disagreed to.

Amendment 219 moved—[Alexander Stewart].

The Convener: The question is, that amendment 219 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gallacher, Meghan (Central Scotland) (Con)
Griffin, Mark (Central Scotland) (Lab)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Burgess, Ariane (Highlands and Islands) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 219 disagreed to.

Amendment 35 not moved.

The Convener: The next group is on repairs and standards. Amendment 257, in the name of Maggie Chapman, is grouped with amendments 442, 231, 231A, 231B, 443, 221, 222, 444, 444A, 249, 385, 489, 538, 539, 254, 477, 490, 516, 552, 470 to 473, 551, 555, 446, 557, 558, 479, 561 and 267.

Maggie Chapman: I will focus my comments on my amendments in the group; I know that my colleague Ariane Burgess will speak to others.

My amendments are designed to focus on the quality and efficiency of properties. We know that many landlords in the private sector provide high-quality homes, but we also know that many do not, and improvement across the board is definitely needed.

At least 55 per cent of homes in the private sector have wall insulation, compared with 69 per cent in the social sector. That is why almost 70 per

cent of social homes have an energy performance certificate rating of C or higher, which is almost 20 per cent higher than in the private sector.

Levels of disrepair to critical elements are the highest in the private sector. In relation to overall quality, in 2023, 40 per cent of private sector dwellings failed the Scottish housing quality standard, compared to only 30 per cent in the social sector.

Meghan Gallacher: Does Maggie Chapman agree that the EPC system is completely out of date? It should have been reviewed long before now. Given the current EPC system, it is difficult for landlords in the private rented sector to get homes, particularly rural ones, up to standard in certain circumstances. We need that review to come forward as quickly as possible, in order to have a new EPC system that will give landlords in the social or private rented sector or otherwise more opportunities and options to decarbonise their homes, so that they can choose how best to do that for their tenants.

Maggie Chapman: Yes, absolutely, the EPC system is out of date and the review is urgently needed. We anticipate that the system will change, which is why we have not referred to EPC in my amendments. The amendments should cover the new energy efficiency rating system, for which I hope that we will not wait too long. As you have said, EPC does not take into account the full range of technological advances that we have had in the past few years.

We have a situation where twice the proportion of properties fail on three or more criteria of the Scottish housing quality standard in the private sector compared to social housing. My amendment 257 and its partner amendments in an earlier group, which we have previously debated, would act as a very powerful incentive to drive up quality, along with Ariane Burgess's amendments to allow tenants to withhold rent when repairs have not been done and for local authorities to inspect accommodation and levy fines on landlords who are not looking after their properties and, therefore, their tenants. We can put significant upwards pressure on standards.

This is a complex area and there are a great many amendments in the group. Bearing both those points in mind, I have left open the matter of how exactly we do those things—I have not been specific, as it would be for ministers to decide how the minimum standards would be defined. I encourage members to vote for almost all the amendments in the group, which all try to do basically the same thing. Emma Roddick's amendment for landlords to financially compensate tenants when minimum standards have been contravened is helpful, as is Daniel Johnson's amendment for poor-quality properties to be bought out by local authorities.

I am glad that the Scottish Government is introducing Awaab's law to ensure that repair issues are addressed, and I support the Conservative amendments that would apply it to the private sector. With respect to the cabinet secretary, there is no need to wait to consult the private sector as the Government has said that it intends to do. In its essentials, a mechanism for a property to be inspected and for repairs to be ordered must surely be the same, regardless of the sector. Some of the amendments might overlap and conflict slightly, but that can be resolved. Speaking of incentives, that would be a strong one for us to work together across the board before stage 3 to develop a plan to ensure that standards in the private sector are the best that they can be—not with their current 40 per cent failure rate.

The only amendment that the Greens cannot support in this group is Daniel Johnson's amendment 490. It is a well-intentioned attempt to improve access to the common areas of a tenement or similar building, in order for utilities and other works to be done, but I cannot support the amendment as drafted, as it would put a burden on tenants to stay at home—perhaps missing work or having to take annual leave—to do what is essentially the landlord's job. However, I encourage Daniel Johnson to bring that amendment back at stage 3, with some minor tweaks to it, to address those concerns.

I move amendment 257.

The Convener: I will speak to my amendment 442 and other amendments in the group.

My amendment 442 is on a "lettable standard". Currently, we have different regulations for different types of rented housing. Two sets of standards apply to privately let homes and two to social housing. The system makes it harder for tenants who are unfamiliar with jargon to know their rights. It creates confusion in the landlord sector about what rules need to be followed. Ultimately, it creates an unnecessary dog-leg in standards, leaving private tenants to face poorer standards than those in social homes.

My proposal, which has been backed by Living Rent and Generation Rent, would make everything simpler and ensure that all tenants in all forms of rented accommodation are treated equally. Instead of having four separate regulations, all types of rented accommodation would have to meet just one regulation. Ministers would have to consult on exactly what that standard should look like. I have been careful to ensure that equal weighting would be given to tenants and landlords in that consultation. I have also included a clause

to ensure that the new overarching standard does not allow any regression from what we have at present, so that quality will be maintained in the social sector and improved in the private sector.

09:15

My amendment 385 is on withholding rent. Scotland has a severe quality problem with its private housing stock. Some private landlords and their agencies seem to think that it is okay to take their tenants' rent without maintaining their properties to a habitable, good-quality standard. Serious issues like damp and mould, holes in floors and walls, and broken furnishings are left to fester, despite those who rent out homes having a legal obligation to ensure that the housing meets the existing tolerable and repairing standards. In any other sector, if a customer received such sub-standard services, there would be major uproar. Why should the private rental market be treated any differently?

Not all landlords act in that way, but if you have the misfortune of being the tenant of a landlord who acts in bad faith, it is a miserable experience that could have a significant impact on your health, wellbeing, social life and work life. People who are in that situation need more legal protections. The status quo puts the onus on tenants to go to the tribunal in order to get the issue fixed. Meanwhile, they have to live with the problem in their home for what could be months or even years and are expected to pay their rent on time and in full each month. In any other walk of life, such a situation would be unacceptable. If your train gets delayed, the situation is resolved with a delay repay in just one click. If you buy something faulty from a shop, you are entitled to a refund. If a business receives a substandard service, it withholds money from the supplier there and then. Why should it be any different for renters, especially when housing is a human right?

The message that we need to send to landlords, particularly to those who seek to abuse the system, is that they must provide good-quality housing if their tenants are to pay for it. My amendment 385 is backed by Living Rent and Consumer Scotland and would give tenants the right to withhold rent if the landlord has not fixed serious issues within 30 days of them being raised. That would create a fairer situation than what we would get from amendments 249 and 444. Those amendments do not set an adequate timeframe, meaning that tenants could face months of distress before their homes are put right.

My amendment would guarantee that major repairs are sorted out in a timely manner. It would discourage bad actors in the sector from not fulfilling their legal obligations. Where a landlord believes that they have done enough to resolve the issue, they would be able to go through the tribunal process to unlock the withheld rent. That way, the burden of having to go through the tribunal process would be shared more evenly across the board between landlord and tenant. Good landlords would be encouraged to keep up the good work, while those who have no interest in their tenants' welfare or in the reputation of their sector would find it hard to remain in business.

My amendment 489 is related to damp and mould inspections. All members of the committee will be aware that there is a major damp and mould crisis in Scotland. I know that my office is not alone in receiving harrowing stories of renters who are living in homes where the walls are black with mould, the carpets are riddled with spores, and they cannot escape the putrid smell of damp. As well as being horrible to live with, mould is a slow, silent killer. Perhaps that is why it has not received the same attention as other issues, such as the cladding crisis, but it needs to be urgently addressed. By taking action, we can improve the lives of people across our country and take some of the strain off our overloaded health services.

My amendment 489 would help to tackle Scotland's damp and mould epidemic. Where a tenant has raised their damp and mould issues with the housing tribunal, the tribunal would have the power to commission an independent, competent expert to inspect the accommodation. That would mean that the tribunal and all parties involved could get a fair and impartial view of what is causing the damp and mould and what could be done to fix it, to make sure that landlords, tenants and the tribunal are getting good advice.

I have included a provision that would allow ministers to set out what a competent person would be in that context. I would like that to lead to a situation in which we have enough damp and mould expertise in the housing sector to ensure that tenants and landlords can keep their properties free of this blight.

My amendments 538 and 539 relate to inspections for local authorities. Although I recognise that local authorities have those powers, inspections are not taking place for some reason. Too many privately rented homes in Scotland do not meet the required standards. Although the majority of landlords work hard to ensure that their tenants are in well maintained homes, they are being let down by a small minority of people who own a large number of properties and who view their portfolios as piggy banks instead of homes, which is what they are. That small number of landlords have been able to get away with that because the overburdened regulatory system cannot cope with the sheer scale of wrongdoing.

The legislation that we work on in the Parliament should always have a reasonable balance of carrot and stick. Given the concerning deterioration in standards in the private rented sector, we need to pursue the latter rather than the former. We need to make it crystal clear to all landlords that they have to meet certain standards or run the risk of being hit in the pocket. That is why I am proposing in my amendment 538 that local authorities should be given the power to undertake inspections of rented accommodation every three years, and my amendment 539 would mean that they could carry out spot checks when they suspect that a registered landlord is not following the letter of the law.

When inspections find that housing does not meet basic habitable standards, the landlord faces being hit by a large fine. I have opted for a £10,000 fine in this instance, because it would incentivise rogue landlords to fix problems instead of running the risk that they will be fined a sum far exceeding the cost of repairs. It is also important to note that that is a power and not an obligation. We on the committee know that local government finances are under immense strain, which has impacted on their staffing levels and the services that they can deliver. I hope that having such a large fine on the table will incentivise more action on substandard housing. Furthermore, from a tenant's perspective, it would provide another logical avenue through which they could raise concerns about the quality of their home and would give them another layer of protection against rogue landlords.

My amendments 557 and 558 would require regulations on local authority inspections to be subject to affirmative procedure.

My amendment 254 is on farm workers' accommodation. Every year, thousands of workers from Europe and Asia come to Scotland to work on farms. They do back-breaking work, picking the fruit and vegetables that we see on supermarket shelves, but all too often they are exploited, whether that be through not being paid properly, exposure to dangerous conditions or having their movements restricted.

Those workers also face being housed in terrible conditions. The Worker Support Centre recently reported that it received 100 complaints about poor living conditions in 2024, including issues with overcrowding, damp, black mould and broken furniture. Those reports are likely to be just the tip of the iceberg, given that seasonal workers are often afraid to raise their concerns lest they lose their job or, worse, have their visa revoked. Many are also unaware of the support that is available to them and have a limited grasp of English.

It is unacceptable that people who perform such a vital role in putting food on Scotland's tables are treated like that. That is why I lodged amendment 254, which would require officers to inspect accommodation that has been provided for workers to ensure that it meets legal habitable standards for housing in Scotland. If the housing does not stand up to scrutiny, the officers would have the power to order improvements to be made within a certain timeframe and they would be backed by their local authority.

Those workers can and should have their human rights respected, because, without them, crops would rot in our fields and few people would have access to healthy local food.

I call the minister to speak to amendment 231 and other amendments in the group.

Shirley-Anne Somerville: I thank all members who have lodged amendments in the group for the discussions that I have had with them in the run-up to today, which have informed the Government's thinking greatly. I apologise in advance for the length of my speaking note on the group, but it covers a number of amendments that have been lodged by different members, so I ask colleagues to bear with me.

I will first address amendment 231, in the name of Paul McLennan, which will enable Awaab's law to be introduced in Scotland. I will also comment on the related amendments that have been lodged by Graham Simpson and Emma Roddick.

The Scottish Government is committed to delivering Awaab's law in Scotland, and I consider that amendment 231, coupled with the use of powers in existing legislation to make provision for the private sector, will achieve that aim. The amendment will enable the Government to implement the equivalent of Awaab's law in Scotland in the social rented sector, so that social landlords must deal with issues such as damp and mould in tenants' homes in a timely manner. The amendment will expand existing powers in the Housing (Scotland) Act 2001 to give ministers the ability to impose timeframes on social landlords to investigate disrepair and commence repairs.

For context, I note that Awaab's law in England will have 28 defined hazards. The UK Government has been taking a phased approach since Awaab's law was introduced, in July 2023. We want to ensure that landlords and tenants are clear about their respective rights and duties, which is why we will have further engagement with stakeholders later this year to fully understand the types of repairs that should be included, as well as appropriate timescales for investigating and commencing those repairs. Members have rightly referred to damp and mould, but other hazards will also be addressed in the consultation.

