



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Local Government, Housing and Planning Committee

**Tuesday 28 March 2023**

**Session 6**



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

**CONVENER**

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

**DEPUTY CONVENER**

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

**COMMITTEE MEMBERS**

\*Miles Briggs (Lothian) (Con)

\*Mark Griffin (Central Scotland) (Lab)

\*Paul McLennan (East Lothian) (SNP)

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

\*Annie Wells (Glasgow) (Con)

\*attended

**COMMITTEE SUBSTITUTES**

Sarah Boyack (Lothian) (Lab)

Murdo Fraser (Mid Scotland and Fife) (Con)

Ruth Maguire (Cunninghame South) (SNP)

**THE FOLLOWING ALSO PARTICIPATED:**

Tom Arthur (Minister for Public Finance, Planning and Community Wealth)

Alison MacLeod (Aberdeen City Health and Social Care Partnership)

Craig McArthur (East Ayrshire Health and Social Care Partnership)

Alison McGrory (Argyll and Bute Health and Social Care Partnership)

Sheila White (Glasgow Clyde College)

Tom Winter (Scottish Government)

**CLERK TO THE COMMITTEE**

Euan Donald

**LOCATION**

The David Livingstone Room (CR6)



## Scottish Parliament

### Local Government, Housing and Planning Committee

*Tuesday 28 March 2023*

*[The Convener opened the meeting at 09:30]*

#### Decision on Taking Business in Private

**The Convener (Ariane Burgess):** Good morning, and welcome to the 10th meeting in 2023 of the Local Government, Housing and Planning Committee. I remind all members and witnesses to ensure that their devices are on silent and all other notifications are turned off during the meeting.

The first item on our agenda is a decision on whether to take items 4, 5 and 6 in private. Do members agree to take those items in private?

**Members indicated agreement.**

## Subordinate Legislation

### Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Miscellaneous Amendment Order 2023 (SSI 2023/35)

09:30

**The Convener:** Agenda item 2 is evidence on a Scottish statutory instrument from Tom Arthur, Minister for Public Finance, Planning and Community Wealth. Mr Arthur is joined by Tom Winter, head of development delivery at the Scottish Government. I invite the minister to make an opening statement.

**The Minister for Public Finance, Planning and Community Wealth (Tom Arthur):** Thank you, convener, and good morning to the committee. I am grateful for the opportunity to be here to provide clarification on what we are doing around permitted development rights and the use classes order.

As you will be aware, the Government is carrying out a substantial review of permitted development rights as part of its wider planning reform programme. The review is being taken forward on a phased basis, with each phase focusing on new and extended permitted development rights for specific types of development. The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 grants planning permission for certain types of development. They are known as “permitted development rights”.

Permitted development rights—PDR—help to provide certainty and save the time and expense associated with applying for planning permission. Phase 2 of the review has focused on new permitted development rights and changes to the Town and Country Planning (Use Classes) (Scotland) Order 1997 related to electric vehicle charging infrastructure, town centre changes of use and ports.

A 12-week public consultation on proposed changes was carried out between May and August last year. The statutory instrument will bring into force a package of measures stemming from that consultation. The measures it contains will help to support the roll-out of electric vehicle charging infrastructure across Scotland, including modern high-powered chargers; promote the resilience and recovery of Scotland’s centres; and provide greater flexibility to Scotland’s port operators.

I understand that the committee seeks clarification on the provisions that are intended to support our city, town and local centres. In

summary, they provide greater flexibility to change the use of certain buildings and place furniture outside specified hospitality premises. Taken together, the changes are intended to meet a number of aims: to make places more vibrant and welcoming by encouraging the use of outdoor spaces and the reuse of vacant shops and other premises; to promote diverse and mixed uses in our centres, helping them to become more responsive to changing circumstances; and to encourage local enterprise, entrepreneurship and innovation as well as the establishment of 20-minute neighbourhoods.

The permitted development right that allows hospitality businesses to place furniture on the pavement adjacent to their premises without a planning application will simplify the process by reducing the number of separate consents that need to be sought. At present, placing furniture on a public road requires the consent of the roads authority under the Roads (Scotland) Act 1984 if it would cause an obstruction. Planning permission might be required if the works are taken to involve development. Local authority licensing may also apply.

Although the new regulations grant planning permission for furniture on pavements, they do not withdraw other controls addressing safety or access issues using roads legislation and local licensing requirements. The new PDR makes it clear that consent from the local council, in its capacity as the roads authority, continues to be required if placing furniture on the road under the PDR would cause an obstruction. Section 59 of the Roads (Scotland) Act 1984 states that the consent of the roads authority is required before anything, such as furniture, is placed on a road if it would cause an obstruction. The definition of "road" includes the pavement. A roads authority can refuse consent or impose conditions if it thinks that an obstruction will have an unacceptable impact on access or safety. Placing something in a road that causes an obstruction without the relevant consent is an offence. Roads authorities have powers to remove obstructions and recover the cost of doing so.

We have been keenly aware, throughout this phase of the programme, of the potential for furniture that is located in the public realm to cause obstruction and adversely impact on accessibility. Public spaces should be as accessible as possible. We recognise that street furniture, if located insensitively, can create difficulties for disabled people. That is why accessibility considerations were explicitly highlighted in the public consultation process and we specifically sought views on those points.

It is important to reiterate that other existing controls will continue to apply. Those controls

ensure that authorities can continue to restrict and remove furniture that has an unacceptable impact on safety or access. The measures strike a sensible balance between supporting hospitality, by removing overlapping consenting processes, while retaining proportionate controls over obstructions that block pavements and the public realm.

On that, I conclude. I am happy to take any questions.

**The Convener:** Thank you very much for that opening statement. I am sure that we will have a number of questions to go a little bit deeper.

I will start with policy objective 1B, which is on centres. During the pandemic, great work was done on spaces for people. The idea was to move towards a more European approach, with outdoor spaces to create interaction between people and outdoor activity. The measure is commendable in that sense, but we have a number of concerns. You will be aware of the concerns that have been raised by the Royal National Institute of Blind People and by Living Streets around how, if there is a problem, those communities find a way to have changes made. I know that you laid it out but, if there were a problem, how would it work in effect? If somebody who is blind finds it difficult to move around the street furniture and needs something to be changed, how would they go about that?

**Tom Arthur:** As I said, under the provisions of the Roads (Scotland) Act 1984, there is a means for local authorities, as the roads authority, to ensure that the public realm is not being blocked or being made less accessible. They have enforcement powers to ensure that they can take action, where appropriate. If anyone experienced circumstances in which furniture was placed in an insensitive way that impacted on accessibility, they would be able to raise that directly with their local authority, which, through the existing statutory provisions, would be able to take action to ensure that any obstruction was removed.

**The Convener:** Thanks for that.

**Mark Griffin (Central Scotland) (Lab):** I wonder how the public get the opportunity to object to the appropriateness of an outdoor hospitality area. If you move into a town or village centre and are near a pub or restaurant, you know what you are going to and you know that, if the scope of that community is to change, you will, generally, get the opportunity to object to a planning application. There are many young families in the small towns and villages that I represent who live near a local pub and would not necessarily want to see outdoor seated areas, given the general noise that is associated with them. How will those people get an opportunity to

have a say in how the area in the immediate vicinity of their house will change?

**Tom Arthur:** I touched on the points about concerns around obstructions. It is important to bear in mind that many hospitality establishments will be subject to local licensing requirements. As a former councillor, you will be familiar with the established processes for achieving that. There is an opportunity through direct engagement with a local authority to engage in issues. Clearly, there are other provisions to which every hospitality establishment is subject, around levels of noise, impact on amenity and environmental health. A range of mechanisms are in place. We have overlapping consenting mechanisms. It is also important to recognise that outdoor furniture does not always constitute development for planning purposes. There can be instances where outdoor furniture is not captured by the planning system as it exists. There are other means of addressing any particular concerns that a local community has, whether they be around obstruction or things that perhaps impinge on existing licensing arrangements.

Tom, do you want to add anything?

**Tom Winter (Scottish Government):** I think that that covers it well. The other thing to note is that it is open to local authorities, through the roads consenting process, to seek the views of stakeholders or the public if they see fit to do so, even though it is not necessarily a statutory consultation process in the way that it is under planning.

**Mark Griffin:** I appreciate that the roads authority would look at it, but it would do so on a very technical basis to do with access and safety. I am more concerned about the noise and nuisance impact on families who live in the vicinity. To clarify, will any outdoor seated area require an amended licensing application? That would give local families and residents the opportunity to feed in their views to the licensing authority.

