



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament

Thursday 20 June 2019

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Thursday 20 June 2019

CONTENTS

	Col.
BUSINESS MOTION	1
<i>Motion moved—[Graeme Dey]—and agreed to.</i>	
GENERAL QUESTION TIME	2
Social Security Scotland (Disability Pay Gap).....	2
Equally Safe.....	4
Domestic Abuse.....	6
Marine Mammals (Entanglement).....	7
Women Prisoners (Support and Services).....	8
Modern Apprentices (Dundee).....	9
FIRST MINISTER'S QUESTION TIME	11
St Ambrose and Buchanan High Schools.....	11
Scottish Welfare Fund.....	14
Liberty Steel (Redundancies).....	16
NHS Highland (Data Breach).....	17
North Lanarkshire Council (Redundancy Payment).....	17
Don & Low Ltd (Job Losses).....	18
Glasgow Life (Golf Course Closures).....	18
Space Industry.....	19
Paddle Steamer Waverley.....	20
NHS Borders.....	20
Nursery Education (Provision for Two-year-olds).....	21
Workplace Parking Levy.....	22
Care System (Outcomes for Young People).....	22
Scotland Women's Football Team.....	23
CYBG (Clydesdale Bank Brand).....	23
Refugee Week.....	24
Lyme Disease.....	26
Prestwick Airport.....	26
GLASGOW SCHOOL OF ART FIRE	28
<i>Motion debated—[Pauline McNeill].</i>	
Pauline McNeill (Glasgow) (Lab).....	28
Sandra White (Glasgow Kelvin) (SNP).....	31
Adam Tomkins (Glasgow) (Con).....	33
James Kelly (Glasgow) (Lab).....	35
Patrick Harvie (Glasgow) (Green).....	36
Joan McAlpine (South Scotland) (SNP).....	37
Annie Wells (Glasgow) (Con).....	39
Claire Baker (Mid Scotland and Fife) (Lab).....	41
The Minister for Public Finance and Digital Economy (Kate Forbes).....	43
PLANNING (SCOTLAND) BILL: STAGE 3 (DAY 3)	46
PORTFOLIO QUESTION TIME	71
HEALTH AND SPORT	71
NHS Scotland (Ownership).....	71
Beauty Industry (Regulation).....	72
Child and Adolescent Mental Health Services Waiting Times (Lothian).....	73
Mesh Implants.....	74
Fife Hospitals (Safety).....	75
Alcohol and Drug Treatment Strategy.....	76
Drumwealth Games (Health Impact).....	77
Chronic Pain Treatment Waiting Times (NHS Forth Valley).....	77
PROVISIONAL OUTTURN 2018-19	79
<i>Statement—[Derek Mackay].</i>	
The Cabinet Secretary for Finance, Economy and Fair Work (Derek Mackay).....	79

GENDER RECOGNITION ACT 2004 REVIEW	90
<i>Statement—[Shirley—Anne Somerville].</i>	
The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville)	90
PLANNING (SCOTLAND) BILL	108
<i>Motion moved—[Kevin Stewart].</i>	
The Minister for Local Government, Housing and Planning (Kevin Stewart)	108
Graham Simpson (Central Scotland) (Con)	111
Alex Rowley (Mid Scotland and Fife) (Lab)	113
Andy Wightman (Lothian) (Green).....	114
Alex Cole-Hamilton (Edinburgh Western) (LD)	117
James Dornan (Glasgow Cathcart) (SNP)	119
Alexander Stewart (Mid Scotland and Fife) (Con).....	120
Neil Findlay (Lothian) (Lab)	122
Kenneth Gibson (Cunninghame North) (SNP)	123
Jeremy Balfour (Lothian) (Con)	125
Annabelle Ewing (Cowdenbeath) (SNP)	126
Monica Lennon (Central Scotland) (Lab)	127
Adam Tomkins (Glasgow) (Con)	129
Kevin Stewart.....	131
BUSINESS MOTION	134
<i>Motion moved—[Graeme Dey]—and agreed to.</i>	
Elaine Smith (Central Scotland) (Lab).....	134
The Minister for Parliamentary Business and Veterans (Graeme Dey)	134
DECISION TIME	135

Scottish Parliament

Thursday 20 June 2019

[The Presiding Officer opened the meeting at 11:40]

Business Motion

The Presiding Officer (Ken Macintosh): The first item of business is consideration of business motion S5M-17860, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a revised business programme.

Motion moved,

That the Parliament agrees to the following revision to the programme of business for Thursday 20 June 2019—

delete

2.00 pm Ministerial Statement: 2018-19 Scottish Government Provisional Outturn

2.30 pm Portfolio Questions: Health and Sport

followed by Ministerial Statement: Update on Scottish Government Review of the 2004 Gender Recognition Act

followed by Stage 3 Proceedings: Planning (Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

and insert

2.00 pm Stage 3 Proceedings: Planning (Scotland) Bill

followed by Portfolio Questions: Health and Sport

followed by Ministerial Statement: 2018-19 Scottish Government Provisional Outturn

followed by Ministerial Statement: Update on Scottish Government Review of the 2004 Gender Recognition Act

followed by Stage 3 Debate: Planning (Scotland) Bill

5.30 pm Decision Time—[Maurice Golden].

Motion agreed to.

General Question Time

11:40

Social Security Scotland (Disability Pay Gap)

1. **Mark Griffin (Central Scotland) (Lab):** To ask the Scottish Government for what reason there is a median disability pay gap of 26 per cent in Social Security Scotland. (S5O-03421)

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): Social Security Scotland was established on 1 September 2018 and the majority of its workforce have been recruited since that date. The data that was used to determine the median disability gap is from December 2018 and is based on voluntary self-declaration. At that time, the disability status of 62.5 per cent of the agency's rapidly growing workforce was unknown.

The most recent staff survey highlighted that 22 per cent of employees in Social Security Scotland who have completed the survey identify as having a long-standing physical or mental health condition, illness, impairment or disability.

I am proud that we have sought to recruit people to Social Security Scotland who are reflective of the society in which we live.

Mark Griffin: The cabinet secretary knows that I have taken a keen interest in whether the new agency employs, and is representative of, the disabled people whom it will be supporting with billions of pounds of assistance.

When I previously raised concerns about the agency's struggle to recruit disabled people, a member of Social Security Scotland's executive advisory body told me that I had a

"focus almost entirely upon the external attributes",

which is

"a judgmental approach",

and they accused me of

"misinformation and casting such deep aspersions publicly".

I trust that the cabinet secretary will agree that attempts by a member of the executive advisory body to suppress legitimate and substantiated concerns about the recruitment of disabled people and, by extension, about equal pay and promotion are simply unacceptable. Will she today commit to introduce a plan to close the pay gap at the agency and get more disabled people into positions of leadership at all levels in the organisation, so that it represents the disabled people whom it will serve?

Shirley-Anne Somerville: I thank Mark Griffin for his question, as I know that it is on an issue that he is particularly interested in. I hope that he listened to my original answer, in which I talked about the fact that the staff survey highlighted that 22 per cent of the employees who completed it have a long-standing physical or mental health condition, which means that they are representative of the communities that we serve.

The agency has already made great efforts in recruitment to ensure that we are employing people who have a disability. For example, in Dundee, we are working with Remploy, and in Glasgow, we have recently had taster sessions with the Glasgow Disability Alliance. All the taster sessions were exceptionally successful. In addition, Inclusion Scotland is offering placements for disabled candidates.

We are working internally to ensure that there is great deal of focus on encouraging people who came into Social Security Scotland on entry-level jobs, which are the vast majority of jobs in the agency, to improve their prospects of internal promotion. I would be more than happy to share with Mark Griffin the information about what is already in place, because I appreciate that he is very interested in the subject.

I am proud of what the agency has delivered and what it will continue to deliver in this area.

Ruth Maguire (Cunninghame South) (SNP): Will the cabinet secretary confirm, for the avoidance of doubt, that disabled staff at the agency do not earn less than other people who are doing the same job? Will she also outline how the Scottish Government is working with disabled people's organisations to ensure that Social Security Scotland is seen as an attractive and inclusive place for disabled people to work and, importantly, that we are not missing out on their talent and skills?

Shirley-Anne Somerville: I can confirm that staff working for Social Security Scotland are employed under the Scottish Government's main terms and conditions, which includes standardised pay scales. Therefore, we are very confident that we provide equal pay for equal work. In my answer to Mark Griffin, I mentioned some of the work that we are doing with disability organisations to attract diverse talent. The agency is also a disability confident employer and we take part in a guaranteed interview scheme for people with disabilities, thereby reducing barriers to employment.

I hope that that gives the member and Parliament some reassurance about the great amount of work that the agency is undertaking in this important area.

Equally Safe

2. Annie Wells (Glasgow) (Con): To ask the Scottish Government how it is meeting the objectives of its equally safe strategy. (S50-03422)

The Minister for Older People and Equalities (Christina McKelvie): In November 2018, the Scottish Government and the Convention of Scottish Local Authorities published our first equally safe annual report, which highlighted progress made on implementing the strategy and delivery plan. Work is continuing to take forward important measures, including building understanding of consent and healthy relationships, tackling women's inequality, ensuring early and effective interventions for victims and survivors, and holding perpetrators to account for their actions. We will continue to report on progress annually for the lifetime of the delivery plan.

Annie Wells: One of the objectives of the Scottish National Party Government strategy is that men who carry out violence against women and girls are held to account by the justice system. However, the same SNP Government is letting the vast majority of domestic abusers avoid jail, by favouring soft-touch community sentences, which—[*Interruption.*] According to Scottish Women's Aid, such community sentences put women and children in danger. Why is the SNP refusing to exempt domestic abusers from its plan to abolish jail sentences for up to a year, as Scottish Women's Aid and others have asked?

The Cabinet Secretary for Justice (Humza Yousaf): You want a UK ban on short-term sentences.

The Presiding Officer (Ken Macintosh): Mr Yousaf, Ms McKelvie is answering the question.

Christina McKelvie: Thank you, Presiding Officer—it is all teamwork in our Government.

I emphasise the important relationships that the Government has with Scottish Women's Aid and other organisations, which it values. Those organisations will continue to hold us to account and encourage us to do more to support victims of domestic abuse and tackle perpetrators. We will continue to work constructively with them, as the Cabinet Secretary for Justice, Humza Yousaf, is currently doing.

I want to make clear our commitment to tackling all forms of violence against women and girls through our equally safe strategy, for which I have responsibility. That includes action to support perpetrators of domestic abuse to change their behaviour. We have committed an additional £2.8 million in the period from 2018 to 2020 to expand the innovative Caledonian system for domestic

abuse programme, so that more male perpetrators of domestic violence can receive specific rehabilitation services.

That complements our approach to holding perpetrators to account through the Domestic Abuse (Scotland) Act 2018. I know that our justice system will continue to give such matters serious attention.

I gently remind Annie Wells about the proposal from the UK Government to ban short sentences. I will remind her not so gently that our policy is for a presumption against short sentences, which gives sheriffs the discretion to put away domestic abusers as they see fit.

Shona Robison (Dundee City East) (SNP): For a long time, coercive and controlling behaviour has been a hidden aspect of domestic abuse. Does the minister believe that the first conviction under the new Domestic Abuse (Scotland) Act 2018 sends a clear signal that domestic abuse in any form will not be tolerated? I hope that it will provide assurance for victims and give them greater confidence to report all forms of abusive behaviour.

Christina McKelvie: The commencement of the Domestic Abuse (Scotland) Act 2018 was a great event in the Scottish Parliament and marks a new era in Scotland in tackling domestic abuse. Coercive and controlling behaviour, which has long been a hidden aspect of domestic abuse, is increasingly being brought to the fore and highlighted as absolutely unacceptable.

The first conviction under the 2018 act is a positive start and sends a clear and unequivocal message that domestic abuse, in any and all of its forms, will not be tolerated in Scotland. There is only one person responsible for abusive behaviour: the perpetrator. I hope that the first conviction will provide reassurance to survivors that we take such abuse seriously and will hold perpetrators to account for their abusive behaviour.

Tom Arthur (Renfrewshire South) (SNP): Earlier this week, I met White Ribbon Scotland, which recently teamed up with bookies across Renfrewshire as part of a campaign that saw scores of men sign the White Ribbon Scotland pledge never to commit, condone or remain silent about violence against women in any of its forms. Will the minister join me in thanking White Ribbon Scotland and all involved for running that positive campaign? Does she agree that the work of White Ribbon Scotland on changing men's attitudes makes a vital contribution to our shared goal of ending male violence against women in all its forms?

Christina McKelvie: I whole-heartedly join Tom Arthur in extending my thanks. I am extremely

grateful for the work of White Ribbon Scotland in highlighting the important role that men and boys have to play in promoting positive role models, changing men's attitudes and encouraging men and boys to recognise and call out male violence against women and girls in all its forms.

I have taken a keen interest in the initiative, including taking part in its work in my constituency. I look forward to continued engagement with White Ribbon Scotland, which undoubtedly has a vital role to play in our shared goal of preventing and, ultimately, eradicating, that type of violence.

Domestic Abuse

3. Fulton MacGregor (Coatbridge and Chryston) (SNP): To ask the Scottish Government what action it is taking to reduce domestic abuse. (S5O-03423)

The Cabinet Secretary for Justice (Humza Yousaf): It is a Scottish Government priority to tackle both the causes and the impacts of domestic abuse. We just heard about the Domestic Abuse (Scotland) Act 2018, which came into force in April and which reflects the full spectrum of abuse that victims might suffer. Criminal proceedings using the new legislation are on-going in courts across Scotland. As Shona Robison rightly said, one person has already been convicted and sentenced for the new offence.

We have supported the delivery of training to more than 14,000 officers and front-line staff in Police Scotland to support them to recognise the dynamics of trauma and abuse. We are also investing significant levels of funding in front-line services to support survivors of domestic abuse.

Fulton MacGregor: The Caledonian programme already seems to be making a huge difference in the areas in which it has been rolled out, and it is gaining the confidence of sentencers up and down the country. Will the cabinet secretary advise when it is likely to be rolled out across the country, including in North Lanarkshire?

Humza Yousaf: Fulton MacGregor's question makes an important point. Community disposals are available; however, they are always at a sheriff's discretion. The community alternatives and disposals that could be available include the likes of the Caledonian project, which works with the perpetrators of domestic abuse on rehabilitation to change their behaviour. That is why we have invested £2.8 million to expand the Caledonian system domestic abuse programme, from which 19 local authorities now benefit. We support local government, including North Lanarkshire Council, with £100 million for criminal justice social work. On the specific question about the Caledonian project, I will write to Fulton

MacGregor in more detail about the plans to roll it out to the remaining local authorities.

The Presiding Officer: Question 4 was not lodged.

Marine Mammals (Entanglement)

5. Gillian Martin (Aberdeenshire East) (SNP): To ask the Scottish Government what it is doing to protect marine mammals from entanglement. (S5O-03425)

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): The Scottish Government supports the Scottish marine animal strandings scheme, which investigates the causes of death of marine animals, including entanglements. Through that work, the scheme contributes to the Scottish entanglement alliance project, which aims to monitor and, ultimately, mitigate entanglements.

Mandatory bycatch monitoring is carried out across the United Kingdom under European Union regulations and is delivered under contract through the bycatch monitoring programme of the University of St Andrews. The Scottish Government is leading the development of the UK dolphin and porpoise conservation strategy, which includes actions on bycatch and entanglement. The strategy will be subject to public consultation later in the year.

Gillian Martin: A European maritime and fisheries fund-funded research project that is looking at cetacean entanglement is under way. Members of the project have called for the piloting of measures to prevent and mitigate entanglement due to fishing gear, but they have been told that they need to establish its extent.

Over the past couple of months, two humpback whales have drowned as a result of entanglement. Last month, another juvenile humpback whale that was entangled in fishing rope and netting was spotted in the Firth of Forth. Does the cabinet secretary support the calls for the pilot? What other measures are in place to prevent whales, dolphins and seals from becoming entangled in our litter?

Roseanna Cunningham: My first answer outlined a range of on-going work. Obviously, I fully support the work of the Scottish entanglement alliance project to investigate the extent of the problem and to provide an evidence base for proportionate mitigation strategies. However, any pilot fisheries measures should first be discussed with the regional inshore fisheries groups before they come to the Scottish Government.

In 2017, the Scottish Government signed up to the global ghost gear initiative to tackle ghost fishing gear, which is often the reason for the

problem. Of course, it is a global problem that needs global action.

Women Prisoners (Support and Services)

6. Elaine Smith (Central Scotland) (Lab): To ask the Scottish Government what steps are being taken to ensure that the most appropriate support and services are in place for women in the prison system. (S5O-03426)

The Cabinet Secretary for Justice (Humza Yousaf): In 2015, my predecessor announced ambitious new plans for the future of the female custodial estate. The Scottish Prison Service has a dedicated team and programme in place to deliver the Scottish Government's vision of transforming how Scotland cares for women in custody.

The SPS is working with a range of partners and stakeholders to develop a new model for managing and supporting women in custody, which has included developing new custodial arrangements for women to ensure that both the physical environment and the available services are gender specific and trauma informed. The SPS works with a range of statutory and third sector partners to deliver women's services that address learning and skills, employability, physical activity and wellbeing, health—including mental health and support for addictions—and support for family engagement. Further needs-based services are available, including behavioural change programmes and bespoke trauma and bereavement services.

Elaine Smith: I thank the cabinet secretary for his informative answer. However, at the moment, changes to public policy on gender recognition are taking place without there having been a change in the law. Those changes are unregulated and unscrutinised, and they specifically affect women in prison who are especially vulnerable. Is the cabinet secretary aware that the SPS implemented its policy on gender identity with an equality impact assessment that neither considered the effect on women prisoners nor consulted them? Does he agree that that process was deeply flawed? Will he ensure that the current review, which was referenced in the report by Women and Girls Scotland, will carry out proper equality impact and risk assessments on any new policy proposals and involve a wide-ranging consultation that includes female prisoners?

Humza Yousaf: I will ensure that the concerns that Elaine Smith has reflected are part of that review. She is right to say that a review is going on. It should also be said that the SPS gender identity and gender reassignment policy, which was published in 2014, was developed in partnership with a number of organisations including Stonewall and the Transgender Alliance.

Five years on, it is right that it is under review, which is happening. The review will include a consultation that will be open to members from across the chamber to feed into. Notwithstanding that, I will ensure that a transcript of what Elaine Smith has said is passed on to the SPS for its comment.

Margaret Mitchell (Central Scotland) (Con): Given the high incidence of women in prison who are survivors of childhood sexual abuse, does the cabinet secretary agree that cutting the availability of prison-based specialist services such as those provided by Open Secret, which is now Wellbeing Scotland, is a retrograde step that has resulted in such prisoners' underlying problems, which have often led to their using alcohol and drugs to self-medicate, not being addressed?

Humza Yousaf: Of course, it would be better if the vast majority of such women were not in custody. Some 90 per cent of women who are in custody are there for 12 months or less, so they would be affected disproportionately—in a good way—by the application of the presumption against short custodial sentences, which Margaret Mitchell does not support. It would be better if Ms Mitchell and the Conservatives supported the presumption, which would mean fewer women being in custody and, instead, being treated in the community for their problems with substance abuse and so on.

On the premise of Ms Mitchell's question, which was about the services that are available, I advise her that we will always continue to fund the SPS for the important services that it provides. However, it would be much better if the Conservatives supported our presumption so that, instead of sending women to prison, we could treat them in the community, addressing the root causes of their offending instead of merely the symptoms.

Modern Apprentices (Dundee)

7. Jenny Marra (North East Scotland) (Lab): To ask the Scottish Government for what reason the number of people starting modern apprenticeships reportedly fell by almost 12 per cent in Dundee between 2017-18 and 2018-19. (S5O-03427)

The Minister for Business, Fair Work and Skills (Jamie Hepburn): Modern apprenticeships are demand led. As employers—including those who offer modern apprenticeships—often recruit in cycles, the number of starts in any area can fluctuate from year to year. We have seen growth in the number of apprenticeship starts throughout Scotland, and there has been a record number of starts for the eighth year in a row. In Dundee, Skills Development Scotland is working with employers, partners and individuals to promote

work-based learning opportunities, including apprenticeships.

Jenny Marra: The 12 per cent drop is particularly worrying, given the economic situation in Dundee, where, as the minister knows, there will be even fewer apprenticeship opportunities when Michelin closes, next year—and 70 fewer after the minister's failure to support the McGill electrical services company. Will the Government now designate Dundee as a priority area for apprenticeships, and will he meet me as soon as possible to discuss taking special measures to get young Dundonians into work?

Jamie Hepburn: In respect of McGill's, which the member has mentioned, of the 72 modern apprentices who were employed there, 70 are no longer seeking alternative employment and the two who are continue to be supported.

In relation to the wider labour market position, and in the context of record high employment in Scotland of 75.9 per cent and record low unemployment of 3.3 per cent, Dundee last year saw the third-highest increase in the employment rate of any local authority area. With the support that we are giving to Michelin and the £150 million that we are putting into the city, and in that labour market context, there are plenty of opportunities for employers to take on apprentices in Dundee.

Rather than get her latest press release lined up, why does Ms Marra not join me in congratulating those employers who provide modern apprenticeship opportunities in Dundee and in encouraging other employers to take on more apprentices in Dundee and across Scotland?

First Minister's Question Time

12:00

St Ambrose and Buchanan High Schools

1. Ruth Davidson (Edinburgh Central) (Con):

I am sure that I am not alone in having received correspondence in recent days from parents of pupils of St Ambrose and Buchanan high schools in Coatbridge who are concerned about the environmental safety of the site. Teachers are out on strike, and further reports in today's press detail concerns that were raised a decade ago, before the schools were built.

I would like to examine some practical issues with the First Minister. Will the Scottish Government confirm that its review will be wide enough in scope to examine all the evidence that is coming to light, from the time when the school building was planned right through to the present day? (S5F-03441)

The First Minister (Nicola Sturgeon): I thank Ruth Davidson for raising the issue. If I may Presiding Officer, I will take a bit of time to address some of the serious concerns that have been expressed.

I fully understand the concerns of parents, staff and pupils at the schools, and the Government and I are determined to do everything that is necessary to allay those concerns, to address issues and to re-establish confidence. That is why we have established the expert review team to carry out a thorough independent investigation. The answer to Ruth Davidson's question is yes—the review team will be able to look into any relevant matters.

The review team visited the schools yesterday and will conclude its work before the end of the summer holidays. It will be for the review team to consider what further tests of pupils, staff and, indeed, the site itself are required.

We are liaising closely with North Lanarkshire Council and NHS Lanarkshire, and will continue to do so. The Deputy First Minister and Cabinet Secretary for Education and Skills and I will meet officials later today to get an early update on the work that is being done, and the Deputy First Minister will meet parents next week.

Ruth Davidson: I thank the First Minister for her response. It is important that we put on the record that the council and the national health service board are insisting that the site is safe.

The First Minister will know, however, that confidence among parents is low, and that many feel that their concerns are not being taken

seriously. As Professor Andrew Watterson of the University of Stirling has said:

“Trust, transparency and good communication should be the key to dealing with these issues. The Buchanan High School case almost looks like a case study in how not to deal with the public.”

The teaching unions at the school have asked for updated testing to be carried out in order to give people further assurances, but they say that that request is being denied. It is a sensible idea; is it something that the First Minister might be able to address?

The First Minister: Yes—I am more than happy to address that point specifically. I say directly to the parents of children at the schools that the Government and I are taking their concerns extremely seriously. We will not rest until we have ensured that all the issues have been properly investigated, that any issues that are identified are addressed, and that every single parent of a child who is at St Ambrose high school and Buchanan high school has confidence in sending their children to school.

On testing, it will, as I said in my initial response, be for the review team to decide what further tests of pupils, staff and the site itself are required. Anything that the review team considers to be necessary should happen—the Deputy First Minister and Cabinet Secretary for Education and Skills and I have been clear about that.

Apart from that, any parent who has concerns should discuss them with their general practitioner. The Government is already liaising with NHS Lanarkshire to ensure that resources are in place to deal with any consequent increase in demand for NHS services. As I said a moment ago, the Deputy First Minister and I will meet officials to get an early update on the work, and to look at whether it is required that further actions be taken, at this stage. The intention is to get to a point at which we can assure parents about the safety of the school that their children go to.

Finally, I want to reiterate the point that Ruth Davidson rightly made. It is the view of the NHS board and the local authority that the schools are safe for pupils to attend, but it is not enough for us to say that. We have a duty to convince and to assure parents of that, and that is what we are determined to do.

Ruth Davidson: I thank the First Minister for addressing the issue of the review team looking again at environmental tests.

Another way to restore trust is to give parents clear assurances that their children have not been affected in any way, but parents tell us that they are finding it difficult to get medical tests carried out. Some are, in order to put their minds at rest, paying to have tests done privately. Can the First

Minister and the Cabinet Secretary for Health and Sport look into the matter to see whether parents are able to access tests that might reassure them that their children are well and that the school is safe?

The First Minister: As I indicated in my previous answer, we are already taking steps to do that. Scottish Government officials are liaising with NHS Lanarkshire to make sure that the increased demand from requests that are being made is understood, that it is able to respond to demand, and that we put in place the resources that are required to deal with the situation.

The view of the local health board is that there is no need for population testing, but we want the review team to consider that. If it comes to a different conclusion, its recommendation will be implemented. However, in the meantime, concerned parents should be able to discuss the matter with their GPs and take informed decisions. We are working to make sure that the local health service is able to deal with and respond to requests for testing.

Ruth Davidson: I was asked to raise the matter today because trust is breaking down between parents and staff at the school and local government and health authorities. I hope that the assurances that the First Minister has given today will help to restore that trust.

It is worrying that concerns were raised in 2009, when the plans for the schools were first proposed.

I hope that the on-going review, to which the First Minister referred, and which is due to be published over the summer, will give the local community the assurances that it needs. If it does not, does the First Minister agree with me, and with the local community, that a full independent inquiry might be required, in order to help those excellent schools to come back together?

The First Minister: I will take those points in turn.

First, I am aware that there is, rightly or wrongly, an issue of trust on the part of parents in respect of what they are being told. That is why we took the decision last week to establish the independent review to address directly such issues. I hope that, through the process of the review, we can do exactly that.

What happened and the information that was available in 2010 were part of the planning process, which was the responsibility of the local authority. Reports were issued and considered then. My understanding is that the local authority took full account of the information. Of course, if it is required that those issues be looked at by the

independent review team, that is exactly what should happen.

On the last part of the question, I want to ensure that the independent review process, which we set up last week, does what we want it to do, which is to get to the heart of the issues and to reassure parents. I will not, however, rule out anything beyond that. I said at the outset that we will not rest until we have got to the heart of the issues, addressed and allayed the concerns of parents and re-established confidence. We will do whatever it takes to do that. I hope that it can be done through the independent review, and I hope that all members will support it in the weeks ahead, as it gets on with its work.

Scottish Welfare Fund

2. Richard Leonard (Central Scotland) (Lab): In 2013, the First Minister said:

“We set up the Scottish welfare fund ... to ensure that we are doing everything we can for the most vulnerable across Scotland.”—[*Official Report*, 23 April 2013; c 18827.]

I repeat: “everything we can”. Can the First Minister tell us how much is in the Scottish welfare fund this year, in comparison with 2013, when it was first launched?

The First Minister (Nicola Sturgeon): If memory serves me correctly, we fund the Scottish welfare fund to the tune of around £38 million a year, I think. Since 2013, through the welfare fund, more than 600,000 crisis grants have been awarded. From 2013 to December 2018, almost 240,000 community care grants have been awarded. We will continue to do what we can to provide support for individuals and families in need through the welfare fund and through the money that we are spending to mitigate the impact of Conservative Government welfare cuts.