As well as placing requirements on social landlords, Scottish ministers are committed to bringing forward equivalent requirements in the private rented sector after further consultation. Those can be delivered under existing powers via the repairing standard in the Housing (Scotland) Act 2006, which is why no similar amendment has been lodged for the private rented sector. However, I stress that we are consulting not on the "if" but on the "how", as per social rented sector amendments that we will then take forward.

Meghan Gallacher: I understand the cabinet secretary's point about the existing powers, but can we have a little more explanation of why those powers have not been used up until this point? The issue that we are discussing is really important. It involves damp and mould but also the other hazards that the cabinet secretary referenced. When are we likely to see Awaab's law in both the social and private rented sectors?

Shirley-Anne Somerville: The consultation for both the social and private rented sectors will be held in the current calendar year. I will come to this later in my comments on the group, but it has been raised in the conversations that colleagues have had with me—and this is demonstrated in the amendments that have been lodged—that the powers exist in many places but they are not being used, for a number of reasons. I am keen to get to the details of why they are not being used. In this case, I believe that a change to the primary legislation is required, with timescales, to ensure that the standards requirements are being implemented. In other cases, a non-legislative approach might be taken, but in this case I am convinced that we need to change the legislation to make the changes happen that we all want to see.

Maggie Chapman: The failure rate of 40 per cent shows that the current system is not working. I think that there has to be more than just the one provision in legislation—there has to be an overarching view. I would welcome a little more detail on that. Also, what information are you hoping to get out of the consultation? We know what is wrong. We know that homes are not at appropriate levels, and we know what needs to be done to fix them. What is the consultation seeking to achieve? Why is it necessary? Why can we not just get on and make the changes that we need to make?

Shirley-Anne Somerville: The issues that have arisen in England, which have been raised in the consultation, demonstrate why consultation is required. It is an exceptionally complex situation. To take just one issue, we want to make sure that the timescales are as stringent as possible but we do not want to set unrealistic timetables that a good landlord would be genuinely unable to meet. If you will forgive me, Maggie, I hope that the rest of my speaking note will deal with some of the details. If it does not, I will certainly be happy to discuss the matter further with you.

09:30

I cannot support the related amendments that have been lodged by Graham Simpson and Emma Roddick. Mr Simpson's amendment 231A would change amendment 231 so that the power to make regulations would become a duty. That would require the Scottish ministers to make regulations on every issue in section 27(3) of the 2001 act, although it may be necessary to cover only some of those issues. A technical point is that it is not entirely within the gift of Scottish ministers to make regulations that are subject to the affirmative procedure, as those regulations first have to be approved by the Parliament.

Mr Simpson's amendment 231B is already catered for by amendment 231, which enables provisions to be made in connection with the right of a tenant to have qualifying repairs carried out, including provision that may require the inspection and approval of any repairs to address issues relating to damp or mould. However, from my conversations with Mr Simpson—for which I thank him—I appreciate that he remains concerned that there is still a gap in the Government's amendments. I am convinced that there is not, but I believe that there is room for discussion, because he and I are very much on the same page of wanting to make sure that the system is as robust as possible. I am therefore happy to work with him in the run-up to stage 3 if I cannot convince him that no change is required.

Amendment 443, in the name of Graham Simpson, would oblige the Scottish ministers to lay draft regulations under section 27 of the 2001 act within six months of amendment 231 coming into force. That would remove Scottish ministers' discretion, thereby restricting our ability to consult meaningfully with stakeholders and engage with the UK Government. I believe that there would be a great danger of making poor regulations as a result of a lack of meaningful and robust consultation.

Amendments 444 and 446, in the name of Graham Simpson, would oblige the Scottish ministers to make regulations to ensure that, in relation to damp or mould, private landlords would be under repairing obligations equivalent to those of social landlords. Emma Roddick's amendment 444A would require those regulations to include a process whereby a private landlord would have to make a compensatory payment to tenants if they had failed to meet their repairing obligations. Amendments 444, 444A and 446 are not necessary, as powers in the Housing (Scotland)

Act 1987 and the 2006 act already enable existing private sector standards to be modified, enabling the introduction of Awaab's law. The repairing standard can already be enforced via a rent relief order, which compensates a tenant with a rent reduction if their house fails the repairing standards.

Graham Simpson: Going back to an earlier point, the cabinet secretary's argument is that we already have existing laws to tackle the issue in the private sector, but those are not being used, which means that there is an issue. If she accepts that there is an issue, we need to do something about it. This is an opportunity to do something about it: to send a message in law—in legislation, which is what we are here to do—that such behaviour is unacceptable and that we will deal with it.

Shirley-Anne Somerville: I very much agree with Mr Simpson's premise that something further needs to be done. That is exactly why the Government is committed to a consultation this calendar year, which will include details of hazards and timescales. We have had that power in the past. What we will come to, in a myriad of points during this grouping in particular, is that, for whatever reason, those powers are not being enforced to adequate standards. That is why the Government will bring forward a list of hazards and timescales as per the work that is being done in England. We are not just saying, "There is a power" and doing nothing about it; we are undertaking a consultation with further details, to ensure that that happens.

Amendments 231A, 443, 444, 448 and 446 all seek to remove Scottish ministers' discretion as to how to apply Awaab's law in the social and private rented sectors. That element of discretion is needed to enable us to consult stakeholders and engage with the UK Government to ensure that private tenants in Scotland are at least as protected in relation to repairs as those in England and Wales are. I am happy to work with Graham Simpson to identify any issues that he has with the proposals for Awaab's law, but we need to take cognisance of the work that has been happening in England as the UK Government moves through the consultation process on the complexity of that work and of our obligations, to make sure that we get this right on behalf of tenants.

Amendments 221 and 222, in the name of Mark Griffin, look at more general repairs in social and private tenancies. Amendment 221 would, via regulations, oblige Scottish ministers to confer a right on a tenant in a social tenancy to have certain prescribed hazards repaired. It would also amend a social landlord's repairing obligations to provide that they must

"ensure that there are no prescribed hazards"

within the house. Amendment 222 would amend the repairing standard in the 2006 act to oblige a private landlord to ensure that there are no current or prospective prescribed hazards in the house.

Amendments 221 and 222 would oblige landlords to ensure that there are no prescribed hazards in the property, but the landlord might not be in a position to know whether such hazards are present. An obligation to remedy defects and hazards once they are known would be more achievable. The amendments also cut across the existing rights of social and private tenants to have repairs carried out, thereby creating a confusing regulatory landscape for landlords and tenants. As those issues are already provided for in law, I cannot support those amendments. Again, I point Mr Griffin to the work that is being undertaken on Awaab's law in both the social and private rented sectors.

Amendments 257 and 267, in the name of Maggie Chapman, would provide that rent for private residential tenancies in a rent control area cannot not be increased unless the property

"meets minimum standards specified by the Scottish ministers in regulations."

Similarly, amendment 442, in the name of Ariane Burgess, would place a duty on ministers to create, through affirmative regulation, a new lettable standard that all residential properties must meet.

Although I agree with Ms Chapman and Ms Burgess on the importance of all rented properties complying with appropriate standards, statutory standards and enforcement measures are already in place for rented properties. The repairing standard already obliges landlords to keep their property to specified standards, with enforcement mechanisms being available should they fail to do so. The tolerable standard applies to all houses in a local authority area. The Scottish housing quality standard applies to properties in the social rented sector. There are existing enabling powers that could be used to enhance those standards where required.

The Convener: Minister, you have listed the different standards that apply in different places. What I am trying to do with amendment 442 is come up with one coherent standard that would address both the social rented and private rented sectors. I wonder whether you can take that into consideration, because the landscape for housing is very confusing. I wonder why we have different standards. My sense is that they have appeared over time and that this is an opportunity to create the coherence that people who rent accommodation need.

Shirley-Anne Somerville: I was going to talk about that in my very next paragraph. Previously,

social landlords were required to meet higher standards for their rented properties than those for private landlords, but the strengthened repairing standard, which was effective from 1 March 2024, has largely aligned the standards across both rented sectors. There are now very limited areas where rented sector standards are not fully aligned, and the Scottish Government has an ambition to ensure full alignment of housing standards in the future.

Adding a further two new housing standards via amendments 257 and 267 would create considerable confusion for landlords, tenants and local authorities as to which standards the landlord must comply with. There are already broad powers to amend the existing standards, and I consider that using those powers would be a more appropriate way to address any gaps that members believe exist in the regulatory requirements.

I am happy to work with Ms Chapman and Ms Burgess, in the run-up to stage 3, on areas where they are concerned that the gap in standards remains between the social and private rented sectors, in order to see whether any changes are required. However, those changes might not need to be made through the bill, as it may be possible to make them in regulation, as I have already mentioned.

Amendments 438, 439, 557 and 558, in the name of Ariane Burgess, would create a power for a local authority to inspect a house that is entered in the landlord register and to impose a fine of up to £10,000 on the landlord if the house does not comply with the tolerable standard.

There are existing enforcement mechanisms for the repairing standard under the 2006 act and for the tolerable standard under the 1987 act. Under the terms of the 2006 act, the First-tier Tribunal can impose a repairing standard enforcement order if a property fails the repairing standard. Under section 30 of the 2006 act, a local authority can issue a works notice if a property is considered to be substandard—a category that would include properties that fail the tolerable standard.

Those enforcement mechanisms build in a period during which the landlord can remedy the defect in a property, and Ms Burgess's amendments would not afford landlords that period of grace. Furthermore, it is not clear in those amendments whether local authorities would be expected to inspect all private rented tenancies in their areas or to do so only when they had a suspicion that standards were not being complied with. I therefore ask Ms Burgess not to move the amendments, because there are existing measures to deal with those issues and existing powers that can be used to strengthen the repairing standard, the tolerable standard and the inspection process.

The Convener: Cabinet secretary, I hear everything that you say about the existing powers, but my intended changes to local authority powers would include a £10,000 fine, to encourage landlords to do the right thing and to address the issues that are faced by people who rent their accommodation. Would you consider an increased fine of £10,000, to encourage that good behaviour?

Shirley-Anne Somerville: Enforcement is incredibly important, because there is no point in having rights and obligations if those are not being enforced. As I will come on to say, I am keen to work with a number of members to see what can be done. Many of the improvement issues can be dealt with in a non-legislative way, and the conversations that I hope to have over the summer will also show whether there are gaps in primary legislation that we need to come back to. Enforcement measures, such as fines, may be something that we will have to come back to by using legislation.

Amendment 249, in the name of Daniel Johnson, and amendment 385, in the name of Ariane Burgess, would provide that a tenant could withhold rent payments when the landlord failed to meet the repairing standard. Although I agree that the landlord should always meet the repairing standard, such issues are already provided for in law. Section 26(2)(b) of the 2006 act already enables the First-tier Tribunal to make a rent relief order when a landlord has failed to comply with a repairing standard enforcement order. A rent relief order is one that reduces the rent by up to 90 per cent for the duration of the order.

Amendments 249 and 385 would both put the onus on the tenant to determine whether they could withhold rent, rather than having a judicial assessment of whether the rent could be withheld. That approach would create the risk that a tenant could be left with significant rent arrears to make up if they were to get the assessment of the repairing standard wrong, and I would be greatly concerned about that change. The existing rent relief process, under section 27 of the 2006 act, enables the First-tier Tribunal to issue a rent relief order. That mechanism provides reassurance to the tenant that the reduced rent will not have to be paid back at a later date and that they can legitimately pay less rent without any fear of later repercussions.

In my view, amendments 249 and 385, although exceptionally well intentioned, would not improve tenants' rights.

The Convener: This is clearly another situation in which we have the powers but the system is not

working. I want it to be noted that I would appreciate the opportunity to work over the summer on why people in rented accommodation do not understand, or do not know, how to take action in that area.

09:45

Shirley-Anne Somerville: I am just about to come on to that issue, too, convener. As I have said, there are existing tenants' rights in relation to repairs and enforcement. The amendments that we are dealing with today and the discussions that I have had with members highlight the fact that those rights are meaningful only if tenants and relevant bodies know how to use them and if there are no barriers to using them. Convener, the point that you have made with that one example, which is just one of the many examples that we have discussed under this group of amendments, is an exceptionally important one.

