



membership resources

Briefing 09/48 October 2009

Towards a more successful Scotland: The Government's programme for Scotland 2009-2010

To: All Chief Executives, Main Contacts and Email Contacts (Scotland)

CC: All Chief Executives, Main Contacts (England, Northern Ireland and Wales)

A publication by the Scottish Government

Key issues

The Scottish Government unveil proposed Bills

Legislative programme for the year 2009-10

1. Introduction

The Scottish Government administration, have indicated that it has adopted a single overarching purpose, to focus government and public services on creating a more successful country, providing opportunities for all of Scotland to flourish, through increasing sustainable economic growth. The Government is determined to work in partnership with wider Scottish society in order to deliver these pledges.

The current administration has looked to acknowledge the importance of working in partnership with local government in order to protect and create jobs whilst supporting communities through investment in skills, education and industries with a view to ensuring recovery and future success of Scotland. All authorities are working together to achieve agreed outcomes and to deliver growing success for the people of Scotland.

The over-arching aim is to close the growth gap with the rest of the UK by 2011, and move forward to emulate the recent success of other small, independent countries. Even within an increasingly challenging global economic environment, the Scottish Government believes that the agenda for government and a programme for economic progress will put Scotland on course for long-term success.

The Scottish Government state that it is focused on sustainable economic growth and it is hoped that everyone should be able to share in a better, fairer way of life. They are seeking to deliver a more inclusive Scotland so that, no matter where people live, more opportunities will be available.

How this will be taken forward will flow from a broad social partnership bringing together Scottish society as real partners in a process that is focused on delivering these commitments. The key to achieving these aims lies in reaching out and bringing together business, local government, the third sector, trade unions and other stakeholders. Multi buy in from other political parties is required to pass the legislation.

The document can be viewed in full at:

www.scotland.gov.uk/Publications/2009/09/02152902/0

2. LEGISLATIVE PROGRAMME 2009-2010

The Government's legislative priorities for the coming year are:

- **Alcohol Bill**
- **Historic Environment (Amendment) Bill**
- **Budget Bill**
- **Children's Hearings (Scotland) Bill**
- **Crofting Reform Bill**
- **Debt and Family Homes Bill**
- **Debtor Protection Bill**
- **Forth Crossing Bill**
- **Housing Bill**
- **Legal Services Bill**

- **Patients' Rights Bill**
- **Referendum Bill**
- **Wildlife and Natural Environment Bill**

Alcohol Bill: Key proposals of the bill will include:

- Minimum pricing to reduce alcohol consumption and harm and to stop high strength alcohol being sold at 'pocket money prices'
- Further bans on irresponsible promotions and restricting marketing activity in off-sales locations such as supermarkets
- Ensuring smaller measures of wine are made available in on-sales
- Placing a duty on Licensing Boards to consider raising the purchase age of alcohol to 21 in all or part of their area
- Establishing the power to introduce a Social Responsibility Fee for some retailers

Historic Environment(Amendment)Bill: The Historic Environment (Amendment) Scotland Bill is part of a wider programme of change and complements work already begun by Historic Scotland in partnership with local authorities, including the establishment of Joint Working Agreements between local government and Historic Scotland, and the managed removal of a duty on local authorities to notify Scottish Ministers of certain casework.

The overarching aims of the Bill are:

- To improve the management of our historic environment by addressing the gaps and weaknesses of the current legislative framework identified during a year-long stakeholder engagement process
- To avoid introducing significant new burdens or duties for local and central government, businesses or the private sector
- To keep the implementation costs low

Budget Bill: This Bill will give statutory authority to the Scottish Government to spend money out of the Scottish Consolidated Fund in the financial year 2010-11. It sets out the purposes for which those resources can be used and the maximum amounts that can be used for each of the Governments spending programmes.

It demonstrates how the Scottish Government is using its resources to benefit Scotland and the Scottish people. The Bill is accompanied by a set of Budget Documents which set out the Government's spending plans in more detail and which are equivalent to Estimates in the UK government system of financial control.

The Bill will be introduced to Parliament in January 2010, to come into force at the beginning of the next financial year.

