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AITHISG OIFIGEIL

# Meeting of the Parliament

Wednesday 20 March 2024

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# Scottish Parliament

Wednesday 20 March 2024

*[The Deputy Presiding Officer opened the meeting at 14:00]*

## Portfolio Question Time

### Constitution, External Affairs and Culture

**The Deputy Presiding Officer (Liam McArthur):** Good afternoon. The first item of business is portfolio question time, and the first portfolio is constitution, external affairs and culture. Any member who wishes to ask a supplementary question should press their request-to-speak button during the relevant question.

#### Gaza (Humanitarian Assistance)

**1. Kevin Stewart (Aberdeen Central) (SNP):** To ask the Scottish Government whether it will provide an update on what action it has taken to support the provision of humanitarian assistance to the people of Gaza. (S6O-03216)

**The Minister for Culture, Europe and International Development (Kaukab Stewart):** In November, we provided £750,000 to the United Nations Relief and Works Agency for Palestine Refugees in the Near East to ease the suffering of innocent civilians in Gaza. That was in response to a flash appeal and was a one-off contribution.

Famine is now imminent in Gaza, primarily because of restrictions on aid access. The First Minister wrote to the Prime Minister in December, asking him to make it clear to Israeli ministers that they and Israeli military commanders will be held accountable for deaths from starvation and disease as a result of their restrictions on access for humanitarian aid. It is now urgent that that message is conveyed directly to Prime Minister Netanyahu. The restrictions must be lifted immediately.

**Kevin Stewart:** Given the continuing deterioration in the humanitarian situation in Gaza, it is clear that we need to redouble international efforts to secure an immediate ceasefire to allow aid to get through. We cannot and must not stand by while thousands of innocent men, women and children are killed and while even more are starving and going without medicines. Does the minister agree that the United Kingdom Government should be taking concrete steps to secure an immediate ceasefire, including ending arms sales to Israel and using its position on the

United Nations Security Council to demand one? Can she provide any update on the Scottish Government's latest engagement with the UK Government in that regard?

**Kaukab Stewart:** The Scottish Government has been engaging with the UK Government since the outset of the conflict to highlight our position. I agree with Kevin Stewart's remarks. We will continue to engage through our connections with the UK Government. We have made it clear that it is incumbent on the UK Government to do everything that lies within its power to secure an immediate ceasefire by all sides to prevent further devastation in Gaza, including by using its influence in the international sphere and with the Government of Israel to achieve that.

In the light of Israel's statement that its armed forces will attack Rafah, which is the final refuge of more than 1.5 million civilians in Gaza, the First Minister wrote to the Prime Minister, calling on him to introduce an immediate ban on licensed arms exports from the UK to Israel. The Cabinet Secretary for Constitution, External Affairs and Culture has also written to the UK Government, but we have had no response to date.

**The Deputy Presiding Officer:** Foysol Choudhury has a brief supplementary question.

**Foysol Choudhury (Lothian) (Lab):** I recently met the charity Medical Aid for Palestinians, which outlined the dire situation with high rates of maternal and infant mortality and morbidity in Palestine. Can the minister please advise what steps the Scottish Government is taking to ensure that the aid that Scotland sends is available to reach new and expectant mothers in Gaza?

**Kaukab Stewart:** I thank Foysol Choudhury for his question and refer him to my previous comments on what the Scottish Government is doing. I am acutely aware of the plight of new and expectant mothers, and I mentioned it during my opening contribution to the debate on international women's day.

#### Cultural Cinema

**2. Sarah Boyack (Lothian) (Lab):** To ask the Scottish Government what plans it has to support the development of cultural cinema. (S6O-03217)

**The Minister for Culture, Europe and International Development (Kaukab Stewart):** The Scottish Government recognises the importance of cultural cinema to our communities, and we continue to work closely with Screen Scotland and partners to support its development across Scotland. Screen Scotland's strategy and funding supports the inclusive and sustainable growth of our screen sector, with a focus on ensuring wide access to cinema and a diverse range of content, including support for cultural

cinema venues, organisations, touring programmes, independent film exhibitors and the distribution of Scottish titles across Scotland.

**Sarah Boyack:** I thank the minister for her answer and welcome her to her new role.

Investment in cultural cinema is vital in supporting film makers, providing access to cultural cinema, as the minister mentioned, and ensuring that cultural cinema is a key part of Scotland's cultural offer. With the Edinburgh international film festival forming part of our Edinburgh festivals, we have huge opportunities. Therefore, will the Scottish Government work with Screen Scotland and Creative Scotland to ensure that the Edinburgh Filmhouse's "Open the Doors!" campaign, which has been incredibly successful thus far, gets the final amount of capital that it needs to open the doors of the Filmhouse and put us back on the map?

**Kaukab Stewart:** I thank Sarah Boyack for her continued commitment on the issue. I am delighted to say that, as a result of the hard work and dedication of all involved, including Screen Scotland, which is providing support, the work to secure the future of the Filmhouse and cultural cinema in Edinburgh is progressing very positively.

The Scottish Government is absolutely clear on the value of cultural cinema, and officials are continuing to engage with Screen Scotland and others to ensure that cultural cinema is protected for Scotland's audiences today and in the long term. I am grateful to all those involved for their on-going hard work and dedication.

**Alexander Stewart (Mid Scotland and Fife) (Con):** In October, Creative Scotland is due to decide on £87.4 million-worth of applications from 285 organisations, many of which are in the cinema sector. That gives an indication of the extent of the culture and creative sector that exists across Scotland. How can we ensure that the many applicants who aspire to enter cinematography who do not receive funding are not discouraged from entering the sector or the industry?

**Kaukab Stewart:** The member raises a very important point. I encourage anyone who is interested in applying for the various funding streams—there are many organisations involved in that field—to continue their engagement. If there are specific organisations that need assistance, I encourage the member to ask them to get in touch with me.

### **Miners Strike (40th Anniversary)**

3. **Annabelle Ewing (Cowdenbeath) (SNP):** To ask the Scottish Government what discussions the culture secretary has had with ministerial colleagues regarding what cultural events and

activities it has planned to mark the 40th anniversary of the miners strike. (S6O-03218)

**The Minister for Culture, Europe and International Development (Kaukab Stewart):** The miners strike of 1984-85 is considered to be the most bitter industrial dispute in living memory. The Scottish Government recognises that the impact of the strike is felt across Scotland's former mining heartlands, and we acknowledge the need to provide reconciliation, dignity and comfort to those communities that are still affected.

As the 40th anniversary approaches, the Scottish Government is considering how best to raise the profile of the strike and its legacy. We are in communication with partners, including the National Union of Mineworkers, which are developing commemorative activities with the communities that were impacted.

**Annabelle Ewing:** Many community events are planned to mark the 40th anniversary of the miners strike, including an event in Ballingry, in my constituency, that is to be held on 15 June, when there is to be a march, a rally and an exhibition in the miners welfare institute in Lochore.

What support can the Government offer to events such as the one in my constituency and to the former coalfield communities across Scotland? Will the minister come along to Ballingry on Saturday 15 June to march with the community and to demonstrate the Scottish Government's solidarity?

**Kaukab Stewart:** I thank Annabelle Ewing for highlighting the important event that will take place in her constituency on 15 June.

The Scottish Government acknowledges the significance of the 40th anniversary of the miners strike. Scotland was the first of the home nations to introduce legislation to pardon former miners, and Scottish Government officials would be happy to provide supporting materials to event organisers about the miners strike pardon.

I extend my best wishes to all the communities that intend to mark the anniversary of the miners strike with events, and I am sure that members across the chamber will show support for those events across their constituencies.

### **Creative Workforce (Women's Participation)**

4. **Carol Mochan (South Scotland) (Lab):** To ask the Scottish Government what measures it is taking to address any barriers to women's participation in the creative workforce. (S6O-03219)

**The Minister for Culture, Europe and International Development (Kaukab Stewart):** Women remain underrepresented in the creative industries and are disproportionately in lower-level

positions. The sector is known for unpredictable freelance work, which makes participation in it difficult for women with caring responsibilities, health conditions or disabilities.

The Scottish Government is committed to fair work first, including taking action to tackle the gender pay gap. We are establishing a culture fair work task force, which will provide recommendations on further implementing fair work, which is crucial to achieving greater diversity.

Creative Scotland has produced a wealth of resources for employers and freelancers, including illustrated guides, to support better working practices.

**Carol Mochan:** As you have said, women's participation in the creative workforce is vital to the growth of the Scottish economy. However, access to affordable, flexible childcare is very limited. The considerable cost and restricted operating hours of childcare services mean that women who wish to return to the creative sector after having children often find it difficult to do so. Does the minister agree that cross-portfolio working is essential, and does she accept that Government cuts to councils are exacerbating those problems? Does she realise that a fair funding settlement for councils that provide services such as childcare could be critical to removing barriers to women's participation in the creative workforce?

**Kaukab Stewart:** I agree that cross-portfolio working is essential to addressing the multilayered, intersectional barriers that women face. I am fully aware of those barriers, especially those faced by women from an ethnic minority background who wish to enter the creative industries. The Scottish Government has expanded its funding for childcare, and I press it to continue to do so.

**Beatrice Wishart (Shetland Islands) (LD):** One of the biggest barriers to women's participation in the creative workforce in Shetland's important knitwear sector is what is happening to education provision under the University of the Highlands and Islands banner. In its quest for a sustainable and financial future, the textile sector, along with hospitality and access courses, looks likely to take a big hit of cuts. That short-sighted approach is already impacting women in the creative industries. What can the Scottish Government do to ensure that the traditional sector is not diminished and that entrepreneurial women in the creative industries are supported?

**Kaukab Stewart:** We want to increase opportunities for everybody, from every background, up and down the country. I am happy

to meet Beatrice Wishart after this session to listen to her suggestions.

### Arts Sector (Dumfries and Galloway)

**5. Finlay Carson (Galloway and West Dumfries) (Con):** To ask the Scottish Government what assistance it is providing to the arts sector in Dumfries and Galloway. (S6O-03220)

**The Minister for Culture, Europe and International Development (Kaukab Stewart):** The Scottish Government, through Creative Scotland, provides support to a number of cultural organisations and individuals in Dumfries and Galloway. Two of Creative Scotland's regularly funded organisations—the Stove Network and the Wigtown Festival Company—are based in Dumfries and Galloway. Together, they receive a total of £186,000 per year in funding. In addition, the Stove Network receives regular funding from Creative Scotland as part of the culture collective programme.

**Finlay Carson:** On a clear night, more than 7,000 stars and planets are visible with the naked eye from the international dark sky park in Galloway forest park. Sadly, as I am sure the minister is aware, the observatory that was sited high above Dalmellington was destroyed by fire in 2021. The trustees of the observatory are keen to replace it and have identified a new site at the former Clatteringshaws visitor centre, which is owned by Forestry and Land Scotland. The trustees are currently sourcing funding from a variety of organisations, including South of Scotland Enterprise and VisitScotland, to help to progress their plans. Given the enormous cultural, art and educational benefits that it would offer, and the significant boost that it would bring to the local economy, will the minister engage with Forestry and Land Scotland and other Government agencies to support that worthy cause?

**Kaukab Stewart:** I am happy to do so.

### Creative Industries

**6. Daniel Johnson (Edinburgh Southern) (Lab):** To ask the Scottish Government how it plans to grow Scotland's creative industries. (S6O-03221)

**The Minister for Culture, Europe and International Development (Kaukab Stewart):** The creative industries are an important growth sector, and the number of people that the sector employs is forecast to grow by 4 per cent by 2026. The workstreams that are outlined in the recently published "A Culture Strategy for Scotland: Action Plan" aim to develop the conditions for inclusive growth of the sector. Aligned with the priorities in the national strategy for economic transformation, those include promoting fair work, developing a

strategic approach to skills and publishing our international culture strategy, which will support the international ambitions of the sector and ensure that such activity plays a full role in its long-term development.

**Daniel Johnson:** The creative industries are a critical contributor to the Scottish economy and a catalyst for inward investment—for example, every pound that is spent at the Edinburgh festival generates £33 in return. Although the minister referenced growth in employment, the simple reality is that, according to the Scottish Government's growth sector statistics, fewer people work in the creative industries now than in 2014.

Indeed, out of 34 European nations, Scotland is ranked 28th on investment in creative industries. What will the Government do to encourage investment? Does the minister agree that we need to view the creative sector as a core part of the economy, particularly through investment and support through enterprise agencies and policies, and not just as a net recipient?

**Kaukab Stewart:** I recognise the enormous impacts that our creative industries make on our economy, our social health and our wellbeing. There have been communications regarding the tax breaks that can be offered. I wrote to the Secretary of State for Culture, Media and Sport asking for permanent tax relief for our orchestras, theatres, museums and galleries, so I welcome the announcement on that.

Screen Scotland has advised that the visual effects industry tax credit increases could be positive and significant, as they will allow the United Kingdom to keep more work in the United Kingdom. It could be an incentive for London-based companies to grow their UK-wide presence, including in Scotland.

**The Deputy Presiding Officer:** There are a couple of brief supplementary questions.

**Collette Stevenson (East Kilbride) (SNP):** The UK's exit from the European Union has had a substantial negative impact on our cultural and creative sectors. Can the minister provide any update on the Scottish Government's latest engagement with the UK Government on the steps that can be taken to mitigate those impacts, and does she agree that we would be better placed to grow our creative industries as a member of the EU?

**Kaukab Stewart:** Collette Stevenson is quite right to raise the effects of Brexit. It has had, and continues to have, a devastating impact on the sector. Freedom of movement throughout Europe supported Scottish artists' international mobility, and the creation of costs and administrative

barriers post-Brexit makes international working increasingly difficult.

I agree that we would be better placed to grow our creative industries as members of the EU. I wrote to the Secretary of State for Culture, Media and Sport, Lucy Frazer, on 5 March, outlining positive steps that could be taken in the spring budget, including seeking talks with the EU about rejoining the creative Europe programme.

The Cabinet Secretary for Constitution, External Affairs and Culture also wrote to the Home Secretary on 7 March, raising concerns about the Home Office's handling of visa applications for creative professionals. A meeting of the interministerial group on culture is planned for later in the year, and I expect EU engagement and mobility to be discussed.

**Jamie Greene (West Scotland) (Con):** It was not long ago that politicians from across the political spectrum came together to lobby against plans to privatise Channel 4. We were successful in that, but we are now concerned about plans that could mean just 9 per cent of production quotas taking place outside England. Does the minister agree that one way to grow Scotland's creative industries is to grow our screen sector, and that all broadcasters and their regulators should be committed to doing so?

**Kaukab Stewart:** I agree with the member's concerns. I will ask the cabinet secretary, whose portfolio that issue falls under, to come back with a fuller answer.

### **International Development Programmes (Promotion of Human Rights)**

**7. David Torrance (Kirkcaldy) (SNP):** To ask the Scottish Government whether it will provide an update on how the projects and activities that it funds through its international development programmes contribute to promoting human rights. (S6O-03222)

**The Minister for Culture, Europe and International Development (Kaukab Stewart):** Our international development portfolio takes human rights-based approaches to advance the rights of marginalised groups very seriously. Key themes include health, inclusive education and equality, in alignment with the priorities of our partner countries and United Nations sustainable development goals.

Our recently launched £3 million women and girls fund will directly support women and girl-led organisations to advance gender equality and promote the rights of women and girls in our partner countries. Our education programming seeks to improve access to education for women, girls and disabled children. In health, our non-



communicable diseases work aims to expand equitable access to safe and quality care.

**David Torrance:** The United Kingdom Tory Government's approach to foreign policy has seen cuts to vital international development assistance programmes, along with proposed legislation that penalises some of the most vulnerable people in the world, at a cost to the taxpayer of £3.9 billion. Will the minister reiterate calls for the UK Government to abandon the horrific Rwanda bill and reaffirm the SNP Government's commitment to stand up for fairness, compassion, dignity and help for those who need it?

**Kaukab Stewart:** We have consistently called on the UK Government to fulfil its legal commitment to invest 0.7 per cent of the UK's gross national income in official development assistance.

We have been clear in our opposition to the UK Government's plans to relocate people to third countries since the memorandum of understanding with Rwanda was announced. The UK Government's Safety of Rwanda (Asylum and Immigration) Bill and its treaty with Rwanda abdicate the UK's moral and international responsibilities to recognise and support refugees.

People should be able to make a claim for asylum with full and fair consideration by the Home Office and, if successful, they should be supported to rebuild their lives as refugees in the UK.

### Public Interest Journalism (Support)

8. **Richard Leonard (Central Scotland) (Lab):** To ask the Scottish Government whether it will provide an update on what action it is taking to support public interest journalism. (S6O-03223)

**The Minister for Culture, Europe and International Development (Kaukab Stewart):** The Scottish Government is committed to ensuring that we have a free and democratic press. We believe that public interest journalism plays an important role in our society at all levels, including holding governments and other organisations to account.

Following the establishment of the public interest journalism working group, we convened a round table, at which a steering group was formed to deliver an independent Scottish public interest journalism institute. Implementation is for sector representatives. However, we will continue to engage with the industry to hear about its on-going work while respecting the independence of the institute and its work.

**Richard Leonard:** Public interest journalism is all too often being silenced by rich corporations and wealthy individuals using strategic lawsuits

against public participation. The Defamation and Malicious Publication (Scotland) Act 2021 does not tackle that; it applies only to lawsuits that are lodged on the ground of defamation. Will the minister work with the Cabinet Secretary for Justice and Home Affairs to introduce a stand-alone anti-SLAPP—strategic lawsuit against public participation—bill to Parliament to let public interest reporting and investigative journalism flourish?

**Kaukab Stewart:** I am happy to explore that option with the member. He should get in touch and we can talk about it further.

**The Deputy Presiding Officer:** That concludes questions on constitution, external affairs and culture.

## Justice and Home Affairs

**The Deputy Presiding Officer:** The next portfolio is justice and home affairs. I remind all members that if they wish to ask a supplementary question, they should press their request-to-speak button during the relevant question. I advise members that there is a lot of interest in asking supplementary questions. I will try to accommodate as many as I can, but the questions will need to be brief, as will the responses.

### Support for Victims and Witnesses (Domestic Abuse Cases)

1. **Collette Stevenson (East Kilbride) (SNP):** To ask the Scottish Government whether it will provide an update on what action it is taking to support victims and witnesses, particularly in domestic abuse cases. (S6O-03224)

**The Minister for Victims and Community Safety (Siobhian Brown):** We are investing record levels of funding to support victims through a range of front-line specialist services. Our victim centred approach fund will provide £48 million to 23 organisations between 2022 and 2025, including £18.5 million for specialist advocacy support for survivors of gender-based violence.

Of the annual £19 million in the delivering equally safe fund, £7,719,700 is provided to women's aid groups, and we will help to fund the domestic abuse and forced marriage helpline to offer free confidential support.

Fourteen organisations, including Victim Support Scotland and women's aid organisations, have also shared more than £1.3 million of grant funding from the victim surcharge fund to provide practical help to people who are impacted by domestic abuse.

**Collette Stevenson:** Can the minister outline what discussions the Scottish Government has had with partners including the Crown Office and

Procurator Fiscal Service, Police Scotland and third sector organisations such as Scottish Women's Aid, about whether a trauma-informed approach, particularly in domestic abuse cases, could include ensuring that survivors have a single key point of contact in order to minimise the need for them to repeat and relive certain time periods through the process from reporting domestic abuse to a sentence being served?

Can the minister also provide information on the ability for people to find out about prior domestic abuse convictions of a partner?

**Siobhian Brown:** The cabinet secretary is currently taking through Parliament the Victims, Witnesses, and Justice Reform (Scotland) Bill, which will put victims and witnesses at the heart of the justice system, and will include their need for a trauma-informed approach. The victims task force has commissioned work to explore models of a victim-centred approach to justice, with the goal of providing a single point of contact for delivery of criminal justice services.

In relation to domestic abuse convictions, the disclosure scheme for domestic abuse Scotland enables individuals to obtain, from Police Scotland, information on previous convictions for offences related to domestic abuse, information that might not have led to a domestic abuse conviction, and information on any other convictions linked to coercive control or on patterns of potentially abusive behaviour being displayed.

The power to share or to disclose that information is considered case by case by Police Scotland, which uses a three-point test—whether disclosure is lawful, necessary and proportionate. That is about disclosure to the applicant being necessary to protect the individual from being the victim of domestic abuse.

**The Deputy Presiding Officer:** Thank you. I will need slightly shorter answers if I am to get all the questions in.

**Pam Gosal (West Scotland) (Con):** My proposed domestic abuse prevention bill would offer more support to domestic abuse victims. I hope that the Government will soon come on board and support my proposal.

In light of the recent news that domestic abuse victims in the rest of the United Kingdom will be able to receive cash payments of £2,500 in order to leave a violent home, will the Scottish Government expand its leavers fund to cover all of Scotland, and will it consider—

**The Deputy Presiding Officer:** Minister.

**Siobhian Brown:** I am aware of Pam Gosal's proposed bill. I am happy to work with you. We

have not seen the final stages of the proposal, but I am happy to have a meeting with you.

I note what you said about what is happening in England and Wales. At the moment, Scotland is leading with a £500,000 pilot of its fund to leave. The pilot is being supported across local authorities to help women to flee domestic abuse situations.

**The Deputy Presiding Officer:** Please make comments through the chair.

**Katy Clark (West Scotland) (Lab):** Domestic abuse courts have operated in some sheriff courts. What work has the Scottish Government done to analyse and evaluate the success of those courts? Will the minister share any of that work with the Parliament?

**Siobhian Brown:** The expansion to Glasgow of the domestic abuse courts will mean that many more victims and witnesses benefit from cases being resolved at an early stage, and from the reduction in unnecessary citations and hearings.

As Katy Clark knows, a pilot court has already demonstrated a significant reduction in the volume of witness citations being issued. It is an on-going pilot; I am happy to keep the member updated on progress.

### **Prison Estate (Scottish Human Rights Commission Report)**

**2. Maggie Chapman (North East Scotland) (Green):** To ask the Scottish Government what its response is to the recent report by the Scottish Human Rights Commission to the United Nations Human Rights Committee, which referred to the need to improve conditions across the prison estate and improve access to appropriate healthcare for those in detention. (S6O-03225)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** Safe treatment and care, including access to healthcare, of everyone who is in custody, are important priorities for the Government and the Scottish Prison Service. We have developed a framework for a nationally consistent service model for healthcare delivery in prisons, and we are working with the national health service and the SPS on implementing it.

We are also investing in modernising the prison estate in order to better meet the needs of staff and prisoners, with £167 million in capital funding to be invested in 2024-25 to allow the SPS to progress construction of HMP Highland and HMP Glasgow. We are increasing the SPS's resource budget by 10 per cent to £436.6 million in an extremely challenging fiscal environment.

**Maggie Chapman:** The SHRC's report highlights many areas of concern across the prison system. Despite relaxation of the Covid-19

restrictions, it is clear that some prisoners do not get appropriate access to outdoor exercise, and that inappropriate use of segregation remains a concern, without improvements in practices having been secured. Those things are of concern regarding the overall health of prisoners, but can also mean that prisoners' mental health, specifically, cannot be safely managed while they are in custody. Can the cabinet secretary provide reassurance that those and other issues relating to conditions in detention will be addressed? Will timescales and updates be reported to Parliament?