It is important that, as long as we are looking at how the regulatory framework can be improved—for example, through primary or secondary legislation—we also look at what additional non-legislative support can be put in place. We can explore a range of options with the potential to better enable tenants to exercise their rights, such as raising further awareness of existing rights and providing routes of redress such as third-party reporting, where the local authority applies to the tribunal to enforce necessary repairs on behalf of a tenant. Other forms of practical support and advice are available to help tenants navigate the tribunal process.

I am keen to work with stakeholders and members to consider what additional interventions would be feasible and effective to achieve the policy objectives behind many of the amendments in this group. I still do not believe that primary legislative change is required here, but work definitely is, and I hope that that work will allow us to meet those policy objectives.

Amendment 254, in the name of Ariane Burgess, would provide Scottish ministers with the power to delegate to such a public body as they consider appropriate the function of providing officers under the Agricultural Wages (Scotland) Act 1949 with the ability to do certain things, such as inspect workers accommodation. I recognise the need to ensure that accommodation for agricultural workers is fit for habitation, but I do not agree that amendment 254 would provide the reassurance that is being sought. It is unclear whether the amendment creates a function that can be delegated, and it is also not clear that wages officers under the 1949 act would have the expertise to enable them to inspect the standard of property, given that their main function relates to the wages paid to agricultural workers. Scoping work has been on-going to help us better understand the full context of the issue and potential solutions.

Local authorities are currently responsible for enforcement of legal housing standards. Enforcement generally happens on a reactive basis, when local authorities are made aware of concerns about the condition of property and can respond. Although local authorities would welcome stronger powers to address poor agricultural seasonal worker accommodation, enforcement would pose challenges for local authorities. The Government is fully committed to further engagement with local authorities and other interested parties on that issue, and development work to understand how it can be addressed is on-going.

I therefore ask the member not to move amendment 254.

The Convener: I appreciate that scoping work is on-going. My colleague Richard Leonard lodged a similar amendment to amendment 254 to the Agricultural and Rural Communities (Scotland) Bill, which is now an act. That amendment did not pass, either.

The agricultural workers for whom the amendment was written have very little representation, because they are not able to vote. It is hard to ensure that they have the kind of support that the amendment provides, as I mentioned when I spoke to it, and I would be grateful to get a sense of a timeline and of what we might be looking at in order to resolve the issues faced by these people, recognising, too, that they have poor English and are often fearful of addressing these issues themselves.

Shirley-Anne Somerville: I absolutely recognise the point that you are making, and I would be happy to provide that information in writing to you and the committee following today's discussions.

Amendments 477 and 479, in the name of Paul Sweeney, would oblige Scottish ministers to provide a process by which a tenant may request a local authority to buy the house that they rent if that house does not comply with housing standards. Although I support the principle that private rented homes should be of good quality, the proposed amendments could lead to the local authority purchasing a substandard property instead of enforcing housing standards. There is no need for a statutory right for a tenant to request that a local authority exercise its existing powers to make a compulsory purchase of a property; tenants can approach their local authority and make such a request at present.

There are also existing enforcement mechanisms for local authorities when a property

fails to meet the tolerable standard or the repairing standard, both of which I have talked about in relation to previous amendments in the group. Where a landlord has failed to comply with housing standards, it would be more appropriate for those standards to be enforced than to expect the local authority to purchase the property. Although I appreciate the intention behind the amendments, I consider them to be unnecessary and I urge the member not to move them. However, as with previous amendments in the group, I am very happy to work with Mr Sweeney to see whether there is a non-legislative approach that can be taken to achieve his aim of greater connectivity between compulsory purchase orders and tenants knowing their rights in that area. Indeed, I thank him for the conversations that we have already had on that point.

Amendment 489, in the name of Ariane Burgess, aims to enable the First-tier Tribunal for Scotland to consult an independent person when considering whether a landlord has complied with certain aspects of the repairing standard. Although I understand the reasoning behind the amendment, what is proposed is already provided for in law. The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 already give the tribunal very wide powers to obtain expert evidence. In addition, paragraph 2 of schedule 2 to the 2006 act enables the tribunal to request and consider a report from a third party. Therefore, I cannot support the amendment, given that what is proposed is already amply provided for in law.

Amendment 490, in the name of Daniel Johnson, would impose an obligation on an owner or occupier of the property in a tenement building to take steps to ensure that utility companies have access to common parts of the tenement for the purpose of maintenance, repair and installation work. Utility companies already have access rights under other legislation. The Electricity Act 1989, sections 17 and 19 of the Tenements (Scotland) Act 2004 and secondary legislation that was made in relation to the 2004 act already provide the framework for access to areas of tenements for maintenance purposes, including access for gas and heating utility companies to install services. Accordingly, I do not believe that the amendment is necessary, and I ask Mr Johnson not to move it.

Mark Griffin: The amendments in the name of my colleague Daniel Johnson are probing amendments that seek to highlight the issue of tenants and owner-occupiers in tenements potentially missing out on the opportunity of the roll-out of superfast broadband across the country and the economic benefits that that will bring. There is a grey area when it comes to maintenance, improvements and upgrades and the definition of a utility, and there is real concern that many tenement owners and tenants, who would really benefit from broadband infrastructure being upgraded, might miss out. Has the Government reflected on whether there is a potential grey area in that respect that needs to be looked at?

Shirley-Anne Somerville: Daniel Johnson's amendment raises an important point about improvements, which Mark Griffin has detailed. The work that I have undertaken to prepare for this meeting suggests that we are in a good place in that regard, but, if Daniel Johnson believes that there are remaining concerns, I am happy to look at that before stage 3 and to speak to him and providers in that area to see whether those concerns are shared.

Work is on-going with the Scottish Law Commission to consider potential reforms to the law on tenement management schemes in the 2004 act, and that work, which will report in spring 2026, might assist with some of those areas. However, if Mr Griffin and Mr Johnson are still concerned about the issue, we are happy to come back to the points that they have raised, whether in relation to superfast broadband or to other areas, because it is exceptionally important that we look at those aspects. I am happy to take the matter away and seek further reassurance.

Although I recognise the intent behind amendment 516, in the name of Meghan Gallacher, to make all new dwellings safer, I cannot support an amendment that seeks to change subordinate legislation without consultation. The Building (Scotland) Regulations 2004, which prevent the installation of combustible external wall cladding systems on relevant buildings, were confirmed in 2022, following consultation the previous year. A formal review process would be needed to support a change in the scope of those regulations, and evidence to support such a change would be essential. The safety case for change and the economic and social impacts require to be understood, quantified and consulted on before an informed decision can be made.

Many will be aware that, as part of our response to the Grenfell tower inquiry phase 2 report, we have committed to a further broad review of standards, and a call for evidence on our current fire safety provisions will be launched this autumn. That will provide an opportunity for the issues that have been raised in Meghan Gallacher's amendments to be considered and for relevant evidence to be gathered. The call for evidence will support us in identifying and prioritising improvements to our fire safety standards, and I believe that that is the correct way of moving forward with the issues that Ms Gallacher has raised in her amendment. Accordingly, I cannot

support the amendment today, but I hope that the on-going consultation will assist with the process.

Meghan Gallacher: The reason for my lodging amendment 516, to which I will speak in due course, was frustration at the slow pace at which we are beginning to deal with buildings with that particular facade and the safety and wellbeing of people who reside in such buildings and are therefore impacted.

As I have said, I will be able to speak to my amendment in a little while, but I will just say that I did want to extend its scope—although I do recognise that that would have made it fall outwith the competency of the bill. We might be talking about housing, but there is clearly an issue with other buildings that have cladding such as hotels, hostels, boarding houses and care homes, to name just a few. Will that issue be part of the consultation? Will we look at the test standard, which has been declared not fit for purpose?

Shirley-Anne Somerville: I will come back to Ms Gallacher in writing about the consultation, but it will be launched this autumn. I am happy to reflect on the points that she has raised and to get back to her once I have had a further opportunity to speak to Paul McLennan, who leads on the issue, about where the drafting of the consultation has got to, and what its scope will be. If she will allow me to come back to her in writing once I have had those discussions, I will be happy to do so.

Amendments 552 and 555, in the name of Jamie Halcro Johnston, seek to restrict policy making in any future attempt to regulate heating systems. The Government's approach has long recognised that there might be a need for secondary heating systems, particularly in rural and island communities, and our approach protects the use of direct-emission secondary heating systems if required. For example, the recent new build heat standard already allows for secondary heating systems of the kind specified in amendment 552. It should be made very clear that a vote against that amendment is not a vote against wood-burning stoves or other secondary heating systems, as the amendment is not needed to protect their use.

The fact is that amendments 552 and 555 are simply unnecessary. My concern with them is that they could tie the hands of future Governments, particularly where there remains scope for technological advancement. That is not appropriate, and therefore I cannot support the amendments.

Jamie Halcro Johnston (Highlands and Islands) (Con): I thank the cabinet secretary for taking an intervention, and I apologise for having to pop out quickly.

Recently, the Government brought in a ban on wood-burning stoves in new-build homes, then, recognising the real concerns of communities, particularly those in my region, immediately reconsidered and withdrew it. Surely that suggests a lack of clarity, which my amendments would provide a bit more of.

Shirley-Anne Somerville: I thank Mr Halcro Johnston for lodging his amendments, because they give me the opportunity to restate the Government's position on the matter, as set out in the regulations that came before the Parliament very recently.

As I have said, the Government absolutely recognises the need for secondary heating systems, particularly but not only in rural and island communities. The reason for not supporting the amendments is that they are unnecessary—it is not a reflection of any change in or diminution of the Government's policy in that area. I absolutely reassure Mr Halcro Johnston on that point.

Amendments 470 to 473, in the name of Pam Duncan-Glancy, would require Scottish ministers, in summary, to publish an accessible homes standard, which would include building and design standards for new-build homes. The amendments would also oblige ministers to publish guidance on the design of housing for varying needs; those obligations would require to be met within two years of commencement, and regular review would be required thereafter.

10:00

I understand and fully support Ms Duncan-Glancy's desire to ensure the accessibility and adaptability of Scotland's homes. Indeed, during the second half of 2023, we consulted on proposals to do just that. Homes have never simply been bricks and mortar; good housing and homes that support our health, wellbeing, life chances and job prospects are integral. Everyone should have a home that brings them those chances and opportunities.

The housing to 2040 strategy committed to developing and introducing an all-tenure Scottish accessible homes standard. We also reaffirmed, within that strategy, our commitment to review the "Housing for Varying Needs" design guide, which, although well regarded and still considered to be a good design benchmark, was produced in 1998. We recognise the urgency of that work, and we remain committed to introducing those changes. The analysis of the responses to the consultation on those matters is now being considered, and it will help inform our next steps.

As a result, the inclusion of amendments 470 and 473 would be premature in advance of full consideration of the feedback from the many

respondents who have submitted their views. I assure Ms Duncan-Glancy that, although I oppose her amendments, it is not because the Scottish Government is not supportive of the principles behind them but because we are giving detailed consideration to the consultation feedback at this point. I assure Ms Duncan-Glancy that that important work will not be delayed, because of our work on the housing emergency, for example, and I look forward to engaging the member as we progress matters.

Ms Duncan-Glancy's amendments 551 and 561 would oblige Scottish ministers to provide a scheme for adaptations to housing that are intended to improve accessibility. The 2006 act already provides a right for a private tenant to carry out work on their house in order to make it

"suitable for the accommodation, welfare or employment of any disabled person"

who lives there. As the legislative basis for adaptations provision already exists, the amendments are not necessary and, indeed, risk creating a confusing regulatory landscape. Furthermore, we plan to undertake a review of the current housing adaptations system, which will make recommendations on how best to improve and streamline that system and how to target resources better. As the scope of the coverage of the 2006 act will be part of that review, I consider the amendments not to be necessary and therefore cannot support them.

In closing, having addressed all the amendments in the group, I ask the committee to vote for amendment 231, in Paul McLennan's name, and I ask other members with amendments in the group not to move or press them. If those amendments are moved or pressed, I ask the committee not to vote for them, for the reasons that I have laid out.

Graham Simpson: The cabinet secretary was not kidding when she said that she was going to speak for some time—she did. I imagine that all the members who have lodged very well-meaning amendments in the group will be slightly disappointed. I counted 31 amendments that were not in the minister's name, and the cabinet secretary has essentially said that she does not support any of them. That is disappointing.

Shirley-Anne Somerville: I appreciate that I have already spoken for some time. I reassure Graham Simpson that I very much support the policy intent behind many of the amendments, but I do not think that they are required. There are other ways to achieve that policy intent. I would like to offer that slight caveat to the point that he has made.