**Tom Arthur:** These matters, obviously, are decisions for the local authority, as the licensing authority, to take, and they will be based upon the specific circumstances there. I have confidence and trust in the local authorities to apply the existing legislative provisions and to do so in a way that is proportionate and takes account of concerns raised by local people.

The important point to remember is that we are seeking to remove overlapping consenting regimes that exist, so this does not impact on roads, as we touched on, or on any existing licensing requirements. Any development at the moment that comes into the scope of licensing issues is not impacted by the change around

planning, so these existing provisions would continue as they are.

**Tom Winter:** On the specific issue of noise, as the minister said, that is subject to environmental health and nuisance controls, which, again, are unaffected by these changes.

**Mark Griffin:** Okay.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** I have two questions. Has the right of the public to participate in the decision-making process to grant street furniture outside hospitality effectively been removed? Has the right to be part of that consideration been withdrawn?

**Tom Arthur:** The important thing to bear in mind is that street furniture does not necessarily constitute development under planning so, as things stand, decisions will not necessarily be taken either by delegated authority to officers or by a planning committee or a local review body within a local authority. It is important to recognise, however, that the views of the community will of course be taken into account by a local authority. Therefore, where issues arise, whether they be around obstruction or the impact on areas pertaining to licensing or environmental health, the existing opportunity to make representations to the local authority, and for the local authority to take action under those separate statutory provisions, which are unaffected by the changes to permitted development rights, will continue.

**Willie Coffey:** Will the public be able to see applications that the roads department is about to consider? Otherwise, the public will not know.

**Tom Arthur:** That will be characterised differently in different local authorities. It could be cafe permits, outdoor seating permits and things like that, depending on how different local authorities characterise it. As Tom Winter touched on, there is no statutory requirement for local authorities, as roads authorities, to consult on this particular issue, but they are at liberty to do so. Clearly, where issues impacting on accessibility are identified by members of the public, they can make representations to local authorities through the usual channels. Local authorities are empowered to take action to address those issues should they choose to do so.

**Willie Coffey:** After a facility has been installed and is operational, the public may still have issues with and complaints about it. You made it clear that people can raise a complaint with the local authority about it. If it is still the subject of dispute, what criteria would apply if the roads team said that it meets the specifications, the distancing and so on. If the public, particularly people with disabilities, still had an issue, how would that be resolved?

09:45

**Tom Arthur:** Ultimately, those decisions will of course be for local authorities to take, just as decisions around planning applications, for example, have to be taken in the context of the existing legislative framework. If it accords with the development plan, it should go ahead unless material circumstances suggest otherwise and vice versa. Ultimately, it is incumbent on local authorities or any public body to take into account the representations that are made, but it is still for them, as the relevant body, to determine the decision that they want to take.

**Tom Winter:** Another point is that local authorities typically grant consent under section 59 of the Roads (Scotland) Act 1984 for a limited period. On local authority websites, under the “roads permitting” section—as Mr Arthur mentioned, it is sometimes referred to in different ways by local authorities, as “street cafe permitting”, for example—almost all the examples that I looked at say, “This is granted for a temporary period.” That would allow for issues, if they arose, to be dealt with, because the consent is time limited.

The other thing is that PDR apply only to public roads—roads owned by the roads authority—so you have the control of the authority owning the land. In extremis, as the landowner, it could withdraw its consent to use the land in that way.

**Willie Coffey:** Okay. Thank you.

**Miles Briggs (Lothian) (Con):** I want to ask a couple of specific questions, because many blind and visually impaired Scots are concerned about this, and charities have raised concerns. The fact that there is no specific guidance attached to the order is an issue, especially when you think of what my city of Edinburgh will look like during the festival, with businesses potentially just setting up roped areas. That is one of the main concerns. Why was specific guidance not developed to go along with the order so that councils could look at it in more detail before it is rolled out, especially, for example, in Edinburgh during the festival?

**Tom Arthur:** I will make two points in response to that. First, we have sought to provide significant detail through the policy note. Secondly, to specifically address the point that you raised, the way in which street furniture is situated will ultimately be highly site-specific. It will be determined by the local context so, if guidance is deemed to be desirable, it would be better produced by a local authority reflecting the circumstances of its place. I believe that one local authority—Aberdeen City Council—already has guidance.

The opportunity is there for local authorities, with their local place-based knowledge and

understanding of particular circumstances, such as the impact that the festival has on Edinburgh, to ensure that suitable advice or guidance is provided, if the local authority deems it appropriate and proportionate. Ultimately, that is a decision for the local authority.

**Miles Briggs:** In my time as an MSP, one issue has been about what street furniture starts to look like, especially during the festival, with A-boards and things like that. My concern is whether the order relaxes the approach in many businesses’ views and how things will change. People want assurance about how that will be enforced by the council at what could be an incredibly busy time.

My other question is about the electric vehicle charging infrastructure. What consultation has taken place on that with stakeholders, specifically the Scottish Fire and Rescue Service and the stakeholder groups on cladding?

**Tom Arthur:** I referred to the 12-week consultation that we ran over the spring and summer of last year.

Do you want to pick up on any further details on the consultation, Tom?

**Tom Winter:** I do not believe that those groups responded to the consultation. What is the specific concern with cladding? Is it cladding in respect of EV charging equipment?

**Miles Briggs:** It is the wider issue of attaching electric charging points to buildings. I wondered whether consultation had taken place on their being freestanding under the changes and whether the issue has been discussed with the Scottish Fire and Rescue Service and the stakeholder groups that are still undertaking significant work on cladding issues in Scotland.

**Tom Winter:** I am afraid that I do not quite understand the connection to cladding. There are already permitted development rights for freestanding EV chargers located in car parks across Scotland. The changes allow larger equipment, including higher-power EV chargers, to be installed under the PDR. They increase the current height limit of 1.6m to 2.7m and allow the PDR to apply in a wider range of car parks.

**Miles Briggs:** My specific issue, and where stakeholder groups would want to have been involved, concerns the proximity of electric charging points to buildings and the relaxed rules around installing them. From what I am hearing, I am not sure whether that work is taking place.

**Tom Arthur:** There has been a 12-week consultation that speaks to existing PDR being enhanced. Local authorities can, subject to confirmation by ministers, use an article 4 process through the general permitted development order, which can restrict or exempt particular areas from

permitted development rights. That addresses some of the other points that have been raised. It is important to put that on the record, because, beyond the other consenting regimes to which I referred, in extremis, if a local authority deems it required because of unintended consequences, there is a means under the existing provisions, subject to ministerial confirmation, to exempt a particular area from permitted development rights.

Tom, it would help if you could go over what the proposed PDR do specifically in relation to EV charging infrastructure.

**Tom Winter:** There are existing permitted development rights that have been in place since 2014. They allow for wall-mounted plug-socket style chargers and EV charging upstands. At present, the PDR apply only in car parks but not car parks located in certain designated areas, including national parks, and that is a key consideration when thinking about the range of electric vehicles. The changes get rid of those restrictions where the car parks are in designated areas. They allow for larger equipment and also make clear that the PDR cover the supporting bits of equipment, such as cabling. Speaking to certain EV providers, we heard that there was an element of doubt as to whether that kind of supporting kit, which is necessary in order for the EV chargers to function, was covered. We have also introduced new PDR for solar canopies that will provide power to chargers, further increasing the sustainability of the overall package. That is a summary of the changes.

**Miles Briggs:** I am specifically concerned about wall-mounted charging and what that now presents. If I live in a block of flats and have an electric car, can I attach a charger to that building without there having been proper pre-planning?

**Tom Winter:** I think that that is already the case. I can recheck whether any concerns were raised through the consultation process about fire risks presented by wall-mounted chargers, but I am not aware of any.

**Miles Briggs:** I support the principle of what the Government is trying to achieve, but I am not sure where direct engagement has taken place on safety with the Scottish Fire and Rescue Service and the stakeholder group on cladding on high-rise buildings. Their knowing about the consultation is one thing, but responding is another, and I do not know whether they did. You suggest that they did not respond.

**Tom Arthur:** If I may interject, we are straying into the territory of equipment standards, and that is in a different sphere from the planning discussion that we are having. We have long-established PDR, now nine years old, for wall-mounted EV charging infrastructure. The majority

of the PDR focuses on established parking areas and expanding capacity to reflect increased demand. Clearly, for the installation of chargers on buildings, other factors come into play in the decision-making process, such as ownership of the building. The safety of particular kit is covered by different regulatory regimes. It is important to clarify that.

**Miles Briggs:** I accept that. Some of the work that the stakeholder group on cladding has been doing is specifically around the proximity of electric charging points to buildings. I am concerned about that and am not sure that it has been captured or specifically been considered.