**Angela Constance:** Indeed, I will. The Government recognises the importance of access to programmes and activities that are aimed at supporting rehabilitation, recovery and mental health. Separation and reintegration units are used only when necessary and a comprehensive review of their use is being finalised by the Scottish Prison Service.

Outdoor exercise and access to healthcare, however, remain entitlements for everyone who is in the care of the SPS. Staff work hard to meet those entitlements, irrespective of a person's location within the prison estate. We have worked with the Scottish Prison Service and the NHS to respond to the recent "HM Chief Inspector's Strategic Plan 2022-25" following "A Thematic Review of Segregation in Scottish Prisons", from 2023. We will work to make improvements and to better support care of individuals who are located in separation and reintegration units.

### **Fireworks and Pyrotechnic Articles (Scotland) Act 2022**

3. **Jamie Greene (West Scotland) (Con):** To ask the Scottish Government whether it will provide an update on how many individuals have been charged and successfully prosecuted under any of the provisions in the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (S6O-03226)

**The Minister for Victims and Community Safety (Siobhian Brown):** Possible offences are investigated independently by Police Scotland and other enforcement agencies. Prosecutions are brought by the independent Crown Office and Procurator Fiscal Service, and the courts are independently responsible for their disposal. Up to the end of February 2024, 40 charges had been reported to procurators fiscal under the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. Of those 40 charges, 20 have thus far been prosecuted. There have been four convictions, two charges did not result in a conviction and the other 14 charges are part of on-going prosecutions. Additionally, 77 charges in which there was an aggravation under section 44 of the 2022 act were

reported. Of those charges, eight have been dealt with by way of prosecution and there has been one conviction.

**Jamie Greene:** I thank the minister for her update. I am pleased that the aggravator that I introduced to the act is being used successfully to support our emergency services workers.

However, since the 2022 act was passed, there has been a continuation of, and a rise in, the antisocial behaviour that it was designed to eradicate. Pyrotechnics and flares are still being used at football games, and it seems that few arrests have been made off the back of their use, while violent behaviour towards the police and our firefighters in the period around bonfire night last year continued. That kind of behaviour is still on the rise, which is extremely worrying. Is the Scottish Government confident that the provisions in the act are enough to discourage such behaviour? Is the conviction rate up to scratch? Is the 2022 act doing the job that it was intended to do?

**Siobhian Brown:** Yes. The legislation will take a while to bed in and to change societal behaviour. From meetings at the Criminal Justice Committee, I remember that Jamie Greene was interested in football banning orders. In February this year, I had a meeting with local football authorities, Police Scotland, the Crown Office and Procurator Fiscal Service and supporters' groups in order to take forward our joined-up multi-agency approach to the issue of pyrotechnics at football games. It was a really positive meeting, at which we shared our clear commitment to tackling the issue, and at which opportunities for future joint working were identified.

Following the meeting, I have asked for a short-life working group on football banning orders to be established to consider the current use of such orders, whether they continue to be fit for purpose and, if not, what changes are required to address problems that present under the current football banning order regime. I am happy to keep Jamie Greene updated on progress with the working group.

**Pauline McNeill (Glasgow) (Lab):** Funding was not in place last year in time for local authorities to decide to use the provisions relating to firework control zones. Is the minister confident that preparation is complete for this year and that local authorities such as Glasgow City Council, which needs those powers, will be more able to use them?

**Siobhian Brown:** Yes, I am confident about that. We have received expressions of interest from local authorities for funding for 11 firework control zones. I recognise that it was disappointing that no zones were in place for bonfire night in

2023, but firework control zones have been developed to support a long-term cultural change with regard to fireworks, and were never intended to be a quick fix.

A programme of work has been progressed at pace to commence firework control zone powers in line with the original timescales. Local authorities have been informed of the funding that is available to them, and of how to consult and how to implement the zones. I am positive that they will be in place this year.

#### “Surviving Domestic Abuse”

**4. Neil Bibby (West Scotland) (Lab):** To ask the Scottish Government what its response is to the BBC Scotland “Disclosure” programme, “Surviving Domestic Abuse”, which was broadcast on 11 March. (S6O-03227)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** Domestic abuse is abhorrent. The documentary showed that it is vital that perpetrators are held to account and brought to justice, and that support services can be accessed.

This month we announced funding of £2 million to Rape Crisis Scotland and Scottish Women’s Aid to reduce waiting lists for women who need support services. That is in addition to our £19 million of annual funding from our delivering equally safe fund, which has supported 121 projects from 112 organisations since October 2021. Almost 32,000 people benefited in the first year of delivering equally safe.

Of course, we want to stop abuse taking place in the first place, which is why we all have a role to play in tackling the deep-rooted sexism and misogyny that is inherent in the perpetrating of violence against women and girls.

**Neil Bibby:** I thank the cabinet secretary for her answer, and I agree with her remarks. The harrowing documentary showed the story of seven women in Scotland who had suffered years of abuse from their ex-partners. I have been in contact with one of those women, Carolyn Quinn from Paisley, whose ex-husband not only abused and raped her for 27 years but abused their son.

In a joint statement—and in the documentary—all the victims raised the unfairness of plea bargains being offered to the attackers without the victims being notified. Six of the women said that their abusers had breached their bail conditions, yet no action was taken. Those brave women deserve a system that protects them once they make the agonising decision to contact the police, yet they feel let down.

Will the cabinet secretary meet the women involved in the documentary, so that we can

ensure that the system works better for domestic abuse survivors?

**Angela Constance:** Mr Bibby is right to describe the programme as harrowing. I watched it myself, and I put on record the bravery of all the women involved, who had the courage to convey their personal testimony on the programme. It was an informative and a hard watch, which will motivate all of us to do more to protect women and girls. I would of course be delighted to meet the member and the women concerned.

**The Deputy Presiding Officer:** There is a lot of interest in this question. I will try to get in as many supplementaries as I can, but they need to be brief, as do the responses.

**Clare Haughey (Rutherglen) (SNP):** My constituent was one of the brave women who gave her testimony to the programme. One of the issues that she raised concerned plea bargaining. Her attacker faced 11 charges but was essentially offered a plea bargain and pled guilty to a reduced four charges. My constituent, as a victim, was not consulted on that by the procurator fiscal.

Survivors have to be at the heart of Scotland’s justice system. Can the cabinet secretary outline what steps the Scottish Government is taking to ensure that they are?

**Angela Constance:** Parliament will recognise that I cannot comment on the circumstances of individual cases and that the decision to accept a guilty plea is taken by prosecutors independently of Government. In some circumstances, resolving a case by acceptance of a plea can spare victims and witnesses the need to give evidence at trial. It involves an admission and acknowledgement of guilt on the part of the accused. In plea negotiation, prosecutors are acting in the public interest and with regard to the interests of victims and witnesses.

Currently, as a Parliament, we are progressing with the Victims, Witnesses, and Justice Reform (Scotland) Bill. As I said to Mr Bibby, I would be happy to engage with Ms Haughey on that.

**Russell Findlay (West Scotland) (Con):** Plea deals were struck in five out of the seven cases featured in the BBC documentary, with solid charges either watered down or dropped altogether. Will the cabinet secretary consider working with me to amend her victims bill to ensure that, when plea deals are used, victims are kept fully informed?

**Angela Constance:** I understand the motivation and intent of Mr Findlay’s comments. It is imperative that, whether victims are reliant on information from the courts or the Crown Office, they receive that information in a timely manner. This morning, along with the Lord Advocate—who

of course has constitutional independence on the matters that Mr Findlay and others have touched on—I met the victim support advisory board, and the issue of the nature of communication, and how and when it is delivered, was reiterated.

I will engage with Mr Findlay on and around any amendments that he brings forward.

### Prevent Strategy (Delivery)

**5. Bill Kidd (Glasgow Anniesland) (SNP):** To ask the Scottish Government what assessment it has made of any implications for its role in supporting the delivery of Prevent in Scotland of the United Kingdom Government's new definition of extremism. (S6O-03228)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** The Scottish Government takes the threat of extremism seriously and works with partners in Scotland and the UK to ensure that we can identify and tackle it effectively.

As debate about the UK Government's definition of extremism has illustrated, it is difficult to find consensus. We do not believe that a definition is helpful to our approach to tackling extremism, which focuses on building inclusive and cohesive communities. Extremism is devolved, but Prevent is reserved, although it is delivered by devolved sectors. We will keep the decision not to adopt or develop a definition of extremism under review, along with any implications for the delivery of Prevent in Scotland.

**Bill Kidd:** In the week that the Conservatives' top donor said that the MP Diane Abbott—Britain's longest-serving black MP—made him

“want to hate all black women”

and that she

“should be shot”

it was perhaps ironic, at best, that they redefined extremism.

Does the cabinet secretary agree that the new definition threatens rather than strengthens democracy, and that only through building cohesive and inclusive communities can we tackle the threat of extremism? What steps is the Scottish Government taking to achieve those aims?

**Angela Constance:** There are two issues here. On the comments directed at Diane Abbott, I speak on behalf of the Scottish Government and unequivocally condemn racism in all its forms. I am sure that that sentiment is shared by everyone across Parliament.

Let me also say, without fear or favour to any political party, including my own, that finding and

building consensus on the issues in and around extremism is absolutely fundamental and crucial, because division only nurtures hate and extremism. The issue should not be used as a political football.

The focus of the Scottish Government will remain on building resilient and cohesive communities in which extremist narratives find it harder to resonate. The strength of our relationships and engagement with our diverse communities are of particular importance in that regard. A threat exists across the UK, but the complexion of that threat varies in different parts of the UK.

### Post Office (Horizon System) Offences Bill

**6. Rona Mackay (Strathkelvin and Bearsden) (SNP):** To ask the Scottish Government what representations it can make to the United Kingdom Government regarding the potential amendment of its Post Office (Horizon System) Offences Bill to cover Scotland, to ensure that there is parity and equality for all sub-postmasters and sub-postmistresses who have been affected. (S6O-03229)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** The Scottish Government is extremely disappointed that the UK Government has chosen to exclude Scottish sub-postmasters from its legislation. The decision is difficult to understand, especially since, fewer than 24 hours before the bill was introduced, Michael Gove MP informed the Interministerial Standing Committee that the route was still open for Scotland and Northern Ireland to be included.

The Deputy First Minister has written to Mr Gove, urging him to make good on his commitment to extend the bill to cover both Scotland and Northern Ireland. Our assessment is that extending the provisions of the UK bill to Scotland would be relatively straightforward, and we will continue to push for a UK-wide legislative solution that ensures equal justice for all sub-postmasters.

**Rona Mackay:** Given the reserved nature of the Post Office and the compensation scheme, I am concerned that if any Scottish legislation does not mirror the UK legislation, it might risk sub-postmasters' access to the compensation scheme. What assessment has the Scottish Government done of those risks, particularly if the bill is amended during its passage through Westminster?

**Angela Constance:** That is a concern to me, too, which is why I have been very clear that, although Scottish legislation could be introduced—we are working on that—it would need to mirror the provisions in the UK legislation and it would

need to be passed after the UK bill has been passed in order to take account of any amendments.

I will not do anything that puts at risk the ability of any wrongfully convicted sub-postmaster to access the UK compensation scheme. Given that the scheme is administered by the UK Government, as with the Post Office, which is also reserved, neither the Scottish Government nor the Scottish Parliament has any locus in its operation. That is the reason why I, like the FM and the DFM in Northern Ireland, will continue to urge the UK Government to amend its bill to extend the legislation to cover Scotland.

### Sex Offenders (Lothian)

**7. Sue Webber (Lothian) (Con):** To ask the Scottish Government, in light of reports that hundreds of sex offenders have been able to change their name in the past two years, what it can do to ensure the safety of the public, particularly in areas such as EH14 and EH54, which reportedly have the joint highest number of sex offenders registered across Edinburgh and West Lothian. (S6O-03230)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** Despite how it has been reported, Police Scotland has confirmed that it responded to a freedom of information request with detail of the instances in which some detail of a registered name has been changed. To be clear, that is not the same as individuals having changed their name, and could include, for example, a new email address or the issuing of a gym card bearing a name. Therefore, the actual number of individuals identifying under a new name is lower than the reported figures.

The Scottish Government takes the safety of the public very seriously. Sex offender notification requirements apply to an individual, irrespective of what name they use, and multi-agency public protection arrangements documentation includes the recording of any aliases. Sex offenders must inform the police of a name change within three days, and failure to notify such a change can result in a prison sentence.

**Sue Webber:** Recent reports have raised concerns about the ability of sex offenders to change their name, whatever the numbers may be—one is bad. The loophole in the legal system allows dangerous criminals to hide in plain sight, and we know of instances in which it has allowed dangerous sex offenders to change their name and subsequently target new victims, who have no way of knowing their new identity. Will the cabinet secretary confirm whether any consideration has been given to closing that loophole in the interest of public safety?

**Angela Constance:** The member might be aware of the Criminal Justice Bill that is making its way through Westminster just now. I am very actively and seriously considering the United Kingdom proposals for legislative change in this area. I hope to be in a position shortly to provide a more formal update to Parliament about any requirement for a legislative consent motion as a result of what is proposed. A range of amendments is proposed, some of which refer to issues in and around name change.

### Prostitution

**8. Ruth Maguire (Cunninghame South) (SNP):** To ask the Scottish Government whether it will provide an update on what action it is taking to challenge and deter men's demand for prostitution. (S6O-03231)

**The Minister for Victims and Community Safety (Siobhian Brown):** On 6 February, we published our strategy, "Scotland's strategic approach to challenging and deterring men's demand for prostitution and supporting the recovery and sustainable exit of those involved in prostitution", which was informed through lived-experience research by those with experience of selling or exchanging sex. The lessons learned from the actions in the strategy will inform any future proposals, including legislation.

The actions in the strategy include establishing a national hub for support services to provide women with improved co-ordinated and person-centred support, with a pilot to begin this summer.

We will ensure that mainstream services have a wider awareness of commercial sexual exploitation and the impacts on those involved, and we have set up a new multi-agency group on commercial sexual exploitation, which will meet later this month.

**Ruth Maguire:** A Model for Scotland recently published its report "International Insights: how Scotland can learn from international efforts to combat commercial sexual exploitation", which we debated in Parliament. Will the minister meet the organisation and me to talk about the Scottish Government's very welcome strategy as a whole, and discuss how to meet in practice the named objective of challenging men's demand for prostitution and the elements of a programme of work that will be developed to achieve that?

**Siobhian Brown:** I know how passionate the member is to challenge and deter men's demand for prostitution and commercial sexual exploitation as a whole. I am more than happy to meet her and any organisation.

**The Deputy Presiding Officer:** With apologies to those whom I was not able to call, that concludes portfolio questions on justice. Before we

move to the next item of business, there will be a brief pause to allow for a changeover of members on the front benches.

## **Circular Economy (Scotland) Bill: Stage 1**

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a debate on motion S6M-12552, in the name of Lorna Slater, on the Circular Economy (Scotland) Bill at stage 1. I invite members who wish to speak in the debate to press their request-to-speak button.

14:51

**The Minister for Green Skills, Circular Economy and Biodiversity (Lorna Slater):** I am delighted to open the debate on the bill. I thank the Net Zero, Energy and Transport Committee for its stage 1 report, and the Finance and Public Administration Committee and the Delegated Powers and Law Reform Committee for their consideration of the bill.

I was encouraged to hear so many stakeholders speak to the benefits of a circular economy when they gave evidence. Some rightly pointed out the challenges and areas in which more can still be done. The bill, together with the range of other activity that is under way, will give us the tools that we need to do just that.

I am grateful to the NZET Committee for its support for the general principles of the bill. It made a number of detailed recommendations, to which I have responded at length. I will touch on some of those, along with the bill's principles and the positive changes that will be brought if the Parliament passes the legislation.

How we view and treat our resources in Scotland is fundamental to tackling climate change and biodiversity loss. We must deliver a fundamental shift across society to reduce the demand for raw materials; to encourage reuse, repairs and recycling; and to maximise the value of any unavoidable waste that is generated. Achieving that will require action here and throughout the United Kingdom. The bill will help that to happen in Scotland.

The new powers in the bill will give ministers and local authorities the tools that they need to help drive the transition. That will be underpinned by support and investment, such as the £70 million recycling improvement fund, which builds on more than £1 billion of funding that was provided through the former strategic waste fund between 2008 and 2022.

At the heart of the bill is the recognition that co-design, based on the principles of the Verity house agreement and the new deal for business, will be central in delivering the transformation. Regulations that are made under the enabling powers in the bill will be subject to further

consultation, parliamentary scrutiny and impact assessments.

I note that the Delegated Powers and Law Reform Committee reported that it is content with the powers and the proposed procedures. I am happy to accept its recommendation about consultation on local authority guidance.

**Maurice Golden (North East Scotland) (Con):**

As a result of the measures, when will the 2013 household waste recycling target be met?

**Lorna Slater:** The member rightly brings attention to some of the challenges that we face with meeting historical targets in this area. That is exactly why the bill needs to be brought forward—so that we can set a new course. That means setting targets, as we will be empowered to do by the bill, as well as taking the constructive actions that we need to take to meet those targets.

Legislation is, of course, only part of the solution, and a wide range of other measures is in train. Alongside the bill, we have published our draft circular economy and waste route map, which will provide strategic direction to deliver our system-wide vision for Scotland's circular economy to 2030. The consultation on that recently closed, and the final route map will be published later this year.

We are also introducing extended producer responsibility for packaging, alongside other Governments in the United Kingdom. That will require producers to pay local authorities the full net cost of operating an efficient and effective household packaging collection service. It will provide substantial funding of an estimated £1.2 billion per annum to local authorities across the UK.

The main provisions of the bill cover publishing a circular economy strategy, developing circular economy targets, establishing measures to tackle fly-tipping and littering, ensuring that individual householders and businesses get rid of waste in the right way, improving the consistency of household recycling and improving waste monitoring.

We must make a circular option the easy option for households, businesses and the public sector, so that everyone in the country experiences a modern, easy-to-use waste service that helps people do the right thing for the planet. Measures in the bill will support the design and delivery of more consistent local services that maximise recycling performance, thereby supporting and incentivising positive behaviours.

**Alex Rowley (Mid Scotland and Fife) (Lab):**

Does the minister accept the Finance and Public Administration Committee's concerns about where the funding will come from? Does she accept that

local authorities are already under immense financial pressure and that, if the bill adds to those pressures without providing funding, we will not go far?

**Lorna Slater:** I am grateful to the member for raising that very good point. I have committed to co-design with local authorities of how we move forward with implementing a more standardised service. That will require some investment funding. Funding will also come from extended producer responsibility for packaging, which I just mentioned, through which local authorities will be funded to deliver and operate effective and efficient recycling of packaging. Of course, some capital funding will be required as well, which will follow on from the strategic waste fund and the recycling improvement fund that we already have.

One element of the co-design that I have committed to with the Convention of Scottish Local Authorities is looking at other revenue-raising opportunities, such as help for local authorities to collect better-quality recyclate, which they can use to generate increased revenue.

Turning to issues that were raised in the stage 1 report, I am pleased that the NZET Committee supported a broad range of provisions in the bill, and I note its concerns about the bill's framework nature. However, I hope that the committee accepts the need to react quickly to emerging issues. Using delegated powers to make regulations allows us to do that, as we are seeing currently in the case of single-use vapes. We will publish the consultation on charging for single-use disposable cups in the coming weeks, which I hope will assure the Parliament of the approach that we will take when using the powers in the bill.

I also acknowledge the Finance and Public Administration Committee's concerns in relation to the financial memorandum, and I recognise its need to scrutinise the bill's costs and benefits. I am committed to updating both committees as we work with stakeholders to design the detail of the secondary legislation.

That process is already under way. Since the bill was launched, I have met COSLA's spokesperson, Councillor Gail Macgregor, on several occasions. I am pleased with that strong collaboration and with COSLA's support for the bill's aims. In Councillor Macgregor's most recent letter, she stated that she is

"delighted that we are finding such a constructive way of addressing our prime concerns"

and that she sees this as

"an excellent and leading example of working in the spirit of and implementing the Verity House Agreement".

**Douglas Lumsden (North East Scotland) (Con):** Will the minister take an intervention?



**Lorna Slater:** I will take one more.

**Douglas Lumsden:** Has COSLA raised concerns about the funding that councils will require to implement some elements of the bill?

**Lorna Slater:** It has indeed. As I just said in response to Alex Rowley, I am absolutely aware that investment will be needed in order to do that. We are looking at other sources of funding to support local authorities to get the best profit from their recycle, as well as using the extended producer responsibility funding to implement efficient and effective services.

I am listening to COSLA's concerns. The specific concern that I was about to refer to before that intervention was about the proposal, which is based on the Welsh approach, to have financial penalties for missing recycling targets. We have explored whether the bill's aims would be better achieved through a collaborative programme of work with local government to develop plans to meet targets, establish funding requirements and share evidence and best practice.

If we can continue to jointly progress development and agree a robust and effective collaborative programme, that will have the potential to deliver the bill's aims to improve recycling and assure accountability, and I would be willing to amend the bill at stage 2 to remove the provisions relating to financial penalties. I am grateful for the constructive engagement that COSLA demonstrated throughout those discussions. I see that as a positive example of the Verity house agreement partnership in action.

I have also had constructive discussions with businesses about how we progress measures in ways that build on existing mechanisms, to ensure that implementation is simple and effective. In a similar vein, I have had useful discussions with many colleagues from across the chamber. I welcome the consensus that developing a circular economy is vital, and I look forward to further positive engagement as we move through the bill process.

Those discussions have included several discussions about fly-tipping. I can confirm that, before stage 2, we will publish the review of litter and fly-tipping enforcement, which will help with our consideration of whether to lodge amendments to further address the challenges in dealing with fly-tipping.

I finish by underlining the fact that building a more circular economy is an environmental imperative, but it is also an economic opportunity for Scotland. It will open up new markets, improve productivity, increase self-sufficiency and provide local employment. I am confident that the bill is a major step towards achieving that. I look forward

to the rest of the debate and to hearing the views of members from across the chamber.

I move,

That the Parliament agrees to the general principles of the Circular Economy (Scotland) Bill.

15:02

**Edward Mountain (Highlands and Islands) (Con):** I am pleased to speak on behalf of the Net Zero, Energy and Transport Committee. I thank two groups of people. First, I thank my committee colleagues for all their diligent work in considering the bill, and I am sure that they would want me to extend our thanks to the clerking team for drawing together what I believe is a comprehensive report. I also acknowledge the careful and considered reports on the bill from the Finance and Public Administration Committee and the Delegated Powers and Law Reform Committee.

The committee began our work on the bill back in June, when we issued a call for evidence and hosted an online discussion on the bill. We took oral evidence in the autumn, holding 10 evidence sessions in nearly as many weeks. Among all that, we squeezed in three visits and an online engagement event with small and medium-sized enterprises that aim to run their businesses in line with the circular economy principles.