Graham Simpson: I have heard that very clearly. I will say that the tone of the cabinet secretary is slightly more positive than what we have heard before, even during the process of this bill. She is offering to work with people. Members might want to consider cancelling any plans that they have for the summer. The cabinet secretary has offered to have a good number of discussions, so we might want to check our calendars—and check with our other halves to see whether that is appropriate—because we will be extremely busy.

That goes back to something that I predicted last week, which I suspect is about to come true: that stage 3 will be after the summer. Given what has been said, I think that it will have to be, because a number of discussions must be held. Maggie Chapman made the very good point that we ought to work together ahead of stage 3, as I think we will have to do on the various student issues that have been raised previously, so that we get this right.

I will come to my amendments in the group, but my reflection on pretty much all the amendments in it is that the intent behind them is well meaning. People want the quality of accommodation to be driven up, particularly in the rented sector. The cabinet secretary has repeatedly said that the laws are in place and we already have the powers. However, she accepts that something is failing or is not working. During the process of this bill, we need to work to achieve a system that actually works. We need to all pull together on that, and we really have a lot of work to do.

My amendments in the group deal with Awaab's law, which the committee has already looked at—Ms Gallacher could not make it that week, and I was lucky enough to stand in on her behalf in that session. I remind people that Awaab Ishaq died in Rochdale in 2020 and that that highlighted the issue of damp and mould in houses. The death of a child brought that issue to the fore. There is legislation in England but not yet here, and we need to get that right. We are here to protect people—that is what this is about. We need to drive up standards.

Meghan Gallacher: I thank Graham Simpson for filling in for me the week that I was not able to attend the committee. He raises an excellent point that the proposals are, of course, on the back of really tragic circumstances. I am keen to hear more about the other hazards that have been identified in the legislation that has been introduced in England and Wales. Does Graham Simpson want those hazards to be brought into the legislation that we are trying to pass to ensure that we protect people from not only damp and mould but other hazards that could be life-threatening, as we have heard about this morning?

Graham Simpson: Yes, I do, and I would be interested to hear what those other hazards are—I

do not know, but they will be listed somewhere. My focus is on the damp and mould issues, which, as I said, the committee looked at on 18 March. We heard then from Sean Clerkin from the Scottish Tenants Organisation, who called for "proper statutory intervention" that would require accurate information about housing stock, annual inspections and training, so that all employees of private and social landlords can identify damp and mould. He said:

> "For too long, the housing sector has lacked the knowledge and has been totally inadequate in dealing effectively with damp and mould."—[*Official Report*, *Local Government, Housing and Planning Committee*, 18 March 2025; c 9.]

That was a good point. Statutory intervention is required to help to protect tenants against the problems of damp and mould.

I think that it was you, convener, who said earlier that most of us will have had to deal with such problems at some point in our parliamentary careers, or if we have been councillors, as I was previously. When you said that, I reflected on an experience early in my time as an MSP when I had to deal with a case in Motherwell and saw the worst conditions that I have ever seen, in a block of flats that was riddled with damp and mould. The walls were absolutely black, but nothing was being done and those flats were not fit for habitation, but people were living there. The law was not adequate then and it is not adequate now, so we must do something about it, because people should not be living in those conditions in modern Scotland.

Willie Rennie (North East Fife) (LD): Thank you for relaying that example; I have come across others. Too often, local authorities rely on the claim that tenants are not circulating sufficient air within the property. Do we need to provide more evidence about the exact source of mould? The dismissal is leaving tenants in properties that are just uninhabitable.

Graham Simpson: I agree and will come to that, because one of my amendments deals with that very issue.

The minister's amendment 231 will change section 27 of the Housing (Scotland) Act 2001 so that, instead of setting out what "must" be in regulations under that section, it sets out what "may" be in them, and my amendment 231A would change that back to a "must". That would mean that everything in section 27(3) of the 2001 act, including the new terms inserted by amendment 231, would be required to be included in the regulations.

The cabinet secretary has already made that point. If she wants to work with me ahead of stage 3, I will of course do that, but we need to have an end point, and that end point must be that we have laws. She should not assume that something is perfect just because Government drafters have written it if other members have perfectly good ideas or if other people have spotted gaps in what the Government has put forward. None of us is trying to be awkward; we are just trying to improve people's lives.

Amendment 231B is another amendment to amendment 231 and would address the issue raised by Mr Rennie, because it would provide for regulations to include provision on requiring the inspection and approval of repairs to address damp and mould. The convener has a similar amendment, which is amendment 489. When damp and mould are identified in a property, it is easy for someone just to come in, wipe it down, put on a lick of paint and say that it is sorted, when they have not actually sorted it and have not got to the root of the problem, which means that the mould comes back. We need independent assessment and inspection of work, perhaps not in cases of what we might call a light infection but particularly in the worst cases.

Shirley-Anne Somerville: I am particularly keen to work together in this area. I am in no way saying that Government drafting is perfect and, as the minister, I take responsibility for that, because it is for me to sign that off.

In relation to amendment 231, I think that we have the issue covered, but the discussions that we have had so far show that there is still disagreement about whether it is covered. Based on those discussions, I believe that we genuinely want to get to the same point, and I would be happy to work with Mr Simpson on that. If there are gaps, I am absolutely determined to close them before stage 3, because there is no point going through all this work if we do not get as robust a system as possible. I thank Mr Simpson for lodging his amendments so that we can absolutely test the proposals to breaking point to find out whether there are any gaps.

10:15

Graham Simpson: That is very good. I completely believe the cabinet secretary. I think that she is serious about this, and if we can move forward in that spirit, we might get to a point at stage 3 where we all agree on something. That is where we need to be.

When I had my discussions with the cabinet secretary, which are always useful, I mentioned that what sparked my amendments in the area was a discussion that I had with an expert on damp and mould. He is a university professor, who I will not name because I do not have permission to do so. He raised the issue of the bill when I was

on a visit that was completely unrelated to it. He felt that there were gaps and told me that a new international standard for mould treatment has been set by ISO, the International Organization for Standardization. The Scottish Government might not be aware of that, but I can certainly send it the details. If I get permission from that academic, I will put him in contact with the cabinet secretary, because having access to that kind of expertise when we look at bills such as this will help us to get things right.

If there is that international standard for inspection now—which there is—we ought to be aiming for that. We certainly should not be left with the position, as I outlined earlier, where someone can just rub a cloth over something, slap some paint on and say, "Job done," because it is not job done—far from it.

Amendment 443 would require the regulations that are envisaged in the minister's amendment 231 to be laid within six months following the changes to the 2001 act coming into force. The cabinet secretary has already made the point to me that that time period could clash with the election period. I take that point on board, so I will not move amendment 443.

Amendment 444 would require ministers to make regulations that would impose on private landlords the equivalent duties to address damp and mould that apply to social landlords, including a requirement to consult. The equivalent legislation in England will apply only to social landlords, although the UK Government has said that it would like to extend the provisions of Awaab's law to the private rented sector.

The cabinet secretary has rejected all the amendments in the group that are not hers, including that one. She has been very mean in this particular group. We cannot leave the private sector untouched if we are looking at these issues. In the spirit in which I always work, I will work with the cabinet secretary on the issue ahead of stage 3, but she needs to be clear about what the end point is. It cannot be her saying, "The rules are there, Mr Simpson. Don't worry about it," because that is not good enough.

Shirley-Anne Somerville: I will briefly summarise. The Scottish Government is absolutely determined to bring forward Awaab's law in the social rented sector and the private rented sector. The ways of doing it are different for those two sectors because of the legislation, but the end point for them is absolutely the same. I am happy to work with Mr Simpson on that in the run-up to stage 3.

Graham Simpson: That is good. I am encouraged to hear that.

Finally, my amendment 446 would just apply the affirmative procedure to the regulations that are proposed in amendment 444.

I shall leave it there, because I, too, have spoken at some length. I feel very strongly about this area, but I can see from looking around that everybody feels strongly about it, so I will end my remarks there.

The Convener: There is certainly a strength of feeling. I think that we will all be opening our diaries to find some dates over the summer so that we can work together on the issue.

I call Mark Griffin to speak to amendment 221 and other amendments in the group. I understand that Mark will also speak to Daniel Johnson's and Pam Duncan-Glancy's amendments.

Mark Griffin: That is right. I hope that colleagues will bear with me as I cover my amendments and those of two of my colleagues.

Amendment 221 replicates Awaab's law for RSLs in Scotland and would give ministers the power to create regulations that entitle tenants to have repairs carried out to remedy hazards. Amendment 222 replicates Awaab's law for private landlords.

I am aware that the Government and I have lodged similar amendments in that area. I am also aware that the legislative landscape in Scotland differs from that in the rest of the UK in relation to the obligations that are placed on social landlords to deal with potentially unsafe homes. My concern is that the repairs that are currently required by policy in Scotland should have the force of primary legislation and that, through regulations, ministers should make clear what an acceptable timescale for repairs is.

I am happy to work with the Government to ensure that stringent and enforceable timescales are set out in legislation. That is also the case for my amendment 222, which seeks to make sure that the obligations on the public sector to ensure that hazards in homes are repaired quickly are placed on landlords in the private sector. That forms part of our commitment to balancing the interests of tenants, who deserve to live in warm, safe and affordable homes, and of their landlords, who should be able to guarantee safe homes that do not put tenants and their children in danger of illness in exchange for a fair rent.

My priority in lodging amendment 222 is to ensure that landlords and housing associations define hazards that are to be fixed in the broadest sense possible, and that those hazards are fixed as quickly as possible. Awaab Ishak's tragic death should never have happened. Although I appreciate that organisations such as the Scottish Federation of Housing Associations have

reassured me that the more stringent policy regime in Scotland makes such a case more unlikely, I am brought cases as an MSP that have too many similarities to Awaab's for me to be entirely comfortable with the status quo. We have discussed the issue many times. Many MSPs have the same constituency casework relating to damp and mould, and the issue is a huge concern for us.

Given what the cabinet secretary has said, I am satisfied that the Government and I—and, in fact, all members of the committee—are in the same place. I am therefore happy not to move my amendments today on the understanding that there will be further discussions between stages 2 and 3.

However, as the cabinet secretary pointed out, there is a problem between policy intention and delivery. We are still getting cases of horrific damp and mould in properties, which are affecting tenants and their children, and, in response to complaints, they are still often being told that it is their own fault. That is entirely unacceptable, and I absolutely hope that the Government will make good on its commitment to address the issue. On that note, I do not plan to move amendments 221 and 222.

I will comment briefly on amendments 249 and 490 in the name of my colleague Daniel Johnson. Amendment 249 would streamline the process for withholding rent in the event of a failure to remedy serious repairs, including window defects, central heating defects, water ingress and leaks. It provides that, if the First-tier Tribunal has determined that the landlord has failed to comply with the duty to meet the repairing standard, the tenant may withhold rent until remedial works are completed.

That would apply solely to properties to which the repairing standard applies and, therefore, not to Scottish secure tenancies. The amendment also provides that, where the tenant has withheld rent under this section, that is not considered as rent arrears for the purposes of the eviction grounds in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

I take on board what the cabinet secretary has said. Daniel Johnson has lodged amendments 249 and 490 as probing amendments to get the debate on the record and to get the cabinet secretary's assurance on that point.

Amendment 490 states:

"An owner or occupier of a property in a tenement building must take steps (including, where necessary, notifying other owners and occupiers) to ensure that utility companies have access to any common part of the tenement building for the purposes of maintenance, repair or installation work."

The key point here is the installation work. Daniel Johnson wishes to probe the Government and push it to consider the definition of "utilities" and whether it covers telecommunications, as I mentioned in my intervention on the cabinet secretary earlier. We have been approached by BT Openreach, which has a real concern that owner-occupiers and tenants who live in tenemented buildings are at real risk of missing out on the superfast broadband roll-out due to the restriction on access to carry out installations in common areas of tenement buildings.

I am reassured by the Government's response that it will look at the issue more closely. I recommend that the Government starts a discussion with Openreach to see whether there is a way to reassure the organisation that there will not be a barrier to the roll-out of superfast broadband, particularly to tenemented buildings and buildings that share common areas.

Maggie Chapman: I appreciate that you are speaking to another member's amendment, but do you agree with the concern that I raised about tenants having, under amendment 490, a default responsibility to be present at their property to allow people access? Surely ensuring that the property is accessible should be the landlord's job. Does he agree with that concern about the amendment?