**Tom Arthur:** To reiterate the point that I made earlier, we held a 12-week consultation and there has been an opportunity for engagement throughout the process. To the best of my knowledge, no specific concerns have been raised with us on what is being proposed. I am not aware of any specific concerns being raised with us around the long-established PDR for EV infrastructure.

**Tom Winter:** I am not aware of any.

**Tom Arthur:** We are more than happy to engage with stakeholders who wish to engage with us and to consider any proposed changes that come out of that. To the best of my knowledge, no concerns have been expressed to us directly regarding the existing permitted development rights and nothing has come to us through the consultation on the proposals to expand PDR for EV infrastructure. As I said, should there be a need to exempt any particular area of a planning authority from permitted development rights, that can be done through an article 4 direction. Of course, we continue to keep all legislation under review. Should any specific concerns be raised with us about planning provisions, we will take them on board seriously and will engage with them closely. As I said, nothing of that nature has been brought directly to my attention.

**The Convener:** There are a couple of things that I want to raise. I want to come back to the issue of centres—policy objective 1B—and add into the mix that we have our fantastic national planning framework 4, which is pointing us towards more town-centre regeneration. That is something to keep an eye on, because, as we try to retrofit houses and create more housing in town centres, we will be adding additional pressures; for example, Mark Griffin talked about issues with families living nearby. If that is the direction of travel for how we want our town centres to regenerate, it is worth keeping an eye on the fact that we will have a higher population and more activity in the streets. I take on board the

mechanisms that you described for offering people a way to bring things to our attention.

I have some concerns about objective 1C in the paper, which deals with port development. Our paper mentions green ports specifically, but they are not in discretely defined areas. A number of the ports are Edinburgh ports. I want a little bit more detail about the order of what is happening. That comes from a concern about a potential loss of community voice, for communities of interest and communities of place. If a development starts to happen that is affecting them, what recourse or ability do they have to raise that concern? The paper states that the order

“provides for development to be undertaken by the statutory undertaker’s agent.”

Can you tell us a bit more about who those agents are?

**Tom Arthur:** I will ask Tom Winter to come in on that in a moment. In general, the amendments are fairly minor and apply to all ports, not just the aforementioned green ports. They are really seeking to bring about parity with the PDR regime that exists in England. I will ask Tom Winter to respond to the detail.

**Tom Winter:** As the minister said, these are minor and technical changes to ensure parity and a level playing field between English and Scottish ports. The point about agents is to clarify that it does not necessarily have to be the port operator itself that is carrying out the development: it could be a contractor or agent working on its behalf, potentially a kind of tenant of the port operator.

**The Convener:** That is very helpful. I understand that the desire is to have parity with what is going on in England, but there are some things going on in England with which we do not want parity, so it is important to look at the issue. Will the changes expand the ability to create non-port infrastructure?

**Tom Winter:** The development has to be operational: it has to be connected to port operations. The works that could be carried out under the amended PDR are not especially significant. We spoke to port and airport operators on that. Airports are relevant here because the permitted development rights for airports and ports are very similar, and the order would bring the wording into line. We engaged with some of the airport operators to understand the language around services and facilities and to find out what kind of development falls under that scope. An example would be bus stops within airports. The wording would enable that kind of works by the undertaker to be covered by its statutory powers.

10:00

**The Convener:** You described something very specific there: bus stops. What else could be brought in under this?

**Tom Winter:** It is not defined. “Services and facilities” covers a range of things, such as bus stops and toilet blocks—those kinds of operational facilities—but not substantive new development, which, if it falls outside permitted development rights, is subject to a planning application in the normal way, as you said.

**The Convener:** That is helpful; thank you. If something that is taking place in a green port or any port—in a town or village, even—starts to encroach on public interest and it sits within the PDR offered by this Scottish statutory instrument, what recourse is there for the community of place? How does it have a voice?

**Tom Arthur:** As happens with the current PDR, when situations arise in which there is a view that the amenity of an area might be impacted negatively or there are unintended consequences or, given the nature of an area, the current set of permitted development rights is not appropriate, there are means—with the usual channels in mind—by which members of the public can make representations to their local authority. As I said, the article 4 direction is an opportunity for local authorities, with confirmation from ministers, to restrict or, indeed, remove permitted development rights for a particular area. It is not a case of our legislating for permitted development rights in Parliament and them being set in stone and not able to be changed, other than through a repeal of those rights or by amending instruments. That means is there. That is a reflection of how the planning system operates and how permitted development rights have operated for a number of years.

I accept that PDR can be a bit of a blunt instrument and that there has to be consideration around how they are used—that is why we are taking this methodical, phased approach to them—but one of their advantages is that they can free up capacity in the planning system where routine cases no longer have to go through the planning system. I recognise that the committee will have a keen interest in that, particularly given its interest on the issues around the resourcing of the planning system, which will be absolutely vital for delivering on the ambitions of NPF4 and the preparation of the new-style local development plans that we will see over the next five years.

We always seek to take a balanced, proportionate approach to permitted development rights. That is why we are taking the phased approach and will continue to do so. Later this year, we aim to move forward with the Planning

(Scotland) Act 2019 provisions for masterplan consent area schemes, which will create other bespoke opportunities to ensure that there are proportionate flexibilities to incentivise the development and redevelopment that we want to see in not only our town centres but a range of settings and which will be essential for realising the ambition behind NPF4.

**Tom Winter:** I will add one thing on the ports PDR: reflecting the fact that it is a broad permitted development right, there is a notification requirement, which means that the operator needs to notify the authority before carrying out the development. That provides a mechanism for the authority, if it is concerned that the works proposed do not constitute development that is covered by the PDR, to say that a planning application is required or that the development is an environmental impact assessment development, in which case the environmental impact assessment provisions would apply. That is another important point with permitted development rights: anything that is within the scope of the environmental impact assessment regulations does not have PDR.

**The Convener:** Okay. Thanks very much for that. That has been helpful. We clearly have some pathways back, in case things start to go awry. I totally take on board the need to relieve pressure from local planning authorities, and I see that the measures do that, but, at the same time, we need to make sure that we are keeping communities in mind.

**Mark Griffin:** I have a quick question. The planning process has neighbour notification, which means that people who will be affected by a change will be proactively notified, but, with the other regimes that would remain in place, whether that is licensing or roads, there is no neighbour notification, which means that there is a danger that people would need to proactively seek out any changes rather than being notified by an authority. Is that the case?

**Tom Arthur:** I take the point that you are making. I stress that, although it may be the case that the process of obtaining a permit, for example, through the Roads (Scotland) Act 1984 provisions, is distinct from what would normally take place through the planning process, it is important to remember that street furniture, for example, would not always constitute development. As things stand, there could be scenarios where street furniture that does not constitute development would not be subject to the planning system. However, I stress and reiterate that there are other consenting regimes and they have to be adhered to. There are existing enforcement powers, and where members of the public think that an obstruction is taking place or

that an amenity is being affected by noise and nuisance, there are means for seeking remedy via the local authority and those other regimes. Is there anything that you want to add, Tom?

**Tom Winter:** That is right. As the minister has already said, if permitted development rights are causing issues, there is the ability to use an article 4 direction, which is a mechanism to withdraw or restrict permitted development rights in particular locations.

**Tom Arthur:** I hope that the committee agrees with the intent behind this, which is to create an environment that is supportive of our hospitality sector. I note the strong welcome that the proposals have had. However, I recognise that local authorities, on the basis of engagement with their communities, may deem the application of those permitted development rights to a particular area to be incompatible with wider aims and concerns around the wellbeing and amenity of people living in that area. Other mechanisms are there to raise issues retrospectively that can be enforced through our regimes and, as Tom Winter said, for local authorities to decide that the application of PD rights for a particular area is not important, and to seek to amend, restrict or remove the PDR entirely for a particular area through an article 4 order.

I stress that, as we introduce this legislation, local authorities will monitor it, and they will be best placed to make decisions based on the impact. Where issues arise, they will have several means to address them.

**The Convener:** Thanks for that. I will briefly suspend the meeting.

10:09

*Meeting suspended.*

10:31

*On resuming—*

**The Convener:** Thank you, minister, for your patience. The committee has discussed various issues, and we want to seek reassurance from you on a couple of points of concern.

With regard to policy objective 1A, on electric vehicle charging points, 105 buildings are part of the cladding review process, and there are concerns about whether the wall-mounted EV charging points will interact with any of those buildings. Are you aware of that situation? How can we handle that?