As Richard Leonard and I have spoken about previously, much of the driver of increased poverty in our country comes from those welfare cuts. With every day that passes, it becomes more urgent that we join together to get those powers out of the hands of the Tories and into the hands of this Parliament.

Richard Leonard: The answer to the question that I asked is, “Not a penny more.” It was £33 million in 2013, and it is £33 million today.

Members should not just take my word for it. A new report out today—“The Scottish Welfare Fund: Strengthening the Safety Net” by the menu for change campaign—concludes that:

“The overall SWF budget ... including both the administration budget ... and programme budget ... has remained unchanged since 2013/14 when it was first introduced. This represents a real-terms cut”.

In fact, the Scottish welfare fund has suffered a real-terms cut of £3.5 million since it was introduced. Just last month, the Scottish Fiscal Commission revealed that the Scottish Government has no plans to change the level of funding over the next six years. At that rate, by 2025, that would mean a real-terms cut in the Scottish welfare fund of more than £7 million. Remember: this is a fund that helps some of the most vulnerable people in Scotland.

At a time of rising poverty, what is the First Minister's justification for year-on-year cuts to the Scottish welfare fund?

The First Minister: For the period in advance of us and the budget for the year that we are now in, Richard Leonard and the Scottish Labour Party did not raise the issue of the Scottish welfare fund with the finance secretary on even one single occasion. In fact, the only submission that was made to the finance secretary was from Alex Rowley. To his credit, Mr Rowley made a submission. In it, he suggested that there should be an across-the-board cut in budgets of 3 per cent in order to protect local government services.

We have protected the welfare fund in the face of cuts to our budget from the United Kingdom Government. In addition to the welfare fund, we are investing £125 million this year to mitigate welfare cuts from the Tories. We are investing £350 million in our council tax reduction scheme, £64 million in discretionary housing payments to mitigate the bedroom tax that was imposed on us by the Tories, an additional £2 million in our fair food fund and £1.5 million in our financial health check service, and we are investing in a range of other initiatives, including the best start grant, to help families in poverty. We will continue to do that, because that is our obligation.

However, the sooner this Parliament is able to attack poverty at source and to take into its hands and out of the hands of Westminster the ability to tackle the causes of the increase in poverty, the better. The sooner Richard Leonard supports that, the better it will be for families all over this country.

Richard Leonard: The First Minister is defending her Government's decision to freeze the Scottish welfare fund, for which it has responsibility. Members should not just listen to me; today, Oxfam, the Poverty Alliance and the Child Poverty Action Group all recommend that the fund should be increased. Although the Government has reformed the formula, it does not address what today's report calls "fundamental under-resourcing". In fact, the fund is so fundamentally under-resourced that local authorities do not even advertise it, for fear of being unable to cope with demand. We are talking about the fund that hands out crisis grants to families in emergency situations.

Will the First Minister do everything she can? Will she listen to today's report? Will she provide additional lifeline support? Will she, at the very least, finally increase in real terms the Scottish welfare fund provision?

The First Minister: We have protected the Scottish welfare fund in the face of cuts to our budget from the Conservatives. I stand to be corrected if I have got this wrong, but I am not sure that Labour in Wales has a national welfare fund. Perhaps Labour should look to its own record where it is in government.

I again make a genuine offer to Richard Leonard. Every penny of this year's Scottish budget is accounted for. Richard Leonard wants us to give more money to the Scottish welfare fund this year. If, later today, tomorrow or even next week, he wants to bring me proposals on where we should take that money from within the already allocated Scottish budget, I will listen to what he has to say. I am prepared to have that discussion. However, the problem is that we never hear that from Richard Leonard.

We will continue to protect the poorest in our society. I look forward to making a statement to Parliament next week setting out our plans on the income supplement.

However, I say again that Richard Leonard will have little or zero credibility on these issues for as long as he is prepared to defend the powers that determine all these things lying not with this Parliament but in the hands of a Conservative Government at Westminster.

The Presiding Officer (Ken Macintosh): We have a number of constituency questions.

Liberty Steel (Redundancies)

Clare Adamson (Motherwell and Wishaw) (SNP): The First Minister will be aware of the redundancies that have been announced at Liberty Steel Dalzell works, in my Motherwell and Wishaw constituency. Our thoughts are with the 18 workers who have been affected and their families.

Can the First Minister outline what support can be given to those facing redundancy? Does she share my disappointment in the United Kingdom Government, which has failed to listen and failed to act to support the steel industry in the United Kingdom?

The First Minister (Nicola Sturgeon): I thank Clare Adamson for raising this issue, which is of huge importance in her constituency. It is of course concerning that Liberty Steel has announced redundancies at the Dalzell plate mill as Brexit uncertainty impacts on its orders. This will be an anxious time for employees, and the

Scottish Government has offered support to those who are facing redundancy through our partnership action for continuing employment initiative.

As our actions show—and Clare Adamson is right that they stand in stark contrast to the inaction of the Tory Government when it comes to the steel industry—this Government is committed to a sustainable future for the steel sector and to helping the industry compete in the global market.

The firm has said that it has confidence in the underlying health of the plant and hopes to begin recruitment again when the market improves. The Government will do everything that it can to support it in that endeavour.

NHS Highland (Data Breach)

David Stewart (Highlands and Islands) (Lab): The First Minister will be well aware of an alleged data breach by NHS Highland, which exposed the confidential names and email addresses of 37 people living with HIV. Although I welcome the apology by the board of NHS Highland, does the First Minister share my view that confidentiality is a core principle of the national health service and that the decision to disclose HIV status is a matter for the individuals themselves and is theirs alone?

The First Minister (Nicola Sturgeon): I strongly agree with that view and with the sentiments behind Dave Stewart's question. The safety of patient data is of the utmost importance and, as required, the incident has been reported to the Scottish Information Commissioner—that happened within 24 hours.

NHS Highland has rightly taken steps to apologise to patients and to respond directly and speedily to any concerns raised. A formal, internal review of the incident is being conducted to understand any failings—and clearly there have been failings—and to consider what steps to take to ensure that such a breach does not happen in the future.

North Lanarkshire Council (Redundancy Payment)

Richard Lyle (Uddingston and Bellshill) (SNP): It has recently been reported that an official has received a substantial redundancy payment of between £400,000 and £800,000 to leave North Lanarkshire Council. What is the First Minister's view on the matter, given that that Labour authority suggests that it does not receive enough funding from her Government? What, if anything, can be done to stop such excessive payments to local authority officials to leave their posts early?

The First Minister (Nicola Sturgeon): I understand that Audit Scotland is aware of the

payment and that it will be looking at it as part of its annual audit work. That is only proper, given the apparent scale of the settlement. It is understandable that questions are being raised by Richard Lyle and by others.

Although the Scottish Government has no direct role in the matter, I am clear that there is a duty on all bodies to ensure that public money is spent appropriately and to be able to justify the decisions that they take. As well as Audit Scotland looking into the matter, I am sure that the Accounts Commission will also give it consideration.

Don & Low Ltd (Job Losses)

Liam Kerr (North East Scotland) (Con): On Monday, employees at textiles company Don & Low in Forfar discovered that 55 jobs are to go. The employer says that other countries are much more competitive to do business in. That has been a real shock to the community. What is the Scottish Government's response to it and what will it do to support those affected?

The First Minister (Nicola Sturgeon): I thank the member for raising this issue. Any job losses are deeply regrettable, including in the case of this company in Forfar. As we do in all such situations, the Scottish Government will, first and foremost, liaise with the company to see whether there is any action that we can take to avert the need for redundancies. If that does not prove possible, our partnership action for continuing employment initiative will work with affected employees to help them into alternative employment. I am happy to ask the employment secretary to write to the member updating him on the actions that we are taking in this particular case.

Glasgow Life (Golf Course Closures)

James Kelly (Glasgow) (Lab): I draw the First Minister's attention to the consultation being run by Glasgow Life, proposing the closure of six public golf courses in Glasgow, including the popular courses at Linn Park and Littlehill. Given the success of the Commonwealth games and the European championships, and the legacy of increased sporting participation, it is astonishing that the Scottish National Party Glasgow City Council is proposing the closure of those popular sporting facilities. Does the First Minister agree that the proposals should be ditched and replaced with a strategy to increase participation at golf courses and get more young and older people out on to the courses and enjoying that popular sport?

The First Minister (Nicola Sturgeon): Before I come on to the specific issue, as a general aside I say that the current administration of Glasgow City Council is right now, rightly, having to raise the revenue to pay the equal pay claims for female employees that the previous Labour administration

shamefully failed to do over so many years. Therefore, sometimes, a little bit of self-reflection and humility on the part of Labour members, before they raise issues such as this, would be appropriate.

On the issue, it is vital that we have a range of sports facilities available in the city of Glasgow and across the country. It is for Glasgow Life to carry out a proper consultation, listen genuinely to the views of local people and then make those decisions. I trust this administration of the city council to take a range of decisions much better than its predecessors in the Labour Party did.

Space Industry

Shona Robison (Dundee City East) (SNP):

The First Minister will be aware of the importance of Scotland's space industry, its potential for growth and our expertise in satellite technology. Does she, therefore, share my disappointment with the decision by the Natural Environment Research Council, overseen by the United Kingdom Government, to withdraw funding for Scotland's only satellite receiving centre at the University of Dundee, which has been praised for the work that it has done by NASA—the National Aeronautics and Space Administration—and others, bringing the future of the centre into question? Is the First Minister aware that discussions between the university, Clyde Space and others with a commercial interest in maintaining the station appear to have reached an impasse and will she, therefore, ask her minister to work with parties involved in the hope of finding a way ahead that could safeguard the future of the centre, which has faithfully served the space community for more than 50 years?

The First Minister (Nicola Sturgeon): I thank Shona Robison for raising the issue and agree whole-heartedly with her about the huge potential of the space and satellite industry in Scotland. We already have a very visible presence in the space sector globally, more small satellites are manufactured in Glasgow than in any other place in Europe and almost one fifth of the UK's space-sector jobs rest here in Scotland.

I share the member's concerns about the implications of the Natural Environment Research Council decision to cut funding to the station. I am also aware of the apparent impasse in discussions with commercial parties. Scottish Enterprise is engaged to find a way forward that preserves the assets of the satellite receiving centre and retains the related expertise in Scotland. I am somewhat constrained in what I can say, and what we can disclose, in terms of the content of on-going commercial discussions, but I will ask the relevant minister to look into the matter further and write to the member with an update as soon as possible.

Paddle Steamer Waverley

Neil Bibby (West Scotland) (Lab): Since its restoration 45 years ago, the historic paddle steamer Waverley, a symbol of Scotland, has sailed every summer on the Clyde coast and beyond, until now. Expensive boiler repairs likened to open-heart surgery have put the Waverley's future in doubt. That is why I, Jackie Baillie and many others are supporting a £2.3 million boiler refit appeal. Given the need to preserve the last sea-going paddle steamer in the world, the tourism that the Waverley brings to towns and villages across the west coast and the fact that next year is the Scottish Government's year of coasts and waters, will the First Minister assure us that Government support is available to help with those repairs and save the Waverley?

The First Minister (Nicola Sturgeon): I thank Neil Bibby for raising the issue. The Waverley is, of course, a tremendous asset and a great national treasure; we should all want to see it preserved and continue for many years to come. I know that there is a fundraising campaign under way and I undertake that the Scottish Government will be happy to speak to the people involved in that and in efforts to fix the Waverley, to make sure that the Government is doing everything that we can to support their efforts. The relevant minister will be happy to write to the member to update him on progress in due course.

NHS Borders

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):

Even with a £10.1 million bailout from the Scottish Government and another bailout expected, NHS Borders is making cuts. The gynaecology ward at Borders general hospital has closed, and the switchboard, which covers 20 wards, the pharmacy and other services, is on a so-called hit list. If calls are to be instead processed in Edinburgh, I foresee the possibility of serious healthcare concerns at the hospital, given the lack of local knowledge and so on. The health secretary is well aware of the issues that arise from the board failures that led to the bailouts, but can more be done?

The First Minister (Nicola Sturgeon): The health secretary will continue to work with NHS Borders to ensure that the issues are addressed. This year, the Government is investing more than £207 million in the board. The medium-term financial framework for health and social care sets out the approach that we are taking to increase investment further and deliver sustainable services across the country.

As I said, the health secretary will engage with NHS Borders to reiterate our expectation that, within the three-year flexibility that is open to it, it will work towards a sustainable financial position

and ensure that there is no detrimental impact on the quality and safety of patient care. The health secretary would be happy to discuss the matter further with Christine Grahame.

Nursery Education (Provision for Two-year-olds)

3. Willie Rennie (North East Fife) (LD): In 2014, after months of refusal, Alex Salmond eventually agreed to introduce free nursery education for two-year-olds who are in poverty. Five years later, only one third of those children are getting that foundation. Why is the current First Minister failing those children?

The First Minister (Nicola Sturgeon): I do not accept that. Childcare is available across Scotland for vulnerable two-year-olds, in addition to the provision for three and four-year-olds. We continue to encourage parents who want to use that provision to do so. Our job is to ensure that the provision is there. As well as doing that, we are working with local authorities and investing significant sums of money in them to transform childcare and double the provision that is available by the end of this parliamentary session. That is a big success story of the Parliament that we should be proud of and continue to work to build on, as the Government is determined to do.

Willie Rennie: That is simply not good enough when this is supposed to be the Government's most transformative infrastructure project. A new report was published this morning by the charity Save the Children, which is not impressed. In page after page of evidence, it says that two-year-olds who are in poverty are missing out, which could jeopardise the closure of the poverty-related attainment gap.

In England, 70 per cent of two-year-olds who are in poverty are receiving free nursery education, which is double the rate in Scotland. It is unbelievable that the Conservative Government is reaching more children in poverty than the Scottish National Party is.

It has been five years. Does the First Minister think that she should have made more progress by now?

The First Minister: It is good to see Willie Rennie back to his usual role of defending a Conservative Government.

The Scottish Government is doing significantly more to expand early years education and childcare than the Government south of the border is, and that will continue to be the case. We will look carefully at Save the Children's report and we will continue to work with it and other organisations to ensure that the roll-out of the expanded hours is effective.

As part of the expansion, the target for two-year-olds is higher, but we will continue to work with local authorities to ensure that for two, three and four-year-olds, Scotland is the part of the United Kingdom that leads the way on giving our children the best start in life.

Workplace Parking Levy

Jamie Greene (West Scotland) (Con): Yesterday, the Scottish National Party voted against exempting police officers, care assistants, volunteers, firefighters, shift workers and those on low incomes from having to pay a workplace parking levy. Given that, does the First Minister still agree with her party colleagues who called the levy a progressive "tax on the elite"?

The First Minister (Nicola Sturgeon): We are giving councils a discretionary power. That is the empowerment of local councils that the Tories used to demand of us. No council has to use that power. Councils that decide to use it will be required to do a full consultation, part of which will be to look at the exemptions that they apply in their local areas.

I am interested in the position of Jamie Greene, who has stood up today to oppose a workplace parking levy, as he has done many times in recent weeks. The reason why I am interested in that is that, earlier in this session of Parliament, the Rural Economy and Connectivity Committee, which is chaired by the Conservative Edward Mountain, said in what was, as far as I am aware, a unanimous report:

"The Committee is of the view that demand management measures such as ... workplace parking levies have potential to make a significant emissions reduction contribution. It therefore calls on the Scottish Government to consider whether these measures should"

have greater prominence in the final climate change plan. I mention that because one Jamie Greene is a member of that committee.

Care System (Outcomes for Young People)

Kezia Dugdale (Lothian) (Lab): Despite the limited progress that has been made, in this country we still have a care system in which more than 60 per cent of children do not attain even one national 5 qualification, care-experienced young people are around 10 times less likely to go on to higher education and, in every age group and at every level, young people are behind their peers in literacy and numeracy. Those statistics embarrass me, and they should embarrass Scotland. If they embarrass the First Minister, what is she going to do about it?

The First Minister (Nicola Sturgeon): I am grateful to Kezia Dugdale for raising that issue, which is very close to my heart. I have made it

clear that I consider that I have made not just a political commitment but a personal commitment to improve the outcomes of young people who grow up in care. On Friday last week, I attended a Who Cares? Scotland event to talk about the actions that that organisation thinks we should take now while the independent care review is under way, and I gave a commitment that we would do exactly that. We have already taken action—for example, by introducing the bursary for care-experienced students—and we will continue to do so.

The outcomes are not good enough, not just on school qualifications but on university access and a range of other indicators. There is work to do, and the Government and I take the issue incredibly seriously. I know that Kezia Dugdale will recognise that although there is a gap, as she has described, the recent statistics show that the gap is closing. Our responsibility is to continue to work to close that gap even further and, ultimately, as soon as we can, completely eradicate it. That is what we are focused on achieving.

Scotland Women's Football Team

Gillian Martin (Aberdeenshire East) (SNP): The First Minister will share the heartbreak of many in the chamber who watched last night's Scotland match but, my goodness, our women's team has done us proud at our first world cup in 21 years. Will the First Minister join me in congratulating the team on that fantastic achievement and will she set out how we can build on that success, raise the profile of the women's game in Scotland and get more girls into sport?

The First Minister (Nicola Sturgeon): Everyone who watched the match last night will have experienced the rollercoaster emotions and the heartbreak of the final result. In recent weeks, we have also watched a young talented national team take us to our first world cup in 21 years, entertain us with some brilliant football, score five great goals and, most important of all, inspire the country and the next generation of wee girls and boys who dream of pulling on the Scotland shirt. We will do everything that we can to support the development of the women's game. I spoke to Shelley Kerr just a wee while ago and said to her what I will say publicly and directly to the team now and which I am sure I say on behalf of all of us. They are feeling very sore this morning, but I say to all of them: you should be very proud of your achievements—you have done Scotland proud and you will be back stronger than ever in future.

CYBG (Clydesdale Bank Brand)

Murdo Fraser (Mid Scotland and Fife) (Con): Yesterday, the banking group CYBG announced

that it would be dropping the Clydesdale Bank brand after 175 years. Does the First Minister share my concern about the loss of that historic and iconic Scottish brand? Although CYBG says that it intends to continue issuing Clydesdale Bank notes despite the rebrand, is she as worried as I am that that important part of Scottish banking heritage could be under threat in the longer term?

The First Minister (Nicola Sturgeon): The decision is for CYBG, not the Scottish Government, but all of us want important Scottish brands to be preserved. I hope that CYBG will think about that as it makes the changes that it has announced, so that the brand of Clydesdale Bank notes can continue. As we do with all banks and companies, we will continue to discuss such issues, to raise any concerns that we have and to support them as much as we can as they take decisions that they consider to be right for their own business interests.

Refugee Week

4. Ruth Maguire (Cunninghame South) (SNP): To ask the First Minister how the Scottish Government is marking refugee week. (S5F-03455)

The First Minister (Nicola Sturgeon): The Scottish Government is delighted to support refugee festival Scotland, which begins today, on world refugee day. The Cabinet Secretary for Communities and Local Government will be visiting an exhibition in Glasgow that has been designed and produced by refugees, and she will be hearing from those who are involved in the festival. The festival is co-ordinated by the Scottish Refugee Council, and it provides an opportunity for refugees to tell their stories and for us to recognise their courage, strength and resilience. It also gives us the opportunity to recognise the contribution that refugees and asylum seekers from all over the world make to life here in Scotland.

We must remember that refugees have sought sanctuary from war, terrorism and torture, and I am proud that they are welcomed here and can begin to rebuild their lives. I thank all those who are involved in supporting refugees across our country.

Ruth Maguire: People in Scotland should feel proud that we have lived up to our global responsibility to find homes for thousands of refugees. However, because of the callous Tory Government, we still have lock-change evictions by Serco, children and pregnant women behind barbed wire at Dungavel and a hostile environment that persecutes rather than protects vulnerable people. In a few weeks, we will have a new Prime Minister. What should their priority be when it comes to fixing that broken system?

The First Minister: The implications of the policies that Ruth Maguire has just narrated to the chamber should shame the Conservative Government at Westminster, and I hope that the new Prime Minister will think again, fundamentally and very quickly. I call on the incoming Prime Minister to immediately overhaul the current failed asylum system. We urgently need a new process that is based on some important and basic principles: fairness, dignity and respect for human rights. We need a system that does not leave people at risk of destitution and homelessness, with other public services having to pick up the pieces. There should be a 28-day time limit on detention at immigration centres and a ban on the detention of children and pregnant women.

Today, the current Prime Minister and Home Secretary could take action to ensure that local authorities that voluntarily participate in asylum dispersal are provided with adequate funding to allow them to support people, from the very first day of their arrival, to rebuild their lives in communities.

Patrick Harvie (Glasgow) (Green): The First Minister is right to say that the policy levers are at Westminster, but the responsibility to support people who are being failed in our communities lies with us, too. While we celebrate the refugee festival, hundreds of asylum seekers in Glasgow will face the threat of mass evictions and destitution. Does the First Minister agree that what they need in the coming weeks is not just a restatement of the existing Government commitment to provide, with Glasgow City Council, emergency accommodation but for that emergency accommodation to be available now? When will such accommodation be available? What can the First Minister tell us about the work that is on-going?

The First Minister: The Scottish Government will continue to work with Glasgow City Council and with any council that is in a similar situation to ensure that the support that asylum seekers need is available. That is an on-going obligation and responsibility, which includes the need to provide asylum seekers with access to accommodation.

It is essential that the point that I made a moment ago—I know that Patrick Harvie agrees with this—is understood by the United Kingdom Government. Local authorities that voluntarily participate in asylum dispersal, which we encourage local authorities to do, must get adequate funding from the UK Government to support those people. Let us absolutely live up to our responsibilities, but let us continue to press the UK Government to live up to its responsibilities, too.

Lyme Disease

5. **Brian Whittle (South Scotland) (Con):** To ask the First Minister what action the Scottish Government is taking to ensure that cases of Lyme disease are diagnosed and treated as early as possible. (S5F-03459)

The First Minister (Nicola Sturgeon): We are committed to raising awareness of Lyme disease and to supporting those who are affected by what is a complex infection. We have a multidisciplinary expert group dedicated to Lyme disease that is part of the Scottish health protection network.

Last week, the chief medical officer wrote to all NHS Scotland health boards and general practitioner practices to highlight the important role that they play, not only in the early diagnosis and management of Lyme disease cases, but in promoting awareness among their patients of ticks and tick-borne infections.

Brian Whittle: The Public Petitions Committee has heard evidence from those with lived experience of the chronic debilitating effects of the disease, who said that their illnesses are not even being acknowledged. What can the Scottish Government do for those patients who are bitten by a tick, are infected with Lyme disease and multiple unidentified co-infections and who miss their early treatment window because of lack of recognition and then develop the chronic disease?

The First Minister: My initial answer set out what the Scottish Government is doing. Awareness in order to aid prevention is vital, which is why that will be a focus of the multidisciplinary group. We are making sure that front-line clinicians have the information that they need to diagnose, detect and therefore treat the illness. The letter that the chief medical officer wrote last week was designed to raise that awareness and to ensure that those working across our health service—particularly GPs—have the information and awareness that they need to ensure firstly prevention, but also early diagnosis and access to treatment for those affected.

Prestwick Airport

6. **Colin Smyth (South Scotland) (Lab):** To ask the First Minister whether she will provide an update on the Scottish Government's plans to sell Prestwick airport. (S5F-03444)

The First Minister (Nicola Sturgeon): Since the Scottish Government purchased Prestwick airport, we have been clear that our intention is to return the business to the private sector when the time is right. The team at Prestwick has continued to engage with potential buyers and investors to discuss proposals for developing the business under new ownership. The airport is making good

progress to increase revenue, deliver operating efficiencies and pursue opportunities for the future.

In the light of that progress, the airport has now placed an advert in the *Official Journal of the European Union*, inviting expressions of interest. Any proposals that are submitted would be considered carefully before a decision was taken to divest our shareholding or any part of it. In the weeks ahead, it is important that we protect the integrity of that process.

Colin Smyth: Given that there are over 300 direct jobs and thousands more indirect jobs at Prestwick airport, all of which are crucial to the Ayrshire economy, can the First Minister assure those workers that there will be no sale to a company that does not guarantee to secure and grow those jobs? Will she ensure that there will be full consultation with the trade unions before any sale goes ahead? Will she also give an assurance to the taxpayer that any sale will be subject to agreement that the £40 million-plus that was loaned to Prestwick airport will be paid back in full by any new owner, should one be found?

The First Minister: I hope that the member will appreciate that I will not go into too much speculative detail about any bids that might come in and the consideration that would be given to them. It is important that we protect the integrity of the process, and any decisions that are taken will have to be in the overall interest of Prestwick airport and those who work in it. I fully expect engagement with trade unions, and given that the Scottish Government's purpose in bringing the airport into public ownership was to protect jobs, clearly that will be a key consideration for the Prestwick team in the future.

The eligibility questionnaire, which was published in the official journal, sets out some prime objectives for bidders, one of which is maintaining Prestwick as an operational airport. The interests of the local economy, the workers at the airport and the taxpayer are all factors that will have to be taken into account before future decisions are taken.

The Presiding Officer: That concludes First Minister's question time. After a short suspension, we will move to members' business

12:44

Meeting suspended.

12:46

On resuming—

Glasgow School of Art Fire

The Presiding Officer (Ken Macintosh): The next item of business is a members' business debate on motion S5M-17623, in the name of Pauline McNeill, on the first anniversary of the Glasgow School of Art fire.

Motion debated,

That the Parliament notes with regret the first anniversary of the second devastating Glasgow School of Art fire; notes the deep and long-lasting damage that it has caused to the businesses and residents of Garnethill, Sauchiehall Street and the surrounding area; acknowledges the trauma experienced by displaced residents of Garnethill who were prevented from returning to their homes to collect their belongings on the night of the fire and for the following three months; understands that businesses and residents are still experiencing problems with vehicle access, refuse collection and insurance claims; recognises the severe impact on the local business community and is concerned that some businesses have been unable to reopen while others have had to relocate elsewhere at a huge loss to their business; welcomes the Culture, Tourism, Europe and External Affairs Committee report, *The Glasgow School of Art Mackintosh building: The loss of a national treasure*; notes the belief that it is the shared responsibility of the UK Government, Scottish Government and Glasgow City Council to secure the recovery and long-term future of Sauchiehall Street as an area of economic and cultural importance for Glasgow; acknowledges the concern that such a long-term plan is not yet in place a year on from the fire, and notes the calls on all political parties and relevant agencies to work together to ensure that a full recovery can be made as soon as possible.

12:46

Pauline McNeill (Glasgow) (Lab): I lead this cross-party debate on the first anniversary of the Glasgow School of Art fire, and I have been working closely with Adam Tomkins, Sandra White and Patrick Harvie to represent the people and the businesses of Garnethill and Sauchiehall Street that have been devastated. It is important to highlight that the fire destroyed not only the much-loved Mackintosh building, but the O2 ABC, Campus and the entire block.

On 15 June 2018, Abdeh Mahmood and her family went to celebrate Eid at their uncle's house in the south side of Glasgow. The family returned home at about 11.30 that night, all dressed in their Eid best—Abdeh told me that she was wearing her fancy high heels. As they got closer to home, they saw that, across the motorway, the skyline was ablaze. Soon after, they were told that they could not return home because, for the second time in four years, the Glasgow School of Art was on fire and the street had been cordoned off.

All that Abdeh had on her was one bank card. Like all the other families affected, there was no time to collect important personal belongings—all the things that they would need in their lives. Abdeh, for example, needed her autistic son's guardian documents, passport and medication in order to look after him. In the days after the fire, she was refused money from a bank—an experience that she said made her feel like a refugee in her own city.

Families were split up due to difficulties in getting emergency accommodation. A total of 67 residents were shut out of their homes for three months without being allowed a single visit to collect their personal belongings. In my opinion, that was unacceptable. In total, 33 businesses were devastated. Some of the residents were running their business from home, so members will appreciate the devastation that the fire has caused them.