Mark Griffin: I apologise, Ms Chapman. I meant to cover that point. Absolutely. These are probing amendments for the purpose of having a debate about ensuring that we are not at risk of excluding tenemented buildings and common areas from the superfast broadband roll-out. Daniel Johnson has no intention of moving the amendment. It is simply to get that point on the record and to obtain recognition from the Government that we need to consider that issue.

Your concerns are valid. If the amendment was to come back at stage 3, I am sure that Mr Johnson would address that point; however, he probably has no intention of bringing it back at stage 3. The purpose of the amendment is purely to get the debate on the record and to start that dialogue between the Government and Openreach. I appreciate the points that you have raised.

Finally, I will cover my colleague Pam Duncan-Glancy's amendments. She has helpfully provided more detailed notes. In Scotland's 2022 census, around 24.1 per cent of the population reported having a disability. That percentage reflects a significant increase on previous years and highlights the growing need for inclusive policies and support to ensure that disabled people can participate in society and lead an ordinary life. That figure is even higher in Ms Duncan-Glancy's region of Glasgow. In the 2022 census, 26 per

cent of Glasgow residents reported having a disability, meaning that Glasgow has the highest proportion of disabled people among the major Scottish cities.

Furthermore, Scotland, like many developed countries, has an ageing population. The number of over-75s is projected to increase by 70 per cent by 2045, from about 460,000 in 2020 to more than 780,000. All that highlights the need to introduce policies that are fit for the future, including ensuring that housing is fit for the future.

10:30

However, the reality is that a large proportion of Scotland's existing housing stock does not work for people with reduced mobility or with care needs. In 2021, more than 100,000 people in Scotland were on waiting lists for accessible social housing. It is difficult to obtain specific figures detailing the number of individuals waiting for accessible social housing in Glasgow, but figures from the four housing associations in the city that responded to a recent freedom of information request show that 1,395 people are on waiting lists for ground-floor properties. More than 60 housing associations and housing co-operatives operate across Glasgow, so the figure will undoubtedly be far higher. Furthermore, the figure applies to only one type of adaptation.

Scotland faces significant challenges in meeting the demand for the adaptations that are essential to allow disabled people to remain in their own homes. That is key to maintaining independence, which has a knock-on effect on health and wellbeing. Projected changes in Scotland's demographics mean that it is more important than ever to ensure that people have accessible and adaptable homes available to them, which is why Ms Duncan-Glancy lodged this suite of amendments.

Amendment 470 deals with the accessible homes standard. In its "Housing to 2040" document, the Scottish Government committed to introducing the Scottish accessible homes standard for all new homes. The standard was to be implemented through changes to building standards in guidance from 2025-26. However, the Government has delayed its introduction. In a ministerial statement, delivered in late 2024, the minister announced that legislation to implement the standard would be rescheduled.

Instead of introducing that legislation in 2025, the Government plans to launch a public consultation, which is particularly concerning given the increase in demand for accessible housing. The Government has indicated that the forthcoming consultation will inform the development of the standard, with a phased introduction anticipated between 2025 and 2030. People across the country, particularly disabled people, are fed up of continually being asked to participate in consultations that do not necessarily result in the action that they want to see. Disabled people and their representative organisations were actively consulted during the development of the housing to 2040 strategy and now want to see change. More important, they are absolutely fed up of being stuck in inaccessible housing.

Amendment 470 would compel ministers to create an accessible homes standard that all house builders must adhere to when designing and building homes across all tenures and would require that standard to be introduced no later than two years from when the bill comes into force. The purpose of the amendment is to guarantee progress on previous commitments, because the Government has been slow to act, and it would improve the accessibility and adaptability of new-build homes by ensuring that they are suitable for people of all ages and abilities.

Amendment 471 deals with the review of the Scottish accessible homes standard. Because of Scotland's population will undergo further demographic shifts in the coming years, and because of the pace of change in the technology that supports people to live in their own homes, it is important that the standard is updated. This amendment follows on from amendment 470 and would ensure that the standard is reviewed, giving scope for it to be updated as building techniques and demand change. Amendment 471 would also ensure that disabled people and interested groups would be consulted during the review process and that any updated standard can be scrutinised by the Scottish Parliament.

The "Housing for Varying Needs: a design guide" publication was originally published in 1998 but is yet to be formally updated more than 25 years after its introduction. Although a review of part 1 of the guide, which focuses on the design of self-contained houses and flats, was initiated in 2023, the Government has yet to publish the outcome of that consultation or to formally update the design guide. Scotland's demographic has undergone significant change since 1998 and the existing design guide predates those changes. It is also not fully aligned with current expectations about accessibility or with technological advances, is inconsistent across tenures and is poorly aligned with modern building standards.

Amendment 472 would mandate ministers to publish, within two years of the bill's passage, guidance on the design of housing that is accessible for people with a range of needs. The purpose of the amendment is to bring current guidance up to date and ensure that it reflects the

ever-changing needs of Scotland's diverse population. It will clarify what developers should consider when building homes.

Amendment 473 follows on from amendment 472 and would ensure that any guidance that is produced is reviewed as the demographic continues to shift and developments are made in building techniques and resource availability. Its purpose is to ensure that the current situation—the existing guidance is now more than 25 years out of date—is avoided.

Amendment 551 would require the Scottish ministers to introduce a scheme to provide housing adaptations that improve accessibility, as recommended by the UK Collaborative Centre for Housing Evidence. The scheme would be tenure neutral and integrate adaptations into planned repair, maintenance and update programmes. It would also include a mechanism for evaluating the adaptations process, to inform future strategy and resource allocation. The purpose of the amendment is to make it easier for people to access and navigate the adaptations process, and to allow people to remain in their own homes.

That covers all the amendments in the name of Pam Duncan-Glancy. Ms Duncan-Glancy is appreciative of discussions with the cabinet secretary and the assurances from the Government to work on those issues in advance of stage 3, and does not plan to move her amendments in the group. However, she wanted to put them on record together with the issues that disabled people face in accessing homes that meet their needs.

Emma Roddick: My amendment 444A is a simple amendment to Graham Simpson's amendment 444, which I was glad to see. Should his amendment pass, a compensatory payment will need to be made available, so my amendment requires that future regulations that the Government brings in should provide a process for the making of such compensatory payments.

I agree with Graham Simpson's comments. If tenants are left with serious repair issues that have not been seen to, they often suffer from extra hidden costs as well as having to continue to pay their rent despite the substandard state of the property that they are renting. That does not just create understandable resentment on the part of the tenant; it can be a factor in their feeling that they have to move somewhere else. Even if that place is not more expensive, moving costs are significant. In the worst cases, living with the repairs that need to be made can damage health, wellbeing and future work capacity, and pose a risk to life.

Graham Simpson: I am not planning to move amendment 444, given the cabinet secretary's positive comments about working ahead of stage 3. Emma Roddick will have heard what I think should happen—which is that a group of MSPs should get together to explore those issues. Would she be interested in taking part in that?

Emma Roddick: Yes, absolutely. Graham Simpson has guessed what my next comments will be. Overall, work needs to be done. I am happy to have those conversations with the cabinet secretary alongside Graham Simpson and other members. I agree that we should be working together. It seems that there is rare and strong consensus on the issue.

Mark Griffin, too, was right. I have the casework that he describes. Apart from the fact that the cause is often nothing to do with what the tenant is up to, there is no explaining to tenants who cannot afford to pay their heating bills that the landlord expects them to keep their windows open more of the time.

The issues that were raised by Ariane Burgess's and Daniel Johnson's amendments also deserve attention. Tenants should have a right to withhold rent in cases in which serious repairs are not being seen to, and landlords do not have a justification for raising their rent while that is the state of the property.

Paul Sweeney (Glasgow) (Lab): I thank colleagues who have spoken so eloquently about their respective amendments so far. I am here primarily to speak to amendment 477. The intention behind it, as the minister suggested, is to address long-term dilapidation in privately let property.

The synopsis of the amendment is that, if a property in private let is deemed to be substandard by failing to meet the repairing standard or the tolerable standard for a period of longer than 12 months, the tenant would have a right in statute to apply to the local authority to initiate a compulsory purchase order process or an escalation to a compulsory purchase order for the property and, therefore, to transfer it to an appropriate local registered social landlord, whether that be the local authority itself or a third-party housing association. The Scottish Government could underwrite that procedure and recover the costs of the purchase over a reasonable period—for example, 25 years from the receiving social landlord's taking ownership of the property—which would have the effect of making the policy effectively cost neutral for the Government. It would allow for established best practice of using CPOs to take over long-term vacant housing stock to be expanded to housing stock that is in generally poor condition, although habitable—which already happens in Glasgow in areas such as Govanhill—and for the approach to be accelerated and scaled up.

Glasgow has been at the forefront of using CPOs to tackle problems of long-term vacant properties, which has increased affordable housing supply and ensured the upkeep of pre-1919 tenements, of which there are around 70,000 in the city, with an estimated repair backlog of £3 billion. The CPO process has been a way of responding to the blight that has been caused by derelict, abandoned flats and homes that have been left vacant for a variety of reasons, or properties that have previously been let out but are now below the tolerable standard.

Glasgow's promotion of CPOs has sent a message that the local authority is active in taking steps against private landlords or other individuals who fail to address problems with their property. Although that is a last-resort measure, 52 homes across Glasgow have been pursued for compulsory purchases since 2019, and 34 of those processes have been concluded. In the other cases, 13 owners opted to sell voluntarily to housing associations, and a further two properties were sold to or occupied by family members, which means that the planned CPOs were not continued. In all cases to date in which the CPOs have been confirmed, once Glasgow City Council has invested in the property, it has entered into a back-to-back agreement with a local community-based housing association, which has carried out the necessary repair works to bring the property up to a tolerable standard and back into active use in order to provide affordable housing for those who need it. Given the housing emergency in the city, the need is particularly acute.

Some of the properties that have been targeted have been lying empty for more than 14 years, while other properties have been designated as being below the tolerable standard for more than five years. All those empty properties, because they are generally tenement stock, create environmental blight and affect neighbours and the wider community. The benefit that is derived from bringing those and other homes back into use is significant, particularly for tenants and owners who live in close proximity and have suffered as a direct consequence of abandonment.

However, given budgetary constraints, there is a limit on how much any local authority can achieve through CPOs alone. The steps in making and obtaining CPOs are complex, time consuming, costly and resource intensive. In Glasgow's case, they are also dependent on establishing a partnership with a housing association, because the city does not itself manage social housing. The housing association must be willing to take on the property after the council purchases it, because, without that, there is a risk that the council would be paying money to acquire assets, which would cost further sums to repair and still be left on the council balance sheet.

Even with back-to-back purchases, the cost and resource implications of seeing CPO cases through to confirmation limits the number of CPOs that the council can promote. The council has indicated that its preference would be to expand the process to compulsory sales orders, which I know that the Government has been considering. The officers of Glasgow City Council consider that that could address the situation relating to up to half of the long-term empty homes in Glasgow. However, that is not on the horizon—indeed, I do not believe that the Government has published timescales for that—and the bill provides us with an opportunity to put in place a potential remedy that would create a proper demand signal and a system of escalation in statute.

Shirley-Anne Somerville: I thank the member for the interesting conversations that we have had on the matter. I reassure him that, as I understand it, a consultation on CPOs will start in September this year—I will get back to the member on the timing if I have not quite remembered it correctly.

The member has raised an interesting point about how the approach can go further, whether through compulsory sales orders or compulsory leasing orders, which have been discussed in other areas when we have looked at ways of tackling the housing emergency. All that is of interest to the Government.

I very much agree with the member that, although Glasgow has been at the forefront of using CPOs—indeed, a lot of local authorities can learn from what it has been doing—we can clearly do more in that area.

I am keen to work with Mr Sweeney on some of the points that have been raised in this discussion. I am not sure that the issue requires legislation, but his points about the best use of the current housing stock, and particularly about growing that housing stock, are exceptionally telling regarding his interest in Glasgow and will also have benefits further afield. I am keen to carry on discussions about what more can be done.

10:45

Paul Sweeney: I appreciate the cabinet secretary's points. I said that 52 CPOs have been pursued by Glasgow City Council, of which 34 have been concluded, but there are more than 1,600 long-term empty homes in the city, which gives an idea of the scale of the issue and of the power and bandwidth that are needed in order to tackle it. I welcome the opportunity to continue the discussion about how we might achieve the optimum approach to giving local authorities greater powers, codifying as best practice what Glasgow is already doing and expanding

Glasgow's capacity, as well as that of other local authorities.