I thank everyone who contributed to our work on the bill, which has been invaluable in informing the stage 1 report. We consistently heard about the need to make progress towards a more circular economy in Scotland, in order to tackle the climate and nature emergencies at home and abroad. At the moment, Scotland is estimated to be only 1.3 per cent circular, and a Zero Waste Scotland report suggested that Scotland's per capita material footprint is nearly double the global average, which is simply unsustainable.

Those statistics show why the Circular Economy (Scotland) Bill is needed. However, the committee is unconvinced that a bill on its own will create the system-wide changes that we need, and we believe that the Scottish Government must look at additional opportunities to act.

The fact that the bill is a framework bill presented us with some challenges. It was difficult for us to express an informed view on the bill's interplay with the United Kingdom Internal Market Act 2020. Committee members have a range of views on the use of framework legislation, but we are all agreed that the Scottish Parliament must have adequate opportunity to scrutinise future regulations that the Scottish Government introduces through the bill. I welcome the fact that the minister agreed with that point in her response to the stage 1 report.

The Finance and Public Administration Committee has taken the view that the financial memorandum for the bill is not adequate in providing the best estimates of the financial costs. We think that that could be mitigated by the Scottish Government committing to providing the Parliament with robust costings when regulations are made under key order-making powers and by ensuring that the Parliament has enough time to consider and take evidence on the regulations.

Let me turn to some of the committee's recommendations on specific provisions in the bill. First, we support the provisions to create a circular economy strategy, and we support the setting of legally binding targets to drive the transformative changes that we need in society, but the bill must set out how the strategy and targets will interact. We also want to ensure that the Scottish Parliament has a greater role in scrutinising proposed targets, given their national significance to the Scottish economy and our response to the climate emergency. We think that the setting of targets should be a Scottish Government obligation, not an option.

We believe that the circular economy strategy must include more support for charities and social enterprises that promote reuse and repair, because they do a huge amount to foster a sharing economy.

Regulation-making powers to restrict the disposal of unsold goods should be developed in consultation with those who will be affected. We will not have a more circular economy unless the Scottish Government takes businesses on that journey with it. In her response to our report, the minister said that restrictions would apply only to durable goods, not to food waste. I would welcome clarification from the minister of why that distinction is not mentioned in the bill.

We agree with the principle of cutting down on single-use items where possible. We think that additional charging could help, but care is needed to ensure that well-meaning actions do not impact disproportionately on consumers and, in particular, on vulnerable groups.

The bill creates new enforcement powers relating to household waste. We recognise that the measures might help to prevent recycled goods from being contaminated and help local authorities to tackle fly-tipping, but local authorities must use the powers carefully and only after careful engagement with householders.

On the code of practice and local recycling targets, we welcome the proposals to create a more consistent, high-performing recycling system across Scotland, but the Scottish Government must ensure that local authorities have sufficient resources to make the necessary improvements to

their services in order to achieve the new standards. The committee was convinced—I particularly agree with this—by the arguments for a standardised approach to bin collections across Scotland's local authorities, and we call on the Scottish Government to explore that in detail with COSLA. It should not be too much to ask to have the same system of coloured bins across Scotland. That could certainly help to reduce confusion and increase compliance.

We welcome the strengthening of enforcement powers to tackle littering and more serious forms of waste crime, but the Scottish Government must ensure that the powers are fully funded, otherwise they will fall short of expectations.

I know that time is short, so I will conclude. The committee supports the general principles of the bill. We give the bill a qualified welcome. However, we want the Scottish Government to engage constructively with our recommendations on how the bill can be improved. The minister has indicated that she is still considering a number of the committee's suggestions, so I remain hopeful that improvements will be made as the bill progresses.

15:09

**John Mason (Glasgow Shettleston) (SNP):** I am pleased to make a short contribution to the debate on behalf of the Finance and Public Administration Committee. As members might know, my committee colleagues are in London for a meeting of the interparliamentary finance committee forum, so you are stuck with me—I think that I am also the oldest member of the committee.

The committee has scrutinised the bill's financial memorandum, and I would like to highlight some of the key issues that we identified in our report, which was published on 30 November last year. Our report raised concerns about the lack of certainty and potential underestimates in the FM. We noted that a number of the bill's provisions remain subject to co-design and, therefore, do not have clear associated costs at this stage. Even so, the evidence that the committee received suggested that the FM underestimates costs in relation to enforcement, education and communication campaigns and the infrastructure required to ensure that local authorities are able to adhere to the mandatory code of practice.

A 100 per cent payment rate for fixed penalty notices, which is assumed in the financial memorandum, is incredibly unlikely. Our report raised further concerns regarding the interaction of the bill with related schemes, including the deposit return scheme and the United Kingdom-wide extended producer responsibility scheme. We

received evidence that those have created an uncertain environment, which has led to local authorities entering into short-term contracts that can provide little value for money. In relation to local councils, there is also the issue of their coming into alignment with the existing code of practice, which Zero Waste Scotland estimates is costing about £88 million.

The Scottish Government's response to the report, which was received last week, provides some additional clarity on areas such as enforcement costs and the publication of a national litter and fly-tipping strategy year 1 action plan in May 2024. We also note the minister's commitment to provide regular updates on costings as regulations are developed.

However, as has been the case with other bills recently, the finance committee remains concerned about the Scottish Government's approach of introducing a framework bill and using co-design to develop the detail of the policy as the bill progresses through Parliament. Although we do not disagree with the principles of co-design and engaging with stakeholders on policy proposals, both of which support better outcomes and improve decision making, we are unconvinced by the argument that co-design and engagement must follow the legislative process instead of being used to inform and refine policy proposals in advance of legislation being introduced.

The increasing use of framework bills that seek to provide future Governments with enabling powers and that do not, as a result, enable the best estimates of all the costs, savings and changes in revenue to be identified risks the Parliament passing legislation that might, once outcomes are fully understood, be unaffordable. Ultimately, we believe that it poses long-term risks to the Scottish budget, both now and for future Governments.

The finance committee still has reservations about the sequencing that the Scottish Government has opted for in introducing this bill, and, as is stated in our report, we are not convinced that the FM meets the requirements set out in the Parliament's standing orders to provide

"best estimates of the costs, savings, and changes to revenues to which the provisions of the Bill would give rise".

We will scrutinise closely the updates on the expenditure that would be incurred, as has been committed to by the minister, alongside any savings that would arise from the bill, but we request that those updates be provided every six months, as the committee recommended, rather than as the regulations are developed, as is proposed by the minister.

**The Deputy Presiding Officer:** I call Maurice Golden to open on behalf of the Scottish Conservatives.

15:13

**Maurice Golden (North East Scotland) (Con):** At the outset, I note that the Scottish Conservatives support the general principles of the bill. A circular economy is an economic system whereby materials are circulated in as high a value state for as long as possible in order to extract the maximum economic, social and environmental value from them.

The "Circularity Gap Report Scotland" estimates that circular economy policies could result in our emissions dropping by 43 per cent and our resource consumption being reduced by almost half. However, progress has been painfully slow, with Scotland's economy being just 1.3 per cent circular, as my colleague Edward Mountain said.

Unfortunately, as drafted, the Circular Economy (Scotland) Bill will not deliver the change that we need. In fact, it feels more like a reaction to missing the 2013 household recycling target than a serious attempt to deliver a circular economy. If we factor in the proposals on littering and fly-tipping, what the Scottish Government has presented is not so much a circular economy bill as a waste and litter bill. Even at a basic level, the bill does not explicitly set itself the mission of driving the system that is needed to encourage prevention and reuse.

Members are well aware of my personal commitment to building a circular economy. In fact, when it looked like the Scottish Government had all but abandoned a circular economy bill, I offered to introduce one myself. The minister therefore knows that I am being sincere when I say that I stand ready to work constructively to strengthen the bill.

It needs to be strengthened, not least because it has been introduced as a framework bill. That means that there is precious little detail, which is a concern that has been highlighted by the Finance and Public Administration Committee and the Net Zero, Energy and Transport Committee. It also means that there is no guarantee of when, or even if, ministers will take action.

The provision to publish a circular economy strategy is a good place to address such concerns, not that legislation is required to construct said strategy. A robust process would signal a determination to act, so I hope that the Scottish Government pays heed to the concerns that have been raised about the current proposals, from an inadequate consultation process to a lack of clarity about how the Parliament will scrutinise draft strategies.

We need similar robustness when it comes to setting statutory targets for developing a circular economy, but the Scottish Government wants to make setting targets optional. It cannot possibly expect households and businesses to take the circular economy seriously if it says that it is only optional. I appreciate that the Scottish Government has a poor track record on statutory targets, having missed eight of the past 12 emissions targets, not to mention today's bombshell from the UK Climate Change Committee that the Scottish National Party-Green coalition is set to miss the 2030 net zero target, saying that it is "beyond what is credible". That is a complete and utter dereliction of duty.

There is clearly a need for ministers to be more accountable for missed targets. They could make things easier for themselves by ensuring that underlying policies are firmly rooted in evidence. That is not always the case, however. The proposal to restrict the disposal of unsold goods cited France as a model, so we might think that Scottish Government ministers would have spoken to their French counterparts about it, but the minister has confirmed that they have not. Similarly, it is not immediately apparent what assessment has been done on the priority materials that are identified in the circular economy route map.

I turn back to household waste. Proposals to develop a new waste and recycling code of practice for local authorities, along with local recycling targets, could help to drive up recycling rates. Local authorities also need to be committed to that aim. Glasgow City Council has proven year on year that it is not committed to that, but it will not matter unless local authorities are given the resources to do the job.

**Lorna Slater:** I remind the member, although I am sure that he knows, that Glasgow City Council has recently received the largest tranche of recycling improvement fund money that has been given out to date.

**Maurice Golden:** My point is that Glasgow City Council has proven year on year that it does not care about driving up household recycling rates. That is its track record, and it is very much evident. It is nearly impossible to have such low recycling rates; I am trying to work out in my head how it is kept so low.

It is clear that COSLA and waste experts have a role to play in ensuring that such proposals fit the circumstances of different local authorities, especially those of island and rural authorities.

Similarly, penalising households that have failed to live up to their responsibilities should be a last resort. Everyone in society has a responsibility for their own waste, but the default approach should

be one of education and positive engagement. Again, local authorities need to have the resources for that.

The concerns that exist are not insurmountable, but finding solutions will require all stakeholders to work constructively. There is so much that the bill should cover, from public procurement to system design, from take-back provisions to sustainable consumption and from reuse targets to scope 3 emissions reporting. That is what I want to see in the bill, and I hope that that is what the minister wants, so let us get on and do it.

**The Deputy Presiding Officer:** I invite Sarah Boyack to open on behalf of Scottish Labour.

15:20

**Sarah Boyack (Lothian) (Lab):** I welcome today's debate, because Scottish Labour strongly supports the principle of legislation on the circular economy. However, I echo the point that a lot of work still needs to be done to ensure that the bill really is a circular economy bill and not just a recycling bill.

First, I thank the Net Zero, Energy and Transport Committee, its clerks and all those who gave evidence. I also thank the organisations that have sent us briefings in advance of today's debate. I note that the change of timing means that we might not have considered them all in detail, but they will be very useful in the run-up to the stage 2 amendment process.

I want to be up front about the fact that the stage 2 discussions on the bill will be crucial, because there is so much in the bill that needs to be amended and clarified. It is a framework bill, and there are key areas in which we need more detail and in which a respectful partnership with local authorities needs to be developed and investment needs to be provided to ensure that the aspirations of the bill will be met.

We heard some nice words from the minister about the relationship with local authorities, but we need to see the detail. With regard to progress, we need to see the key milestones and the dates for reaching those. We also need to know how the code of practice will be produced and how the Parliament will be consulted. That has been mentioned already.

I know from talking to my colleagues in Wales that the approach that has been taken there shows what can be done when the Government and local authorities work together. Over the past decade, the Welsh Labour Government has invested £1 billion to enable local authorities to gear up and deliver the infrastructure that is needed in communities across Wales. The Welsh Government's approach works. Crucially, its

investment has led to a recycling level of 64 per cent being achieved, and a statutory target of 70 per cent has been set for next year.

**Maurice Golden:** I am very interested in the success in Wales that Sarah Boyack has described. Does she support the Welsh Government's approach being applied to Scotland?

**Sarah Boyack:** What is key is that we have co-operation, partnership and funding. That is the critical issue that I want to come on to. I have welcomed the work of the Net Zero, Energy and Transport Committee, but the Finance and Public Administration Committee was pretty blunt in its comments, as we have heard. We must ensure that the proposed addition of new responsibilities is funded, otherwise it will be incredibly damaging to our councils, not to mention ineffective from an output perspective.

In its report, the Finance and Public Administration Committee said:

"The Committee is concerned that this lack of clarity concerning the funding required for local authorities to align with a new, upgraded, mandatory code of practice could render the approach unaffordable and unsustainable."

Worryingly, as we have heard, it commented that the financial memorandum is "not adequate". As I have said, although the minister gave us some nice warm words, we need more detail. As well as hearing about what might happen, we need to see the adoption of a much more co-ordinated approach.

Because the bill is a framework bill, it creates major concerns about a lack of effective parliamentary scrutiny, especially if the minister intends to react quickly. We need proper consultation for parliamentarians, for stakeholders and for businesses. We need targets that will be deliverable, because that is critical for the creation of a circular economy. At the moment, the focus is on recycling. More needs to be said about the potential for redesigning products so that more reuse and repair opportunities can be created in our communities. There needs to be investment to enable that to happen. That means clarity in relation to recycling.

We need an approach that reflects the different challenges across the country. Ensuring that there is accountability for separating waste and for effective recycling is important, but we need communications from the Scottish Government and local authorities.

In my area, city centre residents who live in flats or tenements and who are doing the right thing by separating their waste and trying to reuse products could still be fined if it is deemed that somebody has put the wrong waste in the wrong box and it is their fault. I welcome the fact that we have heard

today from the minister that she intends to remove the penalties in the bill for individual constituents; I am glad that that approach is being taken.

**Lorna Slater:** Will the member take an intervention?

**Sarah Boyack:** If it is very brief.

**Lorna Slater:** I want to clarify a point to ensure that the member has not misunderstood me. The provision for fining local authorities, which is the Welsh approach, is the provision that I have been discussing with COSLA and not the provision that the member has just referenced. Currently, the bill takes a criminal approach if people do not desist from contaminating recycling once they have received a notification. The approach for local authorities to apply a more proportionate measure on that issue is still part of the bill.

**Sarah Boyack:** I hope that I will get some of my time back.

**The Deputy Presiding Officer:** You get a bit of time back, Ms Boyack.

**Sarah Boyack:** Thank you for that.

When the minister goes into detail is when we get worried, is it not? In the way that she presented what she would change at stage 2, I clearly saw it as addressing the concerns that many MSPs have raised. The challenge is that people who live in flats or tenements and in city centres could be incorrectly blamed for somebody else's failure to address the concerns about the bill properly, so we need more consultation on that point and more discussion at stage 2.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** Will the member give way on that point?

**The Deputy Presiding Officer:** The member is bringing her remarks to a close.

**Sarah Boyack:** I need to get to the end of my speech.

We cannot ignore the issue of how much waste we export from Scotland, and we know that our consumption emissions have increased. I hope that the minister will commit to supporting amendments to address that issue at stage 2 and commit to effective monitoring, because the principle of carbon consumption targets and the analysis of our international carbon footprint are key if we are to deliver a just transition. That is not currently in the bill, which needs to change.

I want to hear from the minister about the Office for the Internal Market work to ensure that the regulations will be deliverable. That is critical, particularly given the deposit return scheme fiasco.

There must be support and encouragement for businesses, because, if we are to have a circular economy, we need more than what is in the bill. The Scottish Government could take a lead by ensuring that its own purchasing procurement works to incentivise products that are designed with circular economy principles baked in from the start.

The principle of building a circular economy has to be what we deliver in the bill, with sectoral approaches and action from day 1, such as reducing our reliance on single-use products and ending food waste. The waste hierarchy is key: we need to redesign products to prevent waste in the first place; we need to prepare for reuse, recycling—

**The Deputy Presiding Officer:** You must bring your remarks to a close, Ms Boyack.

**Sarah Boyack:** Let us have amendments to deliver a circular economy and not just a recycling bill.

**The Deputy Presiding Officer:** I call Liam McArthur to open on behalf of the Scottish Liberal Democrats.

15:28

**Liam McArthur (Orkney Islands) (LD):** The debate suddenly feels all the more timely: having been brought forward by 24 hours, it now helpfully coincides with the sobering confirmation from the United Kingdom Committee on Climate Change that the prospect of Scotland meeting its 2030 climate target is now “beyond what is credible”.

UKCCC chief executive Chris Stark has been characteristically blunt, criticising the Government for having

“no plan in place to get anywhere close to hitting”

the target. Chris Stark was clear in stating that it is

“a failure of the Scottish Government to bring forward to the Scottish people and the Scottish Parliament a climate change plan that is fit for purpose.”

For an SNP-Green Government that is fond of trumpeting firsts, Mr Stark added that

“this is the first time, anywhere in the UK”

that the UKCCC has said that

“there’s a target that can’t be met.”

The context for today’s debate and the legislation that we are considering is both clear and challenging.

In customary fashion, I add my thanks to the Net Zero, Energy and Transport Committee and the Finance and Public Administration Committee for their stage 1 scrutiny work on the Circular Economy (Scotland) Bill. I also add my thanks to

the minister. My remarks this afternoon will focus primarily on concerns that have been raised, but I have been grateful to Lorna Slater for her willingness over recent months to engage constructively with me on the bill.

Fundamentally, though, engaging on the bill has been far from straightforward, as both the Net Zero, Energy and Transport Committee and the Finance and Public Administration Committee have found to their obvious frustration. A lack of any real detail in the framework bill makes it incredibly difficult to scrutinise or even understand, in the broadest possible sense, what impact it will have on reducing our reliance on carbon-intensive extraction and use of materials.

The bill commits ministers to publishing a circular economy strategy, which is, of course, very welcome, and provides them with a wide range of powers to be used in enacting the strategy. However, we remain in the dark about how those powers might be used; even the current consultation on a circular economy route map simply focuses on policies within the scope of existing powers.

The commitment to co-decision policies with councils and wider stakeholders is all very well, but the decision to press ahead with introducing the bill before that process has been completed—or, in some cases, even commenced—is worrying. It certainly leaves Parliament in an invidious position. As the Finance and Public Administration Committee pointed out, it makes financial scrutiny “incredibly challenging, if not impossible.”

It is part of a pattern, as we are seeing with the Government’s hapless attempts to centralise care services.

There are obvious risks with the bill, and not just the difficulties for Parliament in carrying out its responsibilities for scrutiny. It vests significant future powers in ministers, as Sarah Boyack pointed out, and reduces their accountability to Parliament, stakeholders and the wider public. In turn, that heightens the risk of any legislation falling apart on impact with reality which, again, is not an unknown phenomenon for the Government. Likewise, the risks of future powers coming into conflict with the United Kingdom Internal Market Act 2020 can be only increased by the approach that is being taken here.

We presently have two Governments that seem to love nothing more than a constitutional spat, but our climate and, indeed, our economy can ill afford more DRS disasters littering the legislative landscape. Ministers must give more detail about their intentions, or the bill should be given teeth, with more specific requirements and ministerial obligations placed in the bill. One example, which the Net Zero, Energy and Transport Committee

has identified, is setting targets for producer responsibility that extend from packaging to products. That could include take-back, requiring producers to accept the return of a set proportion of their products after consumption and to refurbish and reuse a percentage of those products. That could ease the burden of circularity on cash-strapped councils and individuals and provide a welcome incentive to manufacturers to produce according to circular economy standards, which I know that COSLA has been keen to press during stage 1.

Overall, however, as the Net Zero, Energy and Transport Committee rightly says, there needs to be a balance between consumer and producer liability. In saying that, I make my usual plea for any provisions to be properly and robustly island proofed. I have made that point to the minister during our various discussions over recent months and I have no hesitation in doing so again today. Take-back schemes perhaps offer a perfect illustration of something that might work very well across most of the country, but I suspect that in island communities the logistics and infrastructure required will inevitably present very different challenges. I urge the minister and the committees to keep that in mind as they consider amendments to the bill during stage 2.

For now, notwithstanding the misgivings that I have outlined and the work that is obviously needed to get the bill into shape, Scottish Liberal Democrats will support the bill at decision time.

**The Deputy Presiding Officer:** We move to the open debate.

15:33

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** As somebody who does not like nonsensical waste and believes in the efficient use of resources as reasonably as possible, I believe in the circular economy as a good in itself. The circular economy is not a new concept, but it is a re-emerging trend. Our consideration of the bill is part of that shift in social consciousness. Borrowing a book from a library, shopping in a charity shop or buying anything second hand—there are many other examples—is the circular economy.

The concept is long standing but, due to a number of factors, building a more circular economy is trending. The bill's ambition is to progress development of a more circular economy with more and better reuse, refurbishment and recycling. That trend is partly a response to the increased use of single-use items in recent decades, but I do not think that that should be the focus. We would be better to focus on the benefits

of reusing and refurbishment rather than on the detriments of single use.

It is encouraging that trends towards a more circular economy are already happening as we consider this legislation. For example, in my constituency, Edinburgh Northern and Leith, we have the Edinburgh Remakery, the Edinburgh Tool Library and Weigh To Go, which my committee visited. Nationally, there are so many examples. There is the OVO Hydro, in Glasgow, with its reusable cup facility, and ReBlade, a remarkable company that works on renewable approaches to the circular economy using blades from wind farms. Internationally, there are facilities such as Vinted and Gumtree. The list goes on.

The challenge is in how we legislate in a way that usefully develops that, and how the Government can inform, support and encourage—rather than punish—the public and businesses, which, in my experience, want to do the right thing. We need the Government to lead on system change, communications, coherence and infrastructure. Measures to tackle unsustainable consumption and supply chains are part of that, but we need to be mindful of the restraints on the Government's ability in that area in the Scottish context. Perhaps there is more that we can do on producer responsibilities, particularly on items such as sofas and mattresses, which end up being fly-tipped in constituencies such as mine. If we focus on business practices and supporting reuse in a deliverable and meaningful way, we can ensure that the bill will make an impactful difference.

It is complicated, but an area that the bill should focus on, although it does not do so at the moment, is construction. My committee heard that 50 per cent of the waste in the Scottish economy relates to construction. We must consider the role of the built environment, not just its waste but the opportunities and the jobs that could be created in that area. That was relayed to us by the Built Environment Forum Scotland, the Resource Management Association Scotland and the architectural firm Page\Park. I would like to work with the Government on an amendment that relates to construction, whether that is through a specific identification in the strategy or something that we can do in the bill. We need facilities to enable people who work in the construction trade to reuse materials.

**Maurice Golden:** Does the member support mandatory scope 3 emissions reporting for the construction sector?

**Ben Macpherson:** I would need to look into that in more detail, but I would be delighted to receive more information on it.

Given that the construction industry accounts for 50 per cent of the waste in the Scottish economy, we have to include it. Otherwise, it seems naturally unjust to me to put obligations, and potentially sanctions, on households and consumers and not look at the area of the economy that produces the most waste.

On household waste, we need better reuse facilities. I have an iron that is broken, and there is nowhere in our capital city that I can go and get it fixed; that is where we are. We need investment in the third sector from the public sector and we need local authority hubs and infrastructure. That will also help to reduce fly-tipping. We need to make it easier for people, because people want to do the right thing. I agree with Liam McArthur—and it was emphasised in the report—that we need a standardised recycling process that is island proofed. Not only will that make it easier for people to recycle, it will reduce costs, bring more investment and make communications easier, which is a problem at the moment.

There are good arguments for charging for single-use items. The plastic bag charge has made a difference. However, I am not yet convinced about a charge for disposable beverage cups. I worry about what that will do in the cost of living crisis because of the impact on small businesses and the inconvenience that it will create. It is different from a plastic bag charge. I refer the minister to the feedback from the Scottish Hospitality Group on that. Perhaps we should take an approach that focuses on health and fire risk and environmental damage, rather than only single use. If we are going to have a charge, the businesses that collect it should be able spend it on charities of their choosing. Lastly, is there anything more antisocial than littering from vehicles? I fully support the charge relating to that.

This is a good start, and the bill has potential to be great and have a long-lasting impact, but let us work together to make it better.

15:39

**Graham Simpson (Central Scotland) (Con):** I find myself today in a state of *déjà vu*. I recently spoke in the stage 1 debate on the cladding bill on issues around cladding and fire safety. I said in that debate that I would very reluctantly support the general principles of what I saw as a deficient bill but that that support would expire if improvements were not made. That is also my view of this bill, hence the sense of *déjà vu*.

This is yet another framework bill that leaves so many questions unanswered and which would give the Government sweeping powers to potentially do some pretty shocking things, all with little parliamentary oversight. The net zero

committee makes that point very strongly and it is right to do so. It is hard to argue with the general principles of the bill, but the Government does not need legislation to have a strategy or set targets—it can just get on and do that.

I will start with the report from the finance committee. We have already heard some of it. The report states:

“Based on the evidence we received, the Committee believes that enforcement costs are likely to have been underestimated and, while we note the Minister’s argument that these powers would be used at local authorities’ discretion, they should nevertheless be accurately reflected in the FM. Ensuring that all local authorities are financially able to utilise the enforcement powers will be important if the Bill’s ambitions are to be delivered.”

It goes on to say:

“The Committee notes the cost estimates from Zero Waste Scotland of bringing all local authorities into alignment with the existing code of practice would be £88.4 million. We are therefore unclear how much more funding will be required to support local authorities to meet any ‘further requirements’ in the proposed mandatory code which the Scottish Government considers necessary to meet its waste targets.”

It is a pretty damning report and, not for the first time, the finance committee has slated a bill for not having realistic costs.

I have very real concerns about the sweeping powers that the Government wants to award itself. On charges for single-use items, that could include a container that people might get a takeaway meal in—a fish and chip tax. What about the proposed bin fines if people have the wrong items in their bins? I can see responsible people putting out their bins, only for someone else to come along and put something else in them, and then be hit with a fine. Also, what do we do about people who live in flats with communal bins—if the bins have the wrong items in them, do all those people get fined? I do not know. It does not say in the bill.

There is a suite of responsibilities for councils, but there is no financial recompense. The net zero committee made that point in its stage 1 report when it said:

“We are aware of the pressures local authorities are facing which makes increasing recycling performance challenging. The prospect of penalising councils for failing to meet targets seems counterproductive and only serves to exacerbate existing constraints on local authority budgets.”

**Lorna Slater:** Will the member give way?

**Graham Simpson:** I heard the minister earlier, so I take the point that she wants to make on board. The minister is giving me a thumbs up to that—good.

Indeed, Consumer Scotland said:

“Additional support may be needed for local authorities with higher levels of geographic isolation or deprivation.”



The point about geographic isolation has already been made.

Perhaps the most damaging aspect of the bill is the section about restrictions on the disposal of unsold goods. I do not know of any business that would want to deliberately have unsold goods lying around. It does not make economic sense. The whole section is incredibly vague, but we could have a situation where small and large businesses are being fined simply for having excess stock. That is highly likely to lead to a cross-border trade in stock just to avoid Lorna Slater's unsold goods tax. However, Ms Slater has not spoken to the UK Government about the potential implications of the bill in relation to the United Kingdom Internal Market Act 2020, or at least she had not when she gave a comment to *The Scotsman* on 9 March—maybe she has since. You would think that she might have learned her lesson on that from the deposit return debacle—apparently not.

There is a large section on littering from a vehicle; most of us would call that fly-tipping. That needs to be tackled, because it is a blight on our communities. Murdo Fraser, the Scottish Conservatives' very own Great Uncle Bulgaria, will have more to say about that. [*Laughter.*] Sorry about that.

The bill needs to be improved, but we also need more in it and less in regulation. The Government has to be put on notice that it needs to spell out its thinking in more detail. A circular economy—[*Interruption.*] I am struggling to get through this. A circular economy is one in which we reuse more, throw less away and cut down on waste. We would all agree with that.

**The Deputy Presiding Officer:** Thank you, Mr Simpson. I am very grateful to have learned something entirely new about Uncle Bulgaria and the Wombles. I call Bob Doris, to be followed by Monica Lennon.

15:45

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** The Circular Economy (Scotland) Bill presents a real opportunity to tackle various environmental blights on which we all wish to see action, including charges for single-use items such as coffee cups, as has been mentioned; fly-tipping, also from cars; greater penalties for those who commercially fly-tip and for households who take those too-good-to-be-true deals for the removal of goods. We all know the ones where a man with a van takes away your old bathroom or kitchen for a few pounds. Do households really believe that such operators are acting to dispose of waste ethically or appropriately? I doubt it.

Households must take reasonable steps to ensure that waste is uplifted by a reputable operator, or they could face fines—and quite rightly so. One of our committee's suggestions was for action to streamline and standardise domestic waste collection across local authorities, as we heard from the convener. Much more significant matters are contained in the bill; I deliberately highlighted charges for single-use items, fly-tipping and domestic waste first because they can have a direct and visible impact on our everyday lives. On that front, I welcome the Scottish Government seeking to work with local authorities to move to a free kerbside collection service. We are committed to that across Scotland, because I think that charges for kerbside collection and household collection would have a detrimental impact on our local environments.

**Ben Macpherson:** Will the member take an intervention?

**Bob Doris:** I will, if I can get the time back.

**The Deputy Presiding Officer:** Let us try to accommodate the intervention within the time.

**Ben Macpherson:** Does Bob Doris agree that, because of facilities being far away or people not being informed, some people inadvertently fly-tip and that free collections would make a difference in that regard?

**Bob Doris:** There is inadvertent fly-tipping or unwitting fly-tipping, but that is because people do not always understand that the free collection has been removed and they put their refuse where they have always put it, despite the fact that charges will apply. It will vary across local authorities, but it needs to be tackled.

However, the bill should do more by placing responsibility at a sectoral level, a producer level and a procurement level, not just with consumers. It should seek to tackle overproduction, reduce waste and embed a reuse and recycle culture into how we all go about our everyday business. That approach should sit at the heart of the bill. We need to work with Scotland's public and private sectors to take meaningful action to tackle overconsumption and to reduce waste. There is no doubting the scale of the challenge, which the committee has recognised. The bill is only one part of a much larger picture, as the Government has acknowledged.

The development of a new circular economy strategy, placed on a statutory footing, sits at the core of the bill, and it will be key. The strategy will set the tone and the direction for years to come. I would like to consider the yet-to-be-developed strategy from an international perspective. Indeed, that point is highlighted in section 180 of our report. The committee notes that it was suggested in evidence that section 1(3) of the bill could

include global considerations and the aim to do no harm. In particular, a joint submission from international charities, the Scottish Catholic International Aid Fund and Siembra Colombia suggested that the provision could be strengthened by placing a requirement on Scottish ministers to say that the strategy

“must have regard for the goal of promoting international realisation of human rights in supply chains”.

Strengthening the bill in such a way could help Scotland’s public sector to make the most effective use of our purchasing and procurement powers, while sharpening our understanding of what are often global supply chains. It could help drive change in the private sector to do better in this area, too. I stress that we should drive that change in partnership with industry—not against it. Perhaps there is a mechanism by which the global south could have a meaningful input into how Scotland develops its strategy in the first place.

I will return to where I started. For many who, understandably, will not follow the finer details of legislation as it goes through the Parliament, the visible aspects of the bill will be what they can see in their own neighbourhoods. That means that, for some, success will not be judged on the circular economy ambitions, as vital as they are; it will be judged on whether they see less fly-tipping—on whether they see fewer coffee cups and disposable vapes dumped across their communities.

We cannot always legislate for that; some of it involves behavioural change. MSPs from all parties will know that littering can be endemic within communities. No sooner is an area cleaned up than, the next day, it is as bad as it ever was. All councils of all political persuasions get it in the neck—“Why don’t you clear up the litter in our communities?”—even though they did precisely that the day before.

We need behavioural change globally and nationally, and by local authorities in terms of a circular economy. We also need real behavioural change locally. That involves all our attitudes and how we respect our local environment.

15:51

**Monica Lennon (Central Scotland) (Lab):** As a member of the Net Zero, Energy and Transport Committee, I am pleased to be speaking in the debate. I associate myself with the remarks of the committee’s convener, Edward Mountain. Other committees have been involved, and I record my thanks to our clerks, the Scottish Parliament information centre’s team and the many witnesses who informed our evidence. We had 10 evidence sessions and we made 80 recommendations.

Although we are having a robust debate about the bill today, there is a lot of passion and a lot of agreement. We need to become a more circular Scotland—no one disputes that—so we need to harness that passion.

We have been hearing from people in our communities and the local authorities in our areas about how we can make things better. Sarah Boyack, my Labour colleague, is absolutely correct to say that stage 2 will be crucial. I believe that the minister’s door is open for work with colleagues and people across the country; we all have to co-operate.

I hope that Ben Macpherson finds someone to repair his iron by the end of the debate. I did a wee Google search and have sent him a link to a business in Edinburgh that might be able to help. It is a matter of knowing where to go—

**Ben Macpherson:** Monica Lennon was starting to make a point about knowing where to go. We need greater awareness and a greater number of facilities.

**Monica Lennon:** Absolutely. We have demonstrated that on the record in the Parliament, just now.

I think that we all agree that the bill is necessary: we need legislation. In 2022, Keep Scotland Beautiful declared a litter emergency in Scotland. That there is an emergency is undeniable. Despite years of campaigning, with people doing litter picks and trying their best to recycle, we still have a massive problem with litter. That is a symptom of a much wider issue and of our reliance on a linear economic model, in which we continually extract new resources to make new things and new products, then throw them away before starting all over again. We have to break that cycle.

There have been serious impacts here in Scotland and around the world. The Scottish Environment Protection Agency has data to show that, between 2018 and 2022, around 100 tonnes of plastic packaging waste was shipped from Scotland overseas every single month. That is a real scandal.

The question is what the bill can do to tackle that. Other members have expressed concern that there is too much focus on the recycling part of the waste hierarchy. I believe that the minister will take that in the spirit in which it is intended. We need to look at other aspects of the waste hierarchy.

We have heard that there is a lot of passion for reuse and repair. The example that I will touch on today—people who know me know that I talk about this a lot—is reusable nappies. We need to make it easier for people who want to do the right

thing environmentally but are worried about cost and other barriers. In the spirit of that collaborative approach, the minister and I are doing a fact-finding visit next week to North Ayrshire Council. Since 2019, it has been leading the way not only in Scotland, but in the UK. Third sector partners are involved with the local authority. The approach was brought in by my Labour colleague Councillor Joe Cullinane and has been continued by a Scottish National Party Administration. It is the kind of thing that can help all our constituents and it is cost neutral for the local authority. I am considering lodging amendments at stage 2 to see how we can do that with our local authorities—not by telling them what to do but by enabling them and giving them the confidence to work in that way.

Another big issue in the bill is food: we need to do much more to reduce food waste. We have the scandal of ever-increasing food poverty and food insecurity while we are also seeing food waste increasing.

**Lorna Slater:** I flag to Monica Lennon, and to the chamber, that I recently received a copy of a letter from the British Retail Consortium to my colleague Steve Barclay in London, asking for mandatory food waste reporting to help to measure and to judge food waste, based on the understanding that food waste contributes 10 per cent of global greenhouse gas emissions. I assume that Monica Lennon welcomes the fact that industry is also looking at food waste and is asking us to put in place exactly the sort of provisions that are in the bill.

**Monica Lennon:** We absolutely need industry to play its part, but we know that that does not happen voluntarily, so we need legislation.

Colleagues have mentioned France; we know that California is also a really good example of where, through legislation, there are now requirements on households and businesses to separate green waste and food waste, to donate edible waste to food recovery groups and to recycle the rest. More can be done at stage 2 on that.

Time is short. Others, including Bob Doris, have talked about the international impact of what we are doing. We got really good evidence from the Scottish Catholic International Aid Fund. I will not repeat its points because it has provided a good briefing.

We know that there is a big issue with clothing and textiles, and with food waste being exported. As Ben Macpherson said, there are economic benefits, but this is also about the social imperative. We know that where the environment is exploited, people are often exploited, too. Fashion Revolution Scotland influenced me

heavily. It came together because of the disaster in Rana Plaza that killed thousands of garment workers. People are working in the most awful exploitative conditions and are losing their lives and their health so that people like us in the global north can buy cheap clothes that we might wear only once then throw away.

We can do a lot through lodging amendments to the bill and through the strategy. However, as others have said, we need co-operation and collaboration, and we need certainty around funding, which means costed plans. I hope that we can, if we put all those things together, work towards a more circular Scotland.

15:58

**Jackie Dunbar (Aberdeen Donside) (SNP):** As a member of the Net Zero, Energy and Transport Committee, looking at the basic principles of the bill has been of great interest to me, so I am pleased to take part in today's debate.

I take this opportunity to record my thanks to the clerks, SPICe, and all the people who took the time to give evidence and engage in the process. In the spirit of reduce, reuse and recycle, I might just repeat most of this speech in the stage 3 debate.

It is important to recognise, as the committee's report does early on, that there are two major aspects to closing the loop, as we seek to move from a linear economy—in which resources are extracted to make products that are then bought, used and thrown away—to a circular economy. Closing the loop to create a circular economy requires action at both ends of our current linear economy: it requires action at the start to reduce the amount of resources that are being extracted and to temper consumption, and at the end in relation to how waste is reduced and managed.

The committee's report outlines that there is currently more focus on the end stages of that process than on tackling consumption and on concrete measures to encourage repair and reuse. To me, that is at least partly due to the powers that the Parliament currently has and what powers we know we can use without undue influence from the Tories through the United Kingdom Internal Market Act 2020. If the Scottish Parliament had more control over affairs in Scotland, so much more could be done to reduce demand for virgin materials, to incentivise reusing and recycling materials, to incentivise making and selling products with longer lifespans, and to influence the behaviour of consumers and businesses alike.

Nonetheless, the bill is, within the powers that we have, an ambitious bill that will lay the foundations for a better, cleaner and greener

tomorrow. It shows once again that Scotland is committed to tackling climate change.

The proposals in the bill are in line with the just transition principles. Just transition is particularly important to many of my constituents and is—members will not be surprised to hear me say this—another step on a journey that will see Aberdeen becoming the net zero capital of the world.

The committee made a number of recommendations in the report; I will use my remaining time to focus on just a few. First, the bill is, for the most part, a framework bill. I am pleased that that is recognised in the committee report, along with the view that is shared by me and others that its being so is a pragmatic approach that will allow us to keep up the momentum towards a circular economy by creating the broad legal powers that the Scottish Government will need. That set-up will allow for policy to be further refined, following consultation, before detailed regulations are made.

When it comes to the strategy to achieve a circular economy, the committee report rightly makes the case that the bill must not disproportionately put on consumers the burden of achieving a circular economy. There must be accountability of producers for the environmental impacts of the products that they make. Products—including Ben Macpherson's iron—should be designed to be longer lasting, reusable and repairable. For me, those characteristics have long been the marks of quality in a product, and should be the norm rather than the exception. Ideally, when a product finally reaches the end of its economic lifespan, it should also be easily recyclable.

The report also goes into great detail about whether targets should be set, what those targets should be and how the targets would be measured. The report's recommendation is that setting targets should be an obligation, not an option. In the chamber, we talk a lot about how Scotland is leading the world on climate change, and those targets—if they are proportionate to the urgency of what we face—will provide a means to ensure that Scotland continues to lead on climate action.

Restriction of disposal of unsold consumer goods is supported by the committee. The report says:

“Clearly, it is in nobody's best interests for perfectly reusable materials and products to be disposed of rather than redistributed or repurposed. Restrictions could be an effective way of reinforcing measures that many businesses are already putting in place to prevent wastage while also delivering economic and social benefits.”

Quite bluntly, in the midst of a cost of living crisis, it infuriates me that some companies would rather destroy their stock than make it available to others at low or no cost.

**Maurice Golden:** Does Jackie Dunbar accept that missing eight out of 12 legal emissions targets does not chime with being world leading on climate change?

**Jackie Dunbar:** I said that it is our ambition to be world leading. I never said that we are, at this moment in time.

It is welcome that the general principles of the bill are supported. The bill is not perfect at this stage—no bill ever is. There is work to be done, there are discussions to be had and there are amendments to be made, which will be done as the bill progresses.

The principles that will see Scotland moving away from having a linear economy towards a circular economy are there, so I look forward to seeing the bill progress to the next stage.

16:04

**Mark Ruskell (Mid Scotland and Fife) (Green):** I welcome the Circular Economy (Scotland) Bill coming to the chamber for the stage 1 debate. Clearly, the bill is not the final destination, but it is a critical step in the journey towards a truly circular economy in Scotland in which Mr Macpherson can easily get his iron repaired anywhere, in any community. The Net Zero, Energy and Transport Committee has unanimously backed the general principles of the bill, so there is little division between us on what it seeks to achieve. It will drive improvements in household recycling, which has, sadly, been plateauing for years; tackle littering and fly-tipping; and deliver greater producer responsibility and reuse further up the waste hierarchy.

I want to address a number of members' concerns about the nature of this framework bill. I acknowledge that we are seeing a trend across the Governments in the UK of relying more heavily on secondary legislation that grants ministers new powers. However, the Circular Economy (Scotland) Bill recognises that, first and foremost, new schemes that could be introduced on, for example, food packaging will have to be developed in collaboration with businesses, councils and other stakeholders. That means that it will take time to develop regulations that will work in the real world. Putting all those details up front now, in primary legislation, would not be in the spirit of the co-production that the Government is seeking to develop through the bill.

**Bob Doris:** Does the member also acknowledge that concerns were raised about the

impact of the United Kingdom Internal Market Act 2020 and that putting everything in the bill might ultimately lead to it not being compliant with the 2020 act? A framework bill offers flexibility, allowing us to modify the legislation as we go along.

**Mark Ruskell:** Absolutely. I turn to that key concern now. Even if we had perfectly formed schemes that could be put into legislation at this point, there would still be the matter of the United Kingdom Internal Market Act 2020. That act allowed Scotland's deposit return scheme to become a plaything of the Secretary of State for Scotland. Permission was withheld until the last minute, only to be granted with a set of conditions that were impossible to meet. The central condition that the UK Government set was a requirement that our DRS must align with an English scheme that did not exist. That was a wrecking ball, because the UK Government recently announced that it had scrapped plans to have such a scheme in England.

There is a better and more sensible way forward on schemes and regulations that need to mesh across the UK: negotiation and agreement between Governments under common frameworks. There are examples where that has worked well, particularly with the agreements to ban single-use plastic and, most recently, to ban disposable vapes. That shows that Green and Tory ministers working together can deliver progress—I am sure that that is Graham Simpson's dream—but it would be premature to put new schemes in primary legislation.

It is important that, where framework legislation is being used, Parliament can properly scrutinise the secondary legislation that will be introduced on the back of that. With the original DRS, the super-affirmative procedure allowed Parliament more time to discuss the early regulations with stakeholders and it also gave the Government an opportunity to amend the legislation prior to laying it before Parliament. I therefore think that there is a case for more detailed scrutiny of some of the powers in the bill. I agree with the NZET Committee that the minister should probably re-examine where it might be appropriate to use a form of super-affirmative procedure in some cases.

It is also important to recognise that the bill does not sit in isolation. Extended producer responsibility—EPR—across the UK will also be driving progress, and new Scottish legislation is not required in every area to bring in new schemes and approaches. There should be cross-UK collaboration on EPR schemes for items such as vapes and other products that have been designed with little thought for their environmental impact or life cycle. The circular economy strategy

will set out the actions that will be taken in the coming years with the flexibility that is needed for our understanding of Scotland's use and disposal of goods and materials to be informed by emerging data and developments.

I welcome the bill's provisions to place restrictions on the disposal of unsold consumer goods. Keeping goods in use for as long as possible before they are passed on and reused is fundamental to a circular economy. Scrapping items before they have even been used is in no one's interests, except perhaps those of the shareholders of Amazon. The provisions on unsold goods mean that businesses must start taking different approaches to managing their stock and start prioritising good product design at the outset.

I am also pleased that the bill will introduce powers to set new mandatory reporting requirements on businesses' waste surplus. That will lead to improved data that can be used to inform future strategies.

A number of members have mentioned reducing food waste. That not only reduces our environmental impact but can, with creative redistribution, address food poverty and inequality.

One improvement that could be made to the bill is to make reporting on circularity a part of the process of applying for public sector grants and loans.

**Sarah Boyack:** Will the member take an intervention?

**Mark Ruskell:** I think that I am out of time, unfortunately.

Around £420 million in the Scottish budget is currently allocated to supporting businesses in relation to enterprise and trade. Bringing reporting requirements into the application process for that would provide a flexible tool for embedding circularity more widely without additional costs to the public purse. It is not about setting targets for companies to receive public money; it is about asking them to account for their circularity practices and to outline where they intend to improve. We have heard a number of examples of where that could be brought in.

I look forward to discussions with the minister, as I am sure many other members do, on that and other matters ahead of stage 2. Today, however, I am very pleased, as a Green MSP, to support the principles of the bill at stage 1.

16:11

**Murdo Fraser (Mid Scotland and Fife) (Con):** Earlier in the debate, Maurice Golden said that the bill is more of a littering and fly-tipping bill than a

circular economy bill. He said that like it was a bad thing, but I am very happy to talk about littering and fly-tipping. I say gently to my friend Graham Simpson that I have always considered myself more of a Tobermory than a Great Uncle Bulgaria. Members of a certain vintage will recognise that allusion, but others who are younger will have no idea what we are referring to.