**Tom Arthur:** I am happy to take that issue away and look at it, but it speaks to existing PD rights, which have been in place for the better part of a decade. These regulations primarily focus on

existing parking spaces and enhancing capability in that regard, which the industry and the sector have been calling for. In relation to identifying the number of EV charging points that have been installed on, or are in close proximity to, buildings with cladding, I am happy to take that away and ask the relevant ministerial colleague to write to the committee with that specific information, if we hold it.

**The Convener:** If you find that there is the potential for there to be wall-mounted EV charging points on one or some of those 105 buildings, we could look at an amending order. There is great concern for safety.

**Tom Arthur:** The point that I am making is that, if that is the case, it is because of the PD right that has been in place for nine years. If there is concern, the local authority could seek an article 4 exemption. That would be the means of addressing the issue. We could look beyond that if there was a need to do so, but we have consulted at length and, to our knowledge, have had no specific correspondence on that issue. Nothing came up in the consultation, so we would need to look at the evidence base for the concern. I am conscious that there are other aspects—building standards and product safety—that pertain in this set of circumstances.

I am happy to go away and look at whether there are any issues relating to existing PD rights. The concern here today is with a package of PD rights, of which EV infrastructure is one part. The package does not introduce a new right relating to wall-mounted chargers—as I said, such rights have been in existence for the better part of a decade—but it includes a number of other measures. I am happy to go away and see whether we hold specific information on the number of pieces of EV kit that are mounted on, or are in proximity to, buildings with cladding. If we do, I will write to the committee or ask the relevant minister to do so.

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

On policy objective 1B, on town centres, there is concern about the ability of the public to participate in anything that might affect their lives and about the removal of the neighbour notification. Can you give the committee some reassurance about how people could participate? The concern is that, if a business makes a move to set up an outdoor seating area, it will be difficult for the public to find out that that is happening on their doorstep.

**Tom Arthur:** The reality is that a lot of the various scenarios—for example, tables and chairs being set up—that we associate with permitted development rights are already not captured as development. As such, the appropriate regulatory

provisions are found in the Roads (Scotland) Act 1984. If there are requirements for a permit, local authorities define that permit in various terms—“cafe permit”, “pavement permit” and so on. There is a means through that process for a decision to be made and, indeed, enforcement action to be taken. If issues around accessibility and obstruction are identified, there is a remedy available to the local authority. Of course, local authorities are democratic bodies that are accountable to the people within their authority area. I can give a reassurance that that means exists.

As I have set out, should any issues arise as a consequence of the regulations coming into force, there is a means, through the article 4 provisions, for local authorities, with the approval of ministers, to restrict PD rights in particular areas or to remove PD rights entirely in particular areas. It is not the case that, if a local authority found itself in a situation in which it had seen development take place that would usually require planning permission but planning permission or a planning application was not required because of PD rights, it would have no recourse—it would not be centrally mandated and something that it could not change. Notwithstanding the provisions in the 1984 act, there would be means to seek an article 4 direction, which, with the agreement of ministers, could remedy the situation.

**The Convener:** Thanks very much for laying that out. You touched on some of those things earlier, but it is good to hear that said again in a slightly different way so that we start to get clarity.

We are also interested in when this Scottish statutory instrument will be reviewed. How will you keep it under review? If problems start to arise, what is the process for that?

**Tom Arthur:** If the SSI comes into effect, it will do so at the end of this month—I think that we are approaching the end of the 40-day period. We will continue our phased approach to PD rights. We hope to commence phase 3 later in the spring. As part of our pivot to implementation and delivery following the adoption of national planning framework 4, we will have far closer engagement with planning authorities and a range of other stakeholders. The monitoring process for the implementation of NPF4 will capture broader monitoring of the implementation of a number of aspects of planning reform, of which PD rights is just one. I said earlier that we are looking to commence other provisions in the Planning (Scotland) Act 2019 later this year, including those relating to masterplan consent areas.

There will be continuous close engagement with planning authorities, and that will build on the collaborative approach that got us to the situation in which we were able to command such

overwhelming support for NPF4. As that collaborative approach pivots towards implementation, monitoring will be a key part of that. Our delivery programme for NPF4 will be revised after six months and then yearly. We engage with various bodies, we convene or co-convene groups on planning performance and there is the planning, infrastructure and place advisory group, so there are a number of forums in which planning issues can be raised more widely.

More generally, that culture of close engagement and partnership working with our planning authorities will mean that, should any issues arise, they can be brought to our attention at short notice. When problems are identified, we will, of course, seek to remedy them. We will consider whether that can be done through, for example, article 4 directions or by amendments to the 1992 order, but we need to take a proportionate and evidence-based approach, and we will be able to establish an evidence base through that continued engagement.

**The Convener:** It is good to hear that the approach will involve continuous monitoring. As NPF4 is taken forward, there will be lots of changes and moving parts, and we will need to keep track of them and how they interact with each other.

**Miles Briggs:** I welcome the constructive points that the minister has suggested in relation to writing to the committee, but I am still concerned about electric vehicle charging points and, specifically, about the 105 buildings that still have to be surveyed. I looked at the terms of reference for the cladding stakeholder group. I do not believe that its members have a responsibility to take part in Government consultations. The minister might need to take that issue away, have a conversation with them and the Fire and Rescue Service and consider whether he could commit to introducing an amending order to exempt those buildings while they are still to be surveyed.

**Tom Arthur:** I am happy to give an undertaking to take that away and to engage with the advisory group and relevant ministerial colleagues on the matter in order to identify whether any issues of concern have not been identified through the consultation. I certainly do not rule out an amending order, but, in the first instance, I would want to establish an evidence base for such an order. I am happy to ensure that we undertake that work and write to the committee with an update. Any further action that emerges, up to and including changes to legislation, can be considered as part of that process.

**Miles Briggs:** That is helpful. Thank you.

**Mark Griffin:** I wish to put on the record my concern that there is a danger that a young family

could see an outdoor drinking area pop up outside a child's bedroom. Without the gold standard of a neighbour notification, there is no responsibility on a local authority even to consult on an application to a roads authority, so there is still a danger that things could pop up in communities that would have a real impact on young families in particular but of which they would have no prior awareness. That is my concern with this instrument.

**The Convener:** As members have no other comments on the instrument, does the committee agree that we do not wish to make any recommendations in relation to the instrument? Obviously, we are seeking the reassurances that we have discussed.

**Members indicated agreement.**

**The Convener:** I thank the minister for spending time with us and for allowing us to go into detail in our scrutiny.

10:42

*Meeting suspended.*

10:47

*On resuming—*

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

**The Convener:** The next item on our agenda is an evidence session on community planning. We will hear about the experiences of health and education community planning partners. This is the fifth session in our post-legislative scrutiny of the Community Empowerment (Scotland) Act 2015. Our inquiry is looking at the impact of the legislation on community planning, and at how community planning partnerships respond to significant events such as the Covid-19 pandemic and the current cost of living crisis.

I extend many thanks to our witnesses for joining us. We are joined by Craig McArthur, who is the director of health and social care in the East Ayrshire health and social care partnership; Alison McGrory, who is the associate director of public health in the Argyll and Bute health and social care partnership; and Alison MacLeod, who is the strategy and transformation lead in the Aberdeen City health and social care partnership. As Alison MacLeod is joining us online, I ask her to let the clerks know when she would like to reply to a question by typing R in the chat function. Craig McArthur and Alison McGrory can just indicate that to me or the clerks. There is no need to operate your microphones, as that will be done for you.

Annie Wells will begin our discussion with questions about the challenges that communities are facing.

**Annie Wells (Glasgow) (Con):** Good morning. I would like to look at the health and educational inequalities that communities are facing. What role do community planning partnerships have in tackling those issues? I will go to Craig McArthur first.

**Craig McArthur (East Ayrshire Health and Social Care Partnership):** We have a real strength in tackling educational inequalities through the community planning partnership, and through our children and young persons' strategic partnership, which brings together a number of leaders from across the different sectors to consider and understand some of the challenges that face us. They have put really good, robust plans in place to start to deliver against those challenges.

One of our main priorities, particularly in the education part, is about positive destinations. We

want to ensure that, when our young people leave school, they have a really good, strong and positive destination. There have been significant percentage increases year-on-year for the past five or six years, to the point where we are now one of the best performing areas on positive destinations. That is not necessarily young people going on to college and university but making them ready for the world of work.

On how that education part feeds in to health inequalities, it is very much about recognising that, if we can get our young people into the world of work and sustain them there, that brings opportunities to reduce health and other inequalities in later life, which will be key to that success, going forward.

We have a broad range of programmes that are associated with the "Caring for Ayrshire" vision, which is about reducing health inequalities over the longer term. It is not just about investment in traditional health and social care services but about recognising the impact of good housing, education, employment and so on and how that can flow through into improving health inequalities and into later life. The work that we do around that is absolutely key to this.