Where I disagree with the cabinet secretary is that I think that there could be benefit in including that in the bill. There is an analogy with listed buildings. Sections 42 and 43 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 created a mechanism known as the listed buildings repairs notice, which is analogous to a repairing works notice for any residential property. The notice creates an escalation procedure towards a compulsory purchase order.

The explanatory note that was published by Angus Council says:

"The local authority can serve a notice on the owner of a listed building specifying works it considers reasonably necessary for the proper preservation of the building. It is appropriate for consideration when a building is neglected and the need for permanent repair accumulates to the point there is potential for serious harm. If after a period of not less than two months, it appears reasonable steps are not being taken for its proper preservation, the local authority can begin compulsory purchase proceedings. The Council can acquire a listed building that is not being properly conserved if this will facilitate its repair either by the Council or through an appropriate repairing owner to which it is subsequently passed."

I feel that there is a similarity of intent there. That is a statutory measure that councils can exercise—they do not do so often enough, but that is another story—and I think that there should be a similar mechanism for inhabited residential property, so that we can create a formalised system of escalation through the repairing works notices that are already in place, culminating in a compulsory purchase order. Perhaps that could be achieved through an amendment to the wording.

Shirley-Anne Somerville: Mr Sweeney raised that with me in our discussions. Given that it is only a few days since we had that discussion, I have not had time to take advice on the particular details, but I reassure him that I am seeking further advice to see whether we could work together on something for stage 3. I will be happy to get back to the member once I have received that advice.

Paul Sweeney: I appreciate the cabinet secretary's comments. There is a really good system in Glasgow—albeit not one that has worked at a scale sufficient to address the housing emergency in the city—and there could be an opportunity to codify that in the bill, giving local authorities the confidence to create a more sophisticated system. That could perhaps be underpinned by Government investment to supercharge the opportunity to use CPOs at scale. I know that the Government is looking at a law reform procedure for CPOs, and this might tie in with that. There is an opportunity to use the bill to do something positive to address the housing emergency in Glasgow and elsewhere.

The Convener: We have been sitting here for quite a long time. I am going to call Meghan Gallacher, then Jamie Halcro Johnston and other members before bringing in Maggie Chapman to wind up before we go to a break.

I call Meghan Gallacher to speak to amendment 516 and other amendments in the group.

Meghan Gallacher: My amendment 516 deals with cladding issues. On 1 June 2022, Parliament introduced legislation to ban combustible façade materials from being used on the outside of residential and high-risk buildings of 11m or more in height. However, the Building (Scotland) Regulations 2022 omitted certain key buildings, namely hotels and office buildings. That contrasts with legislation in England, where the ban on combustible materials was extended in December 2022 to include hotels, hostels, boarding houses, care homes and other buildings of that nature.

High-risk buildings under 11m in height sit outside the ban—including schools and hospitals, which means that such buildings can still be constructed or retrofitted with combustible cladding and insulation. We know that there are issues with the standard for testing—BS 8414—which has been widely criticised as being not fit for purpose. However, that is still the test standard that we use in Scotland with regard to buildings that could have combustible façade materials.

Rightly, the Scottish Government acknowledged the limitations of the system testing when it introduced the initial ban. However, given what we have seen in minutes from the building and fire safety ministerial working group, such testing appears to continue to underpin the Scottish Government's approach on external wall products. We need clarification on the Government's position on the matter and whether it accepts the serious risk that is associated with the use of combustible façade materials that pass a systems test, because it seems evident that we should not necessarily have confidence in that testing system or continue to use it. We should be working UK-wide to find a solution that we can bring forward in Scotland.

I note that my amendment relates to dwellings; I wanted to extend the margins of the amendment to include other buildings that are at high risk with regard to the use of combustible façade materials but was advised that that was outwith the scope of the bill. However, I believe that everything is interlinked, and I will explain why.

Hotels primarily provide members of the public with a place to sleep. They therefore serve a purpose like that of residential and domestic properties. Office buildings have also been

excluded from the ban, despite high occupancy and a growing interest in converting such buildings for residential use.

Shirley-Anne Somerville: I hope that Meghan Gallacher will be reassured that, although it is not a housing issue, there has been a recent consultation on extending the current provisions on combustible cladding to hotels and similar premises. The consultation closed on 7 March and the responses to it are currently being analysed, and the outcomes will be confirmed in the autumn. I hope that that picks up the point outwith housing, which is being looked at in that consultation. I am sure that relevant ministers will keep Ms Gallacher informed of that consultation and the Government's response in due course.

Meghan Gallacher: I accept that. We have had the Minister for Housing at committee on that exact issue. My concern is that we are moving significantly more slowly than our UK counterparts. That needs to be reflected on. In particular, England, as I referenced, has included as part of the ban the buildings that I referenced. We should move towards that at pace.

I understand that there is a consultation, that the responses are being analysed and that we will probably have an update in due course. However, as things stand, any such building being retrofitted, renovated or built can still have that particular building material placed on it. We need to recognise that, particularly if a ban is to be put in place and we have to look at those buildings again.

I believe that there is an issue with schools and hospitals. Although I am not talking about dwellings in terms of housing, all is encompassed in the overall cladding strategy that we need to move forward on and deal with. I do not intend to move amendment 516 today—the cabinet secretary will probably be pleased to hear that—but I have put those issues on the record. The reason for lodging the amendment was to raise the issue of cladding and the urgency of dealing with issues of combustible façade materials.

I will pick up on a couple of the other amendments in the group, convener—I understand that you want to wrap up fairly quickly, but I need to raise concerns about amendments 249, 385, 538 and 539. A number of amendments in the group involve potentially heavy penalties if a landlord fails to maintain a property to what is perceived to be an acceptable standard. I believe that that plays into a wider issue.

Scottish Land & Estates has raised concerns with the minister about a key flaw in the bill, which is that who the relevant landlord is when it comes to the provision of information is not clearly defined. Although the minister's amendments 303, 304 and 313 sought to address that, they have not resolved the ambiguity around who the person responsible is when a tenant is also a landlord and the head landlord is at arm's length from the tenancy agreement. It is clear how quickly the complexities can expand. That confusion affects compliance with wider housing regulation, including that on landlord registration and repairing standards.

I understand that SLE has proposed a fix via a clearer definition in the Antisocial Behaviour etc (Scotland) Act 2004, which would bring consistency across housing regulations, provide clarity in relation to compliance, reduce the likelihood of disputes and delays to repairs, and provide clarity on who is responsible for enforcement.

We need to be careful about the amendments in this group. Although they are well intentioned, it is wrongly assumed that the necessary clarity already exists. Given that failing to meet the repairing standard can, ultimately, lead to a criminal offence, surely it is only right that landlords are given clear guidance on what they must comply with. Will the cabinet secretary and the minister commit to lodging further amendments at stage 3 that would deliver that clarity? I would be more than happy to work with the cabinet secretary on that.

Shirley-Anne Somerville: Meghan Gallacher raises an issue that SLE has raised directly with the minister. He has offered to work with others to see whether something can be done on the issue before stage 3. It is a very complex issue—Meghan Gallacher has just laid out but one example of that—which requires careful consideration and, potentially, multiple changes in multiple pieces of law. That is why the minister is keen to carry on that conversation with SLE. We would, of course, be happy to discuss the matter directly with Meghan Gallacher as well.

Meghan Gallacher: I greatly appreciate the clarity that the cabinet secretary has provided on that, which will reassure those who are concerned about the nature of the Government's amendments, as opposed to the intent behind them. Given the complexities and the potential for knock-on effects elsewhere, we need to make sure that we look at the issue in the round. That is relevant in relation to Awaab's law and the amendments to legislation that are required in that regard. We must make sure that the scope of the amendments is correct and that matters such as other hazards and the need to consult the private rented sector are encompassed. We must look at all those issues in the round, and I very much look forward to taking part in those conversations.

Jamie Halcro Johnston: Members will be delighted to hear that I will focus only on my

amendments 552 and 555, which are particularly pertinent to my Highlands and Islands region.

I was pleased to lead opposition in the Parliament to the Scottish Government's ban on wood-burning stoves in new-build homes in Scotland. We held a members' business debate on the issue, which was supported by MSPs from across the Parliament, bar those from one party. In that debate, we recognised the importance of wood-burning stoves to households in the rural and island communities across the Highlands and Islands that I represent, especially in emergencies or when power is lost, as is too often the case.

Another issue that was highlighted repeatedly in that debate was the role that wood-burning stoves can play in helping to alleviate some of the worst impacts of fuel poverty for households. Again, that is an issue particularly in the northern isles, where I live, where fuel poverty rates are far too high.

I was very pleased when we forced or encouraged the Scottish Government to look again at the issue and to U-turn on what was a potentially impactful and dangerous ban, especially for my region. However, there remains the risk that such a ban could be reintroduced. My amendments would mean that, when ministers consider the regulation of direct emission heating systems that provide secondary heating, such as wood-burning stoves or other forms of emergency heating, there should be a presumption in favour of allowing those heating systems to be installed in any dwellings in remote rural and island areas.

I believe that my amendments would give my constituents and others who live in such communities, especially in the Highlands and Islands, the reassurance of knowing that, when the power goes out or their mains heating breaks, they will not be left in the cold.

11:00

The Convener: I invite Maggie Chapman to wind up and to press or withdraw amendment 257.

Maggie Chapman: This has been a thorough and wide-ranging but productive discussion. I have listened carefully to the cabinet secretary and to MSP colleagues. There is clear cross-party agreement on the need to improve the quality of homes, regardless of what sector they are in. Our homes are the foundation of our health and wellbeing, and, too often, they make renters ill. Poor-quality homes can have direct physical health consequences—we have heard about the effects of homes that have mould and damp—but they can also have negative impacts on mental health, confidence and so much more, as Emma Roddick and others have highlighted.

I cannot see a justification for different approaches to be taken to the private rented sector and the social rented sector. Quality matters, regardless of tenure and sector. There is clearly a need for people such as migrant agricultural workers to have healthy, decent places to live in, too, so I am grateful that that issue has been aired. It is one that I have come across repeatedly in the North East Scotland region.

Despite the cabinet secretary's assurances, I remain unconvinced that the current systems for ensuring quality are working. If they were working well, we would not see the levels of failure to meet the standards that we see. We need to have better and more unified standards, proper checks on properties, penalties where those are not being met and timescales for substandard properties to be remedied. The amendments from the Greens and others would help us to move towards that.

Like Graham Simpson, I am not trying to be awkward, but because these issues are of such grave importance to renters and their advocacy groups, I will press amendment 257.

The Convener: The question is, that amendment 257 be agreed to. Are we agreed?

Members: No.

For
Burgess, Ariane (Highlands and Islands) (Green)
Griffin, Mark (Central Scotland) (Lab)

Against
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 257 disagreed to.

The Convener: As I mentioned earlier, we will now have a 10-minute break.

11:02

Meeting suspended.

11:13

On resuming—

The Convener: Welcome back. We will now dispose of a good few amendments.

Amendment 565 not moved.

Amendment 335 moved—[Shirley-Anne Somerville]—and agreed to.

Amendment 65 not moved.

Amendment 220 moved—[Alexander Stewart].

The Convener: The question is, that amendment 220 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Gallacher, Meghan (Central Scotland) (Con)
Griffin, Mark (Central Scotland) (Lab)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 220 agreed to.

11:15

Amendment 36 not moved.

Amendments 336 to 338 moved—[Shirley-Anne Somerville]—and agreed to.

The Convener: Amendment 138, in the name of Emma Roddick, has already been debated with amendment 218. I remind members that amendments 138 and 161 are direct alternatives but can both be moved and decided on. The text of whichever amendment is the last to be agreed to is what will appear in the bill.

Amendments 138 and 161 not moved.

Amendments 339 and 340 moved—[Shirley-Anne Somerville]—and agreed to.

Amendment 201 not moved.

Amendments 341 and 342 moved—[Shirley-Anne Somerville]—and agreed to.

Amendment 494 moved—[Maggie Chapman].

The Convener: The question is, that amendment 494 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Griffin, Mark (Central Scotland) (Lab)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 494 disagreed to.

Amendments 343 and 344 moved—[Shirley-Anne Somerville]—and agreed to.

Amendment 495 moved—[Maggie Chapman].

The Convener: The question is, that amendment 495 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Griffin, Mark (Central Scotland) (Lab)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 495 disagreed to.

Amendment 345 moved—[Shirley-Anne Somerville]—and agreed to.