The blaze was fought by 120 firefighters, who are to be congratulated on their incredible stamina and expertise in fighting the fierce and enormous fire.

The people affected by the fire know that it has changed their lives and will continue to do so for a very long time.

I will never forget walking down Sauchiehall Street, months after the fire, with Councillor Frank McAveety, counting the number of closed businesses and meeting the devastated owners who had lost so much—owners who still risk losing everything as they face continuing problems even today.

Any resident or business, when asked whether they believe that the authorities' response was adequate will say that they felt abandoned, because it took five weeks before anyone senior from the council came to speak to them. Contingency plans were slow and information was unsatisfactory. Lessons must be learned.

Amir, a resident, said:

"They did not provide the leadership that was needed to help us navigate this crisis ... we, as displaced residents, had to reach out to the Scottish Government asking them to step in and take control. The situation was so dire that we needed our belongings and all we got were threats of arrest"

for trying to breach the cordon. Amir is referring to residents' call for one-hour access to get essentials. Such access has been allowed after disasters in other cities, so why was that not allowed in Glasgow?

I want to thank John Sherry, who was appointed as the central point of contact for residents and businesses. His job was not an easy one. I would also like to thank Raymond Barlow, from building

control, who took my calls when I had some questions to ask. We as a city must learn lessons from this.

The disaster has also exposed Glasgow School of Art's poor relationship with the local community. Indeed, as an elected member, I find it staggering that most residents had never been invited into the school. The commitment by Muriel Gray, who I wish well in her retirement, to never let this happen again must be honoured by the new chair and director.

People do not feel safe in their own homes now, and they will not feel safe until there had been some accountability for this fire. New-build plans for the school must be shown to be robust both in the materials that are used and in the approach to construction.

As we all have many questions about what actually happened on that night, we must see the fire report as soon as is practicably possible. We need answers. I also commend the sterling work of Joan McAlpine and the Culture, Tourism, Europe and External Affairs Committee. They have helped enormously, and I back their call for a public inquiry.

Battles are still on-going with insurance companies, some of which are trying to recover the support provided by the Scottish Government. In other words, they are trying to take back the money that Derek Mackay granted to help the affected businesses that I and the MSPs whom I have mentioned are supporting. I acknowledge the Cabinet Secretary for Finance, Economy and Fair Work's help for those businesses by setting up the fire recovery fund in response to our demands, but they have had only a 10 per cent reduction in their non-domestic rates and they are struggling to survive. Wok to Wok, a well-known eating place in Sauchiehall Street, is gone; Campus is shut; Bagel Mania is struggling to stay; and the newsagent in News Box, who has been there for 20 years, told us very recently that he is battling to survive.

My heart also goes out to all those who had been working on the £35 million restoration just before the fire. Many, like myself, are very proud of our heritage in the Glasgow School of Art. As for the future, the public must be fully involved in any decisions that are made, and that involvement must be taken forward with the utmost sensitivity. The relationship between the Glasgow School of Art and the local community must start afresh, and the new frontage that is being planned and the on-going work must be live to the trauma that people have experienced. The motion signed by members calls on the Scottish Government and Glasgow City Council to work together to safeguard the area and secure the short and long-term future of Sauchiehall Street, because there is deep concern

that because so much has happened, it might not fully recover.

The O2 ABC, which was a magnet for entertainment in the area, was utterly destroyed in the fire. When I met the owner, Michael Haddock, last month, he confirmed that it was his intention to rebuild what was an extremely important venue for Glasgow's music scene as a modern, fit-for-purpose building. He has completed a detailed report on the structural damage, which is severe; importantly, he also confirmed that the plans will include an option to retain the façade, if that is at all possible. We need swift action from the council with regard to the viability of the façade, because the timescale for rebuilding the O2 ABC is absolutely critical.

If Sauchiehall Street is to have a strong and secure future, we must all work together over the next couple of years to ensure that that part of the city thrives again. The Centre for Contemporary Arts, the Garage and the O2 ABC will need to have their loading spaces returned so that they can run their events. In time, we might even be able to have a street festival to bring people together—although I realise that that is a longer way off.

I want to thank all the local people—Gillian, Adrian, Chris, Julie and so many others—who rose to the challenge of being leaders in their local community. I ask Scottish ministers not to abandon Sauchiehall Street but to be an active player in the recovery of one of Scotland's most famous streets, to work with the United Kingdom Government and Glasgow City Council and to give more help to the people and the businesses that desperately need to put their lives back together.

The Presiding Officer: Thank you very much. Seven members wish to contribute to the debate.

12:54

Sandra White (Glasgow Kelvin) (SNP): I thank Pauline McNeill for that excellent speech. We have worked together and collectively for the good of the Garnethill area, Sauchiehall Street and the residents and businesses there.

First of all, I, like Pauline McNeill, thank the fire service for its absolutely heroic actions not just in 2018 but during the 2014 fire—and I will come back to the fact that there have been two fires. The fire at the Mack on 15 June 2018 was so fierce that people described looking into it as looking into a furnace, and there is no doubt that without the skills and bravery of our firefighters, it could have been so much worse.

The fact that water had to be pumped from the River Clyde, down at the Broomielaw, all the way up the hill, to Garnethill, shows us the enormity of

the task that our firefighters faced. We all owe them an enormous thank you for the work that they carried out.

As I said, there have been two devastating fires: one in 2014 and one in 2018. As we await the fire report, we can only speculate on whether that was unfortunate or due to negligence, bad management or criminality. We must have a public inquiry into the two fires to find out exactly what happened at the Mack, and I thank Joan McAlpine and her committee for their work in that regard.

Although the focus has been on the art school, we must not forget the local community, including the local businesses that have suffered—and are still suffering—due to the devastating fire and which have had to relocate, close down or see their takings diminish, as Pauline McNeill mentioned. I thank Derek Mackay and the Scottish Government for initiating the scheme that Pauline McNeill mentioned, which gives money to local businesses to help them along. Unfortunately, the insurance companies have decided to use the £20,000 that the Scottish Government gave to local businesses as a reason not to pay out. That issue has been raised in the House of Commons by Alison Thewliss MP.

The local community, which was already facing disruption due to the avenues project—which, I must admit, is now looking good and is moving along—must also deal with the aftermath of the art school fire, which affected the O2 and devastated that area of Sauchiehall Street and Garnethill. People were unable to access their properties, even to get their pets. A cat was left there for a couple of days and somebody had to break through the barrier—sleekitly—to rescue it. People had to leave behind medicines, personal effects and work belongings. Although we all understand the safety reasons for that, the issue that has come up time and time again during meetings that I have had with the local community is the lack of communication and information, not only from officials, but from the art school as well.

As Pauline McNeill said, lessons have to be learned. People were out of their houses and could not access anything—they were very worried. They could see people wearing hard hats behind the barriers, having their lunch, so why could someone from a residents' committee not be allowed in to look at the place? Lessons have to be learned.

When Muriel Gray was asked by the Culture, Tourism, Europe and External Affairs Committee whether she had any regrets, she said that she regretted not working enough “with the local community”. That is absolutely essential.

I note that the Glasgow School of Art now has a community engagement officer, Harriet Simms—

who was appointed in November 2018—and her role is to help better connect the Glasgow School of Art with the local community. I have met the group that has been set up, which has put forward a number of ideas, having worked with students, the local community and Glasgow Kelvin College on various projects—skills, apprenticeships and so on. That is a step forward and perhaps lessons have been learned.

The one lesson that must be learned—and the issue that must be sorted—is that Sauchiehall Street must be restored to its former glory. To Glaswegians, Sauchiehall Street is a jewel in Glasgow's crown and it must return to being that jewel.

12:58

Adam Tomkins (Glasgow) (Con): I commend Pauline McNeill for bringing the debate to the chamber, and I thank her for her leadership in ensuring that MSPs from all four political parties that represent Glasgow in Parliament have been able to work together in the public interest, and in the city's interest, to hold decision makers to account for what has been a devastating time for Sauchiehall Street and Garnethill.

I strongly associate myself with Sandra White's remarks at the beginning of her speech about the debt that we all owe to the courage, bravery and commitment of the Scottish Fire and Rescue Service in putting out the fire a year ago.

The past 12 months have been profoundly difficult for the businesses and residents of Sauchiehall Street and Garnethill. They have been pushed to breaking point through no fault of their own. Like Pauline McNeill and others, I have been deeply struck by their resilience and tenacity over the past year.

It has to be said that there has, right from the beginning, been an alarming lack of a coherent or joined-up plan from Glasgow City Council to deal with the consequences of the fire. In the days and weeks that followed, information was allowed to trickle down to traders and residents only in the most piecemeal way, and it was clear that the council was constantly on the back foot. One year on, there is still, as far as I can see, no long-term strategy for the recovery of Sauchiehall Street. No one blames the council for the fires, but from that time of crisis, it is clear that Susan Aitken's administration is one that runs for cover when the going gets tough. That is just not good enough.

We await the findings of the SFRS investigation, which is taking an inordinately long time. In addition to that report—whenever it is published—there is a compelling case for a full independent public inquiry into not only the causes of the fire but the future of the site and the Mackintosh

building. I called for such an inquiry in February and was delighted when the Culture, Tourism, Europe and External Affairs Committee, which is convened by Joan McAlpine, echoed my call in its report, which was published in March. I commend the work that Joan McAlpine and the committee have done.

As many members are, I am concerned by Glasgow School of Art's continuing apparent lack of civic duty in respect of the area that it serves. Just five days after the blaze, as businesses and residents were prevented from returning to their premises and homes in the immediate aftermath of the fire—as Pauline McNeill has vividly told us—the GSA's focus was on providing public assurances that the Mack would be rebuilt, that all would be okay and that it would be in charge. That shows blatant disregard for the GSA's neighbours and does not sit comfortably with the local community.

Let me tell members about the first time I went to see the GSA in the aftermath of the fire, last summer. In the first five minutes of that meeting I was told two things: first, that the fire had nothing to do with the GSA because it did not have stewardship of the building at the time—it was under the stewardship of Kier Construction; and secondly, that the GSA alone would determine how, where and when the building would be rebuilt. That is not leadership, stewardship or custodianship; it is arrogance, and it has no place in decision making about the future of Glasgow School of Art and Garnethill.

We need a full public inquiry, not only to think about the future of the building, but to establish the full facts underpinning what happened a year ago. The fire engines that were sent out from Cowcaddens fire station, just seconds away from Garnethill—it is just around the corner—were there within minutes of the alarm being raised. However, when the fire brigade arrived at the site of the fire, it reported that the building had been ablaze for at least 45 minutes, and perhaps as long as an hour. How on earth, in the middle of Glasgow city centre, could our national treasure, the Mackintosh building of the Glasgow School of Art, be allowed to burn for an hour before an alarm was even sounded? That is a question that Joan McAlpine's committee rightly identified as needing answers. We need a full independent public inquiry—not to ask those questions but to answer them.

Under the Glasgow School of Art's stewardship, the Mackintosh building has been allowed to burn down twice in the space of four devastating years. The GSA has failed in its custodianship of a national treasure. I want an inquiry into the future of the building. My personal preference would be for it to be rebuilt as a public asset for us all to

enjoy, and as a magnet to draw tourists from all over the world to Glasgow to celebrate the heritage of Charles Rennie Mackintosh. It should not be rebuilt as a private art school.

13:03

James Kelly (Glasgow) (Lab): I congratulate Pauline McNeill on securing this important debate. I compliment Pauline McNeill, Adam Tomkins, Patrick Harvie and Sandra White for working closely with the communities around the Glasgow School of Art, and for providing much-needed support.

On 15 June 2018, I was on a night out in Glasgow. I dropped off a friend on Sauchiehall Street at about half past 11 or 12 o'clock at night, and I could sense that there was a bit of a commotion building—I could hear fire engines. I made my way home, where I was shocked to see the images on social media of the GSA ablaze, and of the chaos unfolding for the people who live in the community.

Three key points must be drawn from the debate. First, we need to learn the lessons from the fire. Adam Tomkins just said that it took 45 minutes for the alarm to be raised. I did not know that until he spoke about it, so when I was down on Sauchiehall Street that night, the fire had probably been ablaze for about an hour, but the fire engines were only then reaching it. That is a matter of real concern.

There has been discussion about potential negligence by the contractors who were reconstructing the building, which might have contributed to the fire. Other fires in the Sauchiehall Street area in recent years—the previous fire in 2014 and the fire at the Pavilion theatre—also need to be considered. In addition, there have been a number of fires throughout the Glasgow area, including at the old vacated Scottish Power site in Cathcart. We need to examine why we are suddenly seeing greater frequency of fires.

The second matter that needs to be considered is how we support the community and businesses. The whole area that runs from the Charing Cross end of Sauchiehall Street down to Buchanan Galleries has had a devastating time in recent years. Between the first GSA fire and the Pavilion theatre fire, many businesses have closed down and tried to reopen. The area is a real hub in Glasgow's city centre, so we should seek to rebuild it. The comments that members have made about the slow and inadequate response in relation to supporting businesses and people who have been displaced from their houses are absolutely correct.

The third point to make is that the pace of the operation needs to be quicker. It is not good enough that one year down the line we still do not know the reason for the fire. I support the calls for a public inquiry. It is clear that more needs to be done by Glasgow City Council and other authorities to support businesses and local people. Clearly, the debate has shone a light on fundamental issues including why the fire occurred, the role of the GSA in relation to interface with the local community and rebuilding the legacy, and how we support businesses and the community.

I hope that the points that are being made in the debate are taken forward and considered seriously and quickly.

13:08

Patrick Harvie (Glasgow) (Green): “Oh, no! Not again. God. Not again.” That is about the only thing that I kept saying to myself when I first saw the images of that fire. Everybody who was seeing the images and remembering the fire a few years previously, felt tragic loss. “Not again,” I said to myself.

Whatever criticisms—I will come back to them—have been made of the art school and of the poor communication after the fire, every one of us knows that everybody who was involved with the building or the wider community must have felt as if their hearts were being ripped out of their chests when those first images were shown, or—as Pauline McNeill said in her opening speech—when they were trying to travel home to the community.

First, we need to remember what an utter tragedy it has been not just for those individuals but for our whole city. As others have done, I strenuously thank Pauline McNeill for working to ensure cross-party dialogue, and for bringing today's debate to the chamber.

I also want to echo other points that have been made. I extend my thanks to the people in the emergency services who responded so quickly, and my empathy to the people who have been directly affected. I also thank the Parliament's Culture, Tourism, Europe and External Affairs Committee for the work that it has done.

The word “iconic” is overused—everything is described that way, so it has become almost a throwaway term. However, the Mack building absolutely was iconic of Glasgow's architectural, cultural and creative heritage, and of the hopes for the future generations of young people who would study in our city and their contributions to its cultural life, our country and the world. Sauchiehall Street—where high and low culture are thrown together in a creative way—is also globally iconic

of Glasgow's cultural vibrancy, and of the city itself.

More than just a building was lost. Pauline McNeill reminded us about the O2 ABC and other businesses—either destroyed or still closed—that were directly affected by the fire. However, we lost more than those buildings and businesses. There has been a loss of trust in institutions, through poor communication and dialogue at local government level and, perhaps, at central Government level. Trust in the institution of the art school itself has been severely damaged. I hope that that damage is not irreparable and that trust can be rebuilt. However, we—and the art school's management—need to acknowledge that that will not happen overnight. Sometimes, trust is harder to rebuild than a physical structure.

Adam Tomkins expressed his disappointment and anger that, a year on from the second fire, no credible long-term plan is in place for the art school or for revival of the wider community, which is such a vital part of Glasgow's commercial, cultural, social and night-time economy. That community is an important part of the life of our city. It needs a long-term plan and it needs every level of government—UK, Scottish and local—to play its part. It also needs the art school, as an institution, to do so.

However, the community needs them not to dominate the process. Development and implementation of a plan must be led by the whole community that has been affected. The residents, who have been treated poorly throughout the past year, and the businesses—those that survived and others that might return—need to be in the driving seat in developing that plan, which should be about revival of the wider area and not just of one building or institution.

I call on every level of government to commit not only to holding a public inquiry—we need far more than the SFRS's report—but to development of a plan that is led by the community. That is the only way that we will rebuild the trust that has been lost, which will—as I said—be harder to rebuild than bricks and mortar.

13:13

Joan McAlpine (South Scotland) (SNP): I, too, congratulate Pauline McNeill on securing the debate. My remarks will be informed by the Culture, Tourism, Europe and External Affairs Committee's inquiry into the loss of such a national treasure. I thank Pauline McNeill, Sandra White and Adam Tomkins, who do not sit on the committee but who engaged with our inquiry as well as with all the committee members, its clerks and the witnesses who gave evidence.

The committee members were driven by the fact that, like everyone else, we were shocked that one of our greatest cultural treasures had been destroyed so shortly after the first fire, in 2014. I think that it was the artist Lachlan Goudie who said that the Glasgow School of Art's Mackintosh building was the greatest piece of art that has ever been produced in Scotland. I feel that there is a very strong case for saying so.

Of course, the building was in our custodianship—or, more directly, that of an institution that is largely publicly funded—so it was absolutely appropriate that the committee looked into the events leading up to the second fire. We were probably driven by people saying that the shock of the first fire and the understandable sympathy right across the world might have meant that not enough questions were asked about the origins of that fire. If that fire had not happened, the 2018 fire would not have happened during the restorations.

We are the culture committee, so the focus of our inquiry was on the loss of a cultural treasure. However, it soon became apparent that there was considerable concern about the impact of the fire on the residents of the area. That was made clear by the residents themselves, in their written submissions to the committee, and the engagement of Glasgow MSPs. It was clear from the written evidence that there was a lack of engagement with, respect for and duty of care towards the residents from the GSA.

Witnesses talked about feeling conflicted about the Glasgow School of Art. They love the building, its history and its origins, but they also said that it represents a distant, selfish, inward-looking and thoughtless neighbour. The committee was struck by the written evidence of the residents. One of our recommendations is that more needs to be done to rebuild trust with the community, and that must be done in a formal way. Formal methods of engagement must be drawn up between the management of the art school and the community.

At this point, it is important to say that, whatever decision is made about the rebuilding of the art school, it should not be done by the GSA. It should not be in its custodianship. Two former directors of the Glasgow School of Art told our committee that they do not think that the GSA has the capacity to take on a project of that nature.

We do not have time to go into the detail of the committee's report, but I hope that we will be able to debate it more fully in the chamber at a later date. We do, however, stand by our key findings. We noted that,

"having clearly identified the risks posed by fire, via a number of reports directly commissioned by the GSA Board, in the period up to 2014, the GSA appears not to

have addressed specifically the heightened risk of fire to the Mackintosh building.”

We also noted that

“the GSA Board consider that the fire safety measures that were taken went above and beyond the standards required”,

but the committee was

“unable to obtain any evidence, beyond the decision to eventually install a water mist system in 2008.”

We know that, despite that decision having been taken, the water mist system was not installed before 2014, and it was still not installed before the 2018 fire. During that whole period, knowing the risks to the building, the GSA embarked upon major conservation and capital expenditure projects and, in our view, it did not involve adequate fire protection.

The committee made further recommendations about preserving historic buildings that are at particular risk, and about the Government’s responsibility for doing that. The Government has given a helpful response to the committee’s report, including on regulations, and some commitments that I find constructive and hope to debate at a later date.

In concluding, I return to the SFRS’s response to our report. It is clear that, when it comes out, the SFRS’s report will look only at the causes of the fire and the reasons for its spread. It will not look at the events leading up to the fire and the management of the building. It will not look at the context of the fire. That is why our main finding that there has to be a public inquiry into the fire must stand. It is only through a public inquiry that we can get to the bottom of the events that led to these devastating fires, their effect on the local community and the future of the art school.

13:19

Annie Wells (Glasgow) (Con): I, too, associate myself with the remarks from across the chamber regarding the immense bravery that was shown by the emergency services on that night. I thank Joan McAlpine and the Culture, Tourism, Europe and External Affairs Committee for the work that they did regarding the Glasgow School of Art. I am grateful for the opportunity to speak in the debate, and I thank Pauline McNeill for shining a light on an issue that, one year later, still affects Glasgow. I am concerned that businesses and residents in Garnethill, Sauchiehall Street and the surrounding areas are still experiencing the effects of the fire, and I hope that the debate will refocus our attentions on sorting the issue for the long term.

One year ago, on 15 June, sadly, the Glasgow School of Art’s Mackintosh building caught fire. As we have heard, it was the second fire to hit the

building in just four years, and it resulted in extensive and long-lasting damage. Designed by one of Glasgow’s biggest icons, it is a special building that everyone in Glasgow loves and is proud of. I am concerned that residents and businesses are still experiencing problems associated with the fire. Local residents expressed their frustration over feeling as though they were dumped back in their homes after three months and expected just to get on with it. Earlier this year, residents stated that, when it came to making longer-term plans for regenerating the area, they felt they were shut out.

As Pauline McNeill pointed out, on top of that, there have been issues with vehicle access, refuse collection and insurance claims—problems that, one year on, we would not expect to see. Local businesses have also been severely affected by the cordon that was put in place after the fire. Some have relocated, and some have reported losses of up to 75 per cent on the previous year. Sauchiehall Street is of paramount importance to the city’s local economy, and I am concerned that, without bold action, an iconic street is being left to decay. Only last week, retailer Lush Ltd announced the closure of its branch on the street—one of many closures in the past couple of years.

This week, the fire inquiry moved into its final stages. As we have just heard, the main focus is on the likely origin and cause of the fire. As my colleague Adam Tomkins stated, first and foremost, we need a full public inquiry into the events that took place. Serious concerns have been raised over key documents being hidden from public view, and there have been questions about the management and oversight of the restoration by the Glasgow School of Art. With that inquiry, we can also begin to learn vital lessons that have wider significance for historic buildings across the world. As we saw with the Notre Dame cathedral fire in April, buildings can be so much more than the materials that they are made from. They can embody the essence of a city and the pride of the people who live there.

That leads me to my second point. Should we be having wider discussions about what is best for Glasgow in the long term when it comes to the Mackintosh building? The Glasgow School of Art recently reaffirmed its intention to restore the Mackintosh building, but, as Adam Tomkins pointed out, there is the potential to move the building to a different area of the city, to make full use of economic and tourism opportunities.

I will finish by offering my sympathies to those who, one year later, are still affected by the Glasgow School of Art fire. Glaswegians are proud people, and we are proud of our city and its heritage. It is important that local residents do not

lose out for reasons that are outside their control and that we restore that iconic building to its former glory.

The Presiding Officer: I would like to accommodate one more member who wishes to contribute, as well as the minister, so I will accept a motion without notice, under rule 8.14.3, to extend the debate by up to 30 minutes. I invite Pauline McNeill to move such a motion.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Pauline McNeill*]

Motion agreed to.

13:24

Claire Baker (Mid Scotland and Fife) (Lab): I welcome the motion and I praise my colleague Ms McNeill for her powerful and detailed speech, which highlighted the serious issues that her constituents face as a result of the devastating fire at Glasgow School of Art. I recognise that she also gave credit to the cross-party efforts in raising those concerns.

The trauma for local residents who were unable to return to their homes for an extended period shows the individual consequences of such a significant event, and it is important that we address the difficulties that the residents have experienced.

The location of the school of art means that, a year on, residents continue to face challenges with vehicle access and services such as bin collections. There have also been significant consequences for local businesses, with some relocating and others unable to reopen, both of which are options that have notable financial impacts. I agree with Pauline McNeill that the council and the Scottish and UK Governments need to make a joint effort to ensure that the Sauchiehall Street area has recovered and to continue to support those who are affected.

I am pleased by the reports that the art school has been working more with the Garnethill community to improve relations, and I hope that that continues, as it has been made clear that there was a failure in communication. That relationship is particularly important in relation to any proposals for the restoration of the Mackintosh building and the carrying out of such work.

As a member of the Culture, Tourism, Europe and External Affairs Committee, I welcomed our inquiry. Although its timing—it was held ahead of the Scottish Fire and Rescue Service's report on its investigation—meant that, to some extent, our work was limited by our not knowing the cause of the more recent fire, the committee's ability to respond to such issues of public interest and to

provide a forum for exploring matters and providing scrutiny is definitely welcome.

With more than 47,000 listed buildings and more than 3,500 category A listed buildings, Scotland is a country with great built heritage, and historic properties are a key contributor to our reputation as a desirable tourist destination. However, the listing system that is used by Historic Environment Scotland, which covers a vast number of properties, currently lacks a formal means of recognising the smaller subset of category A properties that are so culturally and historically significant that they are of national importance, such as the Mackintosh building. As such, the system offers no ability to provide them with enhanced protection.

Work could be done to identify which of the A listed buildings are of critical importance, with a view to compelling owners to take additional steps, such as providing enhanced fire safety measures, and related public funding could be provided with the flexibility to allow that. The committee recommended that the Scottish Government, the Scottish Fire and Rescue Service and Historic Environment Scotland should review category A listed buildings to assess whether interventions are required to reduce fire risk and to provide other specific protection.

A related issue is the remit of Historic Environment Scotland, which is to perform a leadership role in the conservation and preservation of historic buildings, but that remit does not provide the organisation with a clear role in ensuring that there is adequate fire prevention for buildings such as the Glasgow School of Art. The committee called for a review of HES's remit and the possible extension of its powers in areas such as the taking of measures to safeguard against fire in buildings that are recognised to be of national and cultural importance.

Although the school of art has repeatedly stated its intention to rebuild the Mackintosh building, there is debate about whether the current arrangements for the management of the site are the most suitable. Given the other responsibilities of GSA board members, are they able to give sufficient priority to the safeguarding of the site? Would more specific expertise at board level, or alternative arrangements such as those that could be provided by the creation of a trust, better reflect the building's importance? As with the issue of fire protection, that is not just a question for the art school; it is one for all custodians of historic buildings of national and cultural importance. We need to ensure that adequate protection is provided to such buildings.

The committee recommended that, once the investigation is concluded and the SFRS report has been published, the Scottish Government

should establish a public inquiry, with judicial powers, into the 2014 and 2018 fires. I believe that there is merit in that proposal for the reasons that have been outlined by other members. Such an inquiry would also provide an avenue for considering the fire risks at historic buildings nationally and the ability of custodians to manage those properties.

13:28

The Minister for Public Finance and Digital Economy (Kate Forbes): I thank members for taking part in the debate, and I thank Pauline McNeill for lodging such an open and collaborative motion that reflects on the cross-party work that has been done over the past year.

I found the speeches quite moving in places; they were also practical in describing the challenges that residents and businesses face and the actions that are required as we look to the future. It is poignant and fitting that the debate is taking place within a week of the first anniversary of the fire.

As an aside, I mention that my sister was a resident on Sauchiehall Street, about a minute away from the art school, when the fire spread. I know that she and her wider family felt a sense of fear, worry and panic; that must have been a tiny iota of what it must have been like for the many people who saw the spread of the fire and who have had to face the consequences of it for months—indeed, for a year.

I am responding to this debate because of the wider economic implications of the fire, which shows the breadth of the issues. My colleague the Cabinet Secretary for Culture, Tourism and External Affairs has already responded formally to the committee's recent report, which was welcomed by the Scottish Government.

The culture secretary has said that she will await the outcome of the SFRS's investigation before responding in greater depth to all the committee's recommendations in the report, including the recommendation for a public inquiry.

Pauline McNeill: I am pleased that the minister recognises the wider implications in relation to the Sauchiehall and Garnethill area. That is the primary concern for everyone. Will the minister address what the role of the Scottish Government could be? I just want to make sure that she will cover that point.

Kate Forbes: Yes, I will certainly come on to that point.

I know that there are no adequate words to capture the sense of disbelief, which Patrick Harvie outlined very well, and the devastation wrought by the fire, both to the physical fabric of

the historic building and to its significance as a cultural and educational institute. However, it also caused acute difficulties for residents and businesses in the area and although some issues were quickly identified, clearly some were not identified or responded to as quickly as they could have been.

