



LOCAL GOVERNMENT AND REGENERATION COMMITTEE

AGENDA

28th Meeting, 2015 (Session 4)

Wednesday 2 December 2015

The Committee will meet at 10.00 am in the Adam Smith Room (CR5).

1. **Subordinate legislation:** The Committee will consider the following negative instrument—

The Energy Performance of Buildings (Scotland) Amendment Regulations 2015 (SSI 2015/386)

2. **Footway Parking and Double Parking (Scotland) Bill:** The Committee will take evidence on the Bill at Stage 1 from—

Derek Mackay, Minister for Transport and Islands;

Sharon Wood, Policy Officer, Asset Management, Finance and Technical Branch, Transport Scotland, Scottish Government;

and then from—

Sandra White MSP, Member in charge;

Professor Tom Rye, Director, Transport Research Institute, Edinburgh Napier University.

3. **Inquiry into arm's length external organisations:** The Committee will take evidence from—

Cllr Jenny Laing, Leader of the Council, Angela Scott, Chief Executive, and Judith Proctor, Health and Social Care Integration, Aberdeen City Council.

4. **Footway Parking and Double Parking (Scotland) Bill (in private):** The Committee will consider the evidence received.

5. **Inquiry into arm's length external organisations (in private):** The Committee will consider the evidence received.

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The papers for this meeting are as follows—

Agenda item 1

Paper by the clerk

LGR/S4/15/28/1

Agenda item 2

PRIVATE PAPER

LGR/S4/15/28/2 (P)

Agenda item 3

PRIVATE PAPER

LGR/S4/15/28/3 (P)

Local Government and Regeneration Committee

28th Meeting, 2015 (Session 4), Wednesday, 2 December 2015

Subordinate Legislation

Introduction

1. This paper seeks to inform members' consideration of the following statutory instrument:

[Energy Performance of Buildings \(Scotland\) Amendment Regulations 2015 \(SSI 2015/386\).](#)

The Energy Performance of Buildings (Scotland) Amendment Regulations 2015 (SSI 2015/386)

Background

2. The instrument was laid on 18 November 2015 and this Committee has been designated the lead committee. The lead committee must report on the instrument by 11 January 2016.

3. The instrument is made under powers conferred by section 2(2) of the European Communities Act 1972(a) and sections 10 and 75 of the Energy Act 2011(b) and all other powers enabling them to do so.

4. Members will note this is a negative instrument. This means the instrument will come into force on the specified date unless a motion to annul has been agreed to by the Parliament within the 40 day period.

Policy Objectives

4. The Policy Note provided by the Scottish Government states---

“Amendments to existing regulations are to facilitate wider access to energy performance certificate data, as this is not personal data, and to strengthen the enforcement regime for energy performance certificates.

Changes to the regulations on access to energy performance data will extend access and the use of this data. The list of authorised recipients is expanded by regulation 2(10). In practical terms, these changes will improve access to information for building owners and the public, enable broader use of the energy performance data held on the Scottish Energy Performance Certificate Register and support publication of that data.

The role of an enforcement authority for the purpose of enforcement of the duties under the regulations, for example in respect of the display of energy performance certificates in public buildings, is to be extended

to enable appointment of Local Authorities outwith their own area and potentially also of a third party. The aim is to remove any conflict of interest situation which may arise.”

Financial Effects

5. The Minister for Local Government and Community Empowerment confirms the instrument has no financial effects on the Scottish Government, local government or on business.

Issues the Committee may wish to consider

6. The Delegated Powers and Law Reform Committee considered these Regulations at its meeting on 24 November 2015 and agreed that it had no comment to make.

7. No motion to annul this instrument has been lodged.

**Steven Iserhoff
Committee Assistant**