Amendment 496 moved—[Maggie Chapman].

The Convener: The question is, that amendment 496 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Griffin, Mark (Central Scotland) (Lab)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 496 disagreed to.

Amendments 139 and 238 not moved.

Amendments 346 and 347 moved—[Shirley-Anne Somerville]—and agreed to.

Amendment 497 moved—[Maggie Chapman].

The Convener: The question is, that amendment 497 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Griffin, Mark (Central Scotland) (Lab)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 497 disagreed to.

Amendment 348 moved—[Shirley-Anne Somerville]—and agreed to.

Amendment 498 moved—[Maggie Chapman].

The Convener: The question is, that amendment 498 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Griffin, Mark (Central Scotland) (Lab)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 498 disagreed to.

Amendment 349 moved—[Shirley-Anne Somerville]—and agreed to.

Amendment 499 moved—[Maggie Chapman].

The Convener: The question is, that amendment 499 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Griffin, Mark (Central Scotland) (Lab)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 499 disagreed to.

Amendments 140 and 239 not moved.

The Convener: I remind members that, due to pre-emption, if amendment 37 is agreed to, I cannot call amendments 162, 202, 350, 351, 240 and 352, which were debated in the groups named "Rent control areas: amount of rent cap" and "Rent increase procedure".

Amendment 37 not moved.

Amendments 162 and 202 not moved.

Amendments 350 and 351 moved—[Shirley-Anne Somerville]—and agreed to.

Amendment 240 not moved.

Amendment 352 moved—[Shirley-Anne Somerville]—and agreed to.

Amendments 38 to 41 not moved.

Amendment 353 moved—[Shirley-Anne Somerville]—and agreed to.

Amendments 42, 43 and 66 to 68 not moved.

Amendment 114 moved—[Meghan Gallacher].

The Convener: The question is, that amendment 114 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Burgess, Ariane (Highlands and Islands) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 114 disagreed to.

Section 19, as amended, agreed to.

11:30

Section 20—Prospective landlords' duty to include information about rent in advertisements

The Convener: The next group relates to "Information to tenants". Amendment 354, in the name of the minister, is grouped with amendments 355 to 361, 422, 247, 273, 248 and 274.

Shirley-Anne Somerville: In a rent control area, a landlord will be prevented from increasing the rent under a private residential tenancy for the property more than once in a 12-month period, even if a new tenancy is granted in that time. Accordingly, tenants who are considering entering into a lease in a rent control area should have the information that they need to make informed decisions about renting a property. Therefore, the Scottish Government has lodged amendments 354 to 361 in relation to information that landlords

must include in rental adverts for properties in rent control areas, unless those properties are exempt from rent control.

Together, amendments 355 and 358 will ensure that information about rent increases in the previous 12-month period and the most recent rent payable for the property is available to tenants who are looking to rent in a rent control area. That will help tenants to understand the earliest date on which the rent can be increased, which is an essential part of ensuring that the rent is applied correctly between tenancies. Amendment 360 will help a landlord to understand whether a previous rent increase is a relevant rent increase for the purposes of these advertisement requirements. That will also support the provision of the correct information in adverts.

Amendments 356, 357 and 359 require the advert to highlight to prospective tenants that the rent at the start of the lease may be different from the rent specified in the advert if there is a variation in the percentage change in the consumer prices index before the start of the lease. That change is necessary as a consequence of the amendments to set out a CPI-based rent cap formula in the bill, which were debated in group 5. These amendments will enhance the effective operation of the rent control measures in the bill and will ensure that tenants have the information that they need in order to exercise their rights and make informed decisions about taking on a tenancy.

Amendment 422, in the name of Mark Griffin, would require the provision of an inventory to all tenants before a tenancy commences. The provision of inventories is already common practice in the private rented sector, and, in instances in which a letting agent deals with a tenancy check-in, it is a requirement under the code of practice unless otherwise agreed in writing with the landlord. The Scottish Government's easy-read notes, which must accompany the PRT model tenancy agreement, encourage landlords and tenants to create a detailed written inventory and schedule of condition at tenancy commencement. Therefore, the need for a statutory requirement is unclear. In addition, although it is in the best interests of tenants and landlords for an inventory to be completed, there would be difficulties involved in enforcing any mandatory requirement. I therefore ask the member not to move the amendment

Amendments 247 and 248, in the name of Daniel Johnson, would require private landlords, under a private residential tenancy, and social landlords, under a social tenancy, to provide tenants with information on the rent that is payable in each of the previous 36 months. Although I recognise the calls for improved data on rent to be made available, these amendments are not necessary. For the private rented sector, information on the previous rent payable is required by tenants only where a rent control area is in place and would be unnecessary for other tenants. We have already made provision, as part of rent control measures and through our own amendments, to ensure that tenants have the information that they need to know, such as when the first rent increase might take place. That will allow people to consider whether they want to take a tenancy on.

Where a tenancy is not in a rent control area, increases in rent are restricted to once in a 12-month period, and my amendments would prevent rent increases within the first 12 months of the tenancy. In addition, section 11 of the 2016 act already allows ministers to impose a duty on landlords or prospective landlords to provide the tenant with information as specified in regulations, should that be required in the future.

In the social rented sector, information on rents is already publicly available to tenants and prospective tenants on the Scottish Housing Regulator's website, through its landlord comparison tool. That enables a tenant or anyone with an interest to check the average rent of different sizes of landlords' homes from 2014-15 onwards. Information on the regulator's annual reports for each landlord also includes the average percentage increase in weekly rent for each year. Social rented sector tenants also have a right, under the 2001 act, to request information on their landlord's policy and procedure in relation to the setting of rent and other charges, and the landlord has to provide that.

Therefore, amendments 247 and 248 are not required, and I ask the member not to press them.

Amendment 273, in the name of Maggie Chapman, seeks to introduce additional information that a landlord must provide to tenants alongside their written terms of tenancy before the day on which a new tenancy commences. I agree that it is vital that tenants are aware of and empowered to utilise their rights, including having access to relevant information that may affect their tenancy. Existing statutory requirements require specified information to be provided by the landlord free of charge to tenants at the point at which their tenancy commences. In addition, existing regulation-making powers in the 2016 act enable ministers to set out further information that must be provided by a landlord to a tenant. In my view, it is more appropriate to use those existing powers than to insert new requirements in the bill.

Maggie Chapman: I hear what the cabinet secretary says about the existing powers and the guidance that we have, but it has become very clear that many tenants do not know the full range

of their rights and that landlords are not providing them with the information that, as you indicate, they should provide according to the 2016 act and other requirements. What does the Scottish Government intend to do to strengthen those provisions and ensure that landlords comply?

Shirley-Anne Somerville: Without putting further pressure on the work on repairing standards that we are about to do over the summer, an important outcome of that work will be clarity on whether changes are required in primary or secondary legislation or whether, as we have spoken about, things can be done using non-legislative measures such as improving people's knowledge of their rights. We need to think about what it is more important and useful to have in secondary legislation, which, as Maggie Chapman knows, is much easier to change—to add to or to take away from—over time, as circumstances, events and requirements change depending on what happens. That is why, for such aspects, I would suggest that secondary legislation is a more appropriate mechanism.

Alongside that, our current consultation includes consideration of the information that landlords should be required to give to tenants in situations where the property is exempt from rent control or where an increase above the level of the rent cap is permitted.

I therefore urge Maggie Chapman not to press her amendments. I would be happy to work with her, ahead of stage 3, to ensure that the concerns that she has raised about how we can use the existing powers to maximum effect, to ensure that tenants are given relevant information and are aware of their rights, are addressed.

Amendment 274, in the name of Maggie Chapman, would require a social landlord to provide information to a tenant about their ability to join a tenants union before they sign their tenancy agreement. I understand Maggie Chapman's wish to have the amendment supported across the private and social rented sectors. However, in legislative terms, the two sectors are very different in that social housing tenants have, since 2001, had a statutory right to tenant participation with their landlord. That was further strengthened by the introduction of the Scottish social housing charter, in 2012. Accordingly, I cannot support amendments 273 and 274, as what they propose is already provided for in statute and in guidance.

I urge members to support amendments 354 to 361 and, if they are moved, not to support the amendments in the names of Mark Griffin, Daniel Johnson and Maggie Chapman, for the reasons that I have set out.

I move amendment 354.

Mark Griffin: Amendment 422 would provide that landlords and tenants agree an inventory on the day that the tenancy starts. Providing an agreed inventory at the beginning of the tenancy would be beneficial for landlords and tenants alike. Not only would it ensure that the property was returned to its owner in its original condition, as it was prior to being rented out; it would also reduce the risk of deposit disputes arising at the end of the tenancy.

Tenants are more likely to have their deposit returned in full if what is expected of them is made clear at the start of the lease. If there is disagreement over the return of the deposit, an inventory can be used as evidence in a dispute, to prove the condition of the property prior to tenants moving in.

Amendment 422 would ensure that information and communication between a landlord and a tenant is as full and clear as possible, as that can contribute to a good relationship between the two and, in the worst-case scenario, can ensure that disputes are resolved using agreed evidence that can be referred back to.

Amendment 247, in Daniel Johnson's name, would place a duty on landlords to provide information to tenants on the previous 36 months of rental payments before the tenancy commences, and amendment 248 would replicate that for the Scottish secure tenancy. The amendments complement amendments in a previous group, on where rents substantially fall behind the market rate as a result of not being increased over time, by giving incoming tenants assurance about what has happened in previous years, so that they can be persuaded that the increase back to market level is not coming off the back of previous rent increases. However, as the consultation on exemptions intends to cover those areas, Daniel Johnson does not plan to move this complementary suite of amendments 247 and 248.

Maggie Chapman: Rent controls will work only if tenants are aware of their rights. With rent control areas covering some parts of the country but not others, we have to ensure that how a rent control affects tenants is communicated clearly to them. That is what amendment 273 would do: it would require the landlord to say whether the property was covered by a rent cap. That is not covered by existing legislation or guidance, as rent controls do not currently exist. According to amendment 273, landlords should provide that information to their tenants, as well as advertising to them their right to join a tenants union and their other rights under the private sector charter that is being introduced by Rachael Hamilton, which we also support.

Amendment 274 is a minor amendment that applies the tenants union provisions to the social rented sector.

Tenants unions, such as Living Rent and others, have been a driving force for a fairer private rented sector for years. They have challenged landlords who have neglected their tenants and their properties, they have won hundreds of thousands of pounds in rent cuts and other payments for renters, and they have ensured that much-delayed repairs have been done. Landlords who are compliant with the law and are interested in supporting their tenants—as we are assured that many are—should not be concerned that their tenants will know that they can unionise from day 1 of their tenancy.

I also support amendments 422, 247 and 248, from Mark Griffin and Daniel Johnson. They would empower tenants and, in the case of amendment 422, would ensure protections for landlords and tenants by making what is currently best practice in agreeing inventories into a statutory duty. We believe that it should be statutory.

Meghan Gallacher: I understand exactly what Maggie Chapman is attempting to do with amendments 273 and 274, but I do not think that requiring the landlord to provide the tenant with information on the ability to join a tenants union is as clear-cut as it might look on paper. There might be issues in relation to how that information is conveyed. We are living in a digital world, so would it need to be done by email or physically? All of those things need to be worked out before we even begin to discuss the issue. I am a little concerned about discussing the proposal without understanding exactly what the landlord would be required to do and how they would be required to do it. How the tenant would be able to join the union is another issue that would need to be resolved. A lot more information is required than is contained in the amendment.

11:45

Maggie Chapman: I hear what Meghan Gallacher is saying. However, it would be up to the renter—the tenant—to find out how to join the union. A new employee is provided with a lot of information on their employment terms, but the mechanism for providing that information is not necessarily laid out in statute anywhere; what is set out is that that information will be provided and that an employee can join a trade union. The same principle would apply here. The amendments do not set out information about how someone would join a union, which one they would choose or how they would go about joining; they are about the renter having the information that, in this case, such unions exist and are available. I am not sure that we need to set out in statute—that is, in the bill—exactly how that communication would happen, given that, as you have suggested, communication mechanisms change all the time. The amendments would just require landlords to make that information available to renters, because there is so much information out there that is not communicated at the moment. The amendments would ensure that the landlord was required to communicate that information, and they could do so in a way that worked for the situation.

Meghan Gallacher: I thank Maggie Chapman for that clarification, but I am still a little unclear about how it would work in practice. You have said that the information would not necessarily be about which union to join, and I believe that there should be some duty on the tenant to look into the matter. My point is perhaps that it works both ways. We might disagree on that, but I think that the onus needs to be on both the landlord and the tenant in that instance, instead of on just one of them.