We have a serious, significant and growing problem of communities across Scotland being blighted by fly-tipping and littering. We saw some evidence of an increase in fly-tipping during Covid, particularly in rural areas, which was perhaps linked to the fact that many legal routes to dispose of waste were closed due to restrictions on the opening of local authority recycling centres. However, it is not just a rural problem. It also affects many parts of urban Scotland, as we have heard in the debate. It is also a problem where we see organised crime—and we believe that it is playing an increasing role—as fly-tipping can be seen as an easy way to generate a revenue stream with a low risk of being detected and, if one is caught, low penalties. Revenue is generated by taking waste away, often from legitimate sources, and dumping it, thus making cash at a relatively low risk. We need to be aware of that.

We are very aware of the challenges of detecting the crime, of enforcement, and of the level of penalties and whether they act as a suitable disincentive. Although people can be prosecuted for severe cases of fly-tipping, the number of prosecutions is just a handful. Indeed, a large percentage of the reports that go to the Procurator Fiscal Service do not end up in the courts. That is also a factor in making fly-tipping a risk-free way of making money for criminal gangs.

**Jackie Dunbar:** I am genuinely interested in the evidence that we discussed in the committee regarding fly-tipping. Questions were asked a couple of times about who should be held responsible and fined for it. Should it be the person who has bought the services of the white van man, or the householder? I am very interested to hear the member's views on that.

**Murdo Fraser:** Jackie Dunbar has made a very good intervention. If she will bear with me, I will come on to precisely that point in a moment. Before I move on to discuss that in more detail, however, I have one other general point to make.

The question of the availability and accessibility of legal routes for waste disposal is important. The more we make it expensive and difficult to dispose of goods legally, the more incentive we create for fly-tipping. We have seen that when, for example, local authorities have restricted opening hours at recycling centres and, in some cases, brought in queuing systems and pre-booking systems. That

makes it more difficult to dispose of goods legally and creates an incentive to fly tip.

Colleagues will be aware that I ran a member's bill consultation on prospective changes in the law, which looked at four aspects. One was improving data collection, which is an issue that is identified in the Scottish Government's strategy. A variety of bodies are involved, including local authorities, Zero Waste Scotland and SEPA, with its dumb dumpers hotline, which of course has now been dumped. The consultation asked whether we should have a single central point for collecting data.

The second aspect was an enhanced duty of care on the waste generator, as per the household waste duty of care in England and Wales. That would avoid the issues that Bob Doris highlighted whereby a householder pays someone to take away the waste but that person is not licensed and then fly tips. That duty would put responsibility back on the householder and would make them liable.

The third aspect was liability on the part of the innocent landowner—the person who has fly-tipping carried out on their land that has nothing to do with them. At present, the landowner can be held responsible for the cost of dealing with and removing such waste, which has always struck me as fundamentally unjust. In that circumstance, we are holding the victim responsible for the crime and making the crime pay. I know that NFU Scotland has been very exercised about that issue for a long time.

The fourth aspect was penalties. Previously, the fixed-penalty notice was just £200, which was not a level that was acting as a deterrent.

I was therefore pleased to see the publication of the bill, which goes some way to addressing those concerns. As Jackie Dunbar referred to, section 10 will bring in an enhanced duty of care, which I welcome. I also welcome the increase in the fixed penalty from £200 to £500, which is not in the bill but is a welcome step. However, I wonder whether £500 is sufficient. I have proposed to the minister a sliding scale of penalties that goes from £500 to £2,000, depending on circumstances. I will look to lodge a stage 2 amendment to the bill that would support that, as it might be a way of funnelling money back into enforcement and clean-up by local authorities.

That leaves two matters outstanding: data collection and, crucially, the issue of liability on innocent landowners, which is a continued injustice. I welcome the engagement that I have had with the minister, which has been constructive, and I was interested to hear what she said about the review of fly-tipping enforcement. We await more details from her on

that. I thank her for that engagement. I also thank Keep Scotland Beautiful, NFU Scotland and Scottish Land & Estates for the engagement that I have had with them.

I hope that we can find a positive way forward. There is no political difference across the chamber on addressing littering and fly-tipping, which are scourges on our environment, our economy and our natural beauty that are costing public resources and private owners of land. I hope that we can all work together to find a solution.

16:18

**Foysoyl Choudhury (Lothian) (Lab):** Figures suggest that, in Scotland, we use more than double the sustainable limit of materials. To tackle the climate crisis, we must tackle overconsumption and create a circular economy where materials are valued and can be cycled around for as long as possible. However, the current Circular Economy (Scotland) Bill does not go far enough to do that and it seems more like a recycling bill than a full circular economy bill. It does not provide a thorough enough framework for action and it does not provide for the aims to be successfully implemented, monitored and evaluated across all areas of a circular economy to ensure that Scotland meets important climate targets.

More emphasis is needed on opportunities for carbon-based consumption reduction targets and ambitious interim targets to be implemented and measured so that we can ensure that the bill meets its purpose in tackling climate change. More attention must also be given to how implementation of the bill will work with third parties, including local businesses and local authorities.

If we have learned anything from the deposit return scheme debacle, it is that the Scottish Government must create thorough, actionable policies that have been thought out in partnership with businesses and local authorities and that do not place significant bureaucratic burdens on small and medium-sized enterprises. Some sectors have already been able to take steps to reuse materials, and the Scottish Government should build on that by helping local businesses to improve their reuse and recycling processes.

The Scottish Government will need to work alongside and properly resource local authorities. Instead, so far, there has been a significant underestimation of the funding that will be needed to enable our local authorities to deliver a circular economy, which has left them with yet another funding crisis that they will have to precariously juggle.

It is important that the bill recognises and prioritises a climate justice approach. Research by

the Intergovernmental Panel on Climate Change predicts a worrying future, with a rise in the number of migrants who will be displaced because of climate effects. The bill should provide a stable circular economy that supports climate refugees, not an economy that contributes to the problems that cause people to be displaced from their home countries.

We must build a strong, skilled and engaged workforce. The introduction of a circular economy skills passport could result in people being upskilled to work in the reuse and repair sector and could support access to sustainable economic opportunities.

To achieve climate justice through the bill, there must be monitoring of, and accountability for, exported materials to ensure that Scotland does not simply move its waste to other countries and shift the climate burden in its mission to meet its own waste targets.

The bill will not change public behaviour overnight. We need more investment in charity projects that will change behaviour and facilitate the cultural shift that is needed to support a circular economy by helping people to acquire more sustainable lifestyles through awareness of the need to reduce, reuse and repair.

I recently co-sponsored with Maggie Chapman a circular economy showcase fashion show outside the Scottish Parliament. The event was a collaborative initiative between Friends of the Earth Scotland, Plastic Free Communities Scotland, Edinburgh street stitchers, Shrub Coop, Reset Scenery, the Marine Conservation Society, Circular Communities Scotland and the Edinburgh and Lothians Regional Equality Council, which I chair—I refer members to my entry in the register of members' interests. The showcase demonstrated how we could transform how we view and use materials, and it exposed the potential for a circular economy if the bill provides a sufficient structural and cultural basis for change.

Working towards a circular economy is the right direction to go in, but we cannot have a half-hearted attempt with ill-thought-out implementation mechanisms, weak and hollowed-out targets, poor monitoring of effectiveness and a lack of support for industry and local authorities. As the bill progresses through the Parliament, Scottish Labour is committed to ensuring that it is properly scrutinised and made as robust as possible in order that Scotland's commitment to climate action is progressed and a more sustainable planet can be built for all.

16:24

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** The Scottish Government has made it clear that the climate emergency is one of the most important issues that we will ever face and that a multidisciplinary approach is required to tackle it. Transforming our economy into a more circular one is a key area in which we can invest in order to respond to the crisis.

I am not a member of the committee that has been looking at the bill, but it is a great honour to speak in the debate, and I will take the opportunity to mention some local initiatives.

As we debate the general principles of the bill, the key message is that the bill will enable Scotland to increase reuse and recycling rates by introducing a range of measures to discourage a throwaway culture. We have heard the phrase “reduce, reuse, recycle” since the 1970s, and that, in essence, is what a circular economy is. Resource extraction is reduced by promoting the reuse of materials and products. In turn, anything that must be discarded should be recycled, so that the most value can be taken from any waste products.

We must move away from the current model of a linear economy in which we take resources from the ground, air and water, make them into products and structures and then dispose of them. By transitioning away from that type of economy to a circular model, we will remain on track to meet the commitments in our climate change plan, which envisages that, by 2045, Scotland will have a focus on responsible production, responsible consumption and an ability to maximise the value from waste in energy.

Looking at our track record, we can see that we have done well. In 2021, more than half of Scotland’s waste was recycled; the amount of waste that is being sent to landfill has dropped by a third over a decade; we have reduced total waste by 15 per cent; and our emissions from the waste management sector have dropped by more than 75 per cent since 1990. Although those figures are encouraging, we must continue those trends and, most important, legislate in a manner that makes sustainable choices easier and more routine for businesses and households alike.

With that in mind, it is vital to remember that the measures that we are looking to introduce will be taken in an intricate and elaborate Scottish, UK, European and global landscape. There are things that this chamber cannot legislate on—reserved issues such as VAT, product standards, product labelling and consumer protection—so we must encourage the UK Government to work towards a circular economy, too. We must also look at this in the international context of, for example, the Covid

pandemic, Brexit, the war in Ukraine and the crisis in Gaza.

I have mentioned the fact that encouraging a circular economy would open new markets and stimulate economic opportunities in Scotland. The legislation would support the establishment and growth of green businesses and initiatives. Examples of that include Vegware, which is the only company in the UK to develop, manufacture and distribute a full range of completely compostable food packaging and disposables. Another example is Retronics Ltd, a business in my constituency that I know well and have visited, which recovers, repairs and reuses electrical components. Its work restores the functionality of electronic parts that might otherwise be considered obsolete and inefficient and that would, in the past, have ended up in landfill. I pay tribute to the work that Retronics does in Coatbridge and further afield. Those are examples of initiatives that would not have existed a few decades ago but that are currently growing and promoting transparent and ethical industry standards.

Although I have spoken about global issues in the climate emergency that will affect the whole planet, a huge benefit of the bill is its ability to work on a local level by giving councils increased powers to promote a circular economy, the funding for which is based on the £70 million recycling improvement fund. Those powers include enforcement powers for local authorities to tackle things such as littering from cars and fly-tipping, as well as increased collaboration between the Scottish Government and local authorities in designing national codes of practice for household waste recycling. I agree with what other members have said about fly-tipping and general littering, which are a real blight on my constituency and elsewhere.

As I said, a strength of the bill is the influence that it will have at a local level, in which context I want to talk about Viridor, the recycling, renewable energy and waste management company that has a regional office in Bargeddie, in my constituency. If the minister has not already visited Viridor, I invite her to do so, because it is a very good organisation.

Viridor exemplifies a circular economy in action through its use of combustion chambers to convert waste into usable energy, which is then exported to the national grid to power and heat tens of thousands of homes while saving thousands of tonnes of CO<sub>2</sub> emissions annually. Organisations such as Viridor actively support the national energy grid by diversifying energy sources and, critically, reducing dependence on fossil fuels.

I have visited Viridor several times since becoming an MSP, and I can attest to the fact that it also sees the importance of community



engagement and often gives back to the community through initiatives such as educational awareness programmes in schools and clubs across the country. Those initiatives underline the importance of promoting a circular economy and instilling a sense of collective responsibility for our future. Viridor's mission statement with regard to a circular economy is to lead the way by

"Building a world where nothing goes to waste."

Viridor is a major employer in my local area, and I thank it for that and for basing itself there.

We all know about the importance of a circular economy. The bill is a way in which we can encourage a circular economy through legislative means. I acknowledge that the issue is a multidisciplinary one and that non-legislative means of transitioning to a circular economy can be encouraged, such as fostering a sense of collective responsibility for waste management and awareness campaigns to ensure that all parts of Scottish society play their part in that transition.

I support the general principles of the bill, thank the committee for its work so far and encourage the chamber to do likewise.

**The Presiding Officer (Alison Johnstone):** We move to winding-up speeches.

16:30

**Alex Rowley (Mid Scotland and Fife) (Lab):** I am grateful for the opportunity to close the debate on behalf of the Scottish Labour Party.

Ultimately, if we are to realise the potential to deliver a circular economy for Scotland, as the bill sets out in its ambitious title, it is essential that the next stages of the process strengthen the bill so that it is capable of delivering on its aims.

If we look at the Government's failure to deliver on the deposit return scheme, we can see that businesses were let down at a cost of more than £86 million, and they felt that no one was prepared to listen to them. I hope that we will be listening this time. If we look at the Government's failure to deliver on its rhetoric on a just transition for workers, we can see how workers, such as those at Grangemouth, are being let down. Again, they feel that they are not being listened to.

It is clear to me—as it is, I believe, to many members—that it is one thing for the Government to talk a good game about its green credentials, but quite another when it comes to delivering. The real failure of the deposit return scheme legislation was in the argumentative approach that the Government took to any criticism or concerns that were raised. The Government seems to believe that, if it simply forces legislation through, any unanswered questions will just disappear.

**Mark Ruskell:** Does the member acknowledge the views of the Welsh Labour First Minister, who recognised that the UK Government stepped in to block Scotland's deposit return scheme? The Welsh Government now has exactly the same problems as we had in Scotland: it is trying to align its deposit return scheme with an English scheme that simply does not exist, because the UK Government scrapped it.

**Alex Rowley:** Once we have a change in the UK Westminster Government at some point this year, I hope that we will have one that will want to work with the Government in Scotland. Once we have a change here and a Labour Government in two years, we will certainly have two Governments that will work together.

However, whether it is going to war with the UK Government, refusing to respond to the concerns of small businesses or pulling the plug on the scheme altogether, despite its own scheme administrator saying that an alternative permitted scheme would be viable, the Government often seems to opt for the path of most resistance. I urge the Government not to make the same mistakes with this bill. It should recognise that delivering a truly circular economy for Scotland is not only in all our best interests, but that the proposed legislation is likely to be supported by the majority of MSPs if it achieves what it sets out to achieve. If we all worked together on the bill, we could deliver a truly transformative piece of legislation and not just another bill that deals with recycling.

Organisations that are supportive of the general principles of the bill, such as Consumer Scotland, Action to Protect Rural Scotland, Friends of the Earth Scotland and many others, have all been clear that the legislation needs to be stronger if it is going to have the desired impact.

Consumer Scotland says:

"It is important that work does not focus disproportionately on waste management and disposal. In order to achieve the transformational change required, action must be prioritised higher up the waste hierarchy and address the problems of overconsumption and unsustainable resource use."

Action to Protect Rural Scotland agrees on that point. As well as calling for the waste hierarchy to be made explicit in the bill, it has suggested further necessary amendments on take-back targets, refillable and reusable packaging, conditionality on public spending and enhanced reporting for companies that receive public funding.

Friends of the Earth Scotland supports the introduction of the bill, but it is clear in its belief that the bill needs to be improved to ensure that it is as robust as it can be, and it calls for the

inclusion of mandatory carbon-based consumption reduction targets, among other additions to the bill.

The organisations that are supportive of the bill point to the great work of the Net Zero, Energy and Transport Committee and urge the Government to carefully consider its recommendations on how to strengthen the bill.

The Finance and Public Administration Committee raised concerns about the financial implications of the bill for local government, which is an issue that I have raised with the minister, given that local government is struggling at the moment. The Government cannot ignore those concerns. Local authority budgets are already overstretched. If the bill is not resourced properly, it simply will not work.

Although we are broadly supportive of the principles of the bill, it is clear that there is much work to be done to ensure that it lives up to the ambitious aims that it sets out in its name.

16:36

**Douglas Lumsden (North East Scotland) (Con):** I thank my colleagues for their contributions to an interesting debate on an issue on which we all agree that action requires to be taken. I also thank the committees that considered the bill in great detail; the witnesses who gave their time to submit evidence on the proposed measures; and, of course, the clerks of the Net Zero, Energy and Transport Committee, who somehow managed to capture our views and get them into a report that we could all agree on.

We have heard many interesting contributions, which have focused on the intentions of the bill and how it will work in practice. As the committee's report points out, there is a lot that is unsaid, unknown and unexplained in the bill, and I share the committee's concerns in that area.

We all agree on the principle that legislation is required to assist with the development of a circular economy in Scotland. However, a lot of work needs to be done to the bill before it will be fit for purpose, and I look forward to being involved in the process of improving it.

Many of my colleagues have outlined some of the concerns that the Net Zero, Energy and Transport Committee had when it considered the bill. I note that, in her response to the committee's report, the minister outlined her acceptance of many of the recommendations that it made. That is helpful, and I hope that we can work together to improve the bill.

As other colleagues have noted, the committee found it challenging to scrutinise the bill, given that it is a piece of framework legislation, with much of the detail to be added later. That makes us all

nervous, as we should not agree to legislation that is unclear. We are not a fill-in-the-blanks-later Parliament—or, at least, we should not be.

As a former councillor and council leader, I have specific concerns about the additional burdens that the bill will place on local authorities, in particular around increased centralised control through targets. I support action on increasing household recycling practices, and I welcome the minister's comments about removing the potential penalties for local authorities. However, we need to work with local authorities more and to look at ways to reward local authorities that meet their targets.

It is vitally important that the Scottish Government continues to meet COSLA to discuss the proposed measures and how they are to be implemented fully, in agreement, in line with the Verity house agreement.

I have real concerns about the financial burden that the bill will place on our local authorities. I ask the minister what additional funding will be made available to local authorities to assist with implementation and with the additional reporting and recording that will be required as a result of the bill. An increase in the value of recycle will not cover the cost of that.

I turn to some of the speeches that we have heard today. We heard from John Mason on behalf of the Finance and Public Administration Committee—that was quite a contribution—which has concerns about the lack of certainty, the lack or underestimating of costs and the passing on of costs from Zero Waste Scotland to local authorities. We also heard that the co-design process could and should have taken place up front, that there is a risk that the bill could be “unaffordable”, and that the financial memorandum is “not adequate”. That will always be the case with a framework bill.

We heard from my colleague Maurice Golden, who said that the bill as drafted will not deliver a circular economy. It is a waste and litter bill, with little detail and no guarantee of when—or even if—things will change.

**Liam Kerr (North East Scotland) (Con):** I am listening carefully to what the member is saying. If this is a framework bill, such that the Government can later bring back bits and tack extra things on to it, how can the Parliament adequately scrutinise the finances that are being proposed?

**Douglas Lumsden:** Liam Kerr has hit the nail on the head—we heard that point from the finance committee. The Parliament cannot do that. It cannot see what regulations will come forward and what the costs will be for our local authorities.

Maurice Golden also said that ministers need to be more accountable for missed targets. He raised the point that targets have been missed—I think that that has been in eight of the past 12 years—but no minister has resigned over that. Targets are simply missed, and things carry on as before.

Bob Doris talked about behavioural change—I completely agree with him on that. Perhaps the focus should be on that rather than on legislation.

Murdo Fraser, or Uncle Bulgaria, as he will now be referred to, spoke—

**Bob Doris** rose—

**Douglas Lumsden:** I will give way to Bob Doris.

**Bob Doris:** I sit on the same committee as Mr Lumsden. For clarity, I say that the committee agreed that legislative change, not just behavioural change, was required. I would not want anyone listening to think that Mr Lumsden did not support legislation, because he clearly did as part of the committee, which agreed unanimously on that.

**Douglas Lumsden:** Perhaps Mr Doris was not listening when I said earlier that legislation was welcome. However, the focus should perhaps be on the behavioural change that even he discussed, because we can have greater impact with that than we can have with the legislation that is before us.

Murdo Fraser spoke of the blight of fly-tipping, about which I think that all of us have received emails. It is a rural and urban problem, not just one or the other. He spoke about the criminals who are making money from that and the need to make it easier for people to legally dispose of the goods that they no longer require.

Sarah Boyack and Graham Simpson raised the point that households could be criminalised for someone else putting the wrong item in their bins.

**Lorna Slater:** To be clear, it is already a crime not to desist from contaminating recycling if one has been issued a notice. The bill does not create a new criminal offence; what it does is give a more proportionate and milder enforcement option for councils, should they wish to use it.

**Douglas Lumsden:** I thank the minister for that, but I think that she has not recognised that people could put out their bins and have the right things in them but might be penalised if somebody else comes along afterwards and contaminates them.

Liam McArthur spoke about the lack of detail and the difficulty in understanding the impact that the bill will make.

Ben Macpherson spoke about reuse and refurbishment, and about the Edinburgh Remakery, which we both visited as part of the

committee's work—perhaps he should have looked for an iron when we were there; he might have got one at a good price. Ben Macpherson also spoke about construction. There is nothing about construction in the bill, and its addition might be welcome because, as Ben Macpherson pointed out, a large amount of the waste that is produced is from that industry.

The legislation could have been a step in the right direction, but there are so many questions around it that a lot of work needs to be done to get it right. As I said at the start of my remarks, still too much is unclear, unknown and unsaid. We fully support the need to move towards a circular economy, but, for that, we need certainty and a clear strategy of how we will get there.

Businesses that are involved in the sector are leading the way. We must listen to them and ensure that we are taking them with us on this journey. Local authorities will be at the forefront of delivering the strategy. Again, we have to ensure that we are working hand in hand with them to achieve the strategy's goals.

I remain concerned that the Government's record on the measures that we have discussed is not a good one. We have seen that businesses have been let down and have felt abandoned by the Government. Councils are dismayed at the Government's decisions and the breaking of the Verity house agreement. We have seen previous schemes in the sector, such as the DRS, fail because of a lack of competence.

That lack of competence is there for us all to see today—the day that the Climate Change Committee published its damning report on Scotland's progress on reducing its emissions.

**The Presiding Officer:** Please conclude, Mr Lumsden.

**Douglas Lumsden:** Chris Stark's criticism of the Scottish National Party-Green Government was brutal and unprecedented, but thoroughly merited. I hope that this Government's current record of failed legislation can be changed. Scotland deserves better, and our industries—

**The Presiding Officer:** Thank you, Mr Lumsden. I must ask you to conclude.

**Douglas Lumsden:** —who rely on us getting this right expect more. I look forward to the debate moving forward, and I hope that we can work collaboratively to make the bill fit for purpose.

**The Presiding Officer:** Mr Lumsden, I suggest that, in future, when you are asked to conclude, you do so.

16:45

**Lorna Slater:** I thank members for their contributions—except possibly the last few lines of Mr Lumsden’s speech—and for the constructive, if robust, nature of their speeches. I am pleased that there is consensus across the Parliament on the principles of the bill and on the fact that such measures are necessary for moving towards a circular economy. I am particularly pleased to hear that there is support across the chamber for things such as standardising recycling across Scotland, notwithstanding the special needs of islands and other rural communities.

I remind members that the bill sits in the context of our waste route map, which contains our strategy and wider ambitions in the area.

**Maurice Golden:** What assessment has been done of the financial cost to local authorities of consistent collections?

**Lorna Slater:** I want the member to understand that I am committed to working with COSLA to understand what a standardised code of practice will look like. We must go through that process with COSLA to understand what that will look like, and part of that process will be understanding what funding is required. We will work on that together with COSLA.

Edward Mountain, Sarah Boyack and others reiterated arguments about the framework nature of the bill and raised the concern that it brings a reduced opportunity for scrutiny, including financial scrutiny. As I said in my response to the committee’s report, for each regulation-making power, the Parliament should have

“suitable opportunity to ensure regulations ... are robust and fit for purpose.”