We are seeing that partnership working—bringing the key public sector partners together round the table—has been really effective in doing that. A number of the key players, including Ayrshire College, the council, the health board and our Scottish Fire and Rescue Service and Police Scotland partners, have a real strength in pathways into employment, whether that is through apprenticeships or graduate internships. Again, that is a real opportunity to encourage and support our young people through school and into the world of work.

**Annie Wells:** Thanks very much for that. Alison McGrory, do you have anything to add?

**Alison McGrory (Argyll and Bute Health and Social Care Partnership):** I certainly do. Clearly, all community planning partnerships must have local plans, and health and education are visible in ours. We have six long-term outcomes in Argyll and Bute.

It is challenging to make an impact on inequalities because of the range of issues that we have. If we look through the community planning lens, that is about the difference that we achieve by coming together as community planning partnerships. A lot of the work that we do—not just necessarily on health and education—we would do regardless. My speciality in public health is health improvement. You cannot do health improvement without working with and across other agencies. Suicide prevention and child poverty action planning are really good examples

of where there is added value from the community planning partnerships. However, we would do that work to improve outcomes regardless.

There are challenges with choosing some things that are achievable in a community planning setting and doing those well enough so that you can see a difference. There are lots of fundamental things that, I hope, I will get the opportunity to come back to and talk about that are to do with how community planning partnerships could be strengthened and improved.

I completely agree with Craig McArthur that we do lots of things that have an impact on education and health, but we could achieve more.

**Annie Wells:** Perfect. Alison MacLeod, do you have anything to add to that?

**Alison MacLeod (Aberdeen City Health and Social Care Partnership):** I absolutely agree with the previous two speakers. In Aberdeen city, we have 11 stretch outcomes in our local outcomes improvement plan, and the partners work together to deliver those.

I chair the resilient, included and supported outcome improvement group, and the focus is on adult health outcomes in the main. We are looking at improving healthy life expectancy, and each of the projects in that stretch outcome is led by a community planning partner. For instance, our project on suicide prevention is led by the police. We have a project on carer support that Quarriers leads on, which is a commissioned carer support service.

It is all about collaborative working, and about the priorities and challenges that are common to and shared by us all. Obviously, there is a lot of inequality that impacts on health, and there are so many aspects of that on which we need to work together to improve. The collaborative approach and the joined-up working that community planning brings are key to that success, and I agree with Alison McGrory that, although we are doing a lot and are achieving a lot, improvements could be made and more could be done.

**Annie Wells:** Thank you very much for that. I have just one more question. The submission from Glasgow Clyde College says that, previously, staff from the CPP visited community projects but that that no longer happens. I wondered whether, in your respective areas, CPPs ensure that all voices in the community are heard, including those of the communities of interest in particular. I will go first to Alison MacLeod.

**Alison MacLeod:** That is exactly one of the improvements that I was talking about. Those who participate in our community planning, particularly from the communities, tend to be a restricted group. In the main, they tend to be older retired

professionals, and we are definitely missing the voices of younger people and people from seldom-heard groups in particular.

We are looking at how we do things at the minute. We have locality empowerment groups that we originally intended to be the focus for all our engagement and participation, but we realised that that is only one method that we can use and that we have to go out into the communities of interest. Rather than asking them to come and participate in another group, we need to go to them, and we need to find some way to link with the groups that are already there and to try to maximise the opportunity that is there.

**Annie Wells:** I do not know whether Alison McGrory wants to come in next.

**Alison McGrory:** The way in which the groups are set up makes it hugely challenging. The locus of control, with local government having responsibility for delivering the committees, brings bureaucracy into how our meetings are run and delivered. I agree with Alison MacLeod. If we have meetings in the evening and at different times of the day, they tend to be attended by people who have time on their hands: those who are retired or older people in our communities. Although they are a valid part of community planning structures, they are not always representative of the whole community.

We do not necessarily ask our representatives to canvass their wider community, and we do not have the structures in place so that they can canvass the views of other people. That is a really important point in terms of how we agree what the outcomes will be and how we then invest in delivering those outcomes if we do not have a system of democracy in relation to who attends and participates in community planning structures.

I feel that our meetings are really formal. I have experience only of the health board in my area—NHS Highland—so I cannot comment on other areas. We try our best. We bring in some of our community groups and our members of the Scottish Youth Parliament, but we still have the formality of agendas, minutes and how our meetings are recorded.

As a health improver, I am a real advocate of building capacity, investing in our local structures and freeing the reins. People would probably not understand community planning in terms of what is required by the 2005 act, but they understand what it means to come together to make their communities better and to be empowered to take things forward and make a difference. We need to cut away some of that bureaucracy.

**Annie Wells:** Thanks for that. Craig, would you like to come in on that, please?

**Craig McArthur:** Yes, thank you. I agree that there is a certain formality around community planning, as there probably must be, but, for the engagement to get to that point, we are keen to meet some of the groups that are not necessarily part of the community planning partnership board. Let us consider young people. Every year, we have a joint session when we meet the children and young person's cabinet and the MSYPs. They come along and we take the opportunity to have good, strong engagement with them about their priorities and what we as a community planning partnership board can do, together with and alongside them, to support the delivery of those priorities.

Our community plans have three themes. I am responsible for delivery of the wellbeing aspect and how that sits across health and social care. We recently finished some local conversations where we went into our communities and met people. We had three local conversations across different community areas. Those were fascinating sessions. We had the good fortune that one session was on a Friday that was part of a long weekend for the schools, so a lot of mums with young kids came along, which totally changed the dynamic of the event in comparison with the next week, at which it was the typical grey suits and other folk who normally engage. The feedback from each of the sessions was fascinating and very different. Taking those opportunities to engage differently is key to how we start to hear those voices and to ensure that we take forward those agendas in a different way.

11:00

There are other groups on our community planning partnership board. We have four representatives from the community sector sitting on our board: two from community councils and two from community-led action plan steering groups. We therefore hear the voice of the communities. We also have two representatives from the voluntary sector, and two from the chamber of commerce so that we have business voices in there, too. We have a wide range of voices on the community planning partnership board, but the big gap is the voice of the young person. The other arrangements that we have in place allow us to fill that gap.

**Annie Wells:** Thank you very much.

**The Convener:** It is good to hear about different approaches. I keep wondering whether a way to include young people would be to make community planning part of the school curriculum. Young people who are studying for a higher could be part of a community planning partnership and weigh in on that.

I digress. I will bring in Mark Griffin, who will ask about community empowerment.

**Mark Griffin:** We are reviewing the Community Empowerment (Scotland) Act 2015. At the most basic level, has community participation improved since the introduction of the 2015 act? Has the act had any meaningful impact on such participation? Do you have anything to evidence an increase in the levels of participation? I will come to Alison McGrory first.

**Alison McGrory:** That is quite hard to answer. I speak from my personal experience as a public health professional. If you were to ask someone else in my community planning partnership in Argyll and Bute, they might have a different view, but I am not entirely sure that we are making a difference.

Community empowerment is not just about legislation, although that is clearly important. Clear rationale for that is provided by the Christie commission and some of the earlier seminal work that grounds public health, such as the Ottawa Charter for Health Promotion, which is about empowering and enabling people to improve their health and wellbeing outcomes. That is really robust and clear, but, to support that, there needs to be a rebalancing of power and how we redistribute investment, and that is not necessarily there. A lot of bravery is required to go down that route, but, if you want communities to come together meaningfully to make a difference, it needs to be about more than the good will of a partnership where there is not any money or accountability, so that the locals have control of health and social care through the health and social care partnerships, the statutory bodies, the parent bodies of the national health service boards and local authorities.

What difference it makes is a difficult question to answer, because accountability rests with the statutory bodies and the good will of community planning partners. There is a lot of good will, and a lot of really good work being done, but, for me, if we want to see a difference in empowering communities to improve outcomes, it is about how we shift the locus of control into the communities.

**Mark Griffin:** Thanks. I bring in Craig McArthur.

**Craig McArthur:** We have seen significant changes in east Ayrshire since the 2015 act came into force. I will give three examples of community asset transfer. Some of the assets from the council have transferred to community ownership or lease arrangements. As of last week, almost 60 effective community asset transfers had taken place. One asset was returned to the council and quickly transferred again. The initial concern was that community asset transfers might go out but would come back quickly because of how the

community would feel about it. We have not seen that at all. The asset that came back was not a failure; there was a change of circumstances that caused it to be reconsidered. Those community asset transfers have been really effective.