That is partly due to the inescapable consequences of such a large fire and the efforts of the emergency services in its aftermath. However, some of the issues were due to the uniqueness of the site. It was in the face of that unprecedented situation that the Scottish Government agreed to become involved. I can vouch for the personal support and interest of the Cabinet Secretary for Finance, Economy and Fair Work, having seen some of his efforts and interventions over the past year.

Recognising the enormous challenge that is still at hand, we will not abandon Sauchiehall Street; we remain absolutely committed to our active involvement and will continue to work collaboratively with Glasgow City Council and others. We need to reflect on the actions to date and build on them. For example, Glasgow City Council and the Scottish Government created a joint emergency fund for households that were suddenly uprooted and displaced by the fire, and £123,000 has been paid through that fund to support 32 separate affected households.

In June 2018, the finance secretary announced a £5 million recovery fund for businesses, and more than 200 businesses have received over £3 million in grant support from that fund. In December 2018, the finance secretary announced that the remaining balance of around £1.85 million would be made available to Glasgow City Council to support further business recovery. That has allowed the council to ensure that eligible businesses were not liable for business rates to the end of the last financial year.

I know that those actions and that support do not diminish the enormous challenges that are still faced by residents and businesses, but I hope that they have provided them with a little bit of breathing space during a very difficult time. However, a lot of speakers have identified problems with insurance. My officials were in contact with the Association of British Insurers in the immediate aftermath of the fire and that dialogue continues; I would be happy to offer Pauline McNeill and others the opportunity to connect with the ABI directly, if they have not already spoken to it directly, to identify some of the challenges with insurance.

Sandra White identified the bigger priority of ensuring that Sauchiehall Street recovers. It must be restored to its former position as the significant retail, trade, and cultural location that it has been

known as for so long. That is of course the primary responsibility of Glasgow City Council as the local authority, but the Scottish Government will work with the council in any way that we can. Work on the Sauchiehall and Garnethill regeneration framework will continue; it is a 10-year plan and includes the avenues that have been identified, as well as a range of other local improvements.

Nevertheless, the effects of the fire will continue to be felt for some time, and the memory of such fear and worry cannot be erased quickly.

I do not say this lightly, but my hopes for the future are exactly those that Adam Tomkins identified: to find a way to restore Sauchiehall Street to make it even better than it was before; to restore the Mack building to make it even better and more accessible than it was before; and to ensure that we restore the sense of community so that there are no awkward neighbours, as was identified in the committee's report. We must ensure that we do not go through that sense of disbelief and devastation ever again, and ensure that lessons are learned and that there is collaboration. I hope that the political leadership that has been shown across different parties in the past year can take us forward into the future.

13:35

Meeting suspended.

14:00

On resuming—

Planning (Scotland) Bill: Stage 3 (Day 3)

The Presiding Officer (Ken Macintosh): The next item of business is the continuation of stage 3 proceedings on the Planning (Scotland) Bill. We pick up where we left off last night. I remind members that we have 45 minutes to deal with the remaining amendments.

Group 38 is on forestry and woodland strategy. Amendment 207, in the name of Andy Wightman, is the only amendment in the group.

Andy Wightman (Lothian) (Green): The third national planning framework highlights trees, woodlands and forests as economic and environmental assets. In addition, it reiterates the aim for the expansion of woodland over the next 10 years to support carbon emission reductions and wider land use objectives.

Current Scottish planning policy says that local planning authorities should do the following:

“identify woodlands of high nature conservation value and include policies for protecting and enhancing their condition”

and

“consider preparing forestry and woodland strategies as supplementary guidance to inform the development of forestry and woodland in their area, including the expansion of woodland of a range of types to provide multiple benefits.”

I am pleased to note that all planning authorities, with the exception of those in Aberdeen city, Shetland and Orkney, have such a strategy already. Councils such as Highland Council have sophisticated strategies; Highland Council's is in its second or perhaps its third iteration. The three councils that do not have strategies do, however, have supplementary guidance.

Amendment 207 requires all planning authorities “to prepare a forestry and woodland strategy”.

Importantly, that requirement is to be fulfilled as the authority sees fit, provided that it covers the key elements in subsection (2) of the amendment. Given that planning authorities already publish either a strategy or supplementary guidance, the amendment merely gives those a statutory footing and ensures that they will continue to be produced.

I move amendment 207.

Graham Simpson (Central Scotland) (Con): Andy Wightman's amendment 207 is really useful. It says that planning authorities

“are to prepare a forestry and woodland strategy”,

that they should

“identify woodlands of high nature conservation value in”

their area and that they are to

“set out the planning authority’s policies and proposals in their area, as to—

(i) the development of forestry and woodlands,

(ii) the protection and enhancement of woodlands”.

As a member of the Woodland Trust and the species champion for the holly tree, I welcome this addition to planning law. I want to see woods and forests protected. If there is a climate emergency, as the First Minister says, our planning system should not be making it easy to chop down trees. We need more of them, not fewer, and we should plan for that. I say “Well done” to Mr Wightman for introducing amendment 207. We shall be whole-hearted supporters of it.

The Minister for Local Government, Housing and Planning (Kevin Stewart): Forestry and woodlands are an integral part of both our urban and our rural landscapes. I agree that it is important that strategies are prepared for their protection, enhancement and resilience. The amendment will introduce a requirement for planning authorities to prepare and consult on forestry and woodland strategies for their areas or, in collaboration with other authorities, across a wider area. However, that is not new. Strategies are already prepared as a matter of course by the majority of our planning authorities, as Mr Wightman pointed out, either singly or in collaboration, as is encouraged by Scottish planning policy and guidance in “The right tree in the right place”.

Amendment 207 takes that position a step further, and I agree that the time is right to do so in the context of recent changes that have been made through the Forestry and Land Management (Scotland) Act 2018, through the new Scottish forestry strategy and in response to climate change. I thank Mr Wightman for working with us on the subject, and I am happy to support his amendment.

The Presiding Officer: I call Mr Wightman to wind up.

Andy Wightman: I have nothing to add other than that I welcome members’ support.

Amendment 207 agreed to.

The Presiding Officer: Group 39 is on mineral and peat working. Amendment 208, in the name of Claudia Beamish, is grouped with amendments 209 to 211.

Claudia Beamish (South Scotland) (Lab): This suite of complementary amendments would

update and modernise the planning system in relation to Scotland’s peatlands. That special habitat’s importance has grown in recent years because of its capacity to be a vital natural carbon sink. Members will recall that I spoke to similar amendments at stage 2 but, after listening to the minister’s concerns, I did not press them.

I thank the minister for discussing the stage 3 amendments with me; I have also had support from civil servants, including Andy Kinnaird. After further work, I remain convinced that the system of permissions and extraction rights for the habitat is out of date and no longer fit for purpose. I intend to listen carefully to what the minister says before I decide whether to press the amendments.

Many local authorities do not have comprehensive information about existing permissions, never mind the fact that many permissions should not exist at all in the context of Scotland’s climate emergency. I commend the Scottish Government for giving a high priority to phasing out peat use and peat extraction, in recognition of their significant climate change impacts and of the adverse effects on water and wildlife from damaged peatlands.

However, about 500,000m³ of peat is still extracted annually in Scotland. That removes a carbon store that takes thousands of years to form and results in the loss of almost all biodiversity value on the sites involved and in changes to hydrology that can have negative effects on flood management for our communities and populations. The Scottish Government is right to spend millions of pounds per annum on the peatland action fund to restore degraded peatlands across Scotland, so it surely makes sense, for coherent policy, to prevent the degradation of further sites, whose restoration costs could well lie with the public purse.

At stage 2, a target of net zero emissions by 2045 has been accepted for the Climate Change (Emissions Reduction Targets) (Scotland) Bill. The word “net” is important. The United Kingdom Committee on Climate Change’s advice on net zero targets says that it is

“confident that Scotland could feasibly achieve”

a higher target than the rest of the UK because of its greater sequestration capabilities.

Given increasing global recognition of the need for carbon reductions from land use activity, the proposals in the amendments would offer a relatively quick and cost-effective opportunity to address the issue in the public interest. The Scottish Government supports the UK Government’s target for retail soil supplies to be peat free by 2020 and for commercial horticulture to end the use of peat by 2030. The Scottish Government has also set a target of restoring

250,000 hectares of peatland by 2030. The amendments are entirely in line with that policy position, so I want to know clearly whether the minister thinks that amendment 208 should be pressed and the other amendments moved.

I hope that members will bear with me as I discuss these technical amendments in turn. Whether or not I move them all, it is important to put the issues on the record, so that we can move forward together as a Parliament, with the Scottish Government in the lead—particularly if I do not press all the amendments.

Amendment 208 would allow planning authorities to impose nature conservation as a recognised aftercare condition. Schedule 3 to the Town and Country Planning (Scotland) Act 1997 sets out three uses—for agriculture, forestry and amenity. A note from the Scottish Government on the amendment, for which I thank the minister, explained that the 1997 act defines a use for amenity as meaning that the land is

“suitable for sustaining trees, shrubs or other plants”,

which is dealt with in planning advice note 64, on the reclamation of surface mineral workings. That is welcome, but the critical omission from the list in schedule 3 is peatland restoration. Amendment 208 would remedy that by introducing a broader definition.

Planning advice note 64 was up for consultation and revision in 2015 and has not been updated since January 2017. Can the minister confirm whether he still intends to update PAN 64, as recommended by the opencast coal review? Will he commit to consulting on the adequacy of the advice on aftercare and the priority that is given to nature conservation, particularly if amendment 208 is withdrawn?

I highlight that, since stage 2, on the advice of the minister, I have edited the amendment that I lodged then to remove the involvement of Scottish Natural Heritage. I will not go into the details of that, but it is appropriate, because SNH has only an advisory role. The amendment is reasonable, given the environmental and climate emergency. The Scottish Parliament information centre has confirmed that the amendment would strengthen the status of nature conservation, particularly in light of developments in understanding about the importance of peatland and other issues that I have highlighted. For a number of mineral extraction sites, nature conservation is indeed the most appropriate and locally desirable afteruse. If I withdraw amendment 208, I urge the Scottish Government and members across the chamber to take forward the issues that are raised in it.

I come to amendments 209 to 211. Following comments from the minister at stage 2, I altered the similar amendments that I lodged then to limit

their scope to peatlands, rather than all mineral extractions. There are two difficulties. The onus is wholly on planning authorities to monitor whether sites are lying dormant, and the power does not prevent operators from leaving sites dormant for years and then restarting operations without input from the planning authority. Under amendment 209, where an operator has left a site dormant and ceased operations for two years or more, the planning permission would automatically be suspended and the operator would need to proactively apply to the planning authority to resume operations. That would rebalance the situation and would put some onus on operators to keep their permissions up to date, and it would improve the ability of planning authorities to become aware of dormant sites. However, there may be a different solution to that issue.

Amendment 210 would introduce a sunset clause. It aims to simplify and clarify the process of the review of old mineral permissions by introducing a sunset clause for all old peat extraction consents, setting a time by which they must all be reactivated or they will permanently expire. Current permission periods are lengthy and poorly regulated. I will not go into the detail but, in the 23 years for which the processes have been in place, there has been ample opportunity for site operators and local authorities to make use of them. However, in a report in 2003, which was a significant number of years ago, SNH struggled to draw conclusions about progress with ROMP, having encountered difficulties obtaining information from local authorities.

That is another concern. The Environment Act 1995 introduced a requirement for the periodic review of mineral permissions, but only 15 sites are known to have gone through that review process, and there is no penalty or mechanism to enforce those statutory requirements. I would appreciate hearing from the minister whether a more robust mechanism might be put in place. It tends to be developers that trigger the process voluntarily. There is no centrally available information on sites where planning permission has ceased to have effect, and existing planning permissions act as a barrier to obtaining funding for restoration through mechanisms such as peatland action.

The bill presents a logical opportunity to simplify those procedures and to align planning with other areas of Government policy on peatland. Setting a clear end date for old planning permissions by introducing a sunset clause for extraction permissions would deliver that. Under amendment 210, all companies that have consents in the phase II and III lists or sites that were consented before 1982 would need to reactivate them—which seems a reasonable stipulation, considering how long ago that was—by a fixed national date or

lose the consent permanently, although restoration and aftercare conditions would still apply.

That would remove long-term uncertainty around the status of the carbon in the soils and it would remove the burden on local authorities to instigate the process, thereby overcoming issues with lack of enforcement and clear data collection. The sunset clause does not pose a risk of encouraging developers to start production at unworked sites with old permissions, as it would simply require companies to reactivate consents.

14:15

Some members will be relieved to hear that we have come to the final amendment in the group. Amendment 211 clarifies that any calculation of compensation for restrictions on working rights for peat extraction should assume that there will be no UK “market for horticultural peat”—I will not repeat the dates. That would give planning authorities the confidence to consider restricting working rights in strategically important areas to allow for peatland restoration, because authorities would have greater clarity on the scope of possible compensation claims. Amendment 211 would not result in a ban on the sale of the products, but it would prevent peat extraction sites from claiming compensation on the assumption that there will still be markets for the products beyond the dates specified. Rather, the damaging products will have been phased out.

There is a presumption against new commercial peat extraction in the planning permission system and, in particular, in planning policy. Schedule 8 to the Town and Country Planning (Scotland) Act 1997 allows local authorities to order that mineral extraction be discontinued if that is in the interest of their districts, but any such order could trigger a claim for compensation by the holder of the extraction rights. Schedule 10 to the 1997 act, on periodic review of planning permissions, provides that compensation provisions are applicable when working rights to mineral extraction are restricted as a result of new conditions, except those relating to restoration and aftercare. In practice, that provision has been cited as a deterrent to planning authorities considering limiting the length or size of peat extraction sites, even when the peat extraction is clearly not in local interests or in the interests of meeting biodiversity targets. I gave an example at stage 2, so I will not go into details. Auchencorth Moss in Midlothian, in my region, is one such example. RSPB Scotland states that the site accounts for an enormous one fifth of Scotland's total carbon emissions from peat extraction, and it is adjacent to a site of special scientific interest. I will not go into more detail, but the site is very precious.

I thank the minister for meeting me to discuss my amendments and for sending over information. I understand that the Government has concerns about amendment 211 in relation to the European convention on human rights, and I will listen carefully to the minister's response.

However, there is clear public interest in ensuring that peatlands are safeguarded, and that there is a more transparent and realistic basis for compensation claims to prevent instances such as the one that I have highlighted from taking place. The Scottish Government has supported targets for ending horticultural peat sales, due to a significantly increased understanding of the importance of protecting and restoring peatlands for reasons relating to carbon and the wider ecosystem. I very much hope that the minister will consider those points.

I thank those members who have been able to listen for listening.

I move amendment 208.

The Presiding Officer: I say not only to Ms Beamish but to other members that these are the sort of detailed arguments that should be explored at stage 2 of a bill. I do not want to diminish the arguments that Ms Beamish has made in any way. She made it clear that she wanted to put her arguments on the record and I will certainly not curtail the speech of any member who wishes to do so. However, it is disappointing that there is such a level of detail at stage 3. I note that, already, the chances of keeping to our timetable this afternoon have been highly diminished. I make that point not only to Ms Beamish but to all members.

Kevin Stewart: I am very grateful to Ms Beamish for the co-operation that there has been. I really appreciate the fact that she mentioned Andy Kinnaird, the bill team manager, who has been a stalwart during the bill's progress and has helped a great deal.

The Scottish Government recognises and supports the need to phase out the use of peat as part of our ambitions for tackling climate change and promoting peatland restoration. However, I cannot accept Ms Beamish's amendments, given that there are already mechanisms in place to ensure that such issues can be addressed in a proportionate and fair way. Such mechanisms include existing order-making powers in the 1997 act, which allow planning authorities to deal with issues relating to dormant mineral sites, and a range of policy initiatives to phase out the use of peat in horticulture.

I want to avoid putting additional provisions into the bill when they are already addressed elsewhere. In particular, I am very cautious about forcing all existing sites to close without further

consideration of the environmental and compensation consequences. In her speech, Ms Beamish mentioned the peatland restoration fund. Her amendments have the potential to require significant compensation or to prompt legal action from companies seeking compensation. The Government considers that funding would be more effectively spent on the peatland restoration fund. I know that Ms Beamish does not necessarily disagree with that.

Although I cannot support the amendments, I appreciate that Ms Beamish has highlighted very important issues around Scotland's peatland. The Government recognised them and, in a much earlier group, lodged our own amendment to the bill to place a requirement on Scottish ministers to have regard to the desirability of preserving peatland when preparing the national planning framework.

Ms Beamish can be assured that when we look at that framework, which we will move on to next, I will pay due attention to what we do in those areas. I know that she will be at me if I do not—and I welcome that.

I am more than willing to look at the current wording of the advice notes that Ms Beamish mentioned, and at whether they require the updating that she referred to. I am happy to have further conversations with her on that.

What we have done reinforces our commitment to ensuring that planning policies on peat extraction are considered in the context of climate change, and I know that Ms Beamish will continue to scrutinise how we move forward on all of those issues. My door is always open.

Claudia Beamish: As I make a final decision on whether to press the amendments, will the minister clarify the situation in relation to those very long-term, outstanding sites, around which there is a lot of uncertainty and a lack of clarity on what the local government relevant planning authorities are doing? Is it possible for him to highlight the issue to local authorities, because if I do not move the amendments, the possibility of restarting sites is a serious concern?

Kevin Stewart: I am happy to talk to local authorities about the issue. There is no problem in that. I would be concerned about the possible compensation consequences. Ultimately, that is where we need to consider the right choice. I would rather spend money on peatland restoration than on compensation, but I am happy to discuss those matters with local authorities.

The Presiding Officer: There are no other members who wish to contribute. I ask Claudia Beamish to wind up, and to decide whether to press or withdraw the amendments in her name.

Claudia Beamish: I do not intend to press amendments 208 to 211 today. It has been a very difficult decision. A range of non-governmental organisations have had serious concerns about the protections for peatlands in the bill. RSPB Scotland was one that helped to shape the amendments—but certainly not the only one. There is a serious issue around aftercare. We have seen what happened with the opencast industry. It is very important that conservation and those aspects of aftercare are looked at more carefully, so that communities benefit through access to the countryside and better mental health, and most importantly, so that carbon sequestration can happen.

It is also important that those issues are more carefully enshrined in the review of the national planning policy framework, and I would be pleased to work with the minister and others on that.

As I said, I do not intend to press my amendments in this group. However, as a final point, I think it strange that, given that peat will have no market value after a certain date, there should be concern about potential compensation.

Amendment 208, by agreement, withdrawn.

Amendments 209 to 211 not moved.

Section 29—Interpretation of Part and schedule

The Presiding Officer: Group 40 is on the infrastructure levy. Amendment 213, in the name of Claudia Beamish, is grouped with amendments 214, 149, 218 and 150.

Claudia Beamish: Members will be pleased to hear that I have a short set of speaking notes for this group.

Members: Hurray!

Claudia Beamish: Hurray—yes, absolutely. My amendment 213 would add “green and blue infrastructure” to the infrastructure list in section 29. Amendment 214 defines green and blue infrastructure as

“features of the natural and built environments (including water) that provide a range of ecosystem and social benefits”.

At stage 2, members may recall that I lodged a similar amendment, which would have added “nature conservation management measures” to that list. The minister explained that those liable to pay the levy do not want the definition widened too far and that nature conservation measures would not help the levy's key aim of enabling infrastructure capacity issues to be addressed to allow development.

I have reworked my stage 2 amendment, to bring natural solutions out of the environment silo.

Green and blue infrastructure gives scope for infrastructure that helps to address environmental concerns, such as flood defences, water supply, loss of public green space, climate change, and protection of biodiversity and the wider environment.

The policy memorandum states that the levy should capture land value uplift for public benefit. In that context, the preventative spend angle of the projects should not be disregarded, particularly given that many parts of south Scotland and beyond faced flood warnings only a few weeks ago. Using the levy in that way would contribute to meeting Scotland's commitment to the United Nation's sustainable development goals, in particular the UN target to decouple economic development from environmental degradation.

If the infrastructure levy is to achieve its objectives and deliver offsetting public benefits, it must directly address the accumulating public costs of development and economic activity. It is difficult to see how that can realistically be achieved without new investment in green and blue infrastructure, which could offset those costs.

In the face of the climate and environment emergency, I hope that members across the chamber will support my amendments.

I move amendment 213.

Alexander Stewart (Mid Scotland and Fife)

(Con): The bill does not currently contain provision on the application of the infrastructure levy to developments that are also subject to a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997. There is the potential for duplication of conditions on such developments—that is, a contribution being required for the same object or purpose under a planning obligation and by way of the infrastructure levy. It would be inappropriate for persons such as developers to be required to contribute twice for the same object or purpose. That could impact on development.

My amendment 218 seeks to avoid that by specifically enabling any infrastructure levy regulations made by the Scottish ministers to provide for the granting of relief from liability to pay infrastructure levy where the development is subject to a section 75 planning obligation and where the planning authority considers that

“to require payment of infrastructure levy in respect of the development would constitute a duplication ... of contribution by the person who is liable to pay infrastructure levy.”

14:30

Kevin Stewart: The passage of the bill has been a marathon effort, but we have now come to

the last group of amendments, and I am delighted to say that I support all the amendments in the group. I should say a little bit more, though—and it will just be a little bit.

The Local Government and Communities Committee highlighted concerns that the power to establish an infrastructure levy might remain in legislation without ever actually being implemented. At stage 2, I lodged an amendment to introduce a sunset clause, meaning that the power to establish a levy would lapse if it were not used within 10 years of royal assent. Although the amendment was agreed to, some members still felt that the period was too long. Having looked at the timescales for and feasibility of bringing forward levy regulations, I am happy to lodge amendment 149, which seeks to reduce the time period from 10 to seven years. I am confident that that will still give sufficient time for the additional work and consultation needed to inform the regulations.

Moreover, concerns were raised at stage 2 over the timing of payment of the infrastructure levy and the fact that payment may be sought prior to the granting of planning permission. To address those concerns, I have lodged amendment 150, which seeks to remove paragraph 9 of schedule 1 to ensure that regulations cannot preclude planning permission being granted on the basis of non-payment of the infrastructure levy.

Another concern that has emerged is the potential for overlap between the infrastructure levy and planning obligations under section 75 of the 1997 act, with the issue of duplication and double charging being raised in particular. I believe that it is a reasonable point, and I am therefore happy to support amendment 218 in the name of Alexander Stewart, which will provide the industry with greater certainty.

The bill includes a wide definition of infrastructure that funds from the levy could be used to support. However, there have been calls for the definition to include a specific reference to green and blue infrastructure. Again, I am grateful to Claudia Beamish for her co-operation and communication on all of this; her amendment 213 seeks to do what I have previously set out, and I am happy to support it.

Amendment 214 seeks to introduce a broad definition of what “green and blue infrastructure” consists of. Although I have some concerns about the detail of the amendment, I am content that the bill contains sufficient flexibility, should circumstances change and the definitions need to be amended in the future. I am therefore happy to support that amendment, too.

Claudia Beamish: I am delighted that the minister has accepted the amendments on green

and blue infrastructure, which will help to tackle the climate and environment emergency as well as help the wellbeing of the people of Scotland.

I have no more to say, other than this has been a tough gig for everybody. Well done, all.

Amendment 213 agreed to.

Amendment 214 moved—[Claudia Beamish]—and agreed to.

Section 30A—Lapsing of power to provide for levy

Amendment 149 moved—[Kevin Stewart]—and agreed to.

Section 32—Regulation-making powers

Amendment 215 moved—[Alex Rowley].

The Presiding Officer: The question is, that amendment 215 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. As this is the first division of the afternoon, there will be a five-minute suspension, and I will ring the bell and summon members to the chamber.

14:33

Meeting suspended.

14:38

On resuming—

The Presiding Officer: We move to the division on amendment 215.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)

Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)

Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 29, Against 81, Abstentions 0.

Amendment 215 disagreed to.

Amendment 217 not moved.

Amendment 216 moved—[Claudia Beamish].

The Presiding Officer: The question is, that amendment 216 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)

Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)

Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 28, Against 82, Abstentions 0.

Amendment 216 disagreed to.

Schedule 1—Infrastructure-levy regulations

Amendment 218 moved—[Alexander Stewart].

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

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)

MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 80, Against 31, Abstentions 0.

Amendment 218 agreed to.

Amendment 150 moved—[Kevin Stewart].

The Presiding Officer: The question is, that amendment 150 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)

(SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 80, Against 30, Abstentions 0.

Amendment 150 agreed to.

Schedule 2—Minor and consequential amendments and repeals

Amendments 106 to 110 moved—[Kevin Stewart]—and agreed to.

Amendment 219 moved—[Claudia Beamish].

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

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)

Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 52, Against 59, Abstentions 0.

Amendment 219 disagreed to.

14:45

Amendments 151, 111 and 152 moved—[Kevin Stewart]—and agreed to.

Amendment 159 moved—[Liz Smith].

The Presiding Officer: The question is, that amendment 159 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Abstentions

Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

The Presiding Officer: The result of the division is: For 78, Against 31, Abstentions 2.

Amendment 159 agreed to.

Amendments 220 and 221 not moved.

Amendments 153 and 154 moved—[Kevin Stewart]—and agreed to.

Amendments 222 and 223 not moved.

Amendment 155 moved—[Kevin Stewart]—and agreed to.

Amendment 185 moved—[Kevin Stewart].

The Presiding Officer: The question is, that amendment 185 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)

Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Scott, Tavish (Shetland Islands) (LD)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 102, Against 10, Abstentions 0.

Amendment 185 agreed to.

The Presiding Officer: That ends our consideration of amendments. I thank all members and the minister for their time and effort over the past three days.

At this point in proceedings, I am required under standing orders to say whether, in my view, any provision of the bill relates to a protected subject matter: that is, whether it would modify the electoral system and franchise for Scottish parliamentary elections. In my view, no provision of the Planning (Scotland) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority in order to be passed at stage 3.

Portfolio Question Time

Health and Sport

14:50

NHS Scotland (Ownership)

1. Richard Lyle (Uddingston and Bellshill) (SNP): To ask the Scottish Government what steps it is taking to ensure that NHS Scotland stays in public ownership. (S5O-03413)

The Cabinet Secretary for Health and Sport (Jeane Freeman): The Scottish Government remains absolutely committed to the founding principles of a publicly owned, funded and operated national health service that is free at the point of need. We will oppose any attempt, in post-Brexit or other trade talks, to impinge on that in any way. Our NHS in Scotland will not be on the table in any trade deal.

Richard Lyle: I thank the cabinet secretary for her assurance. I am sure that the people of Scotland will be very happy to hear that.

How is the continued integration of health and social care in Scotland assisting the Government in protecting and managing the precious resources of the NHS? What discussions is the Scottish Government having with local health boards to ensure that our NHS is safeguarded against any future proposal by the Tory United Kingdom Government?

Jeane Freeman: As Mr Lyle will know from the budget that was agreed in this chamber, the aim of our additional investment in health and social care, which exceeds £700 million, is to shift the balance of care that people need to their local communities except where it is clinically necessary for them to be in acute settings. The health and social care medium-term financial framework sets out that approach.

I assure Mr Lyle that we will not do what the Warrington and Halton Hospitals NHS Foundation in England is doing. As has been revealed in the *Nursing Times*, it is now producing a price list for procedures that should be provided free at the point where they are needed. For example, cataract surgery is priced at £1,700 and hip replacement surgery at more than £7,000. Those prices cover only one pre-op consultation, one attendance as a day case and one follow-up attendance. That is what is happening to the health service in England—they are getting it ready to trade off. That will not happen to the NHS in Scotland.

The Deputy Presiding Officer (Linda Fabiani): I ask all members to ensure that, if

supplementary questions are allowed, they are asked quickly.