That will be ensured through the procedures that are set out in the bill for scrutiny of secondary legislation. Where the Scottish ministers intend to co-design any provisions, the bill embeds consultation in the process.

The bill achieves the appropriate balance between the importance of developing a more circular economy and the need to provide flexibility to allow ministers—

**Sarah Boyack:** Will the minister take an intervention?

**Lorna Slater:** Certainly—I will take one more.

**Sarah Boyack:** A key set of recommendations was about using the super-affirmative approach rather than just putting together secondary legislation that gets nodded through. We need constructive dialogue and accountability not only for our committees but for key stakeholders.

**Lorna Slater:** I, too, look forward to constructive dialogue with the member and other members in

the chamber on what we may achieve in that direction.

The bill needs to provide, and does provide, the appropriate balance to allow ministers to respond to changing and unforeseen circumstances quickly without the need for further primary legislation every time a change is needed. It also helps to ensure the proper use of parliamentary time. I note that stakeholders including environmental non-governmental organisations, COSLA and business bodies have welcomed the framework nature of the bill.

A number of comments have been made on how the bill will be funded. The route map sets out that there will be a review of funding mechanisms for services in order to ensure modern, efficient and affordable outputs. That review will build on key findings from long-term investment, including the more than £1 billion that was invested through the former strategic waste fund between 2008 and 2022, the recycling improvement fund and the new provisions that are set out in the bill.

John Mason and others referenced the financial memorandum. Since it was published, further awards have been made under the recycling improvement fund, which has now allocated £60.6 million to 25 local authorities. Those awards are already starting the process to help more local authorities align with the existing code of practice. The financial memorandum represents a snapshot in time, and more detail on costs will result from on-going refinement as we work with local authorities and householders to develop the detail.

Regulations that are made under enabling powers will be subject to further consultation, parliamentary scrutiny and impact assessments, including business and regulatory impact assessments and island impact assessments. By necessity, the financial memorandum provides strategy-level cost and benefit data. I am committed to updating the finance and NZET committees as regulations are developed.

Maurice Golden, Sarah Boyack and others argued that the bill focuses on the lower end of the waste hierarchy—particularly on recycling and household waste—but it does not. For example, reducing consumption of materials is a fundamental driver for the circular economy strategy. I suggest that members look at sections 1 and 6 of the bill. Section 1, which is about setting the strategy, mentions reducing the consumption of materials three times. In section 6, which is about setting targets, that is mentioned four times.

Reducing the consumption of materials through an effective waste hierarchy is at the heart of the bill, and the provisions will help to bring that about. Charges for single-use items are included to incentivise the use of reusable items. We have all

seen that incentivisation through the charge on plastic bags, which has driven all of us to bring and keep reusable bags for shopping.

Putting restrictions on the destruction of unsold goods is also key to ensuring that goods are used by those who need them. Reuse is a key theme of the route map, including exploring reuse hubs for construction materials.

Some areas that are relevant to tackling overconsumption and taking a system-wide approach—such as VAT, product standards, product labelling and consumer protection—are reserved, but the strategy will focus on devolved matters.

**Sarah Boyack:** Will the minister take an intervention?

**Lorna Slater:** No. I am sorry, but I need to get through my speech.

Edward Mountain, Sarah Boyack and several other members raised the United Kingdom Internal Market Act 2020. Please be assured that the bill does not contain any provisions that would trigger the application of that act. It contains no provisions that would prohibit the sale of goods or result in their sale being prohibited if an obligation or condition was not complied with.

Further consideration will need to be given to the internal market act when and where the powers under the bill are exercised. That is in line with the Scottish Government's overall approach to managing the risks that that act poses to laws passed by the Scottish Parliament. The Scottish Government engages regularly with the Office for the Internal Market and will continue to do so. Of course, the Scottish Government—like the UK Government—is under no obligation to seek policy advice from the OIM on draft legislation. We have already highlighted the bill to the UK Government and other UK Administrations through the relevant common framework.

Ben Macpherson asked about construction. Following the first use of the reporting provisions to cover food waste and surplus, construction will be another potential candidate for the use of those provisions. Construction is a priority in the route map and, more widely, the built environment is regularly identified by research as an important system—as in, for example, the circularity gap report. I therefore expect construction to be a key sector in the circular economy strategy. Also, I have a soldering iron, so if Ben Macpherson's problem is electrical, I might be able to help him out.

Monica Lennon raised the issue of reusable nappies. I look forward to visiting North Ayrshire Council with her on Monday 25 March to learn more about its real nappy incentive scheme, and

we will shortly publish research that we have commissioned on barriers to the use of reusable nappies.

I note Murdo Fraser's comments about fly-tipping and share his concern about the need for urgency in tackling fly-tipping and waste crime. I look forward to meeting him again to see whether we can support the intentions and aims of his member's bill, potentially through amendments to the Circular Economy (Scotland) Bill.

I thank members for their detailed scrutiny of the bill. It has yielded many suggestions, on which I will reflect. I am pleased to say that I will continue to do so with an open mind, and I am grateful to the members who have recognised that I am open minded and welcome their contributions. I have greatly enjoyed the debate, and I look forward to stage 2, when we will consider the amendments, and to working with members from across the chamber to make the bill a success.

**The Presiding Officer:** That concludes the debate on the bill at stage 1.

**Douglas Lumsden:** On a point of order, Presiding Officer. I put it on record that I was a councillor at Aberdeen City Council at the start of this parliamentary session. I referred to that in my speech.

**The Presiding Officer:** Thank you, Mr Lumsden. Your comments have been recorded.

## Circular Economy (Scotland) Bill: Financial Resolution

16:55

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is consideration of motion S6M-12386, in the name of Shona Robison, on the financial resolution for the Circular Economy (Scotland) Bill.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Circular Economy (Scotland) Bill, agrees to—

(a) any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act, and

(b) any charge or payment in relation to which Rule 9.12.4 of the Parliament's Standing Orders applies arising in consequence of the Act.—[*Lorna Slater*]

**The Deputy Presiding Officer:** The question on the motion will be put at decision time.

## Economic Activity of Public Bodies (Overseas Matters) Bill

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a debate on motion S6M-12551, in the name Tom Arthur, on the Economic Activity of Public Bodies (Overseas Matters) Bill, which is United Kingdom legislation.

16:56

**The Minister for Community Wealth and Public Finance (Tom Arthur):** The United Kingdom Government's Economic Activity of Public Bodies (Overseas Matters) Bill engages the legislative consent process because it would limit the executive competence of the Scottish ministers in relation to devolved matters.

We must, of course, be mindful of the context in which the bill is being introduced. The Parliament has made its views clear on the terrible situation in Israel and Gaza. However, although that might sharpen the mind in relation to the implications of the bill, it is important that we realise that the bill, and its impact on the Scottish ministers, is of broader application than just in relation to current events. I will therefore focus my remarks on the implications of the bill for devolution and why the Scottish Government does not recommend that the Scottish Parliament agrees to give its consent to the bill.

The bill would apply to all public bodies in Scotland and across the UK, but our consideration today is particularly in respect of its impact on the Scottish ministers, which triggers the need for legislative consent. The bill would limit the executive competence of the Scottish ministers by preventing them from taking moral or political disapproval of any foreign state conduct into account in devolved procurement and investment decisions.

Not only that, but the bill would make it unlawful for the Scottish ministers to publish a statement saying that they intended to take such matters into consideration—or even that they would intend to take such matters into consideration, were it not unlawful to do so. The bill places the policing and enforcement of that into the hands of the UK ministers. The secretary of state is given sweeping powers to compel the Scottish ministers—and other public bodies—to provide information; to issue compliance notices setting out the actions that the Scottish ministers should take or refrain from taking; and to fine the Scottish ministers, subject to interest, should he or she conclude that the terms of a compliance notice had been breached.

Remember that all of that is in relation to decisions that the Scottish ministers may take about otherwise entirely devolved matters. That displays a complete disregard for devolution, for this institution and, frankly, for democracy, limiting as it does the actions of Scotland's elected Government.

The bill not only potentially prevents the Scottish ministers from taking a decision—now or at some point in the future—in relation to a devolved matter that they consider to be the right decision but prevents them from seeking to advance debate and discourse on the matter. The Scottish ministers would not even be able to publish a statement to say that it is that bill that is preventing them from acting on devolved matters in the way in which they thought was appropriate.

The UK Government argues that it is necessary to include the Scottish ministers in the scope of the bill to mitigate the threat of boycotts, which, it says, undermines UK foreign policy, but what evidence does it have to support such claims? Public procurement is a devolved matter. Our devolved Scottish legislation makes it explicitly clear that goods, services and bidders from a country with which a relevant trade agreement applies are entitled to be treated equally to those of domestic bidders. It makes it explicitly clear that, if a public body in Scotland, including the Scottish ministers, discriminates against a bidder on that basis, that bidder would be entitled to seek remedial action in domestic courts. That means that it is already unlawful for the Scottish ministers, or any public body in Scotland, to operate a blanket boycott policy against such countries. The bill's provisions are completely unnecessary.

Procurement and investment decisions must always be taken in compliance with international obligations, but that does not mean that they should be taken in an ethical or moral vacuum. It is important that Scotland is able to take a values-based approach to international engagement, as set out in our international strategy and "Scotland's Vision for Trade". It would be unacceptable if the bill were to prevent the Parliament, the Scottish Government and Scottish public bodies from doing what is morally right, now and in the future. The bill significantly restricts the Scottish ministers' ability to take rounded, proportionate decisions about the suitability of individual bidders for public contracts.

Finally, aside from our concerns with the policy content of the bill, we also have concerns about the way in which it is drafted. Clause 14 sets out the relationship between the bill and the Procurement Act 2023. The act will largely apply only to UK, Welsh and Northern Irish bodies. Devolved Scottish bodies will continue to be subject to existing devolved Scottish procurement

legislation. However, clause 14 takes a different approach to procurement legislation in Scotland. It confers an enduring delegated power on UK ministers to set out that relationship in secondary legislation. We see no justifiable reason for that difference in approach and no reason why the impact on Scottish devolved legislation should not be subject to the same level of scrutiny as the impact on the UK legislation. I have asked UK ministers to consider amending the bill to address that point, but I understand that they have decided not to agree to that request.

The bill and, in particular, the inclusion of the Scottish ministers within its scope, is an unacceptable restriction of executive competence in relation to devolved matters. The threat of being fined for the Orwellian thought crime of daring to state the simple effect that the law has on the Scottish ministers' decision making would set a dangerous precedent, and it is all just so unnecessary, given the protections that already exist in relevant international and domestic law.

I ask the Scottish Parliament to withhold its consent to the bill.

I move,

That the Parliament notes the legislative consent memorandum lodged by the Scottish Government on 19 July 2023; agrees not to give consent to the Economic Activity of Public Bodies (Overseas Matters) Bill; believes that the Bill would represent a wholly unnecessary and unwelcome limitation of the Scottish Ministers' executive competence, and would act to stifle democracy, and calls on the UK Government to amend the Bill to remove the Scottish Ministers from its scope.

15:03

**Murdo Fraser (Mid Scotland and Fife) (Con):**

As we have heard, the Economic Activity of Public Bodies (Overseas Matters) Bill intends to prevent public bodies, including local councils, national health service boards and devolved Administrations from making decisions about procurement and investment that are based on political considerations. The bill is currently in the House of Lords and is continuing in its parliamentary progress at Westminster.

The fundamental point is that matters of foreign policy and trade are reserved to Westminster. Therefore, it is not a matter for councils or public bodies to run an alternative foreign or trade policy. Indeed, many local councils might not be well enough equipped to consider all the relevant factors when arriving at such decisions in cases where issues might well be complex or heavily disputed.

Westminster and its committees with responsibility for foreign and trade policy are the correct avenue for such matters to be properly considered and debated. Foreign affairs are not

under the remit of the Scottish Parliament. I would hope that the Labour Party would share our view on that.

**Daniel Johnson (Edinburgh Southern) (Lab):** I am afraid that I am going to disappoint Murdo Fraser. Ultimately, is it not the job of public bodies to use their judgment in accordance with their values? If people do not think that that is appropriate, is the mechanism to deal with that not the electorate at elections?

**Murdo Fraser:** If people want to change the foreign or trade policy of the United Kingdom, they can do so at a general election, but I do not think that we should be tearing up the devolution settlement and rewriting the UK constitution just because of Mr Johnson's concerns.

I am not surprised that the Scottish National Party and the Greens object to the bill, as they do not want the UK Government to have foreign or trade policy. I am a little bit surprised, however, that the Labour Party seems to share that view.

Despite the minister dressing up the issue as a great matter of constitutional principle, there is another angle to it that should concern us.

**Tom Arthur:** Murdo Fraser says that, in his view, the bill relates to trade and foreign affairs. In that case, why do the explanatory notes to the bill, as published by the UK Government, state that the bill triggers legislative consent requirements?

**Murdo Fraser:** I will come on to explain why I have wider concerns about the proposed legislation, and the minister should listen.

There are many oppressive regimes and states in the world, many with appalling human rights records towards their own citizens and others. There are numerous examples that I could give to the chamber: state sponsorship of terrorism by Iran in the middle east and elsewhere; Myanmar's treatment of the Rohingya population; and China's treatment of the Uyghurs and its atrocities in Kashmir and Tibet. There are many more.

I am not aware of any organised campaigns to boycott, divest or sanction any of those countries or any of their regimes. There is only one country that is subject to campaigns to boycott, divest and sanction, and that is Israel. Criticism of the current Israeli Government is perfectly legitimate, but Israel still has a track record of human rights that is far better than those of any of its neighbours. For those who follow minority religions, for women and for those of the LGBT community, Israel is streets ahead—centuries ahead—of any other country in the middle east, and Israel is the only fully functioning democracy in the region, yet only Israel is singled out for boycott, divest and sanction campaigns. Why? It is hard to avoid the conclusion that it is directly linked to the ethnicity

of the majority of the population of Israel—in other words, the Jewish people. This is the world's oldest hatred rearing its hideous head once again. There is no other reasonable explanation for Israel alone being singled out compared with other countries.

We might be the only party in the chamber that is prepared to point out the double standards of the boycott, divest and sanction movement, but we make no apology for doing so. If the UK legislation before us is blocking that, it should be supported, not opposed.

That is not just our view; it is also the view of the Scottish Council of Jewish Communities, which is extremely concerned at the stance being taken by the Scottish Government on the issue, as the minister will know.

**Tom Arthur:** Israel is already party to relevant agreements that give bidders from Israel the relevant protections in domestic procurement law in Scotland. I know that Mr Fraser has had a long-standing concern about legislation being required and necessary. Why does he think that the bill is necessary?

**The Deputy Presiding Officer:** I can give Murdo Fraser the time back for the interventions.

**Murdo Fraser:** I do not understand why the minister does not recognise the concerns in the Jewish community in Scotland, which I have just referred to, about the approach that is being taken by the Scottish Government on this particular issue. Since 7 October 2023, there has been a significant and well-reported rise in antisemitic incidents in Scotland. We have reports of Jewish people in Scotland feeling unsafe in their own country. We should do nothing here that increases those fears.

In the words of the Scottish Council of Jewish Communities,

"it is a cause for concern to the Jewish Community that the decision to issue special procurement advice about Israel alone may indirectly encourage antisemitism from those who conflate the local Jewish community with the State of Israel."

I will quote directly the conclusion of the Scottish Council of Jewish Communities, which is important. It says:

"While undoubtedly welcome, ministerial comments that Jewish people in Scotland should not be a proxy target for those who dislike Israel or Israeli government policy—or that dislike of Israel should not be an acceptable excuse for antisemitism—pious sentiments do not change behaviours. Legislation does, and we therefore urge the Scottish Parliament to take note of the vulnerability and anxiety of many Jewish people in Scotland as demonstrated by the large majority view among the Scottish Jewish community in support of the Westminster Bill, and so reject the Scottish Government Legislative Consent Memorandum to the Economic Activity of Public Bodies (Overseas Matters) Bill,



so as to permit the UK Parliament to legislate for Scotland on this occasion.”

We would do well to listen to that plea and avoid giving succour, however unintended, to those in Scotland who would attack the Jewish community—and reject the motion before us.

17:10

**Daniel Johnson (Edinburgh Southern) (Lab):** I will begin by agreeing with the minister, who set out very clearly the context in which the legislation is taking place. It is right to acknowledge and repeat that what happened on 7 October was an act of terrorism; it was barbaric and horrific. Similarly, what has happened subsequently in Gaza is nothing short of a humanitarian disaster. We must make every effort to stop the killing and get the support that is required in place, and to ensure that there are no further acts of terrorism.

Let me be very clear with Mr Fraser that my views on these issues are a matter of record in this place. We must have no complacency about antisemitism. Let me also be very clear that any procurement policy that singled Israel out specifically would be an act of antisemitism under the International Holocaust Remembrance Alliance guidelines. Let me say that unequivocally.

It is unfortunate, however, that Mr Fraser approached this debate by singling out that particular issue, because the legislation would go far beyond the Israel-Palestine issue, as difficult as that might be.

**Murdo Fraser:** Can Daniel Johnson name any other countries, with human rights records far worse than that of Israel, that there have been campaigns to sanction? This debate is only about Israel.

**Daniel Johnson:** They may well not receive such prominence, but there are campaigns against procurement from Myanmar and from China because of the Uyghur situation. The situation in Israel-Palestine receives a lot more attention, but it is incorrect to say that it is the only situation that receives that attention.

More importantly, although I agree with the Government's motion, the issue goes much further, because it is about stifling local government. We need to remind ourselves that local government has a long-standing, historic role—dare I say a constitutional role, given that that was mentioned by Mr Fraser?—in this country. It is because of local government that we have seen much social progress through municipal socialism developing healthcare and welfare systems that we would not have had otherwise.

Likewise, the position that local government has taken on key global issues has been important. In 1981, Glasgow District Council gave the freedom of the city to Nelson Mandela. Subsequent to that, the campaigns that were undertaken by local government were instrumental at a time when the national Government did not want to concede the issues regarding South Africa.

**Kevin Stewart (Aberdeen Central) (SNP):** Mr Johnson made the point that the campaign against anti-apartheid South Africa was largely led by local authorities in Scotland and throughout the rest of the UK. Thank goodness they played a part.

The other aspect of this is that many of our local authorities have twin cities, and sometimes there is hardship to go through with them. I have seen that in Aberdeen with its twin cities of Bulawayo in Zimbabwe and Gomel in Belarus, with which the local authority has chosen to break links at certain points because of the political situation in those countries. Are Mr Fraser and others really saying that local authorities should be unable to do that?

**Daniel Johnson:** Indeed, and I think that Mr Fraser and others would need to answer for themselves.

In my view, it is important that democratic bodies such as local government reflect the values of the people who elect them. It is important that they are able to use their economic judgment not only in matters of global import but in other issues such as fair work, fair trade and the environment. It is only right that local government is able to exercise its economic judgment, using its procurement powers, to ensure that its procurement is falling in line with its value judgments. If what local authorities do is deemed to be unacceptable and to exceed their parameters, there is a mechanism for that; it is called an election. Local people can judge for themselves who they return to local government.

What does it say about the state of the Government's foreign policy that it is so weak that it is undermined by the procurement positions of local government? That is a nonsense. What is worse is that the bill goes further and applies to bodies such as universities, which are supposed to be independent. I worry about what that will do to their independence and what further ramifications there might be. Universities guard their independence with great pride, and they are also very cautious about anything that would undermine it. It is useful and important to note that Universities Scotland has said unequivocally that it would want universities to be removed from the provisions of the bill.

Ultimately, it is a sign of a weak Government—a Government that would rather stoke culture wars because it struggles to deal with the

consequences of its own economic decisions; and a Government that would rather seek division because it struggles to be relevant in the day-to-day issues that people face. It is no wonder, because this is a Government that is seeking to avoid an election because it fears the consequences and what the people's judgment will be when the general election comes along.

17:16

**Tom Arthur:** I thank members for their contributions. The strength of feeling about the bill is obvious to anyone who is watching the debate.

It is clear that, although the effects of the bill are felt in relation to decisions that might be taken about relatively technical public procurement and investment matters, it provokes a range of views about issues of the utmost importance, including the current situation in the middle east. As I hope my opening remarks made clear, I do not think that a half-hour debate on legislative consent is the place to do justice to those issues.

The Government's view on those issues is well known, and I do not propose to go into detail on it again here. Indeed, the current constitutional settlement means that the consent of the Scottish Parliament is needed only in relation to the inclusion of the Scottish ministers in the scope of the bill and to the limitation of executive competence as a result. However, although we might recognise that there is a range of views on those matters, a recognition that there might be a range of views is precisely what the bill fails to achieve. It would, by force of law, prevent the Scottish ministers from even publishing a statement saying that it would do things differently were it not for this UK Government bill. I will state that again: it would, by force of law, prevent the Scottish ministers from even publishing a statement saying that it would do things differently were it not for this UK Government bill. It would also allow the secretary of state to investigate, issue compliance notices and even levy fines on the Scottish ministers if they did not comply. That cannot be acceptable.

The nature of parliamentary democracy means that there will inevitably be some members who think that the Government should be doing more in relation to a given issue in its procurement and investment decisions. Inevitably, there will be some members who think that the Government should be doing something differently or not at all. The effect of the bill is to remove the ability of the Scottish ministers to take those views into account and to make decisions on them in relation to what are devolved matters.

The bill will also remove the ability of this Parliament to hold the Scottish ministers to

account for those decisions, because the Scottish ministers will be unable to act or, potentially, even to explain why they have not acted. The Scottish ministers would be allowed to take disapproval of foreign state conduct into account in procurement and investment decisions, such as we have done in relation to Russia, only if the UK Government had first permitted that by way of regulations. If members will forgive the understatement, I am not sure that it is optimal to always have to rely on sound judgment from the UK Government on such matters.

However, that is not the point. The point is that, on devolved matters such as public procurement, devolved ministers must be able to make the decisions that they see fit, albeit always in compliance with international obligations and international law. The bill will row back devolution, and we must stand firm against that. Let us not forget those international obligations. They already prevent boycotts, they already give bidders from Israel and elsewhere the right to bring legal action against discrimination, and they were put into domestic law by the Scottish ministers and the Scottish Parliament.

The limitation of executive competence that the bill seeks to impose on the Scottish ministers is unacceptable. It is disproportionate and unnecessary, and it runs contrary to the basic principles of democracy and devolution. I therefore ask members to agree the motion and to send a message to the UK Government that its proposal is deplorable.

**The Deputy Presiding Officer:** That concludes the debate. There will be a brief pause to allow for a changeover of members on the front benches.

## Urgent Question

17:21

### 2030 Climate Change Targets

**Maurice Golden (North East Scotland) (Con):**

To ask the Scottish Government what its response is to the Climate Change Committee stating that the scale of reductions in emissions needed for Scotland to meet its 2030 climate change targets is “beyond what is credible”.

**The Cabinet Secretary for Wellbeing Economy, Net Zero and Energy (Màiri McAllan):** I am grateful for the latest advice from the Climate Change Committee. We will carefully consider the report’s recommendations and, indeed, we are already considering the Government’s next steps.

It is worth noting that the CCC has always been clear that meeting the legislated 2030 target, which was agreed by this Parliament on a cross-party basis, will be extremely challenging and may not be feasible. However, I assure those in the chamber that all options, including legislative action, are part of the Government’s consideration of how to respond.

Scotland is already halfway to net zero emissions. We continue to decarbonise faster than the United Kingdom average. We remain fully committed to meeting our target of net zero emissions by 2045 and we are committing £4.7 billion to support the delivery of our climate change goals in next year’s budget alone.

**Maurice Golden:** The Scottish Government is to blame for this. Members should not take that from me—the Climate Change Committee is clear that there

“are risks in all areas with significant policy powers devolved to the Scottish Government”.

Moreover, the CCC has warned that the decision to delay the next climate change plan leaves a significant period without sufficient action or policies to reach the 2030 target. The Scottish Government has inflicted that problem on itself and on Scotland. Given the scale of the emergency, will the cabinet secretary commit to introducing a climate change plan before the mandatory deadline of November?

**Màiri McAllan:** No, I will not commit to doing that. I am extremely proud of the progress that Scotland has made. I noted in my opening answer that we are around halfway to net zero emissions, and the long-term trajectory of decarbonisation is what is most important. We have got there through a combination of measures, not least since we declared the climate emergency, by completing

the world’s largest offshore floating wind leasing round and by putting into the ground 75 per cent of all the forests that have been created in the UK in the past five years.

We have created four low-emission zones. We have the most comprehensive network of public electric vehicle charging anywhere in the UK outside London and the most generous concessionary package for bus travel. We have banned single-use plastics. We have 37 per cent of our waters in marine protected areas. All of that has contributed to the progress that has been made to date.

What I do not underestimate for a second, and what it does nobody any good to underplay, is the magnitude of the challenge of the climate emergency. We cannot get to net zero overnight, but the Government remains absolutely committed to taking action in pursuit of it.

**Maurice Golden:** To govern is to prioritise. It is evident that the Scottish National Party and the Greens have been chasing headlines, not environmental results. Why else would we be in a situation where eight of the past 12 statutory emissions targets have been failed and the 2030 target looks doomed to failure as well? Can the cabinet secretary confirm whether the Scottish Government has now abandoned the 2030 target?

**Màiri McAllan:** I was very clear that we are actively considering all options in respect of the views of the Committee on Climate Change, as they were set out today, including legislation.

I must remind Maurice Golden of a bit of context and, in particular, the fact that his party in the UK Government has fought to open coal mines at the same time—[*Interruption.*]—as it has failed to commission onshore and offshore wind in England, while we have moved ahead in Scotland—[*Interruption.*]

**The Presiding Officer:** Let us hear the cabinet secretary.

**Màiri McAllan:** Not least—these are the actions of the UK Government—is its failure, for example, to prioritise—[*Interruption.*]

**The Presiding Officer:** Excuse me, cabinet secretary. I suggest that members who put questions and those who are responding should always have the opportunity to do that in a way that means others can hear what they are saying.

**Màiri McAllan:** Thank you, Presiding Officer. I was just going to complete the list of the UK Government’s failures by noting its inexplicable failure to support the Acorn carbon capture, utilisation and storage project at track 1.

I will set that against what the Scottish Tories have done in this Parliament. They have stood in

the way of even modest measures that the Scottish Government has sought to bring forward, including low-emission zones, workplace parking levies and the deposit return scheme. Maurice Golden really ought to do some soul searching over the contribution that he and his party have made to the progress on climate change. We will get on with delivering for Scotland.

**Jackie Dunbar (Aberdeen Donside) (SNP):** The Climate Change Committee previously estimated that, to achieve our climate change targets, Scotland will need an additional £5 billion to £6 billion of investment in low-carbon infrastructure each and every year from 2030. At the same time, Scotland is facing an almost 10 per cent real-terms cut to our UK capital funding between 2023-24 and 2027-28.

Will the cabinet secretary affirm that the Scottish Government will continue to call on the UK Government to change course and provide adequate funding to match our climate ambitions in Scotland?

**Màiri McAllan:** We absolutely will continue to urge the UK Government to provide adequate funding for us to meet and rise to the climate emergency.

Frustratingly, our calls in respect of the spring budget to address that issue went completely unanswered, with no additional capital funding in 2024-25. That came off the back of a year of unprecedented position changing by the UK Government, in which it reneged on some of its key net zero commitments and appeared to fabricate commitments on recycling bins and the number of them that people might be expected to have. It makes a mockery, frankly, of the seriousness of the climate emergency.

I point members to a piece published last week by the Scottish Fiscal Commission, which makes it clear that the burden of reaching the UK's net zero target will "fall disproportionately" on Scotland when it comes to spend.

We will continue to push the UK Government to change course and ensure that future financial settlements provide us with the resources that we need to meet our 2045 target, while we note, of course, that that is interlinked entirely with the UK's target.

**Sarah Boyack (Lothian) (Lab):** The Committee on Climate Change's report is a damning indictment of the Scottish Government's lack of progress on achieving net zero. SNP and Green rhetoric has not been matched by action.

It is not just me who thinks that. Today, Mike Robinson, chair of Stop Climate Chaos Scotland, a respected organisation with more than 60 member organisations, said:

"the Scottish Government has lost its position as a climate leader and we would like to see the First Minister make an emergency statement to Parliament to set out his response."

Will the cabinet secretary agree that the Scottish Government has lost its position as a climate leader since our first climate act was passed, 15 years ago? Will the Government bring an emergency statement so that the First Minister can respond in full to Parliament?

**Màiri McAllan:** As the net zero secretary, I am answering an urgent question on those matters now, and I will be happy to continue to liaise with members from across the chamber, because I understand the importance of the issue.

The advice that we have received from the Climate Change Committee today is very important in respect of the 2030 target. I have made it clear that we are actively considering how we respond, including via legislation, and I will keep Parliament up to date on that. The core fact remains that the Scottish National Party and our partners the Greens are utterly committed to tackling climate change.

The truth is that no Government, in facing the magnitude of the climate emergency, should ever say that it is doing enough—members will not hear that from me, or not until we are at net zero. It does us no good to underplay the magnitude of what we are talking about. A true transformation across our economy and society will not be achieved overnight, but we remain absolutely committed to doing everything that we can in pursuit of it.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** The cabinet secretary will recall that she attended the same summit as I did in Bute house with the First Minister, at which Chris Stark trailed the fact that his report would show that we are nowhere near meeting our 2030 target. He indicated that the biggest drivers of CO<sub>2</sub> emissions in Scotland are still buildings and transport, yet the Government, in the budget that was published after that meeting and finally passed, reduces insulation budgets by £10 million and reduces the just transition fund by 76 per cent. The cabinet secretary will be aware that her Government has presided over a situation in which we have 100 million fewer bus journeys each year, thereby eroding our commitment to public transport.

Can she see that that direction of travel is what has led to the report's findings? Will she commit to addressing the targets and those deficiencies in funding in the negotiations around subsequent Government budgets?

**Màiri McAllan:** We liaise regularly with Chris Stark and members of the Climate Change Committee—it is our statutory adviser, so of

course we do that. I hope that Alex Cole-Hamilton enjoyed his visit to Bute house and the constructive meeting that we had there with Chris Stark.

Alex Cole-Hamilton mentioned a couple of policy areas, one of which is heat in buildings, which today's report draws out as a recent success of the Scottish Government. We have received some 1,700 responses to our consultation on a heat in buildings bill, which we will now take forward.

He also mentioned public transport. In my opening answer, I narrated that we have the most supportive concessionary travel scheme in the UK, with millions of people travelling free. Finally, I draw Alex Cole-Hamilton's attention to the fact that, in this year's budget, with the most difficult financial settlement that we have faced in the devolution era, the Government is providing £4.7 billion towards actions that will support achieving our climate goals.

**Edward Mountain (Highlands and Islands) (Con):** I am disappointed to be standing up today to talk about failed targets for 2030, but I am almost more disappointed that the cabinet secretary has not committed to publishing the climate change plan before the deadline of November this year. If Parliament is to be accorded the respect that it should be, surely the plan should be presented at the first possible opportunity, to allow all the committees as much time as possible to consider it, in the knowledge that we are not going to meet our 2030 targets.

**Màiri McAllan:** If Edward Mountain is disappointed, he should not have stood in the way of low-emission zones, workplace parking levies and the deposit return scheme. If he is disappointed, he should lobby his UK counterparts on their fight to open coal mines and their failure to deploy onshore and offshore wind in England. I have been clear that I need to continue actively considering today's report. Under the current statutory regime, the climate change plan is not due in draft with committees until November. As I said, I am actively considering legislation, and I will keep Parliament closely up to date on the detail of that.

**Maggie Chapman (North East Scotland) (Green):** Every party in the Parliament signed up to ambitious climate targets, but they can be met only through bold action to deliver. The Scottish Government's plans for warm green homes were praised today by the Climate Change Committee, but the very people who are condemning the Government for lack of delivery are the same people who are trying to block progress and spread misinformation on the heat in buildings plan, the DRS, low-emission zones and workplace parking levies, and who continue with climate-

wrecking activities. Is it not time for members on all sides of the chamber to get off the fence and get behind what has to be done?

**Màiri McAllan:** Maggie Chapman is absolutely right, and I hope that members across the chamber were listening to her. I emphasise her point about the work that the Government is taking forward on heat in buildings. It is an exceptionally ambitious piece of work to tackle one of the highest emitters that we face in Scotland. She is absolutely right that the CCC pulled that out as a success story, and it has said that it could be a model for approaches across the UK. I hope that the Tories will pay attention to that in England and that Labour will pay attention to it in Wales.

**Liam Kerr (North East Scotland) (Con):** Given that the emissions targets are embedded in legislation and that the CCC says that they are impossible to achieve, what does the cabinet secretary propose to do to avoid breaching the law?

**Màiri McAllan:** As I have said a number of times, I am actively considering all means by which to respond to the CCC's position, including through legislation.

**Douglas Lumsden (North East Scotland) (Con):** The cabinet secretary previously told the Parliament that world leaders were contacting the Scottish Government to ask for advice on how to get to net zero. Can the cabinet secretary tell us who those world leaders were, so that we can let them know that the targets have been missed yet again?

**Màiri McAllan:** It will always say more about Douglas Lumsden that he has brought the issue of internet trolls to the floor of the Parliament than it will ever say—[*Interruption.*]

**The Presiding Officer:** It is really important that, when a member has asked a question, they show courtesy to enable those responding to questions to do so.

**Màiri McAllan:** That question gives me the opportunity to, again, state how proud I am of the progress that Scotland has made. We have completed the world-leading ScotWind floating offshore wind leasing round; 75 per cent of all forests in the UK have been created in Scotland in each of the past five years; Scotland moved first to ban some of the most problematic single-use plastics; we have the second most comprehensive suite of public charging networks for electric vehicles in the UK; and we have the most supportive concessionary travel scheme. All of that serves to demonstrate that the Scottish Government is extremely serious about tackling climate change. [*Interruption.*]

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** I do not know why they are laughing their heads off.

**Màiri McAllan:** Exactly.

However, I am under no illusion about the task that is ahead of us.

## Business Motions

17:37

**The Presiding Officer (Alison Johnstone):** The next item of business is consideration of business motion S6M-12566, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Tuesday 26 March 2024

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Stage 1 Debate: Gender Representation on Public Boards (Amendment) (Scotland) Bill

*followed by* Scottish Government Debate: Widening Access - Equality of Access to Higher Education

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 27 March 2024

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Wellbeing Economy, Net Zero and Energy; Finance and Parliamentary Business

*followed by* Stage 1 Debate: Agriculture and Rural Communities (Scotland) Bill

*followed by* Financial Resolution: Agriculture and Rural Communities (Scotland) Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

*followed by* Approval of SSIs (if required)

5.00 pm Decision Time

*followed by* Members' Business

Thursday 28 March 2024

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions: Transport

*followed by* Scottish Government Debate: The Future of Public Transport - The Fair Fares Review

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 16 April 2024

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Scottish Government Business

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 17 April 2024

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:  
Rural Affairs, Land Reform and Islands;  
NHS Recovery, Health and Social Care

*followed by* Scottish Conservative and Unionist Party Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

*followed by* Approval of SSIs (if required)

5.10 pm Decision Time

*followed by* Members' Business

Thursday 18 April 2024

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions:  
Social Justice

*followed by* Stage 1 Debate: Scottish Employment Injuries Advisory Council Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 25 March 2024, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[George Adam]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S6M-

12567, in the name of George Adam, on behalf of the Parliamentary Bureau, on the timetabling of a bill at stage 1.

*Motion moved,*

That the Parliament agrees that consideration of the Scottish Languages Bill at stage 1 be completed by 20 September 2024.—[George Adam]

*Motion agreed to.*

## Parliamentary Bureau Motions

17:38

**The Presiding Officer (Alison Johnstone):** The next item of business is consideration of six Parliamentary Bureau motions. I ask George Adam, on behalf of the Parliamentary Bureau, to move motions S6M-12568 to S6M-12571, on approval of Scottish statutory instruments, S6M-12572, on committee meeting times, and S6M-12573, on designation of a lead committee.

*Motions moved,*

That the Parliament agrees that the Budget (Scotland) Act 2023 Amendment Regulations 2024 [draft] be approved.

That the Parliament agrees that the National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) Order 2024 [draft] be approved.

That the Parliament agrees that the Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2024 [draft] be approved.

That the Parliament agrees that the Social Security Up-rating (Scotland) Order 2024 [draft] be approved.

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Public Audit Committee can meet, if necessary, at the same time as a meeting of the Parliament between 11.40 am and 12.00 pm on Thursday 21 March 2024.

That the Parliament agrees that the Net Zero, Energy and Transport Committee be designated as the lead committee in consideration of the Land Reform (Scotland) Bill at stage 1.—[George Adam]

**The Presiding Officer:** The question on the motions will be put at decision time.

## Motion without Notice

17:39

**The Presiding Officer (Alison Johnstone):** I am minded to accept a motion without notice under rule 11.2.4 of standing orders to bring forward decision time to now. I invite George Adam to move the motion.

**The Minister for Parliamentary Business (George Adam):** I am happy to help as always, Presiding Officer.

I move,

That, under Rule 11.2.4, Decision Time be brought forward to 5.39 pm.

*Motion agreed to.*



## Decision Time

17:39

**The Presiding Officer (Alison Johnstone):**

There are four questions to be put as a result of today's business. The first question is, that motion S6M-12552, in the name of Lorna Slater, on the Circular Economy (Scotland) Bill at stage 1, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the general principles of the Circular Economy (Scotland) Bill.

**The Presiding Officer:** The question is, that motion S6M-12386, in the name of Shona Robison, on the financial resolution to the Circular Economy (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Circular Economy (Scotland) Bill, agrees to—

(a) any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act, and

(b) any charge or payment in relation to which Rule 9.12.4 of the Parliament's Standing Orders applies arising in consequence of the Act.

**The Presiding Officer:** The question is, that motion S6M-12551, in the name of Tom Arthur, on the Economic Activity of Public Bodies (Overseas Matters) Bill, which is UK legislation, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. There will be a short suspension to allow members to access the digital voting system.

17:40

*Meeting suspended.*

17:43

*On resuming—*

**The Presiding Officer:** The question is, that motion S6M-12551, in the name of Tom Arthur, on the Economic Activity of Public Bodies (Overseas Matters) Bill, which is UK legislation, be agreed to. Members should cast their votes now.

The vote is closed.

**Bill Kidd (Glasgow Anniesland) (SNP):** On a point of order, Presiding Officer. I had an issue with the machine thing. [*Laughter.*] I cannae even remember what I am daein. [*Interruption.*] It was yes, actually. I was so funny there that I forgot

what I was doing. The answer is that I would like to vote yes, please. Thank you.

**The Presiding Officer:** Thank you, Mr Kidd. We will ensure that that is recorded.

**For**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (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)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 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)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)

Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O’Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division on motion S6M-12551, in the name of Tom Arthur, is: For 88, Against 27, Abstentions 0.

#### *Motion agreed to,*

That the Parliament notes the legislative consent memorandum lodged by the Scottish Government on 19 July 2023; agrees not to give consent to the Economic Activity of Public Bodies (Overseas Matters) Bill; believes that the Bill would represent a wholly unnecessary and unwelcome limitation of the Scottish Ministers’ executive competence, and would act to stifle democracy, and calls on the UK Government to amend the Bill to remove the Scottish Ministers from its scope.

**The Presiding Officer:** I propose to ask a single question on the six Parliamentary Bureau motions.

As no member objects, the final question is, that motions S6M-12568 to S6M-12571, on approval of Scottish statutory instruments, S6M-12572, on committee meeting times, and S6M-12573, on the designation of a lead committee, all in the name of George Adam, on behalf of the Parliamentary Bureau, be agreed to.

#### *Motions agreed to,*

That the Parliament agrees that the Budget (Scotland) Act 2023 Amendment Regulations 2024 [draft] be approved.

That the Parliament agrees that the National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) Order 2024 [draft] be approved.

That the Parliament agrees that the Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2024 [draft] be approved.

That the Parliament agrees that the Social Security Up-rating (Scotland) Order 2024 [draft] be approved.

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Public Audit Committee can meet, if necessary, at the same time as a meeting of the Parliament between 11.40 am and 12.00 pm on Thursday 21 March 2024.

That the Parliament agrees that the Net Zero, Energy and Transport Committee be designated as the lead committee in consideration of the Land Reform (Scotland) Bill at stage 1.

**The Presiding Officer:** That concludes decision time.

## Third Sector (Economic Contribution)

**The Deputy Presiding Officer (Annabelle Ewing):** The final item of business is a members' business debate on motion S6M-11864, in the name of Kate Forbes, on the economic contribution of the third sector in Scotland. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament celebrates the third sector in Scotland, which includes charities, community and voluntary groups and other non-profit distributing organisations, including those in the Skye, Lochaber and Badenoch constituency; understands that the third sector primarily provides services that are important in reducing inequality and disadvantage, and in improving health, wellbeing and community cohesion; believes that there is an important relationship between the third sector, the private sector and the public sector; welcomes the publication of the Royal Society of Edinburgh (RSE) advice paper on 13 December 2023, titled *The economic contribution of the third sector in Scotland*, which identifies that the sector is "often overlooked as a source of wealth generation and seldom included in national or local growth strategies", leading to missed opportunities to enhance regional and national economies; considers that the RSE's report highlights the substantive economic contribution of the sector, whilst identifying the barriers to a wider recognition of the third sector's economic contribution; notes the belief that overcoming such barriers to the third sector's recognition in the Scottish Government's economic strategy is of increasing importance in the context of the financial and funding challenges currently facing the sector, and notes the RSE's call to stimulate debate on how these blocks might be overcome.

17:48

**Kate Forbes (Skye, Lochaber and Badenoch) (SNP):** I think that everybody in the chamber is familiar with the incredible reach, depth and variety of the third sector. Right now, it is working to reduce inequality, improve health outcomes, increase the wellbeing of our citizens, provide housing, cement community cohesion and provide opportunities—the list goes on. I am sure that we will hear just how far that reach goes in all members' speeches.

The third sector genuinely covers every area of Scotland in terms of the area in which it works and in terms of geography. To do that, it employs people and creates jobs, purchases and procures goods and services, and engages in commercial activity. In short, above and beyond all the other tasks that it does, one of its aims and objectives is to generate wealth. In fact, we could argue that the third sector in Scotland today is doing far more to level up than any national strategy is because of its presence and efforts in every region of Scotland.

Some of the best work that I have seen in particular subject areas is delivered by the third sector. Highland Home Carers does an incredible job—it does pioneering work—in training care workers and delivering care. Earlier today, I met a fostering and adoption charity that is rising to the challenge that was set by the Scottish Government in respect of recruiting more foster carers. The third sector is relieving hunger across Scotland through the provision of food banks and working to provide opportunities for sports, music and employment in every part of Scotland.

Thinking back to work that I have previously engaged with in setting out Scotland's 10-year economic strategy, I realise that many of the goals that are set out in that strategy are already being delivered by organisations in the third sector. Some ways in which the third sector contributes to the economy are obvious. I have already mentioned that it is an employer, that it purchases goods and services, and that it invests in buildings and equipment. However, it is absolutely essential that we think of the economy in a different way if we really want a sustainable and inclusive economy. That is what the report that we are debating today does.

We want to ensure that wellbeing is embedded in our delivery of economic goods to all of Scotland's communities, and one way in which the third sector does that is by supporting people to become economically active through employability programmes. The third sector is able to reach people that the state, the Scottish Government and its agencies are often unable to reach. It also funds research and development programmes. Although Scottish Government funding is absolutely essential for research and development, the third sector, through fundraising and so on, is often able to invest in research and development that the Government or the private sector is not able to invest in.

The third sector is also able to tackle issues such as mental health, poverty and promoting a healthy workforce in perhaps a slightly more nimble and agile way.

Finally, social enterprises create new markets and organisations by altering cultural norms of behaviour, as well as contributing to changes in consumer preferences. What is so interesting about social enterprises is that some of them identify as being in the private sector and others identify as being in the third sector.

One challenge that faces the third sector, as defined in the report, is the challenge of being adequately defined and therefore its contribution being properly quantified. As we have previously discussed and we will discuss in the course of this debate, the third sector is not homogeneous. It is interesting that the Scottish Council for Voluntary

Organisations identifies social care and housing as the two largest activities by income, followed by culture and sport, community work, education, health and religion. However, the organisations involved can vary from very small local organisations that are staffed entirely by volunteers all the way through to national or, indeed, international charities that employ hundreds or, in some cases, thousands of people.

The Fraser of Allander Institute says that third sector organisations contribute significantly to most sectors of the economy. If members want proof of that, they should ask themselves what our economy would look like without that sector operating in that area.

That is why this debate is so important. I think that everybody in the chamber shares our objective of delivering a sustainable and inclusive economy. The economy is the backbone of much of the other work that we do, but none of our aims in the economy can be achieved through the private sector or the public sector working independently of the third sector. We absolutely need the third sector as part of our efforts to build a sustainable and inclusive economy. That calls on all of us to acknowledge and to try to get a grip of the actual quantum of work that it does so that we can include that more obviously in our discussions about the economy. When we talk about economic development, the third sector needs to have parity of esteem with the private and public sectors.

My last point is that the only hope that any of us has of solving whatever economic challenge is under debate is by working across the third, private and public sectors, which means that we must acknowledge the work of the voluntary and third sector and must pay tribute to that sector. That should not be done through rhetoric alone, but must be embedded in national economic strategies and in our budgets.

17:55

**Ruth Maguire (Cunninghame South) (SNP):** I congratulate Kate Forbes on securing this important debate and highlighting the positive impact of charities, community and voluntary groups and other non-profit-distributing organisations.

Third sector organisations can be the backbone of communities. They offer a range of services and often help to alleviate societal difficulties such as food poverty, loneliness and social isolation and generally making life better. I am sure that everyone here can think of many organisations in their constituencies that do just that. I know of organisations ranging from community larders providing access to groceries and the Community

Led Action and Support Project's hope in the community work with older citizens to larger charities such as Barnardo's and Aberlour, to name just a few.

The Westminster-induced cost of living crisis means that such organisations are plugging gaps in services that were previously publicly funded, while, like everyone else, navigating rising costs and inflation. In doing so, they contribute to, and help to reduce, public expenditure, as was highlighted by the Royal Society of Edinburgh. Thousands of organisations are helping to balance our delicate social fabric.

During my time as convener of the Equalities and Human Rights Committee back in 2019, we published a report about valuing the third sector, which recognised the economic contribution of the third sector as being higher than that of the whisky industry and not far behind that of the Scottish tourism sector. Recent figures, published by the Scottish Council for Voluntary Organisations in 2022, show that economic contribution as £9.2 billion, up from £8.5 billion in 2021, while third sector spending was £8.8 billion, up from £7.9 billion in 2021.

Despite that growth in the third sector, its contributions remain obscured, as Kate Forbes explained in her opening speech, and its struggles are pretty unrelenting. In June 2022, Age Scotland reported the findings from its "keeping the doors open" survey, which showed that securing funding was a recurring issue, expressed the view that multi-year funding would be beneficial for increased financial security and the delivery of longer-term projects and said that single-year funding models, which required organisations to show impacts in just one year, made it more likely that they would be able to interact only with communities that they already engaged with. The 2019 report that I spoke about also picked up on the impact of single-year funding on the hugely important staff employed in our communities.

The Royal Society of Edinburgh's report, echoed by the SCVO's latest findings in the Scottish third sector tracker, continues to identify finance as a top priority. I understand that the Scottish Government is working with other statutory funders to consider how partnership working can be encouraged in a competitive funding environment and I would be interested to know how the findings are being used to design and develop meaningful collaboration between all sectors.

Economic activity should serve the purpose of meeting everyone's basic needs and improving our collective health and wellbeing, so that all of Scotland's people and places can thrive and prosper. The voluntary sector meets the vision of the national strategy for economic transformation

by harnessing innovation, entrepreneurship, research and development, partnership and prevention and by supporting people into employment.

Building successful and trusting relationships between the third and public sectors is achievable. We saw that during the pandemic when the third sector played a key role in supporting the public sector and it was evident that existing relationships became stronger and new ones were created. There was the removal of bureaucratic barriers alongside joined-up working, which empowered people to work together quickly and efficiently. That made such a difference to folk on the ground. It was a better way of working.

Fairer funding opportunities and balanced power and resources for third sector organisations can help to overcome barriers and recognise our vision for Scotland as a wellbeing economy.

18:00

**Miles Briggs (Lothian) (Con):** I start by congratulating Kate Forbes on securing this debate, which gives us an important opportunity to celebrate our charitable and third sectors in Scotland and to acknowledge the positive economic contribution that the third sector is making to Scotland. As has just been mentioned, all of us recognised that during the pandemic, when the third sector stepped up to help our society.

I also thank the organisations that provided useful briefings ahead of today's debate. Some of the statistics that the Royal Society of Edinburgh and the Scottish Council for Voluntary Organisations provided us with ahead of today's debate show the vital impact of the third sector—its important economic impact in particular, which I had not been fully aware of but which involves a huge amount of money, with £7.9 billion having been spent by the sector in 2021, rising to £8.8 billion in 2022. That spending impacts on everyone's lives—that is one of the things that the debate has already shown.

It is also important to recognise the positive impact that the charitable and third sectors make in relation not only to reducing public expenditure but to maximising its benefit by providing services in sectors such as health, social care and education, and often doing so better than our national health service or our local authorities. I say that because, often, the third sector and charitable sector will take forward a more innovative sector-specific or person-specific solution. That is something that we should celebrate, and it is vital that we capture that.

I will give an example of that from my Lothian region. NHS Lothian looked into waiting times for

child and adolescent mental health services—we have often heard MSPs complaining that it is unacceptable to leave people on long waiting lists. As a result, the health board has embraced a lot of work with the third sector to review CAMHS cases and, where appropriate, to get people into early intervention services that are run by mental health charities. That is helping to support families and individuals, instead of just leaving them on a waiting list. That is an example of an innovative solution that we should all celebrate and want to see being extended.

As Kate Forbes said, we also need to look to the third sector playing a more national role in our society and being at the table in relation to national and regional economic strategies.

Parliament should also allow the sector to come into our processes. Parliament and Governments—previous ones, as well as this one—have failed to take the opportunity to bring in the third sector at earlier stages. For example, in integration of health and social care it was a mistake not to have the third sector at the table earlier. I say to ministers that, in relation to development of the national care service, we should not make that mistake again. There is an opportunity, as the proposal progresses through Parliament, to embed the third sector in the process.

**Emma Harper (South Scotland) (SNP):** I am on the committee that is gathering evidence on the National Care Service (Scotland) Bill. We have included the third sector in our evidence sessions. Does Miles Briggs welcome that? As he rightly says, the sector's involvement is valuable.

**Miles Briggs:** I absolutely agree that the sector's involvement is valuable. However, having the sector at the table when it comes to decision making and commissioning of services will be really important. A lot of the work that the sector has done beyond integration of health and social care has been done outside the room. It is really important that we ensure that the sector is involved in commissioning services.

Members will be aware that I have launched a consultation on my member's bill on the right to palliative care. In that area, the third sector—the hospice sector, in this case—is not embedded in the conversations on budgeting, and decisions that are being taken by the Government see it facing a £16 million black hole in staff budgets. That is an example of where we need to embed the sector in decision making.

Members will be aware that a Children's Hospices Across Scotland reception will be held in the garden lobby this evening. It is one of many organisations that are doing fantastic work. Parliament needs to celebrate them, but we also

need to engage better with them and to open up opportunities for them to do more and to make a bigger difference.

To conclude, I thank Kate Forbes for bringing the debate to the chamber and I thank members for contributing to it. We have a huge opportunity to encourage and nurture our third sector. We all want to celebrate the sector and make sure that that happens.

18:05

**Foysoyl Choudhury (Lothian) (Lab):** I thank Kate Forbes for bringing this very important debate to the chamber. I have been involved in third sector organisations all my life, so I know the difficulties that they face.

Scotland's third sector makes a vital contribution to Scottish society. Sadly, the contributions of that important sector are too often overlooked and undervalued. That is further represented in Scottish Government funding models, through which we see third sector organisations losing out time and again.

In January this year, I hosted a round-table meeting for third sector community organisations in the Lothian region. I was told by many community organisations that the current grant and funding model is confusing and time consuming for smaller organisations, which do not have dedicated fundraising managers, which means that smaller third sector community organisations lose out and cannot provide the services that are desperately needed in their communities.

Acknowledging the economic contribution of the third sector means accepting the need for more investment and support to keep those vital organisations up and running. The Royal Society of Edinburgh's report on the economic contribution of the third sector in Scotland highlighted that the third sector is often overlooked as a source of wealth generation and is rarely included in national or local growth strategies.

In order to reap the reward of the vast economic contribution that the third sector makes we must give it the recognition and funding that it deserves. The Scottish Government has made commitments to a wellbeing economy, but those commitments cannot be reached without the important work of the third sector.

The range of work that is done by the third sector is incredibly wide and long lasting. Since 2020, increases in use of food banks and in use of temporary accommodation and the increase in energy prices have meant a significant increase in demand for services.

During the Covid-19 pandemic, and subsequently, third sector organisations worked around the clock to provide support, but because of the current financial situation, core funding is reducing and many vital organisations cannot offer the level of support that they once offered. We will see the impact of that in our economy if more investment is not made.

It is clear that barriers still exist to allowing wider recognition of the third sector in Scotland. The RSE report highlights that there appears to be "cultural resistance" to involving charities and other social organisations in programmes. The report also highlights that charities often feel that they are not taken as seriously or deemed to be as "professional" as other organisations. That culture leads to third sector organisations missing out on opportunities to expand and to contribute to our economy and society as a whole. Its contributions are vital and we should support them.

I welcome the report and hope that it will lead to barriers to access being torn down and to third sector organisations getting the recognition and support that they deserve.

I apologise: I will not be able to stay until the end of the debate, because it is Ramadan.

18:09

**Emma Harper (South Scotland) (SNP):** I congratulate my colleague Kate Forbes on securing this important debate, which allows us to recognise and promote the importance of the third sector. Kate Forbes outlined very well in opening the debate the third sector's contribution to the Scottish economy, including the wellbeing economy. I also thank organisations for the briefings that they provided ahead of the debate.

The Royal Society of Edinburgh's research paper highlights much information, and I recommend that everyone read it. I know that members will have read it, but I encourage others to do so, too.

The third sector is an absolutely crucial lifeline for so many of our fellow citizens, through its support for people's social needs as well as for their physical and mental health. The social enterprise landscape is, as we have heard, a diverse mix of business models across many industries and rural and urban geographies, which is a key strength. Many social enterprises are registered charities or Scottish charitable incorporated organisations—SCIOs—and many others are community interest companies, co-operatives or other purposeful business models.

Scotland's social enterprises contribute £2.63 billion annually in gross value added income to our economy, according to the most recent social

enterprise census. The social enterprises that together make up the third sector provide around 90,000 full-time equivalent jobs in Scotland and have a net collective worth of around £7 billion. The third sector and its social enterprises are hugely important to Scotland's economy and society. It is right that we celebrate and support them.

I will touch on the work of Third Sector Dumfries and Galloway. The team, which is led by Alan Webb, helps voluntary organisations, charities, social enterprises, co-operatives, credit unions, mutual organisations and volunteers to work together to put the sector first. It highlights what the third sector is, how it impacts on the lives of individuals and communities in Dumfries and Galloway and how it impacts on the strength and sustainability of our economy. The organisation represents the interests of the sector by lobbying opinion creators and decision makers in the Scottish Government, Dumfries and Galloway Council and NHS Dumfries and Galloway. It is essential that we value the third sector equitably, as Kate Forbes described.

Third Sector Dumfries and Galloway is part of the third sector interface network, which is funded by the Scottish Government. The TSI provides a single point of access for support and advice for the sector in local areas. That includes tackling social inequalities, fostering community empowerment and inclusive growth, working to increase volunteering and citizenship, and enabling integration of health and social care.

One of the great initiatives that has stemmed from that is increased use of social prescribing in the region. The Health, Social Care and Sport Committee recently recommended increasing the use of social prescribing following our "Social Prescribing: physical activity is an investment, not a cost" inquiry report. It is a great way for people to be supported to access treatment that is in the best interests of their physical and mental health.

Third Sector D and G works in collaboration with many groups and organisations, such as A Listening Ear, the Dumfries and Galloway Hard of Hearing Group, DG Voice, the Dumfries and Galloway Advocacy Service, Food Train and many others. Those organisations all work to support people to become economically active. I volunteered with A Listening Ear during the Covid lockdown to help to address isolation and loneliness that were being caused by the lockdown.

Work is also being done to support people and to promote digital literacy. To that end, Third Sector D and G, under the leadership of former chief executive officer Norma Austin Hart, did a great study to examine the extent of digital inclusion—I am conscious of the time, Presiding

Officer—and its findings were stark and led to great initiatives that support digital literacy hubs.

I thank Kate Forbes for securing the debate and I reaffirm the need to include and value the third sector to support our economy.

18:13

**Brian Whittle (South Scotland) (Con):** I, too, congratulate Kate Forbes on securing time in the chamber to highlight the importance of the third sector to the Scottish economy. As members will know, I have spoken about the third sector many times in the chamber. Although we talk about it all the time and heap praise on it, I am not quite sure that we match that with the way in which we act on its behalf. I am grateful for the opportunity to speak in the debate, and I thank the Royal Society of Edinburgh for its comprehensive document.

As has been highlighted in the motion and by previous speakers, it would be impossible for any Government to replace the monetary value of the third sector in Scotland. Governments lean on the third sector with the assumption that it can be a cost-effective way of delivering a community service, especially when third sector organisations often cater for those who are furthest removed from our society.

However, when we talk about the economic contribution of the third sector, we should not lose sight of what that means for our communities and how they would be impacted if the third sector ceased to exist, not to mention the extra burden that that would put on our statutory services, which are already creaking under huge pressures.

As is customary in such debates, I will talk about some third sector organisations in my area, such as Morven day services in Onthank, which is a drop-in centre for people suffering poor mental health. It is a lifeline for many, and it is the only place outside their home that some of them see a couple of times a week. The service uses music and art, and I have been beaten several times at pool by members there when I have dropped in. I sometimes partake in their music—they have guitars there—although members will be glad to hear that I have not tried to draw anything in their art classes.

That service, which draws together a lot of like-minded people in a safe environment, is under threat because the local council has withdrawn its funding. I worry about what will happen to the members who use that service, because they will not walk through the shiny doors of a statutory service. As it happens, Morven day services has secured some private donations that will keep the doors open for the next few months while it tries to work through the issues. However, I worry about

what will happen to the very colourful and fantastic characters who use that service if it shuts down.

Likewise, what will happen if the Break the Silence service, which works with people who have childhood sexual trauma, falls? What will replace it? If we lose such services, my worry is that, although the cost will come out of the local council ledger, a much greater cost will inevitably appear in the healthcare ledger.

We Are With You, which provides drug and alcohol addiction support, and Recovery Enterprises Scotland do not just wait for service users to come to them; they go out to service users who are not able to leave their home. They work with those who are most removed from society.

Foundations hub supports people who are detained at His Majesty's pleasure and who will need to be reintegrated into the community after serving their debt to society. The hub works with them six or eight weeks out to ensure that they have everything that they need when they come out. It also supports the families of those who are incarcerated. There is no similar statutory service to replace it.

Many of us will know about CentreStage, which has developed into a huge community asset and a meeting point. It uses music, among other things, to bring together people who might otherwise have nowhere to go and who are seeking help, company or friendship.

The third sector is under increasing financial pressure to deliver its services, most often to the most vulnerable in our society. It has the flexibility to adapt to circumstances in a way that statutory services often cannot. In many ways, we take for granted that the third sector will always be there, and that its budgets can be squeezed but that it will continue to deliver the vital economic, community and human impacts that we have been discussing. We should not take the third sector for granted. If we do, we will wake up one day and it will not be there. What will we do then? Cutting support for our third sector is a false economy—it is an economy and service that we could not replace.

18:18

**Paul O'Kane (West Scotland) (Lab):** I thank Kate Forbes for securing today's debate. For all of us in the chamber, it is always a pleasure to be able to highlight and speak about the valuable role of Scotland's third sector in our economy and in our society. Kate Forbes set out a number of the challenges in a very considered opening speech.

I know well the impact that the third sector has on the ground, working with individuals across

Scotland. Most of my career before coming to the Parliament was spent working in the third sector. I declare an interest in that regard, having worked for Enable Scotland, as colleagues probably know, before my election to the Parliament. I was able to see up close the work that it and other third sector organisations do, particularly in the learning disability and social care space.

When we think about the third and voluntary sector, it is often such engagements that come to mind. We have already heard a number of examples from across Scotland in the debate. That is how third sector organisations, through their interactions, have the biggest impact on individuals, communities and society.

When we think about the provision of support services to people in our communities, we often see the third sector going above and beyond with its delivery and being praised for its high standards. When looking at social care services, *The BMJ* found that regulated social care services in the third sector are frequently of a higher standard than those in the private sector and that people often choose to receive care and support from third sector organisations that they trust and that are rooted in their local community.

There are other examples of that connection and trust fostering relations. Organisations such as the Outward Bound Trust equip young people in communities across Scotland with skills for life and engage them in community projects such as the Mark Scott leadership for life award. MSPs have reached a consensus on securing funding for that project for the coming year, following strong cross-party work, and we hope that that will continue. Countless third sector organisations across Scotland need and deserve support and are at the forefront of our minds during this debate.

Kate Forbes's motion rightly highlights something that we do not consider nearly as much as we ought to, which is the economic impact of such organisations. The SCVO's sector statistics for 2022 estimated that 46,500 charities, community groups and social enterprises were active in Scotland, employing 135,000 paid staff, supported by more than a million volunteers. They had an estimated turnover of £9.2 billion and spent more than £8.8 billion during that period. That is a significant economic footprint, which other reports—not least the work by the Royal Society of Edinburgh, which was referred to by a number of speakers—have also exemplified.

We have heard about the importance of ensuring that the third sector continues to contribute to our growing economy. We can do that by ensuring that the sector has certainty in planning, which largely means knowing where resources will come from. It is also important that



funding is fair and that its structures work for the organisations. For those who have not already seen it, I point to the SCVO's list of fair funding asks of the Government. It calls for multiyear funding, uprating and better communication and dialogue about funding awards. We should reflect on all of that, and I hope that the minister will say something in her summing-up speech about the progress of the Government's fair funding review, because the SCVO is keen to see progress on that.

It is clear that we must ensure that the third sector is at the heart of Scotland's economy, as a considerate and respected partner. We realise the potential of the third sector, which Kate Forbes's motion rightly highlights, and that it can continue to make a huge contribution to Scotland now and in the future. I think that everyone here agrees with that, but we must do more to support charities across Scotland.

18:23

**The Minister for Equalities, Migration and Refugees (Emma Roddick):** I thank Kate Forbes for this debate, because it is wonderful to have the opportunity to focus on the economic advantages of having a thriving third sector. As she said in her opening speech, the third sector covers every part of life. Incredible things, from housing provision to mental health support, are going on in the Highlands, an area that we both represent.

I am very aware that debates about the third sector usually focus on the need to support the sector with Government funding. That is important, and I will come to how we are doing that, but it might leave folk with the impression that the third sector is something that costs, rather than being something that contributes. The idea of the sector being something that contributes came through in Paul O'Kane's contribution, whose past work gives him a valuable insight. I, too, welcome the report from the Royal Society of Edinburgh, which was mentioned by him and other members.

At a time when I genuinely believe that we must, as more people do, think carefully about where we spend our money, and that we must support local and ethical businesses, the societal impact of the third sector cannot be ignored. However, its economic impact is often overlooked.

As Miles Briggs pointed out, the third sector is responsible for an incredible amount of spending. For example, it is hard for me to imagine the Riverside in the west of Inverness being the hive of activity that it is now without Eden Court. One of the best things about having a birthday in July is that, every year, I get to enjoy some of its summer offering. Beyond that, it is estimated that Eden Court is worth £11.83 million to the Highland

economy, with £7 being generated for every £1 of public funding.

There is also the spend-to-save element. We know that, in many areas, the efforts of the third sector are about preventing crises, supporting people and saving lives. Last week, I attended the Highland heroes awards to support Michael O'Neill, who is an emergency community rescue first responder in Alness, where I grew up. He rescues people, thereby complementing the work of the Scottish Ambulance Service and community healthcare providers, and he truly deserved the recognition that he got through his award.

It was an incredible experience to hear the stories of the other nominees, who cared for people at home; prevented death by suicide by providing peer support; and found innovative housing solutions. As Kate Forbes and I both know—we probably spend a lot of time reminding other people of this—it is local communities that know best how to deliver services in their area. That gets to the heart of the work that is being done in my portfolio to address depopulation, tackle inequalities and end social isolation and loneliness. We must do that work in such a way that it reaches those who are furthest from power. As Brian Whittle pointed out, third sector organisations are reaching people that others—including mainstream services—have not been able to.

Tonight, we have heard how locally based and locally minded third sector organisations are making a difference across Scotland. They fill gaps and solve problems that businesses that are solely driven by profit cannot. Ruth Maguire's shout-out to her community larder brought to mind a number of similar facilities that I am familiar with, including organisations that we are supporting through our social isolation and loneliness fund. During the Covid pandemic, countless organisations sprung up to ensure that people did not have to travel far for essentials, even if they lived rurally or on an outer island, and many have since been set up in response to the cost of living crisis.

Ruth Maguire was also right to talk about voluntary services, which make up a huge part of the third sector. In Scotland, formal volunteering is estimated to be worth £2.3 billion, but we know that the true worth is even higher than that. Since I was of a young age, I have always held voluntary roles, even when I have had multiple jobs, not just because I wanted to do something good, but because you get so much out of it. I had the energy to get up in the morning and go to my other work only because I felt that I had a purpose. I got to spend time with other volunteers who shared my beliefs and knew that we were making a difference to someone.

When we look at social prescribing and mental health recovery, we see that the third sector is leading the way by supporting service users and by giving people who will benefit from volunteering the opportunity to be part of something and to enrich their lives by doing so.

As Emma Harper said, such voluntary work is not in opposition to public services, because the partnership working such as that which she described in Dumfries and Galloway can improve the public sector while maintaining an important role for the third sector. That means that the value of the money that we spend on public services goes up, because the impact goes further and is worth more.

In the Scottish Government, we have a firm commitment to our national strategy for economic transformation, which has an overarching vision of a wellbeing economy in Scotland that is fair, green and growing, and in which the third sector has an important role to play.

Foysol Choudhury mentioned the need for many third sector organisations to have dedicated staff to make funding applications. He is absolutely right. I support a number of smaller charities to help them to make sense of the funding landscape and try to navigate it. I always say to them that there is a reason why there are so many full-time fundraising officers. I recognise that there is a need for Government funding to reduce that problem for the organisations that we support and not risk adding to it.

Paul O’Kane was right to mention the fair funding principles, which we remain committed to and have prioritised, despite the difficult budget situation that we are in, in order to provide the clarity that we know that third sector organisations need.

**Paul O’Kane:** Following on from the fair funding review that I mentioned earlier, two recommendations have been progressed, including a commitment to notify by the end of March organisations that are going to be in receipt of two-year funding as part of the pilot. Can the minister say anything about the progress on that and whether that target will be met?

**Emma Roddick:** I cannot speak to that in detail right now, but I am more than happy to get Paul O’Kane some more information on that. I know that the First Minister has been keen to ensure that officials across Government know that grant conditions and timescales for notification very much need to be improved. We are aware of that issue, and I am more than happy to follow up on the member’s question.

The national strategy for economic transformation and the 2022-23 programme for government included a commitment to undertake

a review of how to increase the number of co-operatives, employee-owned firms and social enterprises in Scotland. That review will conclude in spring this year.

As we approach the two-year anniversary of that strategy’s publication, we recognise that much has changed in that time. A refreshed strategy will provide a clear and concise articulation of the actions that we are taking and will take in order to achieve our central objective of building a fair, green and growing economy.

To fully achieve its economic potential, the third sector needs stability and the opportunity for longer-term planning and development. That is why we remain committed to fully implementing a fairer funding approach for the third sector. This year, we are focusing on improvements to our grant-making arrangements to provide greater clarity.

The Scottish Government is committed to maximising the economic contribution and impact for communities and individuals of the third sector in Scotland. That includes continued collaborative efforts between the public, private and third sectors, and I look forward to playing my part, along with colleagues, to realise that.

There is always more that we can do, and I know that I will continue to hear from many of the colleagues who have contributed this evening on how we can best reach our shared goal.

*Meeting closed at 18:32.*

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