Maggie Chapman: I will come back on that very briefly. You cannot look into something if you do not know that it exists. The amendments are about providing the information to the tenant that unions exist. As you say, the tenant would then need to do their own homework and explore which one might be right for them—if, indeed, they choose to join such a union. However, if they do not know that those unions exist in the first place, they cannot explore which one to join.

Meghan Gallacher: I understand what you are saying and what you are trying to do, but I believe that the onus should be on both sides, not just on one side. For a number of reasons, people will be aware that unions exist; therefore, they could be looked into by the tenant themselves. Saying that the tenant can join a union does not give them much scope in terms of which ones they might want to join. The argument that I am probably reaching is that that information could be better sourced elsewhere. However, I understand the exchange and what you are trying to achieve with the amendments. That is the point that I was looking for more clarity on. I will leave my remarks there.

The Convener: I call the minister to wind up and to press or withdraw amendment 354.

Shirley-Anne Somerville: I have very little to say in winding up, but I recognise that we will need to raise awareness of new rights and changes and update tenancy documents and information as part of the implementation of the bill, should it be passed by the Parliament. Clearly, further signposting can be provided at this point. Although I do not agree with Maggie Chapman's amendments, I think that she raises a very important point about ensuring that the tenant has

the right information and that they obtain it in an appropriate timeframe. That is an important part of the work that we will need to look at in implementing the bill.

I press amendment 354.

The Convener: The question is, that amendment 354 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Burgess, Ariane (Highlands and Islands) (Green)

The Convener: The result of the division is: For 6, Against 1, Abstentions 0.

Amendment 354 agreed to.

Amendment 44 not moved.

Amendments 355 to 357 moved—[Shirley-Anne Somerville]—and agreed to.

Amendment 45 not moved.

Amendment 358 moved—[Shirley-Anne Somerville]—and agreed to.

Amendment 46 not moved.

Amendments 359 and 360 moved—[Shirley-Anne Somerville]—and agreed to.

Amendment 115 moved—[Meghan Gallacher].

The Convener: The question is, that amendment 115 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Burgess, Ariane (Highlands and Islands) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 115 disagreed to.

Amendment 361 moved—[Shirley-Anne Somerville]—and agreed to.

Section 20, as amended, agreed to.

Section 21—Private residential tenancies not in rent control area: frequency of rent increase

Amendments 500 and 501 not moved.

Amendment 116 moved—[Meghan Gallacher].

The Convener: The question is, that amendment 116 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Burgess, Ariane (Highlands and Islands) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 116 disagreed to.

Section 21 agreed to.

After section 21

Amendment 229 moved—[Maggie Chapman].

The Convener: The question is, that amendment 229 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Griffin, Mark (Central Scotland) (Lab)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 229 disagreed to.

Section 22—Private residential tenancies: capping of rent increase

Amendment 117 moved—[Meghan Gallacher].

The Convener: The question is, that amendment 117 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Burgess, Ariane (Highlands and Islands) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 117 disagreed to.

Section 22 agreed to.

Section 23—Assured tenancies: capping of rent increase

Amendment 118 moved—[Meghan Gallacher].

The Convener: The question is, that amendment 118 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Burgess, Ariane (Highlands and Islands) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 118 disagreed to.

Section 23 agreed to.

After section 23

Amendment 258 moved—[Maggie Chapman].

The Convener: The question is, that amendment 258 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Griffin, Mark (Central Scotland) (Lab)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 258 disagreed to.

Amendment 69 not moved.

The Convener: The next group of amendments is entitled "Reviews and reports". Amendment 70, in the name of Graham Simpson, is grouped with amendments 71, 72, 226 and 76.

Graham Simpson: You would think that a group entitled "Reviews and reports" would not be too controversial. I am sure—really sure—that it will not be, although the cabinet secretary might have different ideas. We will wait and see.

Amendment 70 would require ministers to review and report every five years on the provisions in part 1 of the bill that relate to rent control. The Minister for Housing has already felt the need to review and consult on the rent control aspects of the bill at stage 1, and that created some uncertainty. There are also some concerns that data collection restrictions might impede councils from the effective use of the powers that are contained in the bill. Robin Blacklock from Dowbrae told the committee:

> "I have a real fear that we will be reviewing and amending the bill in five years' time, because we do not have the data."—[*Official Report, Local Government, Housing and Planning Committee,* 18 June 2024; c 24.]

Given those concerns, proper progress, monitoring and reporting will be required.

In amendment 70, therefore, I am putting a five-yearly deadline on the Scottish Government. Better monitoring and reporting would maintain transparency and accountability for all stakeholders and investors. We might not think that that is awfully complicated or controversial, but we will wait to see what the cabinet secretary has to say.

12:00

I will move on to amendment 71, which I call the "Graham Simpson taking leave of his senses amendment", because it would give ministers the power to

> "make any provision they consider appropriate for the purposes of delivering an effective rent control framework",

including modifying this or any other act. Members can look as horrified as they wish at that one. I do not know what I was thinking of, and I am sure that the cabinet secretary does not either. I will leave it at that.

Amendment 72 would set out the procedures for ministers to modify the act. The pre-laying procedure includes laying

> "a copy of the proposed regulations",

before the Parliament with

> "a statement setting out their reasons for proposing"

them and specifying a period for representations on the proposed regulations.

Amendment 76 would attach the affirmative procedure to the regulations that are laid under amendment 71, which would give ministers the power to make any provisions, as I outlined earlier. You can probably ignore that one as well.

I shall leave it at that—it is a nice short group.

I move amendment 70.

The Convener: I was going to call Rachael Hamilton, but I believe that Alexander Stewart will speak to amendment 226 and other amendments in the group on her behalf.

Alexander Stewart: Amendment 226 would introduce a full rural impact assessment of the provisions of the bill on rural and island communities.

It is too late to put a pre-legislative impact assessment into the bill, although it would have been welcome, given the Scottish Government's track record. Rural and island communities face fundamentally different housing challenges, and a one-size-fits-all approach simply does not work. In those areas, housing delivery is already constrained by limited infrastructure, higher build costs and a lack of available land.

Policies that are designed for urban centres, however well intentioned, have a limited impact in rural settings, and they can stall development and make homes less viable to rent out or build.

As highlighted by Scottish Land & Estates:

"Applying a rural impact assessment to this Bill could ensure that it enhances the rural rented sector rather than inadvertently causing harm."

Without a clear understanding of how the bill will affect rural and island areas, we risk deepening the urban-rural divide in housing access, affordability and opportunity.

Scottish Land & Estates has also rightly noted:

"It is particularly difficult to appreciate the full impact the Housing Bill may, or may not have, on rural and island areas of Scotland due to the lack of detail within. The private rented sector, homelessness and fuel poverty all exhibit different characteristics across the regions of Scotland and for the impact of the Housing Bill to be fully understood ... it is essential for legislation to be fully considered in a Rural Impact Assessment".

A rural and island impact assessment would ensure that the bill supports, rather than hinders, housing delivery in those communities. It would also give policy makers the evidence that they need to tailor solutions that work, not just in cities but across Scotland.

It is not about special treatment; it is about fair treatment, and it is essential if we want a housing system that truly serves all of Scotland.

Shirley-Anne Somerville: As the committee is already aware, the bill sets out that any designation of a rent control area will apply for a period of five years, and section 11 of the bill requires ministers to keep rent control areas under review to ensure that they remain necessary and proportionate.

We realise that it will be crucial for Scottish ministers and the Scottish Parliament more widely to keep under review the impact of the bill on the private rented sector, which is particularly important when it comes to the impact of the rent control measures that we have introduced.

Although I have some concerns about the specific details and the amendments that have been lodged, I would be willing, ahead of stage 3, to look at how we can put a requirement to report on the impact of the rent control measures on a legislative footing.

Graham Simpson's amendment 70 would create a duty on Scottish ministers to review the operation of the rent control measures of the bill every five years, particularly in relation to the impact on the rental market and housing affordability, to publish a report on the review and to lay that report before Parliament.

I agree with the principle of monitoring the impact of part 1 of the bill, and Graham Simpson's proposal to do so on a five-yearly basis is broadly in line with the local authority assessment process and is therefore a sensible one. However, I have some concerns about the specific drafting of his amendments in this group, due to the inflexible nature of the statutory duties that they set out.

In particular, I have very real concerns about Mr Simpson's amendments 71, 72 and 76, which are consequential to amendment 70 and would confer a very broad power—some would say a sweeping power—on Scottish ministers to modify any act in relation to the outcome of the review. I do not consider that such broad powers are proportionate. The rent control measures that are set out in the bill have been designed to include the flexibility to modify various aspects of the regime where that is necessary and proportionate. Such broad powers as those proposed would create uncertainty and would have a negative impact on future investment, which we all agree is so vital.

I do want to work with Graham Simpson on this issue, however. My offer is to work with him on a stage 3 amendment that would incorporate his proposal in amendment 70 for a five-yearly reporting requirement. I cannot support the associated wide-ranging powers to modify legislation that he has proposed, but I hope that he would be willing to take up my offer to work with him, and that we can find something more proportionate. On that basis, I would Graham Simpson not to press his amendments.

Amendment 226, in the name of Rachael Hamilton, would require the Scottish ministers to conduct an impact assessment of the provisions of the eventual act on rural and island communities no later than 12 months after royal assent. Although I am supportive of Rachael Hamilton's focus on rural areas, I believe that the measures in the bill will support all areas of Scotland. We have already published a suite of documents to support the introduction of the bill that set out our assessment of the impacts of the proposed measures, and it would seem to be relevant to the intent behind the amendment.

I recognise the benefit of monitoring the impact of the measures in the bill once they are implemented, particularly on rural landlords, but an assessment that requires to be carried out while the measures are still in the process of being implemented—as would be the case under the terms of amendment 226—would be administratively burdensome. I would be more supportive of reporting on the impacts on the rural sector as part of our overall assessment of the rent controls under the bill on a five-yearly basis. I therefore aim to ensure that the amendment that I hope to agree with Mr Simpson ahead of stage 3 will also address the underlying principle that Rachael Hamilton has quite rightly addressed today. On that basis, I cannot support Rachael Hamilton's amendment 226, and I urge members not to support it if it is moved.

Graham Simpson: I think I will get out while the going is good. The cabinet secretary has called my amendment 70 "sensible": I will take that, and I will certainly work with her on the matter ahead of stage 3—and that is not for the first time.

Amendment 70, by agreement, withdrawn.

Amendments 71 and 72 not moved.

Amendment 451 moved—[Maggie Chapman].

The Convener: The question is, that amendment 451 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Griffin, Mark (Central Scotland) (Lab)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 451 disagreed to.

Amendment 186 moved—[Maggie Chapman].

The Convener: The question is, that amendment 186 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 1, Against 6, Abstentions 0.

Amendment 186 disagreed to.

Amendments 427 to 439 moved—[Meghan Gallacher].

The Convener: As I object to a single question being put on amendments 427 to 439, the question is, that amendment 427 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 427 disagreed to.

The Convener: The question is, that amendment 428 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 428 disagreed to.

The Convener: The question is, that amendment 429 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 429 disagreed to.

The Convener: The question is, that amendment 430 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

Abstentions

Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 1, Against 4, Abstentions 2.

Amendment 430 disagreed to.

The Convener: The question is, that amendment 431 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 431 disagreed to.

12:15

The Convener: The question is, that amendment 432 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 432 disagreed to.

The Convener: The question is, that amendment 433 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 433 disagreed to.

The Convener: The question is, that amendment 434 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 434 disagreed to.

The Convener: The question is, that amendment 435 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 435 disagreed to.

The Convener: The question is, that amendment 436 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 436 disagreed to.

The Convener: The question is, that amendment 437 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 437 disagreed to.

The Convener: The question is, that amendment 438 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 438 disagreed to.

The Convener: The question is, that amendment 439 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 439 disagreed to.

The Convener: We will end our work for the day here. I thank members, the cabinet secretary and her officials.

At our next meeting, we will continue consideration of the Housing (Scotland) Bill at stage 3—[*Interruption*.] Sorry, at stage 2—wishful thinking! We will also consider our annual report. For now, thank you. I close the meeting.

Meeting closed at 12:18.

Official Report
Room T2.20
Scottish Parliament
Edinburgh
EH99 1SP

Email: official.report@parliament.scot
Telephone: 0131 348 5447

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