Miles Briggs (Lothian) (Con): In 2017, NHS Scotland signed a contract worth £400 million with a private company for locum staff. Last year, a further contract worth £30 million was signed with six private companies. Does that not illustrate the increasing use of the private sector that is happening under the Scottish National Party?

Jeane Freeman: No, it absolutely is not. *[Interruption.]* I will explain to Mr Briggs—and his amused colleagues—why that is the case.

I think that the first contract to which Mr Briggs referred is one with IHI, which is a not-for-profit organisation. The other contracts that he mentioned may, indeed, represent interim use of the private sector to reduce long waiting times for patients, as I set out in the waiting times plan. However, I say to Mr Briggs that that is not selling off sections of our health service to Virgin Health or allowing any of our boards to produce price lists for hip replacement, cataract or knee replacement surgery, which is precisely what his colleagues in England are doing. The day and hour that Mr Briggs defends that practice in this chamber is the time when he and I might have a proper conversation.

David Stewart (Highlands and Islands) (Lab): Has the cabinet secretary investigated the worrying implications of investor-state dispute settlement being invoked as part of a trade deal? That would give foreign companies the right to sue the Scottish Government for devolved health decisions.

Jeane Freeman: Mr Stewart makes an important point that came up previously when deals were being looked at. It is about the vulnerability of the UK being seen as a single state when trade deals are negotiated, and whether that places our NHS in a vulnerable position. We looked at the issue and took up-to-date advice at that time. We are looking at it again to ensure that we are as prepared as possible. I am absolutely certain that, with colleagues in Labour and elsewhere in the Parliament, if not the Conservatives, and with the people of Scotland, we will defend our health service.

Beauty Industry (Regulation)

2. David Torrance (Kirkcaldy) (SNP): To ask the Scottish Government when beauticians, hairdressers and others who provide aesthetic procedures will be regulated in the same way as medically qualified practitioners. (S5O-03414)

The Minister for Mental Health (Clare Haughey): Independent clinics were brought within the regulation of Healthcare Improvement Scotland on 1 April 2016. The policy was to

ensure that certain healthcare professionals who are working independently of the NHS do so in a clinic that is registered with Healthcare Improvement Scotland. That work puts Scotland at the forefront of regulating independent private healthcare, mainly in the cosmetic area but also in dentistry, midwifery and slimming clinics, to name but a few areas.

Until 2016, there was no regulation of cosmetic procedures. It is crucial that aesthetic procedures that are currently provided by non-healthcare professionals are subject to a similar level of inspection and scrutiny as those that are provided by medically qualified practitioners. We plan to bring forward a consultation later this year, to inform our legislative amendments.

David Torrance: Will the minister clarify what action can be taken in the meantime to highlight to consumers the risks they face when they submit to procedures such as Botox and lip-filling injections that are carried out by unqualified practitioners who might have no training or insurance and who might not be regulated?

Clare Haughey: Mr Torrance brings an important point to the chamber. Anyone who is considering undergoing such a treatment should always use a regulated provider, details of which are available on the Healthcare Improvement Scotland website. Unregulated providers will not appear on that list, nor will they have any HIS-accredited literature to prove their competence. We also urge consumers to carry out due diligence checks on the provider.

Child and Adolescent Mental Health Services Waiting Times (Lothian)

3. **Jeremy Balfour (Lothian) (Con):** To ask the Scottish Government what steps it is taking to reduce excessive waiting times for young people in Lothian to access mental health support. (S5O-03415)

The Minister for Mental Health (Clare Haughey): Through the mental health access improvement support programme, between 2016-17 and 2019-20, NHS Lothian is scheduled to receive an additional £4.7 million from the Scottish Government to support mental health workforce development and capacity building.

The director for mental health has written to NHS Lothian, seeking reassurance about the approach that is being taken to address long waits and confirmation that patients are kept informed of their situation and provided with support and advice while they are waiting for on-going treatment.

Jeremy Balfour: I thank the minister for her answer, but the fact remains that, in the most recent quarter, 85 young people in NHS Lothian

waited for more than a year, and 118 young people waited for more than a year across all NHS health boards. Does the minister agree with me and the Scottish children's services coalition that there must be a radical transformation of our mental health services?

Clare Haughey: Long waits for child and adolescent mental health services and support are unacceptable; I have said that on more than one occasion in this chamber. The Scottish Government expects all health boards to meet and sustain performance against mental health waiting time targets. To help to achieve that ambition, our 2018-19 programme for government outlines a package of measures that are supported by £0.25 billion of additional investment. That is in addition to the £54 million that has already been invested to help boards to improve their performance against waiting time targets.

Mary Fee (West Scotland) (Lab): Looking at the broader picture of access to CAMHS across Scotland, the latest figures show that more than a quarter of referred children are not seen within the 18-week target waiting time. When does the minister expect to reach the 90 per cent target for children and young people accessing CAMHS within 18 weeks?

Clare Haughey: All boards now have in place improvement plans for CAMHS and psychological therapies, supported by the mental health access improvement team, with milestones to meet over the next two years. The Scottish Government is working with health boards, including in Lothian and Fife, to agree their annual operating plans, which include how they will meet those standards.

Mesh Implants

4. **Neil Findlay (Lothian) (Lab):** To ask the Scottish Government what work it has done to plan for the lifting of the ban on mesh implants. (S5O-03416)

The Cabinet Secretary for Health and Sport (Jeane Freeman): I have been consistently clear that the complete halt to transvaginal mesh procedures, which I announced last September, will be lifted only if a high-vigilance restricted use protocol is developed to my satisfaction. I have not instructed any planning to consider the lifting of that halt and the Scottish Government has undertaken no work to that effect.

Neil Findlay: I warmly welcome the news that US surgeon Dr Veronikis might come to Scotland to help mesh-injured women. I thank the Scottish mesh survivors, the *Sunday Post* and the parliamentarians who have kept up the pressure on the issue.

In the interests of transparency, can the cabinet secretary ensure that all the minutes of the

accountable officer short-life working group and the short-life working group on mesh complications are published today, so that we can clearly see what has been discussed at the groups and whether they are planning for the return of mesh?

Jeane Freeman: As I have made clear to Mr Findlay, whether mesh ever returns will be my decision as cabinet secretary. I have been clear in the chamber that I have not instructed any work to plan for it to return and I have not had any work undertaken by the Scottish Government to plan for it to return. It is vitally important that, in the chamber and elsewhere, we are crystal clear on that and that we do not cause further distress to those who would be affected by incorrect information.

Neil Findlay referred to the minutes of the two groups. The short-life working group that I established following a meeting in March with some of the women who are affected by mesh complications published the minutes of its first meeting today. Subsequent minutes will be published when the group approves the minutes. That also applies to the one meeting of the other group, which was set up following my statement in September to look at the high-vigilance protocol and the work in relation to the audit that I committed to have undertaken. That group also has to approve its minutes before they are published. When all that is done, it will all—including declarations of interest—be published on the Government's website.

Fife Hospitals (Safety)

5. Alexander Stewart (Mid Scotland and Fife) (Con): To ask the Scottish Government what action it is taking to tackle safety concerns in Fife hospitals. (S5O-03417)

The Cabinet Secretary for Health and Sport (Jeane Freeman): The safety of NHS Scotland's patients and staff is a key priority for the Scottish Government. The Scottish Government introduced a range of measures to protect and improve patient safety, including the Scottish patient safety programme, which was launched in 2008. The Scottish patient safety programme has contributed to the effectiveness of NHS Fife, with, for example, a fall of 9.8 per cent in hospital standardised mortality ratios, a fall in cardiac arrests and a reduction in falls over a period of six years.

Alexander Stewart: I thank the cabinet secretary for that response. However, during a recent unannounced inspection visit to Glenrothes hospital, Healthcare Improvement Scotland uncovered a number of concerning issues, including contaminated equipment, used waste and sharps being stored in accessible areas and inappropriate monitoring of water safety

associated with legionella. What action will the Scottish Government take to restore patient trust in that hospital?

Jeane Freeman: That is precisely why those inspections are so important and why they are undertaken. In fairness to Glenrothes hospital, the inspection report also found a number of areas in which the hospital was satisfactory—it is only fair that we note that in the chamber. Following the report, the board is required to produce an action plan of the specific actions that it will undertake. It has done that, and I am happy to ensure that Mr Stewart sees a copy of it. HIS will go back and report again on the actions. My officials will keep the situation under constant review. If there are matters that require my intervention, I hope that Mr Stewart is assured that I will intervene.

Alcohol and Drug Treatment Strategy

6. Ruth Maguire (Cunninghame South) (SNP): To ask the Scottish Government how it will evaluate the delivery of the alcohol and drug treatment strategy, "Rights, Respect and Recovery". (S5O-03418)

The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick): NHS Health Scotland is leading on the development of a monitoring and evaluation plan that involves the Scottish Government as well as other key stakeholders. The plan will enable the Scottish Government to measure progress and assess the impact of the strategy.

Ruth Maguire: The landscape for treatment and recovery services can be complex, and the process of how funding is allocated for early intervention and recovery work as opposed to core clinical services is a little opaque. How will the Scottish Government address that? Audit Scotland's report of May 2019 highlights that making performance-related reporting public could help with accountability. Does the minister agree?

Joe FitzPatrick: We welcome Audit Scotland's report, and our national alcohol and drug strategy, which was published last year, set out a number of actions that will address issues that were identified in the report.

In the coming weeks, the Scottish Government and the Convention of Scottish Local Authorities intend to publish a partnership delivery framework to support local planning arrangements to address alcohol and drug harms. As I mentioned, we are working with NHS Health Scotland to develop a monitoring and evaluation framework for the new strategy. The introduction later this year of the new drug and alcohol information system, or DAISy, will provide clear links between spending and outcomes and will demonstrate how investment in

drug and alcohol services contributes to improving health outcomes.

Drumweath Games (Health Impact)

7. Bill Kidd (Glasgow Anniesland) (SNP): To ask the Scottish Government what its response is to the health impact of the 2019 Drumweath games, which took place on 14 June and saw over 500 primary 5 to secondary 1 pupils participate in sport activities. (S5O-03419)

The Minister for Mental Health (Clare Haughey): First, I would like to congratulate everyone who is involved in the Drumweath games, now in their seventh year, which are a great legacy of the Commonwealth games in 2014.

Being physically active is one of the very best things that we can do for our physical and mental health. The Drumweath games are testament to what can be achieved through partnerships between schools and clubs, with Drumchapel sport—the Drumchapel community sport hub—active schools and Glasgow Sport working together in partnership. Sport at an early age makes a fun and sustainable contribution to physical activity, which we hope will lead to longer, happier lives.

Bill Kidd: The Drumweath games encourage children of all capabilities to try out new sports. Does the minister agree that it is important for all children in Scotland to be introduced to a wide variety of sports and to have the opportunity to pursue those that they find a passion for?

Clare Haughey: Yes, I do. That is why programmes such as the active schools programme offer more than 100 different activities, ranging from football to dance and movement, which gives children the opportunity to be active and take part in the activities that they enjoy. While I was deputy convener of the Health and Sport Committee, I was fortunate enough to visit the Drumchapel community sport hub. I was very impressed by the facility, which provides an opportunity to improve the health and wellbeing of all members of the local community.

Chronic Pain Treatment Waiting Times (NHS Forth Valley)

8. Dean Lockhart (Mid Scotland and Fife) (Con): To ask the Scottish Government what support it is giving to NHS Forth Valley to reduce waiting times for chronic pain treatment. (S5O-03420)

The Cabinet Secretary for Health and Sport (Jeane Freeman): As Mr Lockhart will recall, in its initial work, the waiting times improvement plan specifically targets those people who have been waiting the longest and those with a clinical

priority. In 2018-19, NHS Forth Valley received an additional £4 million, which it focused on support for general surgery, ear, nose and throat, trauma and orthopaedics.

In this financial year, NHS Forth Valley plans to utilise the additional funding for waiting times improvement to recruit new staff to the chronic pain service so that it can increase capacity by running a pain management programme with extended scope physiotherapists. That programme, which will run in parallel with consultant-led services, will contribute to and complement the national work that we are doing to improve the development of the chronic pain service across the national health service.

Dean Lockhart: I thank the cabinet secretary for that response, but recent figures show that more than a quarter of patients in NHS Forth Valley have waited more than 18 weeks for treatment for chronic pain. Only 73 per cent were seen within 18 weeks of referral, which is below the target of 90 per cent. That made NHS Forth Valley the second-worst-performing health board in Scotland on that measure.

The cabinet secretary mentioned the provision of additional funding, but what real measures will she take to provide additional support to NHS Forth Valley to improve the situation?

Jeane Freeman: I think that the provision of additional funding is one of the real measures that we are taking. It is precisely because of the situation that Mr Lockhart has outlined that, as all boards are required to do, NHS Forth Valley targets those areas with the longest waits and where there is a clinical priority. That is why it is targeting its chronic pain service in this financial year. We will see the effectiveness of that when the figures come out in due course.

Provisional Outturn 2018-19

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a statement by Derek Mackay on the 2018-19 Scottish Government provisional outturn. The cabinet secretary will take questions at the end of his statement so there should be no interventions or interruptions.

15:11

The Cabinet Secretary for Finance, Economy and Fair Work (Derek Mackay): I welcome the opportunity to update Parliament on the provisional budget outturn for the 2018-19 financial year.

The provisional outturn results show that, once again, the Scottish Government has prudently and competently managed Scotland's finances. These results are in spite of the on-going uncertainty that has been created by the disastrous decision to leave the European Union, the needless continuation of United Kingdom austerity and Tory mismanagement of the economy—I thought that I would start off on a consensual note.

The provisional figures that I am announcing today are set against an extended period of economic turbulence. The global economy is going through a sustained period of weakness. For Scotland, this is compounded by the continuing uncertainty around the UK's exit from the EU. Although leaving the EU without a deal is the worst possible outcome, even a Brexit with an exit deal will result in significant economic loss compared with remaining in the EU.

The UK Government's decision to take us out of the EU single market and the customs union—the largest market in the world—presents a risk to economic growth, which in turn has an impact on forecast revenues to support our public services and invest in funding programmes, and an impact on migration and our population. Hence, the Scottish Fiscal Commission has downgraded its growth forecast for 2019, citing continued Brexit uncertainty as the cause.

The Scottish Government is using the limited powers at our disposal to mitigate as best we can the economic and employment impacts and to prepare for Brexit. This includes measures such as committing over £1 billion to support our cities and regions through city region deals, increasing capital investment by £1.5 billion per year by the end of the next session of Parliament and a wide range of other economic and social initiatives.

Despite the exceptional political uncertainty, Scotland's economy enjoyed a positive year in 2018. Gross domestic product growth was 1.3 per

cent, surpassing earlier lower SFC forecasts, continuing a pattern of stronger growth compared with 2016 and 2017. For 2019, the SFC predicts that our economy will grow by 0.8 per cent; it explicitly points to Brexit uncertainty as the reason for its more pessimistic outlook. I am sure that all members will welcome the 0.5 per cent growth in the first quarter of this year.

Scotland's labour market has continued to perform well in the first quarter of 2019, with unemployment falling to a record low of 3.2 per cent, outperforming the UK unemployment rate of 3.8 per cent. Alongside that, labour productivity grew by 3.8 per cent in 2018, which is its fastest pace since 2010.

Despite the challenging environment, we are taking positive action to transform Scotland's future through our economic action plan. Transformational projects include delivering the national manufacturing institute for Scotland and the Scottish national investment bank.

Scotland's future budgets will of course be determined by a combination of Scottish and UK Government fiscal decisions. Our funding outlook for the medium term continues to be dominated by austerity at a UK level. The UK Government's macroeconomic policy stance since 2010 has been characterised by austerity. In Scotland, we have protected key services despite austerity causing a real-terms reduction of £2 billion in the resource block grant between 2010-11 and 2019-20. [*Interruption.*] Even Murdo Fraser now concedes that point.

The Scottish Government's second medium-term financial strategy—MTFS—which was published on 30 May, explains the fiscal framework and the funding arrangements that the Scottish Government operates within. It outlines our approach to financial management and fiscal rules and sets out a range of possible funding scenarios for the Scottish budget over the next five years. It sets out our responsible approach to financial planning and fiscal rules, which will allow us to invest in the economy and protect essential public services.

Turning specifically to the provisional outturn, under the current devolution settlement the Scottish Parliament is not permitted to overspend its budget. As a consequence, we have consistently controlled public expenditure to ensure that we live within the budget control limits that apply. I can report that the provisional fiscal outturn for 2018-19 is £32 billion against a fiscal budget of £32.5 billion, resulting in an overall cash variance of £449 million.

That variance includes £148 million of Barnett consequential funding that was provided very late in the financial year. The Treasury has confirmed

that the Scottish Government is not required to carry that funding forward through the Scotland reserve. Rather, the funding will be held within UK reserves and reallocated to the Scottish Government in 2019-20.

The remaining cash variance of £301 million includes £5 million of additional income for devolved taxes that was secured over and above initial budget forecasts. I can inform Parliament today that the total provisional income from land and buildings transaction tax and Scottish landfill tax is £699 million, and the surplus of £5 million will be added to the Scotland reserve. The variance also includes £3 million relating to fees in respect of a financial guarantee, which will also be added to the reserve.

Of the £293 million variance remaining, £171 million is resource funding—all of which has already been committed in the 2019-20 budget—£1 million is in respect of capital and £121 million is financial transactions. Of course, financial transactions funding can be used only for loans to or equity investment in entities outside the public sector. Overall, the cash variance of £293 million represents less than 1 per cent of the total fiscal cash budget. All that funding is carried forward in full through the Scotland reserve and none of it is handed back to the UK Government, so there is no loss of spending power to the Scottish Government.

We have achieved the £1 million fiscal capital underspend while prudently borrowing less than originally planned. The 2018-19 drawdown of £250 million is lower than the £450 million that was initially planned in the published 2018-19 budget. That followed a full assessment of a range of influencing factors including additional capital funding confirmed in-year and only making funding available to match the actual demand from the projects that were confirmed in the original 2018-19 budget.

In finalising arrangements, I also gave careful consideration to building a staggered debt maturity profile. The borrowing in 2018-19 has been undertaken over 10 years, in contrast with the borrowing over 25 years in 2017-18. Although the shorter repayment period pushes up the annual repayment, that is balanced by the lower amount that was borrowed at a lower interest rate and a lower cost of borrowing overall and it is affordable in the context of the sum that was set aside for repayment in the 2019-20 Scottish budget. It also ensures that greater borrowing capacity will be available when it is needed to support the national infrastructure mission.

In 2018-19, we had the first year of operation of the Social Security Scotland agency, which provided over £185 million of support to the people of Scotland. That included more than £35 million

of additional support as the first payments of the carers allowance supplement and the best start grant pregnancy and baby payment were made. This year, four new benefits will be implemented to help young carers and low-income families.

Finally, and in addition to the above, there is a provisional non-cash underspend of £142 million. The non-cash budget is used for technical accounting adjustments such as depreciation and impairments, and it cannot be used to fund public services. That represents no loss of spending power to the Government.

In conclusion, the cash underspend is entirely retained by the Government, is less than 1 per cent of the budget, makes the contribution that was planned for the 2019-20 budget and contributes to the reserve, which is prudent, particularly in light of the SFC income tax reconciliation forecasts that are detailed in the MTFS.

The figures that I am reporting to Parliament today remain provisional, as they are subject to change pending completion of the 2018-19 audits. As usual, finalised figures will be reported in the annual Scottish Government consolidated accounts and a statement of total outturn for the financial year 2018-19 later this year.

I commend today's figures to Parliament.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues that his statement raised.

Murdo Fraser (Mid Scotland and Fife) (Con): I thank the finance secretary for advance sight of his statement, although we had the customary five minutes of blaming everybody else for the state of the Scottish economy and public finances before he got to the substance.

The finance secretary is always complaining that he does not have enough money to spend, but we learned today of an underspend from last year's budget of nearly half a billion pounds. That is a substantial proportion of the overall sum.

In the meantime, the finance secretary has been hiking taxes on Scottish families. We learned today from the Fraser of Allander institute that the £500 million in extra taxes that he has taken from Scottish families has been completely offset by the relatively weaker performance in the Scottish tax base, so Scottish public services have had no net benefit from the extra taxes that everybody has had to pay.

I am surprised that the statement contained only passing mention of the Scottish Fiscal Commission's income tax reconciliation forecasts—the projected £1 billion black hole in the public finances that will hit over the next three years. In the light of that, will the finance secretary

clarify how much of the underspend in total will be put into the Scotland reserve and at what level the Scotland reserve will stand?

Derek Mackay: Murdo Fraser really asked only one question, which was about the level of resource reserve. The fiscal resource reserve, which could be deployed to address income tax reconciliation, will be £135 million—that is the published figure.

Murdo Fraser said that I bemoaned the state of the Scottish economy and blamed others, but I was actually trying to take the credit for the positive state of the Scottish economy, which is enjoying growth, record high exports, record low unemployment levels and record high employment levels. We are enjoying those strong economic indicators all because of the Scottish Government's actions. However, I sound an alarm and give a warning—I am sure that all members look forward to seeing the chief economist's state of the economy report tomorrow—about the threat that Brexit poses to this country and our public finances.

The resource figure is £135 million. In the same remarks, Murdo Fraser said that it was terrible that the finance secretary had an underspend and then went on to ask why the finance secretary was not putting more money aside to address the medium-term financial strategy and income tax reconciliation. He is totally inconsistent even in the questions that he poses.

In truth, we cannot overspend our budget. If the last-minute Barnett consequentials are discounted, the variance is less than 1 per cent—it is 0.6 per cent. The underspend has been deployed for this year's budget, and a modest amount has been set aside to address the issues that were raised at the Finance and Constitution Committee. That is the responsible thing to do.

James Kelly (Glasgow) (Lab): I thank the cabinet secretary for advance sight of his statement.

Three hours ago, in exactly the same spot as Derek Mackay is in now, the First Minister told us in response to a reasonable request from Richard Leonard for proper funding for the Scottish welfare fund that

“Every penny of this year's Scottish budget is accounted for.”

However, she did not tell us that £449 million was being held back in a Scottish Government slush fund. When child poverty is rising to scandalous levels, national health service patients are in pain while languishing on waiting lists and rail passengers are stuck on platforms suffering multiple cancellations and delays to services, the public will find it astonishing that that money has

been kept back in the Scottish Government's bank account.

Specifically, when faced with the prospect of the hideous Tory two-child cap, why did the cabinet secretary not use the powers and finance at his disposal to provide £69 million to alleviate that policy and bring much-needed relief to many families across Scotland?

Derek Mackay: I appreciate that James Kelly does not need to be consistent because he is in the Opposition and not the Government, which I suspect will probably be the case for some time. However, the Parliament needs to be more mature and responsible in these finance debates. Only last week at the Finance and Constitution Committee, I was rightly asked what the plan is to address the potential income tax reconciliations. One way of addressing that is to put a modest amount aside for that purpose. It is absurd to ask me that question last week and then to criticise me for doing so this week.

Non-cash depreciation or financial adjustments cannot be deployed to front-line services. That is clear to anyone who reads the briefing papers and the paperwork and who understands how Scotland's public finances are funded. Another part of the half a billion pounds that James Kelly referred to is financial transactions, which cannot be deployed to front-line public services, either. It is only the fiscal and capital resource that can be deployed and I have explained that the variance in that regard is 0.6 per cent, if we exclude the last-minute Barnett consequentials. Largely, the underspend is being deployed from last financial year into this one to protect our public services and deliver the policy commitments for Scotland.

James Kelly said that there was a reasonable request from the Labour Party, which was yet another fiscal ask. Labour members change their fiscal asks as often as they change their socks. I cannot keep up with their fiscal demands, but I can deliver a balanced budget for Scotland.

The Deputy Presiding Officer: We will move to the open questions. There are a lot of them, and the front-bench questions and answers have taken far too long, so I ask members to be a bit more concise.

Patrick Harvie (Glasgow) (Green): Phrases such as “black hole” and “slush fund” do not elevate the debate at all, but there are serious questions that the cabinet secretary will have to answer. For example, if the Scotland reserve is depleted to £135 million, it is clearly inadequate, even with the previous year's underspend, to meet the Scottish Fiscal Commission projections if they are accurate. Will he tell us what his plan is for dealing with that? Is it through borrowing, taxation or spending? What are the mechanisms?

Derek Mackay: Here is the nature of Scottish politics: James Kelly says that I have put too much in the reserve and Patrick Harvie says that I have put too little in it. However, in the budget negotiations, Patrick Harvie rightly demanded that we spend more. He secured concessions, but then he complains about the level of resources that are being deployed to deliver commitments that the Green Party and the Scottish National Party happen to share.

I will of course set out my proposition as to how we deal with income tax reconciliations as part of the budget process, which I went over in detail—it was for more than two hours, if I remember correctly—at the Finance and Constitution Committee. I am happy to return to the committee but, as I explained then, there are a range of moving parts and it is a complex system with a range of factors, not least of which is the UK's fiscal position on spending, austerity and taxation, which impacts the decisions that the Scottish Parliament and Government take.

Willie Rennie (North East Fife) (LD): Given the poor daily performance on ScotRail and the abandonment of the target for cycling last week, does the cabinet secretary understand how frustrated people will be that the transport department has underspent its resources by the most?

Derek Mackay: On the areas that the member cited, ScotRail and rail is not an area where there has been an underspend—

Willie Rennie: I know that.

Derek Mackay: I am just pointing that out for awareness. Willie Rennie rightly raises issues about rail but, for completeness, I point out that the underspend is not in expenditure on railways or the rail franchise. Clearly, there have been issues with financial penalties that have been incurred because of performance issues that should be addressed by Abellio.

Some of the transport underspend, which it is right to focus on, is due to the delivery of projects. Some of the issues there will be regulatory and some will be to do with the nature of contracts, particularly on some of the road infrastructure projects. However, overall, the variance on capital at outturn is £1 million, which is a pretty substantial achievement.

John Mason (Glasgow Shettleston) (SNP): I think that I am correct in saying that the only two taxes over which we have complete control are land and buildings transaction tax and Scottish landfill tax, which are devolved. Will the cabinet secretary spell out how much money those taxes raised in relation to the budget?

Derek Mackay: We raised £5 million more than was forecast for the budget.

Dean Lockhart (Mid Scotland and Fife) (Con): The cabinet secretary refers to Tory mismanagement of the economy. Will he explain why economic growth in Scotland in the year to date is at 1.4 per cent, compared with growth of 1.8 per cent in the UK economy as a whole? Why has Scotland underperformed against the UK economy for the full 12 years of his Government? Does he take responsibility for that?

Derek Mackay: I take responsibility for record high employment in Scotland. Gross domestic product growth was at 0.5 per cent in the first quarter of the year, and, in many quarters, Scotland's GDP growth has outperformed that in the rest of the United Kingdom. We are outperforming the rest of the United Kingdom in relation to exports; unemployment is lower than it is in the rest of the United Kingdom; productivity is improving more quickly than it is in the rest of the UK; there is more investment, proportionately, in research and development than there is in the rest of the UK; and we are second only to London and the south-east of England in attracting foreign direct investment.

There are two key reasons why Scotland's economy could be seen, on some measures, as underperforming. First, the UK Government focuses all its economic attention on London and the south-east of England—or it used to, but Brexit will destroy the Conservatives' economic credibility.

The second reason relates to migration. Migration affects overall economic growth and is an issue, given Scotland's working-age population. Who controls migration? It is the UK Government, which is trying to end freedom of movement and create a hostile environment for migrants. That is having an impact on our economy.

However, we are reaching the point of convergence with the UK on GDP growth per head of population. We are raising more per head of population, which shows Scotland as the success story that it is.

Neil Bibby (West Scotland) (Lab): The cabinet secretary will be well aware that many of our constituents across Scotland are struggling with the cost of living. Increasing the welfare fund, freezing rail fares and giving young people free bus travel are just three policies that could help. Does the cabinet secretary agree that the Government should not sit on significant sums of money when people are struggling? Will he commit to looking at ways of using the money that is available to help people with the cost of living crisis?