Children's Hearings (Scotland) Bill: The Scottish Government believes that the Children's Hearings system remains the best way of providing support and assistance to Scotland's vulnerable young people. However, the children and families which the system

is supporting today are facing significantly different challenges and circumstances from when it was created 40 years ago which is why the Bill aims to:

- Improve outcomes for children and young people by changing functions and practice to improve support for both professionals and panel members delivering the system
- Build on the Scottish Government's child-centred approach to helping young people and families at risk, thereby keeping the ethos and principles of the Children's Hearings system while seeking to strengthen and modernise the system
- Ensure that children's rights are properly upheld and enhanced in line with our commitment to the UN Convention on the Rights of the Child (UNCRC) and to increase efficiency within the system through legal and procedural changes
- Protect the integrity of the Children's Hearings system and the role of the Reporter to best ensure the needs, rights and protection of Scotland's children are at the heart of a strong, modern system which is shielded from emerging European Convention on Human Rights (ECHR) challenges
- Re-assert the independence of panel members by maintaining and supporting panels made up of local people, best placed to make decisions for children in their community while strengthening their knowledge and understanding of the complex issues young people can face
- Streamline both processes - to improve understanding and use of the system - and structures such as recruitment, selection, training and continuing support of panel members
- Create a new body to be responsible for all functions associated with the Children's panel including recruitment, selection and training of panel members. The Scottish Children's Reporters Administration will continue to deliver the Children's Reporters service

Crofting Reform Bill: The Bill marks the next step in the Scottish Government's commitment to reform crofting and make this unique way of life fit for purpose in a modern Scotland. The Scottish Government agreed to reform crofting, following the work of the Shucksmith Inquiry, "recognising the unique contribution that small scale land management practices can make in terms of public benefits to the environment". The Shucksmith Inquiry reported on May 12, 2008 and the Government published its response on October 1, 2009.

Since then, the Government has undertaken administrative reforms such as focusing the Crofters Commission on the business of regulation and transferring crofting development to Highlands and Islands Enterprise and grant administration to the Rural Payments and Inspections Directorate. A consultation on a draft Bill that would implement reforms that require legislation took place between May 19 and August 12, 2009. This draft Bill generated many responses, which are now being analysed ahead of final decisions on the future shape of the legislation.

Debt and Family Homes Bill: The Scottish Government will introduce legislation, subject to a forthcoming consultation, to make sure that people who become bankrupt and who are in debt are not made homeless unnecessarily. That's why:

- A thorough review will be conducted of what can be done to ensure that people who become bankrupt are not made homeless unnecessarily
- We propose to consult on issues relating to debt and the family home and, subject to that consultation, to bring forward a Debt and Family Homes Bill
- The aim of the Bill will be to put in place a system that strikes the right balance between the interests of creditors and debtors within the effective system for the enforcement of court orders required in a modern economy
- The review will recognise the Scottish Government's commitment to exempt the main dwelling house from land attachment (that is, the ability of creditors to recover debts by taking possession of and selling houses and other heritable property)

Debtor Protection Bill: The proposed Debtor Protection (Scotland) Bill will introduce measures to protect the people of Scotland who are struggling to deal with debt. It will also increase protection for those who are facing repossession or become bankrupt.

The Debtor Protection (Scotland) Bill will be introduced into the Scottish Parliament in autumn 2009. The Bill offers protection by:

- Providing for all repossessions cases to involve court proceedings with the exception of cases where the borrower voluntarily surrenders possession
- Requiring all lenders to demonstrate to a court that they have taken reasonable steps to avoid repossession, i.e. a 'pre-action protocol with teeth'
- Enabling the use of lay representation in repossessions cases where the home owner wishes it
- Extending the period by which a sheriff may postpone the sale of a family home in bankruptcy from one to three years
- Introducing a requirement for trustees in bankruptcy and trust deeds to notify the local authority of the sale of a family home
- Allowing the exclusion of specified assets, including the family home, from protected trust deeds
- Improving access for debtors to debt relief by providing a new route into bankruptcy

Forth Crossing Bill: The Forth Crossing Bill will be introduced into the Scottish Parliament later this year. It is clear that the Forth Road Bridge cannot be relied upon to continue to carry the burden of being the principal Forth crossing into the future. The Forth Replacement Crossing is designed to safeguard this vital cross-Forth connection in Scotland's transport network

Therefore a refined strategy for the Forth Replacement Crossing has been developed which incorporates the Forth Road Bridge, makes best use of existing infrastructure and has less environmental impact. This strategy allows for the existing bridge to be used to carry public transport, pedestrians and cyclists. Initially, the public transport corridor will be dedicated to buses and taxis but has the potential to be adapted to carry a Light Rapid Transit system in the future.

Housing Bill: The Scottish Government is committed to safeguarding social housing for future generations. Around one in four Scottish households lives in social housing that provides a secure and sustainable alternative to home ownership for over 600,000 households across the country. The Housing (Scotland) Bill will do this by reforming Right to Buy and modernising regulation to improve value for tenants and taxpayers.

The Bill will be introduced in early 2010.

Right to Buy

- Half a million homes have been sold in Scotland since RTB was introduced
- Reforms should allow between 10,000 and 18,000 homes to be retained over 10 years
- Sales receipts will be reduced which could affect landlords' capacity for investment
- Against this, properties will remain available to rent; and landlords will retain the rental income for properties that otherwise would have been sold
- The Scottish Government is investing £1.5 billion in affordable housing over three years: a record £644 million this year and £50 million to kick-start a new generation of council house building - supporting 3,000 jobs and delivering around 2,000 new affordable homes. The reforms to RTB will support these measures

A Social Housing Charter and a modernised Scottish Housing Regulator (SHR)

- Will safeguard and promote the interests of tenants and other service users
- The Charter will set the outcomes that social landlords must deliver for their tenants
- Modernised regulation will allow the SHR to target its activities at those landlords who are failing to deliver value for tenants.

Summary of Issue

- To end the Right to Buy for new supply social housing
- To separate standard setting and regulation of social housing
- To provide the Scottish Housing Regulator with a statutory objective of safeguarding and promoting the interests of current and future tenants
- The Bill may also include provisions on private housing to assist local authorities to enforce existing legislation more effectively

Legal Services Bill: The Scottish Government will introduce legislation to allow Scotland's legal profession to grow and compete, by removing outdated restrictions on business models while protecting the core values of the profession.

A strong and independent legal profession is part of the institutional framework of a modern democracy. The legal profession contributes to the Scottish economy with an estimated turnover of over £1 billion per annum. The Legal Services Bill will be introduced into the Scottish Parliament at the end of September 2009.

The Bill will:

- Allow solicitors to secure external investment and business expertise and to combine with other professionals to offer legal services in new ways
- Remove restrictions on solicitors entering into business relationships with non-solicitors
- Allow our leading commercial law firms to compete effectively with other UK firms and internationally
- Create a robust regulatory framework in which the Scottish Government will appoint approved regulators who will regulate the new business structures

Patients' Rights Bill: The Scottish Government wants to see the Scottish people and NHS staff become real partners - co-owners - of the health service so that they can shape a truly responsive National Health Service for the future. This important piece of healthcare legislation will help to ensure that rights and entitlements are more widely understood and used. Key proposals of the bill will include:

- A 12 week waiting time guarantee from agreement to treatment to the start of that treatment for daycases and inpatients
- Patients Rights Officers for NHS Health Board areas
- Reinforcement of existing rights to make a complaint and strengthening of the support to patients through the complaints process.
- Better clarity about responsibilities for patients - for example, attending agreed appointments and offering feedback on health services

Referendum Bill: The Scottish Government will bring forward a Referendum Bill in 2010 to give the people of Scotland the opportunity to have their say on the constitutional future of Scotland in a referendum.

The Referendum Bill will provide the framework for the conduct and mechanics of a fair and democratic referendum. The Parliament will have its say and ultimately decide on all of the issues, including the question.

The Scottish Government has made clear its position that the people of Scotland should not be denied the right to express their opinion in a referendum. It is for other political parties to justify why they would not wish to give the people that right. The current economic climate only reinforces our conviction that only independence provides the flexibility to respond in Scotland's best interests to these challenging economic circumstances.

Wildlife and Natural Environment Bill: The Scottish Government will introduce legislation ensuring wildlife and natural environment legislation is efficient, effective and proportionate, supporting sustainable economic activity, particularly in the countryside.

The Bill will be a wide-ranging piece of legislation modernising outdated statute and addressing anomalies and weaknesses in current laws. It will reduce regulatory burdens while helping to protect and enhance the natural environment for future generations.

The Scottish Government is keen for legislation relating to natural heritage to be fit for purpose, support sustainable economic development, deliver public benefit and to be able to react to changing circumstances.

3. Conclusion

This report gives a flavour of a Scotland putting the role of local government at the heart of activity in order to confront the issues facing us all to address the current economic crisis.

It is clear from these proposals that the Scottish Government hopes to create a better, more dynamic society. Whilst APSE welcomes any change for the better, it is felt that a great deal of caution should be taken as there is no clear and concise view as to whether these proposed changes will benefit Scotland and in particular, the consequences for authorities trying to deliver services. Through these Bills the Scottish Government is hoping to transform public health, drive educational attainment and changing the way the environment is viewed, albeit these are long term aims, but APSE will watch this closely and will lobby the Government where necessary to support the effects of the Bills on service delivery.

At the heart of many of these changes will be local government as these changes will have a massive impact on funding streams should the Bills come to fruition. APSE will watch with interest the Housing Bill for example to ensure its content reflects the views as expressed by local authorities as these may have a direct impact on service delivery. However, APSE welcomes any change for the better should it combat the effects of the current recession but again, local authorities will be pivotal in any implementation of change.

As a minority Government there may be strong opposition to some of these Bills particularly if it is believed that any of them will have a detrimental affect on the people of Scotland. It remains unclear at this stage how much support, if any, the Government will receive regarding these pledges. It will be APSE's role to ensure that the views of those delivering services to the public are heard.

APSE would welcome any comments on this, which should be sent to ptaggart@apse.org.uk

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