We also have community-led action plans across 23 of our communities. That is where people come together as a community to set out their own aims, objectives and actions for what they want to see improved in their community. Those are not led or driven by the council: they are facilitated by us, but the communities come together to deliver them. Uptake of 40 per cent is required. The community is asked—questionnaires and surveys are issued—and the plan can be taken forward only if there is a 40 per cent return rate. There is real buy-in from local communities to progress the plans.

The final example is participatory budgeting. We have done several of those events. The previous one, which was on wellbeing services, took place last September. In that case, a number of events took place across different areas and more than 1,000 participants came together to vote on their priorities for spending around £250,000 of wellbeing moneys in local areas. That level of participation was brilliant. The feedback was, “When will the next one be?”. People were absolutely enthused by it not just because it was an opportunity to get some money but because it involved coming together and sharing stories. The feedback that we got was absolutely priceless, so there were some really good success stories for us.

**Mark Griffin:** Alison MacLeod, do you have anything to add?

**Alison MacLeod:** Yes. Participation has ramped up in the years since the Community Empowerment (Scotland) Act 2005 was introduced. Prior to the pandemic, around 300 community members participated in our locality empowerment groups. You cannot overestimate the impact of the pandemic over the past three years on that participation. It has paused the progress that we were making, and we are in the process of trying to recover from that, but it will take us time to get back up to the levels of participation that we had.

Communities are being asked to do a lot. We often hear about consultation fatigue, and some people are telling us: “Don’t come and ask us again what we want, because we’re fed up telling you”. In Aberdeen, we are trying to get a more joined-up approach. We have joined up the locality planning arrangements between the health and social care partnership and the local authority so that the locality empowerment groups cover not just the health agenda but the whole range of local authority priorities. We are trying to coincide those

priorities and streamline the processes and the means by which people can come forward and engage, making it as easy as possible for them.

**Mark Griffin:** My second question is about the level of awareness in the community of community planning and community planning partnerships. I will come to Craig first. Is the community broadly aware that community planning exists, of what it does and of how to get involved?

**Craig McArthur:** I suspect that the answer to that is no. If you couch the question as, “Do you know what a community planning partnership is?”, the answer from the vast majority of people would probably be “No.” However, if you described it in terms of community-led action plans, participatory budgeting and some of the good stuff that we have seen happening around community empowerment and how communities can be involved, most of our communities would absolutely recognise it. They see the opportunities to get involved and to make a difference in their communities. However, if you couch the question in statutory terms, based on what the Community Empowerment (Scotland) Act 2015 talks about, people will not recognise it.

Part of the challenge for us is in how to have conversations in a different way so that communities understand what we are trying to achieve and what contribution they can make to that. Language is really important: how we couch things and the terms that we use are absolutely critical. If we asked our communities your specific question, I suspect that the answer from the majority would be that they do not understand it, that they do not think that it happens where they are or that they really do not see how they can take it forward. However, if you go into the detail, you will get a very different response.

**Mark Griffin:** Okay. Thanks for that.

**Alison MacLeod:** I agree that there will be limited awareness of the structure of community planning, but if you were to ask our communities, they would say that we do engage with them and ask them to participate in various things, including some of the commissioning that we do.

It is about semantics; it is about language. Many of our community representatives are not interested in the structure or the framework around community planning. What they are most interested in is that we come out to speak to them, that we listen to them and that we deliver what they are looking for.

**Alison McGrory:** I do not have a lot to add to that. Engagement goes to the heart of public health, and there is a challenge with regard to the commonly heard voices and the seldom heard voices. We have to work harder to engage with the seldom heard voices. Yesterday, for example, I had an event in Dunoon on getting it right for

everyone, which is an aspirational model for adults that is modelled on getting it right for every child. Twenty people turned up; they were people who are fairly engaged in community activity. I did a bit of canvassing on their understanding of community planning in advance of my coming here today, and there was a good level of understanding in that small cohort.

Conversely, at a family party on Saturday, I told friends and family that I was coming here, and among them there is a very low level of understanding of community planning. Generally, that group is probably more representative than the people whom I was working with yesterday for the purposes of health and social care.

There is a challenge. I agree with Craig McArthur that people understand what makes their community strong and vibrant and how it can be better, but when we talk about community empowerment legislation, they do not get that.

**Mark Griffin:** Thank you.

**The Convener:** We are a bit short of time because previous business went over time. Colleagues, I ask you to roll your questions into one, where that makes sense and is possible. Guests, we want to hear from you, but if something has already been said—

You get the point. It has been a challenging morning.

**Paul McLennan (East Lothian) (SNP):** I will ask about the role of the third sector and communities and the experience of local organisations, primarily, in terms of your remit. I am interested to hear about the strategic planning board level, but also in the team level. What is their involvement? I will go to Alison MacLeod first. One of the key things that you said in your evidence was:

“We would like to see a strategic shift to embrace community led action”.

How do you get community and third sector involvement in discussions to make them relevant and to make the “strategic shift” that you mention?

**Alison MacLeod:** First, I note that our third sector interface organisation, the Aberdeen Council of Voluntary Organisations, is very involved in all the work that we do. We try to go through it and we use it as much as we can in order to interface with community organisations and the voluntary sector, in particular. It is involved in a lot of our groups: it is on our strategic planning group and our strategic commissioning and procurement board. We try to link in as much as possible.

We also have community representatives on our strategic planning group, and when we undertake

commissioning and so on we involve people so that we are doing co-design and co-production. We see achieving the strategic shift as a long game; we are chipping away and doing bits where and when we can. We have some evidence about what we have achieved, but there is a long way to go. It is hard work, and we need to keep at it and to keep trying.

**Alison McGrory:** I have a quick response. We work closely with the local third sector interface. Its people sit at the table, and in our area its members are on community planning groups and on the management committee. As for how represented the third sector is, let us think about the challenges that the third sector has in delivering its services while it does all the ongoing fundraising that it has to do. Often, the services have year-to-year funding streams. That is a real challenge for the sector and does not always allow it the capacity to participate in community planning, which it perhaps sees as being a bit of an add-on and a nice thing to do.

11:15

**Paul McLennan:** That is a really important point to make. Thanks for that.

**Craig McArthur:** As I mentioned before, we have third sector representation on the community planning partnership board, so we hear its voice there, at our executive officer group and at our strategic planning and wellbeing delivery group, which is co-chaired by me and the vice-chair of the integration joint board. There is third-sector interface representation on all those groups.

In March last year, we created what we call a partnership provider statement that all local bodies that deliver services on our behalf signed up to. It is about collaborative commissioning and is a suite of collective beliefs. It talks about how we celebrate success in what we are delivering together, and it identifies opportunities to improve through working together in partnership and collaboration. That is in order to try to move away from having third-sector bodies being almost in competition with one another because lots of bodies are fighting for the same pots of money. We try to encourage them to work together and to deliver services together for the benefit of our communities in what we, as a health and social care partnership, are trying to do. That has been really effective.

**The Convener:** We will move on to local outcomes improvement plans and locality plans.

I was interested to hear from Alison MacLeod about awareness of consultation fatigue in Aberdeenshire, and that you have joined up locality plans so that you have coinciding priorities and streamlined processes. We are aware that

there is a potentially cluttered landscape with so many plans. I am interested to hear from all of you about LOIPs and the locality plans and how they are working. In particular, CPPs have been set up to take the preventative approach. Are the strategic plans helping us to achieve that outcome? I start with Alison MacLeod.

**Alison MacLeod:** In Aberdeen city, the local outcomes improvement plan is the paramount plan, so our strategic plan for the health and social care partnership is linked directly to that. Any projects that we have within the stretch outcomes of the local outcomes improvement plan are totally reflected in our strategic plan, so that we are not duplicating use of resource or effort and are seeing full alignment.

One of our strategic aims in our strategic plan is prevention: many projects in the local outcomes improvement plan relate to the prevention agenda. NHS Grampian also aims for that, with its strategy and plan for the future. The planners from each organisation have joint meetings at which we discuss our approaches. We try to do joined-up consultation, where we can, to inform our planning processes. There is a journey to take, and we are at the beginning of that journey. Our most recent plans are probably quite reflective of joined-up and collaborative working, but we still have some way to go. We have started that snowball; we hope that it will keep rolling along and getting bigger as we try to bring all the strands together so that we have one landscape.

**The Convener:** Thanks very much for that. It sounds as though clarity is really important.

How is it going in Argyll and Bute, with the LOIPs and locality plans?

**Alison McGrory:** I have a lot to say about this, so maybe I do not have time to do it justice. In Argyll and Bute community planning partnership, we do what the legislation and guidance tell us to do. The guidance tells us that we have to have LOIPs. They are needs based, and the needs are deficit driven, so we have to ask, "What is the problem and what is our response to addressing that problem?"

That can be flipped around. I am not sure whether all the panel members are familiar with the term "asset-based community development". That is about knowing what is strong in a community and making it stronger, thereby empowering and building from a strength rather than from a deficit. That is quite a flip. We can do that asset-based community development to the best of our ability, but it does not fit what the guidance on community planning asks us to do. That is a paradigm shift—probably a big meaty one for the panel to consider.

There is another aspect to consider. The Christie report recognised that we needed to be better at performance. Now, 12 years on from the Christie report, there is an industry around performance. I can honestly say that my team in public health is often doing performance reporting to the detriment of the work on which we are reporting. There needs to be some common sense applied on that; it needs to be simplified. We must, clearly, ensure that we can establish that we are doing the right things—we have to show the outputs and the differences—but not to the point of generating hugely complex performance outcome matrices, frameworks and all the rest of it, with which you will be very familiar.

**The Convener:** Thank you very much; that is very helpful.

**Craig McArthur:** Without repeating everything that the two Alisons have said, I will build on the last point about having to produce data and stats. We know that, under the legislation, we have to produce them and that the LOIP has to contain particular things. We have deliberately tried to go into story-telling mode by using case studies to describe what is happening and the outcomes, and to show the differences that are being made for people and communities in real life. The narrative is almost "a picture tells a thousand stories". For us, the stories are much more important than the stats.

I am really keen that that becomes the direction of travel in all our performance reporting. It should be about telling real-life stories of lived experience and about the impact that we are having on people. That is how we are trying to address the challenges in what is quite a rigid system that says what we need to report on. We recognise that we have a wee bit of flexibility at the edges, and that is where we can start to make a real difference with story telling. We have been talking about our communities not recognising community planning, but when we tell those stories we can engage with communities so that they understand the work that is taking place and its impact in delivering change in their areas.

**The Convener:** Thanks for that. Story telling makes things so much more accessible.

I want to go back to Alison McGrory on asset-based versus deficit-based community development. You said that the Community Empowerment (Scotland) Act provides guidelines on the approach. Is there not flexibility in that? My understanding is that guidelines are just that and do not say, "You must do it this way". Do you feel that in the guidelines there is not flexibility to move to an asset-based approach? You made a really good point about building on what is already working. Is there scope there, or does something in the legislation need to be reviewed?

**Alison McGrory:** I was thinking about this a lot yesterday. I am not sure. It is quite a fundamental shift. We do the best that we can within the paradigm by which health and social care services are provided for the people who need them. We know that, if we get downstream, we can do lots on preventative services, but we are funded and resourced to deliver in the here and now. It is almost as if we need to build prevention and a response in parallel. We are clamouring for that just now, given the impacts of Covid, the social determinants of health and the sustainability of services.

Where I am, in Argyll and Bute, for example, it is not simply about money; it is also about how we can bring people in to fill the jobs to which we want to appoint. Taking the asset-based approach would be a paradigm shift, and clear expectations are needed. I am not entirely sure whether that is about legislation or guidance, but to enable the paradigm shift and so that we can take that route, fundamental change is needed. It is easy to do a needs assessment. What does the quantitative data tell us about what the problem is? What does the evidence say about what the response should be? What do we do then? How do we continue to measure the problem to see whether it has reduced? Very often, a problem does not reduce because it exists within the context of demographic change or other factors.

Mental health improvement is a prime example in which the traditional response is about delivering more of the same services—counselling services and that type of response to the problem—rather than being about preventative action and about what keeps people mentally well in communities. We know the social determinants of health—good income, good housing and good jobs—and all those should be protected for mental health improvement, as opposed to our responding downstream, when people are in distress, with what we need to do through counselling or other services.

**The Convener:** Thanks very much. That was helpful.

I call Marie McNair, who has questions on the theme of measuring impact.

**Marie McNair (Clydebank and Milngavie) (SNP):** Good morning, panel.

I will start with Alison MacLeod. Do you feel that CPPs are able to demonstrate their impact? Are they making a difference? If they are, what examples would you highlight of their success?

**Alison MacLeod:** It is probably difficult to measure some of the differences that are being made, but I would say that we are making a difference. I would go back to the projects that we have put in place against each of our stretch

outcomes. Each starts with a project charter that lays out the aims and how we will measure things; we start with the baseline measure of where we are, and we state our intention and where we want to be. With suicide prevention, for example, we have the number of suicides in our area last year, and we set a target for reducing it. We then monitor and report on the numbers, which allows us to measure differences.

As some of the changes that we are trying to make feature long-term goals such as changing behaviours and making an impact on healthy life expectancy, we cannot measure them over the short term of a project. However, we keep those measures, and we have our outcome measures that we continue to monitor as the years go by to ensure that we are able to demonstrate what difference has been made.

We employ an improvement methodology and do small tests of change, and we scale things up to the wider areas only if those tests work. With that approach, we have a means of demonstrating what we do and identifying the projects or activities that are worth taking forward, committing resource to and scaling up to make a bigger difference.

**Marie McNair:** Thanks for that. Craig, would you like to come in?

**Craig McArthur:** I suppose that I kind of answered the last question when I talked about story telling. Some of that relates to this question, too: it is about telling those stories, describing what things mean in those terms and using case study approaches in ways that are understood.

For us, the key to demonstrating success will be good use of data, so that we become increasingly data informed. The intelligence that we have in that respect is crucial. As we become more effective at partnership working across agencies, the ability to share data across agencies becomes more and more critical. However, that can sometimes be challenging. Sometimes we share data in particular circumstances and for particular reasons. If you want to do so for different reasons, you will need to take a whole new approach in terms of information-sharing protocols. The impact of the general data protection regulation on information and data sharing can sometimes be challenging, but the opportunities around it are endless. If we can crack that nut, there are real opportunities to do things in a different way with better use of data and better sharing of information.

On specific examples of making a difference, we have some examples on suicide prevention. However, as Alison MacLeod has already mentioned that issue, I will not talk about it. Instead, I will highlight the help everyone at the

right time—or HEART—wellbeing model, which we recently developed for children’s wellbeing services and which goes across a range of statutory and third sector partners. It has proven to be really effective. We have also done some good work on addiction support with rapid access to drug treatment—and, by rapid, I mean 24 to 48 hours—through an approach called RADAR or rapid access to drug and alcohol recovery. We have also managed to deploy peer recovery workers into some key areas. There are some real success stories in that respect.

Our most recent success story, however, is probably the response to the cost of living crisis and the use of our financial inclusion resources, which we have grown in recent years. We now have financial inclusion support in our secondary schools and the broader cluster, and we also have financial inclusion support in our deep-end general practices, which is funded through the Scottish Government and which, again, is having a real impact. The same financial inclusion teams are working in the courts as well as working closely with Macmillan Cancer Support for people suffering from cancer. Quite recently, we have also started to deploy financial inclusion resources in our health visiting teams, going into families at an early stage when they have young children, and we are starting to make a real difference there. It is having a huge impact on what we do as a service, but it is also putting a lot of money into people’s pockets, allowing them to be much more resilient and responding to challenges themselves. We have had some really good successes there.

11:30

**Marie McNair:** Thank you. Alison McGrory, do you have anything to add?

**Alison McGrory:** Yes, I just want to make one or two points. First, the strong cohesion that we have in our partnership working lends itself to leadership in delivering certain strategies. We have talked about the child poverty plan, and I am really proud of the work that we have done in that respect. I am not sure whether it is happening in the same cycle, but we are also in the process of updating our children and families strategy in Argyll and Bute. We also have our living well strategy, which is about supporting people with long-term health conditions, and our primary prevention aims, which are about preventing the occurrence of long-term health conditions. There are lots of strengths in all of that.

I also want to mention a couple of things with regard to our aspirations for joint engagement approaches. Health and social care has statutory responsibilities to engage effectively with communities, and there has been a lot of cross-fertilisation, cross-learning and going out to

communities collectively, instead of in parallel, to ask lots of questions about different things. There are synergies and successes in there.

Finally, we now have a unified equalities impact assessment process that, because we have 23 inhabited islands in Argyll and Bute, also includes island impacts. That is now routinely used to reduce the impact of inequalities.

**Marie McNair:** Thanks.

**The Convener:** I call Miles Briggs to ask about the culture of public bodies.

**Miles Briggs:** Good morning and thank you for joining us today.

Your comments about where you think the public are in all of this have been refreshing and honest, but I want to ask a few questions about how this approach has changed organisations and bodies. You touched on that in response to my colleague Marie McNair when you talked about working with third sector and outside organisations. How has resource and budget allocation changed? For most of the groups to whom we have spoken, the issue comes down to who pays for delivery. Do you have examples of what that has looked like and how CPPs have helped change that resource allocation?

**Craig McArthur:** As I mentioned at the start, our community plan has three specific themes: wellbeing; economy and skills; and safer communities. A lead officer is assigned to each. I lead on wellbeing from within health and social care; our chief education officer leads on economy and skills; and one of the local senior police officers leads on safer communities. We have real strength when it comes to the question of who takes the work forward—it is already deployed to community planning partners. The executive officer group comes together regularly to discuss what resources we have, what decisions we are taking and how they might impact on partner bodies to ensure that we have that close understanding.

Once a year—it happened just a few weeks ago, in fact—we come together for a closed-door budget session in which we have warts-and-all discussion of where we as individual organisations are with budget settlements, what savings we might need to make and how we are ensuring that there is no adverse impact. You can have almost consequential impacts, because decisions taken in one place to make savings can perhaps push other work further downstream or upstream, so we are really careful about those consequences. That approach has proven to be really effective, and we have been having those really detailed budget discussions for the past five or six years now. They sometimes help inform decisions that we then present to the cabinet or the council with

regard to a council position on budget decision making.

A few new members who recently joined the executive officer group have experience of other community planning partnerships. They might be very new in the door, but they recognise the group's strengths and maturity, particularly our good and robust decision-making process for resourcing and finances. Although we can pool budgets, do things in a joined-up way and put money together, we make sure that we do not take decisions that will have an impact on only one part. We have a real joined-up approach and synergy in decision making at every step along the way, and it is really helpful for us.

**Miles Briggs:** Alison McGrory, do you have anything to add?

**Alison McGrory:** I have actually thought quite a lot about this. Again, it comes back to the limitations of community planning partnerships, which do not really have that locus of governance control or a say in how statutory bodies allocate their resources. What Craig McArthur said was interesting, because I would say that what he described actually comes from the good will that exists and the strength of the partnership working rather than from the guidance on what community planning should achieve. I am really unsure about that.

Perhaps I can take the climate emergency as an example. Like everybody else, our CPP recognises the importance of considering our response to it, the influence that we can have on it and what we can deliver to address it. We have been looking for a really small pot of money to employ a development officer to take things forward over the next two or three years, but it has been really hard to get it. We have been able to put in a bit of public health money, but it has been hard to get the rest.

It is also important that I flag the work that is going on in parallel on the proposed community wealth building legislation. Indeed, as far as operational capacity is concerned, a lot of things happen in parallel. To people in Parliament or in the Government, they might seem joined up, but from my experience of putting them into practice in order to deliver what I need to deliver with my team and then reporting back, it does not always feel like that to me. We should be having really important conversations about community wealth building. In response to the committee's call, I formed a focus group in December, and I intend to form another one with similar people to put together our response to community wealth building. That work overlaps with this.

**Miles Briggs:** That was helpful—thank you. Alison MacLeod, did you want to come in?

**Alison MacLeod:** Yes, briefly. It is similar to what Craig McArthur talked about. The structure that we have in Aberdeen encourages participation and resource—that is, staff—to get involved in and lead the projects. We try to make sure that the chair and the vice-chair of the outcome improvement groups come from the spread of partners. As I have said, the structure certainly lends itself to encouraging participation and resource—if, by that, we mean people—but it is not really the same with regard to budgets and money. The resource that is allocated is, as I have said, people.

Some project outcomes have helped inform some of the partners' budget decisions. There is evidence that putting in a bit of resource makes a difference and that, in order to scale things up, some investment might be needed. It is all about helping to inform budget decisions instead of budgets being pooled to deliver things.

**Miles Briggs:** That was helpful. I know that capturing resource in kind is sometimes quite difficult to quantify with a financial figure.

**The Convener:** We now move to our final theme, which is local and national leadership.

**Willie Coffey:** Good morning to you all. The committee has heard contrasting evidence about the success or otherwise of CPPs across Scotland and the key role of leadership in driving them forward. I have a couple of questions that I will roll into one, if I can.

Do you recognise leadership as a key driver in making the CPP in your local authority area succeed? Is that leadership shared among the partners on the CPP, or is it still very much driven by local authority officials? Do you have any recommendations or comments to make on the national guidance and on the statutory bodies that largely participate in the CPPs? Principally, what does leadership look like, and what makes for a successful CPP? I will start with you, Craig, since you are from East Ayrshire.

**Craig McArthur:** Is leadership important? Absolutely—it has to be. Leadership will always be important in all that we do. In fact, it is of critical importance. As far as the community aspect is concerned, if we are serious about making this a success, regardless of whether we couch it in terms of the formalities around community planning or the reality of what people recognise by it, having strong leadership will be key.

The council has a statutory role in taking a lead in community planning, but that is at a local level: it is not simply left to the council to get on with it. The council leader will chair the community planning partnership board—that is fine, and it always happens—but there is also really good engagement from all the other statutory bodies

around the table and all the other members of the community planning partnership board.

As for engagement and leadership at officer level, there is really good and strong engagement at chief executive level across all the partner organisations. The position of chair on the executive officers group rolls around the different organisations. Our local fire commander recently demitted the chair; I have now taken it on; and, next year, the responsibility will move to the local police commander. That leadership role in the partnership is therefore to the fore and is really important.

I do not want to underestimate the importance of leadership. We are very fortunate in East Ayrshire in that the local leadership is very keen to take the community plan forward. Everybody recognises that the community plan is almost a sovereign plan that sits above all the individual partners' local plans, so we are all singing the same tune. That is absolutely apparent in all the meetings that we attend.

As for whether we want the role of statutory bodies to change in the legislation, I just think of the flexibility that we currently have. There is a statutory requirement for certain people to be involved; there is also flexibility to engage beyond that, and we take that opportunity, which is helpful. To specify things and be rigid about who should be on a community planning partnership board would not be helpful. We absolutely welcome local flexibility, and we recognise the merit in and benefits of bringing in the right people, but it would not be helpful to prescribe that in legislation, beyond what we already have.

**Alison McGrory:** On the question whether we are driven by local authorities, the answer is both no and yes. In fact, I already answered the question when I talked about the bureaucracy lent by local authorities. Like Craig McArthur, we get really good leadership from our local police, fire, health and local authority representatives, and we, too, have a rotating chair. However, because our boundaries are not coterminous with those of the police and the fire services, somebody from outwith Argyll and Bute will be in the chair. They will be good and strong leaders, but there is something to be said for leaders living and working in a community and understanding what goes on there when we drive things forward.

As an aside—and you have probably had this impression from other answers—this is about shifting the locus from statutory bodies to the communities. Should the really important work to improve community wellbeing be chaired by a fire or police commander? I do not know. There needs to be governance, but some of our community members and leaders are involved in lots of the organic work that happens alongside community

planning and which we have not yet had a chance to talk about. A raft of work happens because community members mobilise; they see something that they want to do, they achieve it and they make a difference—and not as a result of community planning. Sometimes, community planning will take a bit of the credit, but that work happens, because there are people who fundamentally want to make their communities better. This is all about putting the community at the heart of community planning and really empowering our community members.

**Alison MacLeod:** I agree with Craig McArthur, particularly with regard to the leadership that we get from the local authority. There is absolutely a will on the part of all the community planning partners to be around and about this, but we rely heavily on the local authority to make it all happen. By that, I mean driving things and making sure the meetings happen, the project charters have been completed and the reports are in. As a result, there probably needs to be a partner who is there and can really grasp this.

I also agree with Craig McArthur about giving us the flexibility to make the membership of the community planning partnership appropriate to the area and appropriate to needs, because there will be times when we need more input from certain organisations. The cost of living crisis is a good example of that.

Finally, I echo Alison McGrory's comments that the structure tends to be quite top heavy, if you like, in terms of commanders and people at a senior level. I keep coming back to the journey that we are on; perhaps this is the way in which things needed to start, but eventually we will, I hope, be able to achieve that locally led vision that Alison has set out.

**Willie Coffey:** I thank the three of you very much for your contributions.

**The Convener:** I know that we use it often, too, but I love the metaphor of the journey that we are on and our direction of travel, and I hope that the work that the committee is doing and all the evidence that it is taking will help us move in the direction of putting communities even more at the heart of this work. Thank you so much for joining us today.

The committee agreed at the start of the meeting to take the next item in private. As this evidence-taking session was the last public item on our agenda, I close the public part of the meeting.

11:46

*Meeting continued in private until 12:08.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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