Derek Mackay: In the previous budget, we committed to spending £42.5 billion, but the Labour Party voted against record investment in education, the economy, the environment and the national health service. It voted against extending policies, including those in relation to social security payments, and many other things. The Labour Party has failed to produce competent alternative budgets. It has a list of demands but not a clue about how it will fund them.

Bruce Crawford (Stirling) (SNP): Despite all the predictable doom and gloom that is being peddled by Opposition members, will the cabinet secretary confirm that income tax take in Scotland is increasing, that Scotland's economy has experienced strong growth, that unemployment is at a record low, that we have record high employment and that, in many other areas, the Scottish economy is outperforming the economy of the rest of the UK? I would like to hear Derek Mackay repeat some of the excellent things that he mentioned earlier.

Derek Mackay: For brevity, I will not repeat them, but I confirm that every word that Bruce Crawford said is true.

Bill Bowman (North East Scotland) (Con): Given that Derek Mackay's income tax changes raised £500 million and that the underspend is £449 million, why is it necessary for my hard-working constituents in Dundee and the north-east to have their income tax increased at all?

Derek Mackay: I do not know what accountancy courses some members have been on. The member should know that income tax is resource and that resource is different from capital. For example, he should know that money from depreciation cannot be deployed in front-line services, whereas what we raise in income tax is resource, which can be spent on day-to-day services.

Murdo Fraser asked about the point of Scotland having income tax powers, and Bill Bowman has followed that up. We want to have those powers so that we can make our own decisions that are right for Scotland. That includes creating a fairer and more progressive income tax system that helps those at the bottom, rather than giving constant tax cuts to the rich, which is the trend in the right-wing Tory party, and is about to be compounded with the potential election of Boris Johnson as the new Brexit-crazy Prime Minister.

Tom Arthur (Renfrewshire South) (SNP): In the interests of context, will the cabinet secretary set out how the stated underspend compares with those in previous years?

Derek Mackay: It compares well, which is an achievement when we consider the growth and increased complexity of the Scottish Government's

budget. If the last-minute Barnett consequentials from the UK Government are excluded, the budget underspend of 0.6 per cent where every penny is retained—which is also part funding the 2019-20 budget—shows competence, prudence and forward thinking on the part of the Government, if I do say so myself.

Alex Rowley (Mid Scotland and Fife) (Lab): The cabinet secretary will be aware that councils' reserves across Scotland are fast running out, because they are using them to offset some of the worst of Tory austerity and the cuts that are passed on by him. Will he look at services such as education, health and social care, which are heading towards crisis unless more resources go into them? When will he start to engage other parties in the budget preparations for next year?

Derek Mackay: That is a strange question to come from Alex Rowley, who was the only Labour member who approached me with a budget proposition, which was to cut everything else by 3 per cent in order to give money to local government. That is a fair proposition, but it was not supported by the rest of the Labour Party—never mind the Parliament. Mr Rowley also complained that local government is having to use its reserves, but moments ago, the Labour front bench finance spokesperson said that we should not hold any reserves and that we should spend them all immediately. What a strange contrast from the Labour Party.

For completeness, I have outlined those figures, which are also in the MSP briefing that has been published. The Scotland reserve is £233 million, which is £135 million in resource and £98 million in financial transactions. Local governments' reserves are far greater than that figure, but when it comes to setting budgets, only this Government has been delivering real-term increases to local government, because of the decisions that we have taken, against opposition from the Labour Party, which failed to give any credible alternative.

David Torrance (Kirkcaldy) (SNP): Will the cabinet secretary set out to the chamber why he borrowed less in capital than was originally envisaged?

Derek Mackay: Essentially, we were able to see through the capital projects that we had committed to. There were last-minute Barnett consequentials on capital that we were able to deploy, and I took decisions on interest payments and other factors to ensure that we can get on with our capital programme but in a prudent way. That gives us further financial flexibility for future years, and I am sure that the whole chamber will welcome that.

Gil Paterson (Clydebank and Milngavie) (SNP): The cabinet secretary will not be surprised

by just how many members in the chamber think that we can increase the budget at a stroke. Will he confirm that under the current devolution settlement, the Scottish Parliament is not permitted to overspend its budget, and that his statement demonstrates a consequence of that: we are in a position of having to manage budgetary expenditure so that we live within the budget control limits that apply?

Derek Mackay: I confirm that, and it is important because previous Labour-Liberal Executives actually handed money back to the Treasury. I never propose to do that. We will fully allocate the resources and carry forward any underspend to fund the current year's budget and to prepare for the income tax reconciliation. We will stay within the parameters that have been set out, and we will engage with the UK Government on further flexibility on the fiscal framework, because surely it has already recognised that it is absolutely inadequate for the financial complexity that we face.

The Deputy Presiding Officer: That concludes questions on the cabinet secretary's statement.

Gender Recognition Act 2004 Review

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a statement by Shirley-Anne Somerville, to update Parliament on the Scottish Government's review of the Gender Recognition Act 2004. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

15:39

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): In my statement, I will set out the background to the Gender Recognition Act 2004 and the case for its reform. I will consider the relationship between gender recognition legislation and the Equality Act 2010, and I will outline the next steps that the Government intends to take to deliver dignity for trans men and women, and to continue to address concerns that have been raised about, for example, access to women-only spaces.

First, I will give the background to the 2004 act and the case for reform. In 2002, the European Court of Human Rights found that the United Kingdom had breached the European convention on human rights in respect of the lack of legal recognition being afforded to trans people. The UK Parliament therefore passed the 2004 act, which this Parliament agreed to through a Sewel motion. As a result, trans men and women were, for the first time, given the right to seek legal recognition of their lived gender and, if they were born in the UK, to access an updated birth certificate without undergoing gender reassignment surgery or medical treatment. The 2004 act was, at the time, groundbreaking.

However, over time, there has been growing recognition that the process that is enshrined in the 2004 act, which requires applications to be considered by a gender recognition panel, is overly complex and medicalised. For the people who use it, the process can be deeply traumatic and stressful.

In recommending reform of the 2004 act in January 2016, the Women and Equalities Committee of the House of Commons stated that the current process

"runs contrary to the dignity and personal autonomy of applicants."

Because of that, my party made a commitment in our 2016 manifesto to

"review and reform gender recognition law"

and to bring it into

“line with international best practice”.

Every other political party that is represented in this Parliament made a similar manifesto commitment. The UK Government has also recognised the complexities of the system, so in 2018 it consulted on reforming the law in England and Wales.

Two points are worth stressing. First, gender recognition is not new; it has been in place since 2005. The issue that we are debating is reform of the process by which the right to gender recognition is exercised—a matter that I will return to shortly.

Secondly, in reforming gender recognition law, Scotland will not in any sense be leading the way or taking unprecedented action: on the contrary, the Republic of Ireland, Denmark, Belgium and Norway are among the countries that have already adopted new gender recognition processes, which are similar to those on which we have consulted.

I turn now to the relationship between gender recognition law and the Equality Act 2010. The Equality Act 2010, which is reserved legislation, provides protections from discrimination, victimisation and harassment on the basis of protected characteristics including sex and gender reassignment. Across all parts of our society those rights have been hard won and must be protected.

One area of concern that has been raised about gender recognition reform—during and since the consultation—is the impact that it will have on provision and protection of single-sex or women-only spaces and services. It is vital to be clear on that important point. The Equality Act 2010 already allows trans people to be excluded, in some circumstances, from single-sex services, where that is proportionate and justifiable, including where a trans person has legal recognition. The Government’s proposals to reform the Gender Recognition Act 2004 will not affect that position.

This Government wants to protect and promote the rights of women; we want to protect and promote rights of trans people, too. I am a feminist, and I am deeply—and rightly—proud that this Government has taken such clear and concerted action to protect women’s rights and to promote gender equality. I have stated before, as has the First Minister, that I do not feel a conflict between my support for women’s rights and my support for trans rights. However, I know and I understand that many people do. It is important that we listen to and address those concerns.

Of course, at their core, those concerns are not about trans women; rather, they are about men who seek to abuse women. The fear is that some men will misuse trans equality to access women and to do us harm. I understand that—I understand that predatory men will always seek to

find ways to harm women. That is not a new problem in Scottish or global society, nor is it a problem that has been created by, or is the fault of, the trans community.

This Government has a duty to address the concern that reforming the process for gender recognition would increase the risks that women face from men. I have sought to address that already, and will continue to do as we seek to build confidence that achieving equality and dignity for trans men and women is possible without diminishing the rights of anyone else.

In my view, it is important to be clear about what the proposed reform of the 2004 act actually entails and, which is just as important, what it does not entail.

On our proposed next steps, members will be aware that, in 2018, the Scottish Government held a 16-week public consultation seeking views on the proposal to remove, for applicants for gender recognition, the existing requirements to provide medical information and evidence that they have lived in their acquired gender for at least two years. More than 15,500 responses were received. Of them, 49 per cent came from Scotland, and 60 per cent of all responses, and 65 per cent of Scottish responses, were in favour of reform.

However, some groups expressed concerns, and since the closure of the consultation additional issues—many of which are not directly related to the bill’s proposals—have been highlighted. I have taken time to listen to and understand those concerns. I have also heard accounts of the anxiety and trauma that the current process causes trans people, and the difference that reform of the law would make to their ability to live their lives with dignity and acceptance.

I will now set out our proposed way forward. Let me be very clear: the Scottish Government remains committed to reforming the 2004 act and to ensuring that the process for trans people to access a gender recognition certificate is in line with international best practice and, more important, does not result in unnecessary stress. However, I am acutely aware of how divided opinion is on this issue, so I want to proceed in a way that builds maximum consensus and allows valid concerns to be properly addressed. For that reason, we will not immediately introduce legislation to Parliament.

Instead, I intend to publish a draft gender recognition (Scotland) bill later this year, with the bill being formally introduced to Parliament only when there has been full consultation on the precise details. The consultation will cover draft impact assessments, including a comprehensive updated equality impact assessment, to ensure

that all rights are protected in a balanced way. That additional step in the process will, I hope, give Parliament and all stakeholders the opportunity to consider and respond to specific proposals, and it will allow discussion to move from the general to the detailed.

All aspects of the draft bill will be open to consultation. We will progress to legislation when that process has taken place and we are content that responses have been analysed and concerns allayed, and that we can introduce a bill that has the support of Parliament and the public. We will inform Parliament of the timetable for legislation once that process has been completed.

I will outline some key provisions that will be in the draft bill for consultation. Existing requirements in the 2004 act to provide medical evidence will be removed, but it is important to stress that the current requirements will be replaced by an alternative statutory process. The term “self-identification” is routinely used, but in my view it does not adequately reflect either the seriousness or the permanency of the process that is envisaged. Applicants will, as they are now, be required to make a solemn statutory declaration that they intend to live permanently in their acquired gender.

In addition, applicants will be required to state in that statutory declaration that they have already been living in their acquired gender. Currently, applicants for gender recognition certificates are required to have been living in their acquired gender for a minimum of two years. It is the Scottish Government’s opinion that that period should be reduced. Our initial proposal is for a three-month period, but that, too, will be fully consulted on.

The draft bill will propose that, after an application for gender recognition has been made and has been checked to ensure that the necessary information and statutory declaration have been provided, there will be a mandatory three-month reflection period before a gender recognition certificate can be granted. At the end of that period, the applicant will need to confirm that they still wish to proceed. Therefore, applicants will need to have lived in their acquired gender for at least six months before a gender recognition certificate can be granted. Making a false statutory declaration is, and will remain, a criminal offence, the potential punishment for which includes up to two years’ imprisonment.

Retaining the requirement for a statutory declaration, making it clear that a false declaration is a criminal offence and building in time for reflection will enshrine in law the seriousness of the process. No one should doubt that it is a significant undertaking, or that it will require the

same level of commitment from the individual as the existing system does.

The draft bill will not propose legal gender recognition for people under 16, although we will give further consideration to whether the minimum age of applicants should be reduced from 18 to 16. The consultation will also seek views on what support is needed generally for children and young people who are uncertain of their gender identity. Central to that will be our ensuring that all young people have access to support from a trusted adult who they know will listen sympathetically and without judgment, whether they are from a third-sector organisation or a mental health and wellbeing service.

I have heard directly from young trans people of the fear that they face. Our mental health strategy sets out that we must have a country

“where people can get the right help at the right time ... free from discrimination and stigma.”

That must be true for those who query their gender identity, just as it should be for all young people.

At this time, I do not intend to extend legal gender recognition to non-binary people, but we recognise the need to address the issues that non-binary people face. I intend to establish a working group to consider possible changes to procedures and practice, and what we can learn from best practice internationally, as well as from practice in Scotland and the rest of the UK.

As I said earlier, it is clear that not all the concerns that have been raised over the past year relate to the specifics of the proposals to reform the Gender Recognition Act 2004; rather, they are about wider societal and policy issues that are connected to sex and gender. We recognise that unless we build a strong foundation of clear policy and guidance, many concerns—particularly those of some women—will not be allayed, while at the same time trans rights might not be upheld.

Equally, it is important that we ensure that policies that we put in place protect the rights of different groups of people and avoid what might appear to be some rights taking precedence over others.

Everyone in Scotland deserves to know that the Government will work to promote their rights and to protect them from discrimination. It is not enough for me to say that that is our aim: we must demonstrate the commitment in a way in which everyone can have trust. The Government will, therefore, develop guidance that helps to bring clarity to the issues, and which makes sure that policy makers and service providers understand better how to ensure that the hard-won rights of women and trans people can be collectively

realised. The guidance will be used across the Scottish Government, and will be available to all public authorities to help to inform policy development and implementation. Of course, it will also be publicly available.

I confirm that the approach to policy development is being used by the Scottish Government for guidance for schools, which we recognise is a complicated area. The recent guidance for schools from LGBT Youth Scotland on transgender young people was produced in good faith, after wide consultation and engagement, and with the clear intention of supporting teachers to ensure that all transgender and non-binary children and young people are safe, supported and included in their schools.

However, the complexity of the issues means that valid concerns have been raised. The Scottish Government recognises that, in taking the unarguably good general principle of inclusivity, and developing specific recommendations, the approach risks potentially excluding other girls from female-only spaces. That cannot be right. We have therefore decided to replace the LGBT Youth Scotland work with guidance from the Scottish Government. The work is already under way, and the guidance will be available by the end of the year and will be subject to an equality impact assessment.

I will take the opportunity to begin to address an issue that was raised by some women's groups during the consultation: collection, disaggregation and use of data by sex and gender. The issue does not result specifically from gender recognition, but there is some overlap. It has also received increased prominence following publication of the book "Invisible Women: Exposing Data Bias in a World Designed for Men" by Caroline Criado Perez. The book has drawn attention to the frequency with which data is neither collected nor aggregated in a way that takes account of the differences—including biological and physical differences—between men and women, and their impact in areas such as transport, health and access to services.

I therefore announce that the Scottish Government will establish a working group on sex and gender in data, which will comprise professionals from across statistical services. The group will be led by, and will report to, the chief statistician. The working group will consider what guidance should be offered to public bodies on collection of data on sex and gender, including what forms of data collection and disaggregation are most appropriate in different circumstances.

The debate in relation to gender recognition has raised a wide range of issues. The aim of the Government is to ensure that trans people in Scotland enjoy equality and feel safe and

accepted for who they are. We want to achieve that, and we believe that we can do so in a way that does not infringe the rights of anyone else.

The issues need to be considered carefully, openly, thoughtfully and respectfully. In my view, a process of deliberation that is taken forward in such a way will enable us to make balanced and evidenced proposals, and to introduce legislation that can be agreed by Parliament and supported by the public.

I will continue to engage with and listen to stakeholders, and I will maintain my open-door policy for all MSPs. I will carry out my role to protect all rights and promote equality for all respectfully. I hope that in the coming months everyone in Parliament will do the same, and that we will be able to find consensus, just as the Scottish Parliament has done in the past.

I am happy to take questions.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues raised in her statement. I will allow up to 30 minutes for questions. I ask any member who wishes to ask a question to press their request-to-speak button now.

Annie Wells (Glasgow) (Con): I thank the cabinet secretary for early sight of her statement.

I am very pleased that we have had an update from the Scottish Government on the issue. I speak for all members when I say that the topic has raised strong feelings on all sides and that there has been a very high volume of correspondence.

What I wish to put on record today, and what I have been expressing to all constituents and interest groups who have contacted me about the issue, is my sincere belief that we need to keep the debate respectful and open. We need to listen to one another so that we can get it right.

I welcome the announcement of another consultation. Very often, as politicians, we forget that not everyone is aware that such consultations take place. Given the concerns that have been raised, it is sensible that we allow wider debate to take place. I also welcome the fact that an equality impact assessment will be carried out.

I ask the cabinet secretary for more detail on the alternative statutory process, as that will be the main focus of the bill. Will there be any leeway on the six-month timeframe that has been cited—will there be flexibility to increase or decrease it? Roughly when does the Scottish Government expect the consultation process to be over and responses published?

Shirley-Anne Somerville: I thank Annie Wells for her questions and the tone in which we are

having the conversation. I hope that, as we move forward, I will be having a conversation with members from across the Parliament. Annie Wells is right to say that people have strong feelings on the issue but that we need to have a respectful and open debate and listen to each other. I am sure that we can move forward if we do that.

The consultation is very important because it will allow wider debate about the detail. There has been a lot of speculation about what I am saying—or not saying—today and we can now discuss that in detail, which I am very pleased about.

As I set out in my statement, the question of the statutory process is open and available as part of that consultation. We will make our proposals, such as the six-month timeframe for a person to have been living an acquired gender before application and the period of reflection. I am mindful of the lessons that we can learn from international examples and what we can do to provide reassurance to those who need it about how that process will work.

I look forward to working with Annie Wells and others on the issue.

Pauline McNeill (Glasgow) (Lab): I thank the cabinet secretary for advance sight of the statement. It is a comprehensive statement, and I welcome the fact that we have had one. As a member who scrutinised and supported the Gender Recognition Act 2004, I also welcome the opportunity to question the cabinet secretary.

Scottish Labour has always been in the vanguard of promoting the principles of equality, dignity and respect. We strongly believe that people should be able to live their lives free from prejudice. I know from my casework that trans people face prejudice and discrimination every day, and the principles that I have cited will underpin our approach to scrutinising any proposed legislation.

We are clear that specialist services for trans people can be improved now, without legislation. For example, there could be a reduction in the fee for a gender recognition certificate and the processes could be simpler.

I have three questions for the cabinet secretary. First, in the move to a statutory declaration for gender recognition legislation, has any thought been given to how a false declaration could be established?

Secondly, the cabinet secretary said in her statement that the Equality Act 2010 allows the exclusion of trans people

“including where a trans person has legal recognition. The Government’s proposals to reform the Gender Recognition Act 2004 will not affect that position.”

She also said:

“The consultation will cover draft impact assessments, including a comprehensive updated equality impact assessment”.

Can we be clear that we will not be able to draw any conclusions before such an equality impact assessment is carried out?

Thirdly, although I welcome the working group on sex and gender data, will there be representation of trans and non-binary people on it to ensure that scrutiny is inclusive all the way down?

Shirley-Anne Somerville: I recognise the history that Scottish Labour has on equality issues in general, including on this one. Parliament, too, can be exceptionally proud of the work that we have done on those issues. Given that history, I hope that we can find a way to move forward in consensus on this issue.

The criminalisation of false declarations is, of course, an exceptionally important aspect of this, and it is the basis on which I hope that people can have faith and trust in the system.

On the question of false declaration, and on other questions, I do not come to the chamber with all the answers today. Although I am putting forward the Government’s proposals, it is very much an open consultation through which the direction of travel and the destination of the changes to, and reform of, the Gender Recognition Act 2004 will be set. The details of how we undertake that reform, including around false declarations, are important and need to be set out. We have tried to do that in the work that we have done to ensure that there is a period of reflection and that a person has to make a statutory declaration in front of a notary public, as well as in setting a very strong prison sentence for a false declaration. However, if there is other work that we can consider, I am more than happy to do so.

My comments on the Equality Act 2010 and on women’s safe spaces were based on what is in the 2010 act, which is reserved and which we will not ask the UK Government to change. Indeed, based on my discussions with the UK Government, it has no intention of changing it. I hope that my statement provided reassurance that women’s safe spaces will not be changed by our proposals. It is important that we carry out an equality impact assessment to consider the changes that the proposed reforms will make, but they will not be around the exemptions for single-sex services.

We have not decided on the make-up of working groups. However, I take the point that it is important that I listen to the trans community, to people who identify as non-binary, to women’s

groups and so on. On the question of how we will do that, again, if Pauline McNeill has specific suggestions, I am more than happy to discuss them later, either in person or through correspondence.

The Deputy Presiding Officer: Before we move to open questions, I note that the front-bench questions have taken a long time. I know that many members want to ask questions, and I ask members to bear that in mind as we move forward.

Angela Constance (Almond Valley) (SNP): In her balanced and thoughtful statement, the cabinet secretary reminded us that all parties that are represented in the chamber made manifesto commitments to reform the Gender Recognition Act 2004. Given that we cannot have equality for one group and not for another, I would be grateful if the cabinet secretary would say more about how we will protect and enhance the rights of both transgender people and women without diminishing the rights of either.

Shirley-Anne Somerville: The Government has an absolute determination to ensure that we have equality for all groups in our community, which includes the trans community, whose members suffer discrimination and can be exceptionally isolated. That is why it is important that we take action. However, we need to consider how we support all groups in our society. That is why, as we move forward with the proposed changes to gender recognition, we—and I—absolutely have to recognise the concerns that have been expressed about the proposals for reform.

We can very much move towards alleviating those concerns if we put in the work, across the parties, to deliver consensus. It is important that we respect the views of people who have such concerns. I fundamentally believe that it is possible for the Parliament to pass legislation that respects the rights of both the trans community and women, which have long been fought for.

Patrick Harvie (Glasgow) (Green): I am grateful for sight of an advance copy of the cabinet secretary's statement. I welcome the fact that it contains a commitment to the principle of reforming the Gender Recognition Act 2004, including the move towards a self-declaration system such as those that are already in place, without a problem, in a number of other countries.

I also welcome the balance with which the cabinet secretary discussed the other concerns and questions that have been raised. The statement recognised that many such concerns are not about trans people but about the threat that abusive men pose. All women—including trans women—and other trans people are at

particular risk from such behaviour, which we should all want to see being taken seriously.

Trans people have been waiting a long time for this reform. They have support from across the political spectrum and from well-respected women's and feminist organisations across Scotland. Does the cabinet secretary agree that they deserve to know that a Parliament in which every single member stood for election on a manifesto promise to deliver such reform will indeed pass the legislation? Will she confirm that it is the Government's intention that legislation will be introduced—

The Deputy Presiding Officer: Please conclude, Mr Harvie.

Patrick Harvie: —in good time to be completed before the end of this session of the Parliament?

The Deputy Presiding Officer: Before I call Shirley-Anne Somerville to respond, I point out that lots of members wish to ask questions. If everyone insists on making statements before they ask their questions, we will not get through half of the members from whom I have requests to speak.

Shirley-Anne Somerville: I fully appreciate that some people will be frustrated by my proposals and will feel that the pace of reform has not been fast enough for them. I want to see reform of the gender recognition process and to introduce a bill on it. What is more important is that I want to see such a bill being passed by this Parliament, with wide support—not just in this chamber but among the wider public. In my judgment, the proposals that I have set out today are the best way to achieve that. Others might disagree—I respect that entirely—but I want to get to the same destination as they do. I ask those who might be feeling frustrated to work with me to that end. As I said in my statement, we will move forward with a bill once the consultation has taken place and the responses from it have been analysed. We will report back to Parliament in due course on the timetable for such a bill.

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): The Equality Act 2010 and the Gender Recognition Act 2004 have been in place for more than a decade. The 2010 act provides a clear exemption for transgender people accessing single-sex spaces and services where that is proportionate and reasonable. Will the cabinet secretary explain whether the changes that are being outlined today seek to change that in any way?

Shirley-Anne Somerville: Presiding Officer, with your permission I will repeat what I said earlier on that. It is an exceptionally important point that, quite rightly, has raised a great deal of concern. I again confirm that the 2010 act enables

service providers to offer separate and differing services to males and females, or to one sex only, subject to certain criteria. Such services can treat people with protected characteristics of gender reassignment differently, or exclude them completely, where the action taken is

“a proportionate means of achieving a legitimate aim.”

In my statement, I gave the example of the ability of a women’s refuge to refuse entry. I say again that the Scottish Government is not planning to ask the UK Government for any changes to such exemptions in the 2010 act.

Alex Cole-Hamilton (Edinburgh Western) (LD): Scottish Liberal Democrats asked for reform of the Gender Recognition Act 2004 in the previous parliamentary session, because it was harming trans people then just as it is doing now. I understand what the cabinet secretary is trying to achieve, but I am concerned that there is now a risk that we might not pass legislation before Parliament rises at the end of this session. For every month that such a debate does not take place in this chamber, one takes place outside and is subject to rising tension and misinformation. If a draft bill will be ready later this year, could we not run the second public consultation concurrently with the stage 1 process, which might give us a fighting chance of delivering reform in the course of this parliamentary session?

Shirley-Anne Somerville: No, I do not think that those aspects can be done concurrently. It would not be advisable.

If I did not express it clearly enough when I answered Patrick Harvie’s question, I say again that we are committed to introducing a bill during the current parliamentary session. That is what I want to do. However, it is imperative that we have a wider consultation on a draft bill first.

I do not believe that what happens during a stage 1 process, important though that is, would allow the type and length of consultation that we will get during a consultation on a draft bill. Within the timetable, it is possible for us to consult on a draft bill, then introduce a bill to Parliament later. We will have the consultation process, analyse the responses to that, and update Parliament in due course.

Joan McAlpine (South Scotland) (SNP): I welcome the commitment to a full equality impact assessment, replacing the schools guidance and reviewing the statistics, which I hope will include crime statistics. I pay tribute to the independent women’s campaign groups that have lobbied on this.

Those campaign groups totally respect the right of transgender people to live however they wish to live, but this proposal is about changing sex and it

means that any man can still change his sex to female without a medical diagnosis or any gatekeeping at a time when many more people are identifying as the opposite sex without making physical changes.

The cabinet secretary did not mention the fact that the GRA confers extensive rights to privacy that make the single-sex exemptions in the Equality Act 2010 hard to enforce. Will the cabinet secretary tell us whether she thinks that men who have a history of violence against women should be allowed to change their legal sex and conceal their past identity?

I welcome the cabinet secretary’s comments on single-sex rights in the Equality Act 2010, and they are absolutely correct. However, the Scottish trans alliance lobbied to get rid of them and has been telling people that they do not exist and that trans people can access single-sex services. The single-sex exemptions are not being enforced, so could the cabinet secretary issue guidance on that and perhaps review how the Equality Act 2010’s single-sex exemptions are working across Scotland?

Shirley-Anne Somerville: On the final point, I reiterate my point that the Government has absolutely no intention of making any changes to the Equality Act 2010 or the exemptions that are in place, or of asking the UK Government to do so.

It is important for me to stress once again the point that I made in my statement that gender recognition has been in place since 2005. That is because the UK Parliament passed a bill because of the necessity to ensure that there is legal provision for people to change their gender. That has been in place since 2005, so what we are debating here is not new. It is the reform of that process.

I also want to reassure Joan McAlpine on one particular point that she brought up. People cannot take advantage of current protections in the Gender Recognition Act 2004 to hide a criminal offence. Individuals can obtain disclosure certificates for employment purposes, but previous names must be provided as part of that process. If a trans person is applying for a disclosure certificate, they can apply using their present name and gender, but they have to give previous names; those must be sent to Disclosure Scotland. It is a criminal offence to make a false statement in relation to an application for a disclosure certificate.

Jamie Greene (West Scotland) (Con): We are being asked by many whether we support trans rights or women’s rights. I think that we can do both, and it is right and proper that every one of us in this chamber does both.

Today's statement will come as a disappointment to some while offering some comfort to others, perhaps in equal measure.

I want to ask about the guidance in schools. It was not clear to me from the statement what exactly is wrong with the current LGBT Youth Scotland guidance that is given out. Why is the minister replacing it, and what will it be replaced with?

Shirley-Anne Somerville: That goes back to one of the areas that I raised in my statement. In general, people have to have trust and transparency around policies and how they have been developed. As I said in my statement, LGBT Youth Scotland went out to wide consultation on the issue. The guidance was delivered in good faith and with a clear intention to help those in the trans community and those who identify as non-binary. However, concerns have been raised about it. My fear is that, given the level of concern that there was, people were losing faith in the guidance and, therefore, it has perhaps not been used or it has been called into question. That is why it is important that the Scottish Government looks at the guidance around policy and implementation, so that people can have faith in the policy and how it has been decided.

My hope from the work that we can do within Government and in other public agencies is that people can have trust in the policy. That will reassure women and those in the trans community that we take the issues that they bring to the Government, such as bullying and mental health, exceptionally seriously and that we want policies in place that can work for both groups.

I agree with Jamie Greene's statement that we can do both. I hope that I can work with him and others in his party to achieve exactly that.

Richard Lyle (Uddingston and Bellshill) (SNP): There is no doubt that learning about gender recognition has been a journey of discovery for many. However, I have realised that the facts of what reform is proposed and what it will mean for trans people are different from what people might think is proposed.

Reading from the cabinet secretary's speech, I note that

"The aim of this Government is to ensure that trans people in Scotland enjoy equality and feel safe and accepted for who they are."

I welcome that statement. I, for one, want it to be put over to the public. How can the cabinet secretary do that?

Shirley-Anne Somerville: I agree with the member. It is a complex area. It raises emotions. In many areas, but perhaps in this area in particular, social media is not always the most

accurate source of information—including about what I am supposedly saying today, never mind the wider subject.

That is why I tried to set out the direction of travel in my statement. I have also published a short fact sheet on the proposals that I have outlined today. In addition, when we publish the consultation on the draft bill, we will also publish more detailed fact sheets. I will consider what more can be done to provide straightforward, accurate information that might allay concerns in some areas. I welcome ideas from members about how best we can provide that accurate and factual information. That is my responsibility and the responsibility of this Government. As I said at the end of my statement, it is the responsibility of everybody in this chamber to carry out that conversation with the dignity and respect that people should have for differing opinions on the issue.

Kezia Dugdale (Lothian) (Lab): Over the past few months, my trans constituents have had their very existence questioned. They have faced hateful rhetoric and have been told that they are psychologically unwell. All that they want is to have a birth certificate that reflects who they are. They are not ill, but this sustained deliberation over their right to exist is damaging to their mental health and wellbeing.

Now that we have put the public spotlight on the trans community, what additional support can the Government offer its members?

Shirley-Anne Somerville: I agree with the sentiment behind Kezia Dugdale's question—all that they want is a birth certificate that reflects who they are. As I said during my statement, I want to pass this reform to recognise the importance that those in the trans community place on that.

I am aware that the debate has been toxic. I am also aware of the impact that it is having on people, including those in the trans community, to whom I have spoken on a number of occasions.

As we move forward with the draft bill and begin to debate the details of, rather than the speculation about, the proposals, I hope that we will be able to move the debate into a different space. As I said in the statement, I will continue to meet equality groups and discuss with them the proposals and the bill, and also the needs of the trans community in general as we move forward to support its members. I appreciate that it has been a difficult time for many of them.

Gail Ross (Caithness, Sutherland and Ross) (SNP): I, too, would like to thank the cabinet secretary for her very measured statement.

I have been particularly concerned about the damage that the current debate could cause to

young trans people, who might already feel isolated and stigmatised. What can the cabinet secretary do to reassure them? Will she expand on her comments about what she will consult on with regard to support for young people?

Shirley-Anne Somerville: That leads on well from the discussion that Kezia Dugdale and I have just had about the impact that the current debate is having on the trans community. I very much agree that we need to support young trans people. Since being honoured to take up the post of Cabinet Secretary for Social Security and Older People, I have met a number of individuals from whom I have heard directly on their concerns about the current system, gender recognition and the impact that the debate is having, which I discussed with Kezia Dugdale. I am absolutely committed to ensuring that young trans people should receive the help and support that they need.

Before the consultation is issued, I intend to meet members of the trans community again to hear from them directly about their concerns. I would, of course, be very interested to hear from Gail Ross and other members if they think that there are other suggestions that we need to look at, in relation to not just legal gender recognition, important though that is, but health and mental health and wellbeing, to ensure that members of the trans community are assisted when there are areas in which they think that they still suffer inequality and disadvantage.

Oliver Mundell (Dumfriesshire) (Con): I strongly support the position that the cabinet secretary has set out and her tone in doing so, but does she agree that other people have a legitimate right to reach a different conclusion?

Shirley-Anne Somerville: For this statement more than any other statement that I have made, I am aware that there will be many people who might not be happy about what I am proposing, either because I am not going fast enough in what I am proposing or because they do not want us to do anything. To be frank, we must recognise that a degree of transphobia exists in this country, which we must take on at every opportunity.

However, I am absolutely open to the fact that people have different ideas on the subject. This is not an area on which we will come to a consensus easily, but I think that we can come to a consensus. The Parliament has risen to that challenge in the past. For example, we have had draft bills on issues such as equal marriage, which have given us the space to do that. We might not have absolute unanimity on my proposals when we get to the end of this process, but I would like to think that, as a chamber, we can unite around the concept that everybody in Scotland—whether we are talking about people in the trans

community, women or anybody else—has an absolute right to have their rights protected and respected. That is exactly what I think that this Parliament was established—or re-established—to do.

Rona Mackay (Strathkelvin and Bearsden) (SNP): I welcome the announcement that a working group will be set up to look at data on sex and gender, and I was interested in the fact that the cabinet secretary cited the work of Caroline Criado Perez. How could we use such data for policy making and to promote the rights of women and tackle unconscious bias?

Shirley-Anne Somerville: Rona Mackay raises a very important area. As I said, it is not directly linked to gender recognition, but it is still very important. As we move towards the summer recess, I highly recommend the book “Invisible Women” to any member who has still not read it.

I have discussed the issue of data on sex and gender with women’s groups for some time. Having disaggregated data that deals with men and women separately can help to show where there is discrimination and can indicate where further work needs to be done, whether in health, in the workplace or in any part of Government. First, we need the data to be right. We need accurate information to be provided about the roles of women and men in society so that we can get our policies right. That is why I think that the working group on data will be a very important aspect of our work on sex and gender in general.

The Deputy Presiding Officer: The last question is from Jenny Marra.

Jenny Marra (North East Scotland) (Lab): I thank the minister very sincerely for her balanced and considered statement. Members’ questions have shown that, across the chamber, there is a wealth of experience and a commitment to getting this legislation right.

Will the minister consider opening her door to members from across the chamber on a regular basis throughout this process so that we can sit down together, represent all views and reach a consensus on the way forward?

Shirley-Anne Somerville: If indeed this is the last question, that is a fitting tone to end on. I would be delighted to take up Jenny Marra’s offer and to work on this issue on a cross-party basis. If she has particular suggestions about how to do that, I would be delighted to speak to her directly about it.

As I said earlier, we are setting out the Government’s proposals about our direction of travel on this. I am moving forward with a draft bill because I am keen to build the consensus that Jenny Marra speaks about. I would be delighted to

take up her invitation to work on this on a cross-party basis.

The Deputy Presiding Officer: That concludes questions on the cabinet secretary's statement. I allowed a little extra time, but I am sorry that I was not able to take questions from John Mason, Elaine Smith or Monica Lennon.

Planning (Scotland) Bill

The Deputy Presiding Officer (Christine Grahame): We will move straight on, as we are really short of time now. The next item of business is a debate on motion S5M-17781, in the name of Kevin Stewart, on the Planning (Scotland) Bill.

Before I invite Kevin Stewart to open the debate, I call the Cabinet Secretary for Communities and Local Government to signify Crown consent to the bill.

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): For the purposes of rule 9.11 of the standing orders, I advise the Parliament that Her Majesty, having been informed of the purport of the Planning (Scotland) Bill, has consented to place her prerogative and interests, in so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

The Deputy Presiding Officer: I call Kevin Stewart to speak to and move the motion. *[Interruption.]* Minister, I am so sorry, but I do not think that your microphone is on.

16:28

The Minister for Local Government, Housing and Planning (Kevin Stewart): I am delighted that we have finally arrived at the stage 3 debate on the Planning (Scotland) Bill. A lot has happened since it was first introduced in December 2017. However, even now, after all this time and all the amendments, I am not yet tired of talking about planning and I am looking forward to the debate.

Scotland needs a world-class planning system. Planning affects all our interests in the long term. Our future economy, our communities and our environment can all benefit if we get the bill right. The original aim of the bill was to streamline the system so that planners could focus less on procedures and more on planning places for people.

The global thinker and pioneering town planner, Scotland's own Patrick Geddes, said that planning should be about place, work and folk. There is no neater way to summarise the contribution that planning can make to supporting sustainable and inclusive growth. We need a planning system that understands what people need and want, that enables good-quality development and that is truly empowered to deliver great places.

When the review of the Scottish planning system started, it aimed to look at planning from a user's perspective. It recognised that users of planning include other public sector interests, communities and individuals, as well as

developers. Although the review set out to support housing delivery, the independent panel's report was not an agenda for deregulation or a developer's charter. By making the system more collaborative, it aimed to empower planning to deliver great places.

Following that direction of travel, we carried out a great deal of work before the bill was drafted, in which we involved the many different interests in planning to help to shape proposals for change. However, it was clear then, and it has been clear throughout the parliamentary process, that it is very difficult for everyone to agree on how the system can be improved. The bill was always going to be a challenge. Planning is an important, but often controversial, subject. It is complex, because communities are complex, and at times its jargon can seem impenetrable. For a time, the bill became a little bit complicated too, but after many hours of discussion and debate, I believe that we have achieved what we set out to do.

Planning is clearly of interest to us all, and many members have raised important issues that they want the bill to address. The number of amendments at stage 2, and indeed at stage 3, has been remarkable. As we near the end of the process, I believe that we have struck a good balance. The bill should be clear about what the Parliament wants planning to do, but it should also allow local flexibility to reflect local circumstances and the different needs of Scotland's people and places.

The structural changes that the bill introduces will make planning much more straightforward, more open and better placed to respond to a changing world. The Parliament has made it clear that, as well as supporting sustainable and inclusive economic growth, planning can improve our quality of life and should be more open and accountable to the communities that we serve. Amendments have underlined the importance of planning for housing—including housing for older people and disabled folk—as well as for equalities and health. The bill will bring new powers to address issues such as short-term lets and the impact of new developments on music venues.

Patrick Geddes pioneered the concept of thinking globally and acting locally. Sustainable development is now an integral part of a newly defined purpose for planning, and I am pleased that there is a clear requirement to tackle climate change as a high-level outcome in the text of the bill. We know that planning should help us to make the most of our natural assets, and the bill reflects the importance of rural development, forestry, green space, play, environmental protection and built heritage. Those things are important: our places, our wellbeing and our economy depend on the health of our environment. Although we may

have had different views on the best way of achieving those aims, it is very welcome that the Parliament has set out those priorities so clearly.

I have been very keen to ensure that the bill will empower communities to have a positive say in shaping their future. We have built in opportunities for everyone in society—including children and young people, Gypsy Travellers and disabled people—to be engaged in creating development plans.

Neil Findlay (Lothian) (Lab): Does the minister accept that, if we pass the bill as it stands, there will still be an inherent imbalance in the system in favour of developers over communities?

Kevin Stewart: No, I disagree with that completely and utterly.

The Deputy Presiding Officer: You need to conclude shortly, minister.

Kevin Stewart: We have put in place local place plans, and I have been quite clear from the very beginning that we do not want conflict at the end of the process—we want folk to be empowered at the beginning of the process and to have their views heard at that point.

Communities will have a new right to prepare local place plans, which planning authorities will need to take into account, as they do with the national planning framework. I am confident that communities from all backgrounds are willing and able to grasp the opportunity to plan their own places.

We have also put in place new arrangements to support improved performance in the planning system. I want everyone to be confident that members of planning authorities have the understanding to enable them to make sound decisions.

The Deputy Presiding Officer: I am sorry; you must conclude.

Kevin Stewart: I have numerous organisations to thank—

The Deputy Presiding Officer: You might have and I wish that I could hear the names, but I cannot.

Kevin Stewart: I will do that in summing up.

I move,

That the Parliament agrees that the Planning (Scotland) Bill be passed.

The Deputy Presiding Officer: I call Graham Simpson, who is equally tight for time.

16:35

Graham Simpson (Central Scotland) (Con):

So here we are at the end of the road of the most amended bill in the Scottish Parliament's history. For MSPs, the journey started in December 2017, when the bill was introduced, but for others, it started much earlier. Way back in September 2015, the Scottish Government appointed an independent panel to review the planning system. In May 2016, the panel published a statement and its final report "Empowering planning to deliver great places", which contained 48 recommendations for reform over six main themes.

In January 2017, the Government issued a consultation paper called "Places, people and planning", and the consultation ran until April 2017. A position statement was issued in June 2017 and the bill was introduced in December that year. That is when the problems started. MSPs got their hands on the bill, and the minister started having sleepless nights.

The Local Government and Communities Committee did not hold back in its stage 1 report on the bill in May last year—it criticised virtually every section. The then convener, Bob Doris, was swiftly moved on, along with Jenny Gilruth. James Dornan came in as the convener and faced a barrage of amendments—more than 300 of them—and seven weeks of watching the minister squirm, after which the minister described the bill as "a guddle". He was right.

In the stage 1 debate, I said that the bill achieved the almost impossible by pleasing no one—not house builders, councils or the environment lobby. It was silent on the environment and did nothing to achieve growth or deliver the new homes that we desperately need. My approach to stage 3 was to try to rectify that—to sort out the guddle and end up with something that delivers for all. I think that we have done that.

I have listened over the past two and a bit days to some utter rubbish from Labour and the Greens, such as accusations of a stitch-up between us and the Scottish National Party and of deals being made.

Neil Findlay: Will the member take an intervention?

Graham Simpson: Yesterday, Monica Lennon even accused me of betrayal. That is a strong word that I hope that she will reflect on. I worked well with Mrs Lennon and Andy Wightman at stage 2. I was looking forward to working with Monica Lennon's replacement, Alex Rowley, but he showed no interest in that. He has not engaged; he has hidden away in his 1970s tribal Labour cave and not come out.

Alex Cole-Hamilton (Edinburgh Western) (LD): Will the member take an intervention?

Neil Findlay: Will the member take an intervention?

Graham Simpson: Having suffered a series of bloody noses at stage 2, the minister was keen to talk. I have no problem at all with working with the Government when we agree. The Government has welcomed good ideas from the Conservatives and we have achieved a lot of positive results. Let us look at some of them.

Monica Lennon (Central Scotland) (Lab): Will the member take an intervention?

Graham Simpson: I will not take interventions from Labour members; we have heard more than enough from them in the past two days.

The housing needs of older and disabled people will be recognised in the planning system, thanks to Jeremy Balfour, Alexander Stewart and, I should mention, Kenny Gibson. Mr Balfour worked with Mary Fee to bring in amendments on changing places facilities. Alexander Stewart tightened up the procedure on the infrastructure levy, so that people will not pay twice for the same thing. Adam Tomkins introduced the agent of change principle into the bill and, on Tuesday, we had the unedifying spectacle of three middle-aged men trying to show their street cred by reeling off the names of music venues that they had heard of.

Rachael Hamilton's amendment 157, on short-term lets, will give councils the power to crack down in areas where there is a problem, such as Edinburgh. Combined—I hope—with a tough licensing regime, that should make a difference.

I, too, have had a few successes. The national planning framework must now include targets for the use of land across Scotland. When preparing the NPF, ministers must now be given information about an area's built heritage, its educational capacity and the population's housing needs. There is also now a robust procedure so that Parliament can scrutinise the NPF.

Local development plans, which are the bread and butter of the planning system, must also refer to the built heritage, and the housing needs of the population of the area must be taken into account. Ministers must issue guidance to planning authorities on undertaking effective community engagement in relation to the local plans. The councils that are covered by the central Scotland green network should consult the network on their LDPs.

We have a purpose for planning—a concise one. We have the beginnings of a self-build revolution. We now have a requirement for housing land allocations to be agreed before they go into the plan, which should provide certainty for

communities and those wanting to invest. Councils must tell people that they can prepare local place plans, and those same people can say which places are important to them in those plans. Biodiversity now features in the bill. Yesterday, even the Labour Party agreed to an amendment in my name that introduced mediation into the system, which will give communities a real say and will, I hope, avoid the conflict that mires the system at present.

We now have a bill that can deliver growth across Scotland, that is greener and that includes communities in the decisions that affect them. I commend this Tory-style bill to the Parliament.

16:41

Alex Rowley (Mid Scotland and Fife) (Lab): In leading on the bill for Labour, I have asked myself what the big issues are for planning and development in Scotland. First, there is the lack of up-front finance for infrastructure, which is a major block to housing development that I have raised many times in the chamber. By infrastructure, I do not mean roads and utilities, although there are challenges with those; I mean schools and health and community facilities. In my mind, that issue is a major block to house building, but will the bill do anything to address it? No, it will not.

Secondly, there is a sense of alienation in communities across Scotland that have experienced the planning process. Will the bill do anything to address that? It most certainly will not. Thirdly, the planning system as it stands does little to support development and regeneration in town centres and post-industrial communities. Will the bill do anything to address that? No, it will not. Fourthly, the only people who seem to be in denial about the impact on our communities of short-term lets are the Tory and Scottish National Party members in the Parliament. Will the bill do anything about those concerns? Sadly, it will not. Fifthly, will the bill address the unacceptable level of cuts to finance and staffing in planning departments? No, it will not.

For all those reasons, Scottish Labour will vote against the bill. Frankly, it has become a missed opportunity to deliver the real change that is desperately needed in the planning system. That is not to say that the bill has no positive elements. I am pleased that we have managed to secure amendments that will make a difference but, on the whole, the bill does not go anywhere near far enough. The planning system should be more engaging and should be used to empower people and communities, drive economic regeneration and protect an environment that we can all be proud of. It is disappointing that neither SNP members nor the Tories seem willing to support legislation that can achieve that. Instead, they

seem content to vote together to put through legislation that will not tackle the big problems that our country faces.

The bill will not solve our housing crisis or tackle the lack of a joined-up approach to government, and nor will it deliver a national house-building strategy, which is necessary. Instead, it is unambitious in its scope, which is disappointing, as it had the potential to do so much more. The bill could have transformed the way in which we plan our communities. It could have made our planning system less opaque and introduced a much-needed democratic element to our approach to planning. The bill was an opportunity to introduce a more balanced share of power between communities and developers. It could have brought communities and social change to the forefront but, sadly, the approach that has been taken instead is unambitious and is, in essence, business as usual.

The SNP and Tories were happy to vote together to block communities having a form of equal right of appeal in planning decisions. I lodged amendments that would have rebalanced power in the planning system and given communities and not just developers a right of appeal in order to level the playing field and make the system fairer for all. However, those amendments were not supported by Tory and SNP members, who seem quite content to lend their support to big developers, rather than to the communities that they are elected to represent.

To be honest, the bill has become an SNP and Tory stitch-up, and I hope that communities across the country remember that when they experience the planning process. Regretfully, because there have not been the required changes to ensure that the bill delivers a planning system that works in the interests of the many, Scottish Labour will vote against the Planning (Scotland) Bill today.

16:45

Andy Wightman (Lothian) (Green): After many hours of debate and months of parliamentary procedure, we have reached the end of the road. Despite our differences along the way, I thank my colleagues on the Local Government and Communities Committee—particularly Alex Rowley and Monica Lennon—for their willingness to work together and for putting in substantial effort on the bill. We have had some fun along the way, too.

I was disappointed by the tone of Graham Simpson's opening remarks but, nevertheless, I thank him for the times when we worked well together—they were good times, and I have fond memories.

I also thank the minister and his officials for their constructive engagement on some issues in which my Green colleagues and I were interested. We secured important amendments on public toilets and water refill points, which took up some time at stage 2; Gypsy Travellers; air quality; open spaces; forestry strategies; and the purpose of planning.

At the third reading of the Town and Country Planning Bill in 1947, Lewis Silkin, who was Labour's Minister of Town and Country Planning, noted that

"planning is concerned to secure that our limited land resources are used to the best advantage of the nation as a whole, and it provides for resolving the often conflicting claims upon any particular piece of land."—[*Official Report, House of Commons*, 20 May 1947; Vol 437, c 2196.]

Over the past few decades, the private developer, rather than the public authority, has become the prime mover in the planning system. As a result, public trust has broken down and been eroded, and powerful private interests and money have corrupted the public interest.

The bill provided an opportunity to fundamentally reform how planning works. Yes, we had the opportunity to streamline and simplify where possible but, more important, we could have delivered a decisive shift in favour of a proper plan-led planning system in which planners, elected members and communities can work together in a collaborative effort to shape the places where we live, work and play.

That ambition is about much more than legislation, and I note that a variety of excellent practice is taking place across Scotland to engage communities and to facilitate high-quality place making. However, the whole system still suffers from excessive complexity and, over the past 30 years, greater and greater emphasis has been placed on benefiting private interests.

Nowhere is that point more clear than in our collective failure, again, to reform appeal rights—not, I stress, to introduce a third-party right of appeal but to reform the whole system of appeals. In the committee's stage 1 report, we were clear in our recommendation 224, which was agreed unanimously. It said:

"The Committee is conscious that the availability of appeals to applicants undermines confidence in a plan-led system. Appeals can be lodged free of charge and irrespective of whether an application is in accordance with the Development Plan. The Committee believes that in a plan-led system appeals should only be allowed in certain circumstances."

As Dr Andy Inch from Planning Democracy said, the planning system

"is adversarial because of the discretion that exists at the end of the process, which, by and large, means that speculative development applications are put forward and

people react to them."—[*Official Report, Local Government and Communities Committee*, 28 February 2018; c 46.]

An ambition to provide up-front planning has to be matched by the integrity of the plan. In such a scenario, no appeals should be allowed at all, and a properly considered determination should stand as the final word.

In 2015, when the then cabinet secretary Alex Neil announced that there would be an independent review of the planning system, he said that there would be

"a 'root and branch' review",

with

"game-changing ideas for radical reform".

When the independent panel reported back, planning minister Kevin Stewart welcomed the work, noting that it would

"help form the basis to kick-start a new, focussed and revitalised planning system."

Instead, we were given a bill that delivered business as usual for the planning system and proposed a degree of centralisation that was quite alarming.

Kevin Stewart: Does Mr Wightman recognise that the independent panel was not in favour of a third-party right of appeal and that, in the bill, we have followed its suggestion that we needed to do more up-front engagement?

Andy Wightman: I recognise that the panel rejected a third-party right of appeal, but it said nothing about the applicant's right of appeal. It did not even look at that.

As we contemplate the bill in its final form, apart from a bit of tinkering around the edges, we see nothing that is radical or game changing, nothing to protect communities against their hollowing out by short-term lets, and nothing to bring the vandalism of hill tracks under democratic scrutiny.

At the heart of that failure is a failure of process. Had I been planning minister, here is how I would have proceeded: first, I would have convened cross-party round-table talks to discuss the interests and concerns of members; secondly, I would have introduced a consolidating bill rather than the amending bill that has proved so difficult for the electorate to understand; and thirdly, I would have set out a coherent vision and set of principles to underpin the bill. It was notable at stage 1 that, when I asked the minister what the general principles of the bill were, he did not have an answer. Finally, I would have maintained and worked to build cross-party consensus throughout the process. However, we are where we are.

I know that the minister is a big fan of the 1952 Aberdeen city plan. Tom Johnston, the former

Secretary of State for Scotland, writing in the foreword to that plan, observed:

“The alternative to planning is no planning: it is chaos and waste”.

The purpose of planning is at the very least to prevent chaos and waste but, more positively, it is to promote the allocation of land in the public interest and for the common good. That ambition is still not being realised.

In the stage 1 debate, I made the following comments:

“Greens believe that planning can and must be a force for good for delivering high-quality environments, reducing inequalities and promoting the public interest in the use of land. To that end, substantial amendment is required. If the bill before us was the final bill, we would be voting against it tonight. However, it can be improved, so we will vote to keep it in play.”—[*Official Report*, 29 May 2018; c 32.]

It is our considered view that the bill has not had the substantial amendment required to transform the planning system in the way we envisaged to deliver a plan-led system in which communities have autonomy to determine for themselves.

16:52

Alex Cole-Hamilton (Edinburgh Western) (LD): In the tidal wave of insults that Graham Simpson offered members during one of the more indecorous contributions that I have heard in the chamber, he reminded us of two things. The first of those was the establishment in 2015 of the expert panel on which no planner sat and which was given almost impossibly tight timescales in which to report. The second was that this is one of the most amended bills in parliamentary history. Those realities provide two of the many reasons that my party—and, I am glad to say, the Labour Party and the Greens—will not be supporting the bill. It is bad legislation.

The Liberal Democrats were the only party to oppose the bill at stage 1. I will come to the reasons for that, but I welcome the Labour Party and Green Party standing in opposition to it. We opposed the bill because it is a manifest exercise in centralisation. It presupposes that Edinburgh-based bureaucrats know more about the needs and interests of communities around this country than locally elected councillors do. We cannot accept that. It relegates councils to the role of mere consultees. The national planning framework is a document that will not have adequate scrutiny and which will set the mission for planning authorities and make them its delivery tool. That is unacceptable.

Andy Wightman: One of the amendments that we secured was that, for the first time, the national planning framework will be subject to a resolution

of Parliament, so there should be greater scrutiny. It is fair to concede that point.

Alex Cole-Hamilton: I absolutely accept that. I still do not believe that it will have the necessary scrutiny that we, as Liberal Democrats, would have liked to see, but I recognise the progress made at stage 2, as I did in some of the meetings that I sat in on at stage 2. I am grateful for the forbearance of committee members, because although I am not a member of the committee, I obtained a number of changes in that process.

The one that survived is going to be really important in forcing local authorities to produce reports that denote the obligations of developers' planning commitments in section 75 of the Town and Country Planning (Scotland) Act 1997—and the like—which they have not yet delivered on.

I very much hope that that will see an end to shameful practices by developers who make false promises to communities before reaping the profits of a development and not delivering on their obligations to planning gain.

That was the one amendment of mine that survived—sadly, my others did not. Yesterday, we had a rather bizarre debate about the protection of greenfield, when it was suggested that the amendment that I had secured at stage 2 would have banned any development on greenfield sites. That was not, in any way, the intention of my amendment. If someone wanted to extend their house, they could reasonably suggest to their local authority that it is not possible to build on a brownfield site if that brownfield site is not attached to their house. I think that that would be a completely acceptable reason to allow someone permission to proceed.

It is, as Andy Wightman said, a bill of missed opportunities. Although we have different approaches to planning, the Liberal Democrats wanted reform on appeal rights, too. Our vision for that was rejected at stage 2. Frankly, this is a case of the needle returning to the start of the song—we are going round again and again. There is recognition that the appeal rights do not work for communities, and that represents—

Jeremy Balfour (Lothian) (Con): Will the member take an intervention?

Alex Cole-Hamilton: I am sorry, but I need to make progress.

The Deputy Presiding Officer: The member is closing in 30 seconds.

Alex Cole-Hamilton: I am closing in 30 seconds.

On holiday lets, as an Edinburgh MSP with an interest—I refer people to my entry in the register of members' interests—I still think that we have

missed a trick in not using the bill to properly regulate the holiday lets market, which is hollowing out cities such as Edinburgh. We have not grasped the opportunity to protect areas such as wild land or to regulate hill tracks either.

We are told that planning bills come every 10 years. That is a great shame, and I hope very much that the next planning bill comes sooner than that. I very much look forward to repealing this one from the Government benches.

The Deputy Presiding Officer: Thank you. We move to the open debate. Sorry, but we are very tight for time, so do not go over your four minutes.

16:56

James Dornan (Glasgow Cathcart) (SNP): I am surprised that you said that just as I was getting up to speak, Presiding Officer. I thank Alex Cole-Hamilton for his weak joke at the end of his speech.

As the convener of the Local Government and Communities Committee, I am truly delighted that we have reached stage 3 of the Planning (Scotland) Bill. After the successful passing of the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill, the committee is nearing the end of the legislative process for a second bill in as many weeks, which is in marked contrast to the inaction at Westminster. Once again, we are showing that it is this Parliament that truly works for the people of Scotland.

I can say without bias, as I was not a member of the committee at the time, that the work done at stage 1 was truly gargantuan. The committee made visits all over Scotland, took part in a major planning conference in Stirling, engaged with school students and the Scottish Youth Parliament, took evidence from 25 different organisations at formal meetings and produced a thorough report that made recommendations on every major aspect of the bill.

I pay tribute to colleagues who were on the committee at the time—except, perhaps, Graham Simpson, because of his opening comments—particularly the then convener Bob Doris, for their commitment and hard work. More important, I thank the many professionals, community bodies and individuals who engaged with the committee at stage 1 and, indeed, throughout the bill's progress, with informed and, at times, passionate views.

Ultimately, planning is about communities, homes, jobs and quality-of-life issues. Because of that, the debate has sometimes been passionate and even on occasion heated, but that is no bad thing and goes only to underline the importance of the reforms that we have been considering.

I became the convener of the Local Government and Communities Committee on the very first day of our consideration of the bill at stage 2—Bob Doris needed a rest after having to put up with Graham Simpson throughout stage 1. Since that day last September, the parliamentary process has been a bit of a marathon. I am reliably informed that that was the longest stage 2 for well over a decade and the longest stage 2 ever considered by a local government committee in Parliament.

I am sure that I speak for all committee members when I say that I hope that that record stands for a very long time. In total, 394 amendments were lodged. Looking back, it feels as though they were considered over the same number of meetings, but there were actually only seven meetings.

Many non-committee members took part in our proceedings, which again reflects the very wide interest that there has been in the bill throughout the process.

I sincerely thank all my committee members, our fabulous clerking team, along with their colleagues from the Scottish Parliament information centre, everyone who appeared before the committee, and, of course, the minister and all his officials.

It is fair to say that the bill that emerged at stage 2 was a rather different beast to the one that went into it, with well over 100 amendments agreed to, which added to or removed text from the bill. That included new provisions on key matters, including on the agent of change principle to protect live music venues, on planning permission for short-term lets, on the call-in of applications, on enhanced community engagement and on a host of other important matters, which, if I listed them now, would take up all the remaining time in my speech and get me into trouble with the Presiding Officer.

We have had three—long—days of great debates, with 40 groups of amendments, and we are now in the home straight. Despite what we have heard from some of my colleagues, who will take the credit for any good bits in the bill at this stage and say that the rest of it is rubbish, these reforms will create an effective planning system that will help deliver the housing infrastructure and investment that current and future generations need. It will strengthen and simplify the planning system and ensure that planning better serves Scotland's communities and economy, and I look forward to seeing how these reforms will shape a fairer and more equal Scotland in future.

17:00

Alexander Stewart (Mid Scotland and Fife) (Con): As I have said before in the chamber, I was

a councillor for 18 years, and I know only too well the issues raised by the planning process. Many amendments have gone through during the various stages of this bill, but I think that some real progress has been made.

Planning is often characterised as a zero-sum game with winners and losers, but it should be a place for people and it should lead to good development. Everyone acknowledges the need for more houses, and we believe that a vast majority of people are not against development itself. However, they are against developments that do not have the necessary infrastructure requirements.

The bill has come a long way from what was originally introduced, but many of the amendments that have been lodged strengthen it. I have always thought it important to do all we can to encourage communities to engage in the planning process in a constructive manner and at the earliest stage. In that respect, the introduction of local place plans will give communities a greater say, and it is exactly the positive step that we want to see. In the bill's early stages, we were concerned about the time, effort and money that communities would be required to put into developing these plans, but I think that those concerns were erased at stage 2.

There is no question but that we ended up with a guddle at stage 2, but we have managed to iron out many of the problems at stage 3. I welcome the commitment to greater public consultation and the fact that planning authorities will formally be required to take local place plans into account in their local development plans.

Another community engagement issue that proved to be more contentious in our debates was the third-party right of appeal. Previously, we said that we would closely examine the case for such a provision, and we did so, concluding that such a change would simply slow the planning process further and stifle development. However, it became clear that the status quo was not an option, and we sought to reach a compromise and strike a balance. That is what we have achieved, and with the changes made as a result of the amendment in question, mediation will become an integral part of the planning process and not just something that will be attempted once it is too late. It will actually mean something, and it will lead to developments and much more progress.

It can often be difficult to bring two different points of view together—

Monica Lennon: Will the member give way?

Alexander Stewart: I would like to, but time is tight.

In reality, it is difficult to bring two different points of view together, but what we are seeing

with that amendment is an attempt to find common ground.

I pay tribute to my colleagues Graham Simpson, Adam Tomkins and Jeremy Balfour for their measured contributions to this process, and I am proud of the constructive role that the Scottish Conservatives have played at every stage to strengthen the bill and to ensure that we end up with a fundamentally better planning process. We are protecting the environment as well as older and disabled people; we are ensuring that there is much more to the process; and we are attempting to ensure that it includes mediation.

Good planning requires communities, developers and councils to work together constructively to build the houses that we need and which communities want. We are ambitious for our planning process, and that work is now taking place. It is by no means an easy task, but I think that the bill as it now stands will go some way towards helping us achieve our objectives. Indeed, that is exactly what we are trying to do: to ensure that the bill's objectives make things better for communities and individuals. I support the bill.

The Deputy Presiding Officer: Thank you very much. I call Neil Findlay, to be followed by Kenneth Gibson.

17:04

Neil Findlay (Lothian) (Lab): Do I have three minutes or four, Presiding Officer?

The Deputy Presiding Officer: You have three minutes.

Neil Findlay: It was planning that got me into elected politics, so I want to focus on how planning impacts on communities and on how the bill has failed them. In my time, I have seen developers with deep pockets hiring consultants to write so-called independent reports, produce glossy documents and buy off opponents. When applications were refused, they had the right to appeal those refusals and to resource public inquiries.

Communities, on the other hand, have no resources, no consultants, no lawyers, no expert witnesses for hire and no right of appeal. Some have found themselves being thrown into the maelstrom of a planning inquiry for which they have been required to invest huge amounts of time in writing precognitions, preparing cases and being questioned by lawyers and even Queen's counsel, with zero resources being made available to them. How on earth is that fair? It is not, and it is a democratic outrage that it still happens.

I will paraphrase a letter that I received almost 20 years ago from Mary Allison, who was objecting to an application for an opencast coal

mine in Blackridge. She said that no matter how open ministers claim the system is, communities are intimidated by the power of the professionals whom they face, and their views as residents are dismissed as being less competent or credible than those of the so-called experts.

However, professional presentations are simply a collection of information—they are not right or wrong until we apply our values and judgements to interpretation, and can assess whether the community or the developer is set to gain or lose with a development. Those who present information as scientific evidence are elevated to a position of greater value than the people in the community, who might for various reasons struggle to express individual or community positions. Personal, emotional and moral values are the centre of our society, but because they are subjective, they can easily be disregarded. Scientific evidence can be just as subjectively gathered, but objectively presented. Why does a study that is conducted one day by a so-called expert from outside the community mean more than the daily lived experience of people who have lived there all their lives?

I will give an example. I value the rugged moorland of my home village: it is where I fished, camped, walked and cycled when I was growing up. The landscape gives me a sense of place and of who I am. It is valuable to me and my community—it cannot be recreated. This is not about nimbysism: it is about community-led development that has popular support, not a neoliberal planning system in which profit and economic growth trump everything.

This week, the SNP, the Tories and their business allies have stitched up the Planning (Scotland) Bill. The dogs in the street know it. On equal rights of appeal and on short-term lets they have shamefully let down communities. They have been bought and sold for developers' gold. They had a chance to introduce equality, but they have failed miserably with a shabby deal that was done across the chamber between members on the front benches of the SNP and the Tories.

The Deputy Presiding Officer: For the avoidance of doubt, Kenneth Gibson has four minutes, and Jeremy Balfour and Annabelle Ewing each have three minutes, for political balance.

17:07

Kenneth Gibson (Cunninghame North) (SNP): Thank you, Presiding Officer. That is helpful.

Today's debate is the culmination of countless hours of work and contributions from numerous people and organisations across Scottish society. As a member of the Local Government and

Communities Committee I heard, with colleagues, evidence from numerous organisations. Engagement by the Minister for Local Government, Housing and Planning, Kevin Stewart, has also been invaluable.

I offer my sincere thanks to everyone who contributed. The process would have been impossible without the evidence that led to 394 amendments being lodged at stage 2, and 223 being lodged ahead of stage 3.

The journalist Alistair Grant said that "Planning (Scotland) Bill" are

"The three most distressing words in the English language".

However, consultant architect Malcolm Fraser, who gave evidence at stage 1, said that,

"Planning should be a wonderful, joyful thing."—[*Official Report, Local Government and Communities Committee*, Date 7 March 2018; c 46.]

I think that most of us have a view that is somewhere between those two extremes.

The bill will overhaul the current planning system and amplify the voices of local people and communities throughout the planning process. I will touch on broad provisions in the bill. Part 1 will enhance the role of the national planning framework and will remove the requirement to produce strategic development plans, while introducing a new right for communities to produce their own local place plans.

Part 2 will provide for simplified development zones in order to front load scrutiny of potential sites, and will provide for delivery of consents through zoning land.

Part 3 will change development management processes in order to improve efficiency, support local consultation and move toward localised decision making.

Part 4 will strengthen planning authorities' ability to use their powers effectively in order to ensure appropriate enforcement on unauthorised developments, and to widen the scope for charging fees in relation to planning functions, while taking a more structured approach to performance improvement across planning services.

The final part of the bill provides for the introduction of an infrastructure levy that will be payable to local authorities and be linked to development, in order to fund or contribute to projects that will incentivise development delivery.

It was important to me that the bill should contain provisions to support the needs of older people and disabled people. I thank Age Scotland, in particular, for its assistance with my amendments at stage 2, through which I sought to place the housing needs of older and disabled

people at the heart of the national planning framework. Good and accessible housing is central to the health and independence of older people and disabled people, so I am pleased that, under the bill, the NPF will contribute to improved outcomes for older people and disabled people. Ministers will be required to publish a statement on how that will be achieved.

I was pleased by the minister's willingness to engage with me, Graham Simpson and other colleagues who were willing to engage with the minister on a cross-party basis, in order to take forward the spirit of the amendments, while streamlining the bill to avoid unnecessary duplication and cost. That involved removing some of my amendments, but what is important is not whose amendment is in the bill, but what the bill will achieve in practice. I am delighted that our hard-working and listening minister has delivered for older people and disabled people.

Following a somewhat arduous process, we now have a better bill that more closely corresponds with the planning needs of Scotland's people and communities. Planning requires a system that balances the needs of many people. It is disappointing that we have had gripes from the Greens, Labour and the Liberal Democrats, who seem to think that the bill is worse than the status quo. I am struggling to understand how they can believe that, given what we have been through over the past 18 months or so of the process. They clearly want to throw the baby out with the bath water.

We have now arrived at a more coherent, fair and inclusive system that will work for Scotland. I urge all members to vote in favour of the bill at decision time.

17:10

Jeremy Balfour (Lothian) (Con): I am thankful for the opportunity to contribute briefly to the final debate on the bill. I congratulate the minister, his team and all the committee members on having got us to where we are today. I disagree fundamentally with the other three Opposition parties: we have a bill that is workable and is better than the current system. Could it have been better? Clearly, that would have been the case had all my amendments been accepted. However, we are in a better position and are further down the road than we were some years ago.

Like other members, I used to be a local councillor, and I sat on the planning committee in the City of Edinburgh Council. I completely disagree with Alex Cole-Hamilton—the bill will not take power away from local councils: it will help local councillors to make decisions. Ultimately, in 99 per cent of cases that is where power should

lie, because councillors know their communities. That is what the bill will allow.

I have been frustrated—perhaps even more than the minister—by the debate around appeals, and the third-party right of appeal in particular. Many people have painted the issue in a simplistic way by suggesting that it is about community against developer. However, in my time as a local councillor here in Edinburgh, that was hardly ever the case. On almost every controversial planning application, some of the community wanted it and some of the community did not want it. In all the debates that I have heard over the past two days, no one has mentioned people who are in favour of a development. Where is their voice? Where are they allowed to say that they want a development to go ahead?

Andy Wightman: Will the member take an intervention on that?

Jeremy Balfour: I am afraid that I am almost out of time.

It is oversimplistic to say that it is a case of community against developer. It was never that simple in my time as a councillor.

Like Kenny Gibson, who spoke earlier, I am particularly pleased that the bill is giving disabled and older people greater rights. One of the things that will stand out from the bill is that it will change our approach to public toilets. That might seem to be very simple and straightforward, but for the Scottish economy and, more important, for families and individuals, it will radically change what Scotland looks like over the next 50 years. For that, I am grateful for the support of all the parties in Parliament. I will be happy to vote for the bill in a few minutes.

17:13

Annabelle Ewing (Cowdenbeath) (SNP): Given the time that is available, I will focus on just a few issues.

First, it is vital that communities have a meaningful role in the planning process. I know very well from constituents that, in many cases, they feel that they are under siege from developers. Although a system that will please everyone can never be devised, I am encouraged by the approach of the bill in front-loading community engagement. That approach was recommended by the independent planning review panel, which concluded that it would be more beneficial to use available

“time and resources to focus on improved early engagement”.

I am also encouraged that statutory guidelines are to be drawn up on what effective community engagement will comprise. It will be important to

ensure that the guidelines provide for meaningful engagement, if we want to keep faith with affected communities across Scotland.

The role of the local place plan is another important development, but, again, it will be of relevance to local communities only if they have the wherewithal to get involved.

On serial applications, I am pleased that the relevant period is being extended from the current two years to five years. However, that will be worth the paper that it is written on only if local authorities actually exercise their powers, which, it appears, they do not do at present. I therefore ask the minister to take up the issue with the Convention of Scottish Local Authorities directly, because in failing to deal with serial applications, local authorities are letting down the communities that they exist to serve. I am also pleased that there will be greater focus in the planning process on local health service impacts, because that issue is raised by communities time and again.

Finally, I will say a few words about the third-party right of appeal. Yesterday, proposals on it were rejected by Parliament by 93 to 25 votes. Although I do not think that anyone would claim that it was an easy issue, I believe that Parliament has reached the best decision. As I said at stage 2, the body of evidence was not in favour of a third-party right of appeal being introduced to the planning system. It is worth noting that there is no third-party right of appeal in any country in the United Kingdom. It is interesting that in Ireland, where there is such a process, very few decisions have been wholly reversed. In addition, no such third-party right was recommended by the independent planning review panel: indeed, we received strong representations against the introduction of such a right from a myriad of relevant bodies.

Across Scotland, people need homes, workplaces and facilities. Therefore, we need to see objectives being met in accordance with a robust, fair and straightforward planning process. That is the only way we will restore faith in the planning process.

The Deputy Presiding Officer: Thank you very much. I thank members for their shortened speeches, which they all kept to, despite the demands on them.

17:16

Monica Lennon (Central Scotland) (Lab): I refer to my entry in the register of interests, as I am a member of the Royal Town Planning Institute.

I went to planning school at the University of Strathclyde back in 1997. Even then, I had a deep

interest in the power dynamics that play out in our communities and that ultimately shape the places where we live, work and play, to paraphrase Patrick Geddes. For me, the obsession about equal rights of appeal is fundamental to how our planning system operates and whose interests it serves.

There are many people to thank, and I add my thanks to the members of the Local Government and Communities Committee, the clerks, all the stakeholders, and the many people and organisations that gave us written and oral evidence.

When thinking about planning, one should get out of Parliament, and I was pleased to spend time with Graham Simpson at an engagement event in Motherwell, which is in the region that we represent. I have just looked at the committee's report on that session. People made it clear that they felt strongly that the current appeals system works against communities and that it undermines the confidence that we all want people to have. I remind Graham Simpson of that, because we have not come into the process to make cheap political points. James Dornan reflected on how much scrutiny took place, and I thank James Dornan and Bob Doris for their convenership. The fact that more than 100 amendments were passed shows how much collaboration and consensus there was.

Graham Simpson knows the arguments well. At stage 2, he said that there was no doubt that the present system is lopsided, and that the Government did not address that in the bill. We talked about equal rights of appeal and whether that would lead to a more robust, plan-led system. Although we supported mediation because it will not do any harm, I am afraid that it will not do a great deal of good. Graham Simpson said that we have been talking rubbish; however, together with Andy Wightman, we spent a lot of time and worked really hard on the issue. I think that, privately, Graham Simpson will be disappointed, as many of us are.

We wanted to ensure that planning delivers better outcomes for all the communities that we live in and the people whom we represent. That is why we have talked a lot about improving health and reconnecting planning to public health. Andy Wightman has made the point very well, many times, about how planning has lost its way and become a wee bit too bureaucratic.

There have been some positive aspects. The work that Lewis Macdonald has led on agent of change and speaking up for live music venues has been very important, but has suffered some disappointments along the way—especially on short-term lets, about which strong feelings exist both inside and outside the chamber.

I do not have a great deal of time left, so I will move on. It is with great disappointment that I say that Scottish Labour will not support the bill. We all wanted to maximise the opportunity that it presented.

I will end by quoting Clare Symonds of Planning Democracy. In speaking about the community voice, which is what we need to hear, she said:

“We are deeply disappointed by this Bill, which has been a huge missed opportunity to transform the way we do planning. Scotland needs to take a different approach to development to tackle key issues such as the climate emergency ... this Bill reinforces a business as usual approach”.

She went on to say that the bill is a

“bitter pill ... that has nothing to offer in terms of citizen empowerment.”

I say to the minister that it is quite sad that that is how communities in Scotland feel.

The Deputy Presiding Officer: I call Adam Tomkins to close the debate on behalf of the Conservatives. Five minutes, please, Mr Tomkins.

17:20

Adam Tomkins (Glasgow) (Con): Some 13 months ago, during consideration of the bill at stage 1, I said:

“the purpose of planning is to facilitate and enable growth in Scotland’s economy. To grow the economy, we need development, and to engineer development should be the focus of the planning system. Of course development needs to be environmentally sustainable, and of course growth needs to be socially inclusive, but first and foremost there needs to be growth, and the job of the planning system is to help to make that happen—to facilitate it and not to get in its way.”—[*Official Report*, 29 May 2018; c 61.]

The Scottish Conservatives’ approach has been informed by those principles during all three stages of consideration. I welcome the fact that, mainly since stage 2, the Government has sought to work with us to ensure, as best as possible, that the bill delivers on that core mission, which I think it does—it passes that test. When we enact the bill in a few moments’ time, it will help to secure environmentally sustainable and socially inclusive growth that will help the development of the Scottish economy. That is the purpose of the planning system.

Andy Wightman: Will the member take an intervention?

Adam Tomkins: Not at the moment, Mr Wightman.

I will give two examples of the ways in which I think that the bill has been improved in the course of its passage through the Parliament and which will help it to deliver on that ambition.

First, I will talk about masterplan consent areas, as they are now to be called, which were dealt with in a part of the bill that was amended at stage 2, when a number of amendments in my name were agreed to unanimously by the Local Government and Communities Committee. Secondly, there was the welcome reintroduction of regional spatial strategies. I know that, going into consideration of the bill, one of the minister’s aims was the removal of the need for strategic planning. I absolutely understood the case for that, which was about removing unnecessary duplication in the Scottish planning system. However, at the same time, and as a number of members on both the Labour and Conservative benches pointed out, strategic planning has a valuable role in driving forward Scottish economic growth, which we have seen most recently and most importantly through the impact that city and regional growth deals are having across the country—not least in my own city of Glasgow.

If I may say so, the minister has done well in finding a compromise between his desire not to have duplication at that level and our desire not to see strategic planning entirely lost from the face of our planning system, through the introduction, at stage 3, of regional spatial strategies. As the minister said, when we were debating the set of amendments, such strategies

“are more agile and better able to reflect”—[*Official Report*, 18 June 2019; c 83.]

and refine regional needs and priorities. I think that it is healthy that they adopt a bottom-up rather than top-down approach and they get the balance right between central and local government.

Those are examples of ways in which I think that the bill has been improved, consistent with the principled approach that we have taken to it during all three stages of its consideration.

Andy Wightman: Will the member take an intervention?

Adam Tomkins: I am sorry, Mr Wightman—I just do not have time.

There are things that I regret are still not in the bill. Let me say a few words about land value capture—or land value sharing, as it might now be called—which we discussed at stages 1 and 2. I note that, in the recommendations that the Scottish Land Commission made to the Scottish ministers just last month, Shona Glenn said:

“The debate how publicly created uplifts in land value should be shared between society and private landowners is one that has waxed and waned for decades. There is strong public interest justification for pursuing policies that would enable more of the publicly created increases in land values to be used to help make places where people want to live.”

I would have said “live and work”.

I accept that there is no quick fix for this, but we need to find ways of establishing a more collaborative approach to placemaking, and I want to continue to press the minister that land value capture should be part of that mix.

We recognise that there were fatal flaws in our attempts to get land value capture into the bill at stage 2 in the context of masterplan consent areas, not least of which was lack of compliance with the European convention on human rights. Our agreement that the amendments should be taken out at stage 3 should not, however, be misinterpreted. We have not given up on the idea and we will continue to pursue the Government on it.

Finally, I want to say something about agent of change. I am absolutely delighted that, for the first time in Scots planning law, the bill puts the agent of change principle unambiguously on the face of primary legislation. The agent of change principle shifts responsibility for mitigating the impact of noise from an existing music venue to a developer moving into the area. In essence, it means that those who bring about a change take responsibility for its impact. That is a key change and it will be interesting to see whether Lewis Macdonald votes against a bill that puts that principle into statute.

Lewis Macdonald (North East Scotland) (Lab) rose—

The Deputy Presiding Officer: Thank you. I call—*[Interruption.]* Mr Macdonald, you were on your feet but now you are back down again.

Lewis Macdonald: I was going to—

The Deputy Presiding Officer: No. You can intervene, but you cannot just have a wee chat.

17:26

Kevin Stewart: First, I put on record my thanks to everyone who has engaged in the process, from the very beginning to where we are now—which is not the end of the road. I will come to that in a little while. In particular, I thank my bill team, who have been exceptional. Andy Kinnaird and Jean Waddie have been absolute stars in all this.

One of the things that Mr Wightman pointed out is my love affair with the Aberdeen city local plan of 1952. He quoted Tom Johnston on it earlier and I will paraphrase him, because Tom Johnston also said that the only thing that would stop delivery of the plan was the red weevils of bureaucracy. I am afraid that, after stage 2, there were far too many red weevils of bureaucracy that would have held up the delivery of development in Scotland. I am glad that, in a lot of cases, folks chose to work together to make sure that we get it right now.

I turn to a few things that were said during the debate. Mr Rowley said that the bill does nothing for funding infrastructure, such as education and medical facilities, but the infrastructure levy proposals explicitly mention those things. He also said that the bill does not address the lack of funding for planning. It does, because streamlining the processes will free up money to ensure that local authorities can do much more community engagement. That is something that I wanted to see right from the start.

In her contribution, Ms Ewing said that planning authorities should use their existing powers and the new powers to be introduced under the new legislation to effectively safeguard communities, and I agree completely with that. As well as strengthening all the things that we have done, providing elected members with training opportunities will help.

I turn to comments that were made by Alex Cole-Hamilton, Mr Rowley and Mr Wightman. Alex Cole-Hamilton said that the bill assumes that a group of Edinburgh-based bureaucrats know better than communities across the country. The bill includes a range of measures to give local planning authorities and local communities more powers, including the power of local authorities to propose controls on short-term lets. Rather than imposing an Edinburgh-based solution on the whole, through the bill we have ensured that communities can make their own choices in that regard.

I agree that planning, as well as strengthening communities, should ensure sustainable economic growth. We all accept that.

To the members who have indicated that they will vote no tonight and try to vote down the bill, I say that they will be voting no to all of these things: a clear purpose for planning, putting the long-term public interest and sustainable development at the heart of the system; a stronger national planning framework, which was approved by this Parliament after further scrutiny; much better arrangements for strategic and local development planning, which will address the problems of the current system; and statutory support for climate change. They will be voting no to provisions on rural communities, disused railway lines, water refill locations, public conveniences, changing places toilets, open space, play, biodiversity, forestry and woodlands. They will also be voting against the recognition of the role of planning in improving health inequalities; protection for live music venues; more consistent training for councillors; a performance improvement coordinator to support authorities and everyone who engages with planning, which is something that stakeholders wanted. They will be voting against a right for communities to plan

their own places and new opportunities to broaden engagement in development plans, including for disabled people, older people, Gypsy Travellers, children and young people.

In order to ensure that we got this right, at every stage, I asked the chief planner of this country whether the bill would improve the system. At many points during the process, he said no. Today, he says that, yes, it will improve the system and build on what we had before. It is time to roll our sleeves up, grasp the opportunity and work hard, together with communities, to deliver great places.

Business Motion

17:32

The Deputy Presiding Officer (Christine Grahame): The next item of business is consideration of business motion S5M-17883, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a revised business programme. Any member who wishes to speak against the motion should press their request-to-speak button now.

Motion moved,

That the Parliament agrees to the following revision to the programme of business for Tuesday 25 June 2019—

delete

5.00 pm Decision Time

and insert

7.00 pm Decision Time—[*Graeme Dey*]

17:32

Elaine Smith (Central Scotland) (Lab): I wish to make a comment on the motion rather than speak against it.

As you will be aware, Presiding Officer, Labour's whip is unavoidably not here today. In her absence, I express concern about the 7 o'clock decision time next Tuesday. Recently, this has not been a family-friendly Parliament. I ask that time management be controlled. This week's contributions seemed more akin to speeches, rather than the previous approach, which was about a maximum of two minutes to move amendments at stage 3. Scottish Labour will reluctantly vote for the business motion, but we do so in the sincere hope that decision time can be brought forward from the 7 pm proposal that is in this evening's business motion.

The Deputy Presiding Officer: Thank you. Minister, do you wish to respond?

17:33

The Minister for Parliamentary Business and Veterans (Graeme Dey): I will respond briefly on behalf of the Parliamentary Bureau.

I assure the member that members of the bureau always seek to have decision times that are in keeping with the established pattern. On behalf of the bureau, I also associate myself with her remarks about concise contributions, which would go some way towards avoiding situations such as those that we are encountering.

Motion agreed to.

Decision Time

17:34

The Deputy Presiding Officer (Christine Graham): There is one question to be put as a result of today's business. The question is, that motion S5M-17781, in the name of Kevin Stewart, on the Planning (Scotland) Bill, be agreed to. Members should cast their votes now.

For

Adam, George (Paisley) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)

Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

The Deputy Presiding Officer: The result of the division is: For 78, Against 26, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Planning (Scotland) Bill be passed.

The Deputy Presiding Officer: The Planning (Scotland) Bill is therefore passed. *[Applause.]*

Meeting closed at 17:35.

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

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba