



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Thursday 31 October 2024**

**Session 6**



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# Scottish Parliament

Thursday 31 October 2024

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

## General Question Time

**The Presiding Officer (Alison Johnstone):** Good morning. The first item of business is general question time. In order to get in as many members as possible, short and succinct questions and responses would be appreciated.

Question 1 has been withdrawn.

### Forced Adoption

**2. Clare Haughey (Rutherglen) (SNP):** To ask the Scottish Government whether it will provide an update on the work that it is doing to support those affected by historic forced adoption. (S6O-03870)

**The Minister for Children, Young People and The Promise (Natalie Don-Innes):** I start by saying how sorry I am for the profound pain and loss of historical forced adoption and the lifelong impact that it has had on people's lives. I extend my deepest sympathies to everyone who has been affected.

Most recently, we held five lived-experience sessions with mothers and adoptees, and we are taking forward actions based on what we heard in those sessions. We continue to fund the charity Health in Mind to offer specialist peer support to those who have been affected by historical adoption, and we are funding Birthlink to manage the adoption contact register for Scotland, which helps to support connections between families who have been affected by adoption.

**Clare Haughey:** Since the first anniversary of the formal apology that the former First Minister delivered to those who have been impacted by historical adoption practices, I have been in contact with some campaigners who have shared with me their subsequent concerns. I know that the Minister for Children, Young People and The Promise is aware of those concerns, having met the campaigners in June.

As the apology in itself is not the end point for those who are impacted, what is being done, and what more can be done, to ensure that the voices of those with lived experience are at the heart of the post-apology work that the Scottish Government is currently undertaking?

**Natalie Don-Innes:** As I mentioned, we held five lived-experience sessions with mothers and adoptees, and I thank everyone who participated

in those sessions for sharing their views on such a sensitive subject.

In response to what people told us about the importance of information and awareness raising, we are, as a first step, developing dedicated historical forced adoption pages on the mygov.scot website so that all the information about post-adoption services and help can be found in one place. We are also developing commemorative copies of the national apology, which will be available very shortly; that is in direct response to asks from the affected groups.

We are committed to continuing our engagement with people with lived experience to inform our approach. We heard directly from people involved about the importance of being clear about what is realistically achievable, so we propose to undertake targeted engagement on specific key policy proposals as we go forward.

**Marie McNair (Clydebank and Milngavie) (SNP):** Great work has been done by the Movement for an Adoption Apology group, and it was a welcome development to see victims receive a formal apology from the Scottish Government.

However, a constituent of mine has expressed concern that, given the passage of time, the truth about the experiences of those who have been impacted will be lost. Has the Scottish Government given any consideration to working with mothers to enable their oral histories to be recorded and archived?

**Natalie Don-Innes:** I understand the concerns of the member and her constituent, and I would be happy to consider ways in which to raise awareness of mothers' experiences of historical forced adoption and the lifelong impact that they have endured, whether that is through oral histories or by any other means. I would be open to discussing any proposals that the member has in that regard, further to her recent letter to the First Minister.

### NHS Greater Glasgow and Clyde (Meetings)

**3. Neil Bibby (West Scotland) (Lab):** To ask the Scottish Government when it last met with NHS Greater Glasgow and Clyde and what issues were discussed. (S6O-03871)

**The Cabinet Secretary for Health and Social Care (Neil Gray):** Ministers and Scottish Government officials meet regularly with representatives of all health boards, including NHS Greater Glasgow and Clyde, to discuss matters of importance to patients and the services that are provided.

**Neil Bibby:** This week, Unison reps at the Royal Alexandra hospital came to me with serious

concerns about the possible closure of ward 36, which has 22 beds for older people with complex needs. There appears to be no thought-through plan for the ward, staff or the patients. One thousand signatures have already been gathered in a petition opposing the move, which one can only assume is a result of budget cuts.

Has the Cabinet Secretary for Health and Social Care been made aware of the proposal to close that ward and cut 22 beds from the RAH? Does he agree that the move should not go ahead, given the concerns that have been raised by the national health service staff who work there?

Given the statement yesterday by the Chancellor of the Exchequer, which not only increases bed numbers in England but gives the Scottish Government an extra £3.4 billion, will the cabinet secretary ensure that resources are made available to the health board to protect those vital local services?

**Neil Gray:** I thank Neil Bibby for raising that point. To answer his question directly, I note that that proposal has not been brought to me. It is obviously a local decision to be taken. I respect the local proposals and the local decision making regarding them, but I also respect the issue that Mr Bibby has raised with me on the concerns that have been raised by staff and by the trade union. I would expect NHS Greater Glasgow and Clyde, if it is taking forward such a proposal, to be consulting on that. There are clear consultation pathways and the Government has clear expectations of boards when they look at service redesign. I do not have the full picture because this is the first that I have heard of it, but I will look into the matter further and make sure that I contact Mr Bibby and other local representatives on it.

#### **Education Funding (Malawi, Rwanda and Zambia)**

**4. Sue Webber (Lothian) (Con):** To ask the Scottish Government whether the £12.5 million of funding that it plans to provide for education in Malawi, Rwanda and Zambia was set out in the budget for 2024-25. (S6O-03872)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** Supporting international development remains one of the most important ways that Scotland can be a good global citizen. I confirm that those programmes are supported by the international development fund of £11.5 million in 2024-25, as published on 19 December 2023 and approved by Parliament in March. The budget for year 1 of our inclusive education programmes for Malawi, Zambia and Rwanda, which was announced on 15 October, amounts to £1.65 million in 2024-25. Over five years, subject to the usual parliamentary approvals in relation to the

annual budget act, we expect the total value of the programme to be £12.5 million.

**Sue Webber:** In Scotland, classroom standards are plummeting and violence is rising. Teacher numbers are declining, secure full-time posts are scarce, and cuts to school hours and assistant numbers are at risk. Currie community high school parent council is writing to the City of Edinburgh Council to express its deep concern regarding the proposed cuts to additional support needs services in our education community. It states that the cuts could significantly affect the quality of education and support for those students who rely on ASN services and wider learners.

Foreign aid is reserved and public cash should be spent at home rather than abroad. Does the cabinet secretary agree that the Scottish Government should be prioritising the education of Scotland's young people first?

**Angus Robertson:** Scotland's international development programme is now entering its 20th year and it has—until now, it would appear—had cross-party support. Spending on international development on inclusive education is minuscule when compared with spending on education in Scotland. I hope that Sue Webber will reflect—as, indeed, will her colleagues behind her who were nodding—on the intervention that has just been made and support the modest but impactful way in which Scotland demonstrates its commitment to being a good global citizen.

#### **Disability Equality Plan**

**5. Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP):** To ask the Scottish Government whether it will provide an update on the work that it has been undertaking with disabled people's organisations regarding the delivery of its disability equality plan. (S6O-03873)

**The Minister for Equalities (Kaukab Stewart):** We remain committed to addressing the significant challenges that disabled people are facing following decades of austerity and a cost of living crisis. This year, we committed £6.1 billion to benefits, including an additional £300 million for adult disability payment. That represents an investment of more than £1.1 billion over and above what we receive from the UK Government.

However, it is clear that disabled people continue to face significant barriers. That is why we committed to delivering the disability equality plan, which lays the foundations for meaningful change. The limitations of our devolved budget mean that it is not always possible to meet the full extent of everyone's ambitions in this first phase. However, we will continue to work with disabled people's organisations to build towards a fairer Scotland.

**Elena Whitham:** Disabled people's organisations including Disability Equality Scotland, the Glasgow Disability Alliance and Inclusion Scotland have been in contact with evidence that underlines how disabled people have been disproportionately impacted by the cost of living crisis across the United Kingdom. Will the minister speak to the existing support that households in Scotland are able to access this winter? Will she outline what further work is being done alongside the DPOs to ensure that disabled people are not left behind in the Scottish Government's mission to end poverty in Scotland, in light of the disabled people demand justice campaign?

**Kaukab Stewart:** I can give the member that assurance. We introduced the pension age disability payment, which is worth between £290 and £434 a month to people of state pension age who are disabled. The child winter heating payment will help households with severely disabled children to manage the additional costs that they face this winter.

We have secured the agreement of energy suppliers, consumer organisations and DPOs to co-design a social tariff mechanism to evidence its viability. We also reopened the independent living fund, helping up to 1,000 more disabled people to access the support that they need.

**Pam Duncan-Glancy (Glasgow) (Lab):** This week—almost exactly one year on from telling me that my bill to support transitions for disabled people was not needed and a whole eight years after the Scottish National Party first promised it—the Government delayed the transitions to adulthood strategy, which affects a number of young disabled people. The Government said that it had done that in order to allow sufficient time to support meaningful engagement.

Blaming the people who need that strategy for the Government's delay is a new low. How many more years will young disabled people have to wait until the Government gets its act together?

**Kaukab Stewart:** I understand the member's frustrations, and I commend the work that she did on the bill. I reassure her that we are not delaying. I have already outlined the investment and some of the tasks that we are taking forward, and we will continue to progress that work.

### Rural Ambulance Provision

**6. Alexander Burnett (Aberdeenshire West) (Con):** To ask the Scottish Government when the health secretary last met the Scottish Ambulance Service to discuss rural ambulance provision. (S6O-03874)

**The Cabinet Secretary for Health and Social Care (Neil Gray):** I met the chair of the Scottish

Ambulance Service on 5 June 2024, when rural ambulance provision across Scotland was discussed. In addition, my officials meet Scottish Ambulance Service management regularly to discuss a range of topics, including ambulance provision across the country. We receive weekly performance reports, which are scrutinised and reported on accordingly.

**Alexander Burnett:** Earlier this month, a family in Torphins had a terrifyingly long wait for an ambulance during a mother's labour, after a call was answered by someone in Yorkshire who could not locate their rural address. As was reported in the *Sunday Post*, the father and the grandmother had to be talked through delivering the baby and then had to perform cardiopulmonary resuscitation on the newborn baby for half an hour before the vehicle arrived. Thankfully, both mother and baby are healthy, but this was a completely horrifying experience that no family should have to endure.

In Aberdeenshire, journeys to Aberdeen royal infirmary can take up to two hours—not including the time waiting for an ambulance to arrive. Does the cabinet secretary think that that is acceptable? What support will be provided to ensure that rural communities have an ambulance service that meets their needs?

**Neil Gray:** I am aware of the media reports, and I give my apologies to the family in that case. As a father, I can understand the difficulty that the family would have experienced and the challenge of going through that process. I recognise that and I understand it.

I have recently corresponded with Alexander Burnett on ambulance provision in his area, and I would be more than happy to meet him to discuss the case and ambulance provision in his area in general.

**Liam McArthur (Orkney Islands) (LD):** In recent months, I have been approached by a number of constituents who have highlighted examples of what appear to be unnecessary delays in tasking ambulances in Orkney. I am due to meet the chief executive of the Ambulance Service next month to discuss the issue. Will the health secretary support steps to adopt a more tailored approach in island communities to reduce delays in ambulance call-outs wherever possible?

**Neil Gray:** I know from visits to Orkney, the Western Isles and Shetland that work is under way to take the approach that Liam McArthur sets out. Innovative work is being done in island communities, where there must be an adaptation to the demography as well as to the geography that we are dealing with, to ensure that we are resourcing ambulance services as well as primary care and urgent care need. I would be more than happy to discuss that further with Liam McArthur

after he has had his discussion with the Ambulance Service.

**Clare Haughey (Rutherglen) (SNP):** The Scottish Ambulance Service is a vital component of emergency care throughout the year, but particularly in the colder months. Will the cabinet secretary outline the efforts that the service is making to prepare for this period, including in rural areas?

**Neil Gray:** Clare Haughey is absolutely right. I thank the Ambulance Service for the critical work that it does, alongside giving my thanks to all health and social care staff at this time of year in particular.

The Scottish Ambulance Service will play a critical role in the delivery of various aspects of healthcare throughout winter, with its key focus being on maintaining a fast and effective response to those who need emergency care and support. Ahead of winter, the service's management team has been engaging with chief executives and chairs of all health boards across Scotland to plan at a more local level, including by developing plans for urgent care in rural and island communities.

#### **Police Scotland (Investigation of Crime)**

**7. Liam Kerr (North East Scotland) (Con):** To ask the Scottish Government whether it will provide an update on Police Scotland's extension across Scotland of the north-east pilot of not investigating "low-level" crime. (S6O-03875)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** All incidents that are reported to Police Scotland are individually assessed on the basis of threat, harm and risk, investigative opportunity and vulnerability. To suggest otherwise is incorrect. When there is no threat, harm or risk and no line of inquiry, officers will issue the caller with a crime report number and file the incident, with scope to return to it should investigative opportunities emerge.

Police Scotland confirmed to the Scottish Police Authority in June that the proportionate response to crime approach has been adopted across all divisions as of 24 June. That is an operational decision for the service, similar to many forces in England, and the SPA will receive an evaluation report in December.

**Liam Kerr:** The people of the north-east have to live through this experiment. Alongside reports of the 16-year-old who, after drinking alcohol on the streets of Elgin, killed Royal Air Force veteran Keith Rollinson after being refused admission on to his coach, we hear reports of Inverurie residents being intimidated by gangs of teens using the town centre as a personal playground, and of Oldmeldrum, Balmedie and Pitmedden residents

reporting youths brandishing knives at passers-by. Does the cabinet secretary concede that electing not to investigate certain crimes, coupled with officer reductions and budget cuts, creates a haven for more antisocial behaviour issues across our communities?

**Angela Constance:** I draw Mr Kerr's attention to the comments and contribution of Assistant Chief Constable Bond, who has said that the impact of the proportionate response to lower-level offences gives

"officers more time to focus on local policing, keeping people safe from harm, protecting the vulnerable, bringing criminals to justice, solving problems, and reducing"

reoffending. The impact of the north-east pilot saw public satisfaction rates increase and freed up 2,657 police officers, all to good effect for communities in the north-east.

#### **Gender**

**8. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** To ask the Scottish Government what its position is on how many genders there are. (S6O-03876)

**The Minister for Equalities (Kaukab Stewart):** The Scottish Government's position is that of the law. In law, people are either male or female.

**Rachael Hamilton:** I am pleased to hear that Kaukab Stewart agrees with the First Minister that there are two genders but, in official guidance that was published this month, the Scottish National Party Government claimed that there are dozens of different genders—I repeat, dozens. That does not make sense to people in mainstream Scotland. It seems ridiculous for that issue to be the Scottish Government's focus. Why is the Scottish Government wasting so much time and resource on fringe obsessions?

**Kaukab Stewart:** The Scottish Government did not claim that. The Scottish Government recently updated its guidance for public bodies on collecting data on sex and gender to include a coding framework for free-text responses. The framework is there to help official statistics producers to categorise people who identify as trans and have completed an open-response question about their trans status. The categories were developed on the basis of the most common responses to the question in the 2022 census. The framework should not be interpreted to mean that there are a particular number of genders; it should be used only as a guide to classify responses to the recommended trans status question in surveys.



## First Minister's Question Time

12:00

**The Presiding Officer (Alison Johnstone):** The next item of business is First Minister's question time.

### Tax Increases

**1. Russell Findlay (West Scotland) (Con):** Labour increased taxes by £40 billion in yesterday's Halloween budget—the biggest tax heist ever. Anas Sarwar's party put up national insurance, whisky duty, inheritance tax and North Sea taxes. It brought in a family-farm tax, pension tax and VAT on independent schools. Labour has chosen to hammer workers and to declare war on business, but the Scottish National Party's Cabinet Secretary for Finance and Local Government described Labour's budget as

"a step in the right direction". [*Interruption.*]

**The Presiding Officer:** Let us hear Mr Findlay.

**Russell Findlay:** If a £40 billion tax rise is just

"a step in the right direction",

how much does the First Minister think the rise should be?

**The First Minister (John Swinney):** I have sympathy with the Labour Government in the United Kingdom in that it has inherited an entirely unsustainable set of circumstances in the public finances, because of the absolutely menacing agenda of the Conservative Government for 14 years. It is the ultimate deceit for Mr Findlay and the Conservatives to criticise those of us who must take difficult decisions to clear up the mess that the Conservatives have created.

**Russell Findlay:** It is nice to hear the First Minister defending Labour for shamelessly breaking its promises not to raise taxes on working people. The Office for Budget Responsibility has said that the vast majority of Labour's national insurance rise

"will be passed on to workers."

That comes after years of crippling SNP tax rises. Scotland's taxpayers cannot afford and do not deserve more taxes next year—they need a break after years of the SNP swiping their cash. Is it not about time that John Swinney considered reducing income tax for hard-working Scots?

**The First Minister:** Russell Findlay misconstrues the remarks that I am making. It is up to the Labour Party to defend its position.

I will set out my analysis of the horror show that the Conservatives have inflicted on this country through their management of the economy for the

past 14 years. It is an absolute horror show that the Conservatives have inflicted on our public services, on working people in this country, on people with any vulnerability and on anybody who is paying a mortgage. Every one of them has been punished by the incompetence of the Conservative Government. Mr Findlay—I know that he does not like this—was one of those who told me that I had to follow in Liz Truss's footsteps. Thank goodness I never did that in any of my decisions.

I say to Russell Findlay that we have taken decisions to increase tax in Scotland because we wanted to invest in our public services. That investment has improved our public services to meet the needs of people in Scotland. We have faced the reality. If Mr Findlay wants to stand here and defend spending cuts to the people of Scotland, he is welcome to do so. I will not follow in his footsteps.

**Russell Findlay:** I tell you what, John Swinney has got some front. He is the man whose dirty fingerprints are all over the trams scandal, the ferries scandal, the Salmond inquiry scandal and the named-person scandal. How much have this man's mistakes cost all of us? I am on the side of Scotland's taxpayers, who want fairness and justice.

The same goes for Scottish business, which has been quick to cast its verdict on Labour's tax-raising budget. The Scottish Hospitality Group, the Scotch Whisky Association, Offshore Energies UK and the NFU Scotland have all hit out. Labour has broken its promises to businesses. Will John Swinney keep his pledge, which was made in last month's programme for government, to support Scottish business owners? Will he now act decisively to cut taxes on Scottish business?

**The First Minister:** It is part of my duty as First Minister to ensure that Parliament is properly informed about its history. That has been part of my duty since I have been here—since the very beginning.

On the question of trams, I did not want to spend a single farthing on the trams. I wanted to spend that £500 million on dualling the A9, but the Tories forced me to spend it on trams. [*Interruption.*]

**The Presiding Officer:** Let us hear one another.

**The First Minister:** It is so important that Mr Findlay does not do anything that might mislead Parliament, and it is part of my duty to correct his mistakes when he comes to the chamber.

When it comes to working with Scottish business, I am delighted with the engagement that the Deputy First Minister is taking forward in leading the Government's approach to investment

and dialogue with business. I look forward to discussing those issues when I attend Scottish Financial Enterprise's annual event tonight in the city of Glasgow. I look forward to discussing the success of the financial sector in the competitive climate that we create in Scotland. That is what business will get from my Government.

**Russell Findlay:** I think that I have touched a nerve. *[Interruption.]*

**The Presiding Officer:** Let us hear Mr Findlay.

**Russell Findlay:** John Swinney protests his honesty, but let us not forget that the trams inquiry found that he was responsible for a "lack of candour".

The tax burden on Scottish workers and businesses is far too high, but the SNP and Labour think that they are entitled to keep taking more and more, while Scotland's public services get worse and worse. That drives the disconnect between politicians and people. John Swinney could go another way with the Scottish budget: the SNP could stop raising taxes and let people keep more of their own hard-earned money. Why will John Swinney not look to bring down bills for Scottish workers and businesses?

**The First Minister:** Mr Findlay is standing in front of me arguing for a reduction in taxation. The problem with what he and his colleagues bring to the Parliament is that that would involve a reduction in public expenditure.

**Finlay Carson (Galloway and West Dumfries) (Con):** That is not correct.

**The First Minister:** I am being told that that is not correct, so I will say it again, because that is what is involved.

If we reduce taxation, we must reduce public expenditure by a commensurate amount, because we have to balance the budget. Of course, we have done that for 17 continuous years as the Scottish Government. The problem is that Mr Findlay is talking about tax cuts. Every other day of the week, the Tories are demanding that we spend more money on various aspects of public services. When Mr Findlay talks about touching nerves, the issue is not that he has touched a raw nerve in me; the issue is the nerve of Mr Findlay, who comes to the Parliament calling for reductions in tax when he wants us to spend more. That takes some nerve.

### United Kingdom Government Budget

**2. Anas Sarwar (Glasgow) (Lab):** Yesterday, Rachel Reeves announced the first Labour budget in 14 years. After 14 years of Tory chaos, division and decline, it was a transformative and game-changing budget for Scotland. It delivers on the

promises that were made in the election—*[Interruption.]*

**The Presiding Officer:** Let us hear Mr Sarwar. *[Interruption.]* Are members quite finished? Can we please hear Mr Sarwar? No one else has been called to speak.

**Anas Sarwar:** After 14 years, the budget delivers on the promises that were made in the election, ends the era of austerity, provides vital new investment for our public services and prioritises economic growth. It includes the largest block grant settlement for the Scottish Parliament in the history of devolution: £1.5 billion of additional funding for the Scottish Government this year, and a further £3.4 billion next year. That means that the block grant will be £47.7 billion next year—a Labour Government delivering for the people of Scotland. Will the First Minister welcome the transformative budget, welcome the end of the era of austerity and welcome the new investment for Scotland?

**The First Minister (John Swinney):** I do not think that any of us is surprised that Mr Sarwar is so excited in asking his questions in the Parliament today. Let me provide a calming influence in this afternoon's parliamentary discourse. The budget is a step in the right direction. I accept and welcome that.

The increased funding for this financial year largely accords with the Scottish Government's expectations with regard to dealing with the issues of pay and inflation pressures, which the Cabinet Secretary for Finance and Local Government has shared with the Parliament.

The funding for next year is welcome. The budget delivers an increase in funding for Scotland as a result of the Barnett consequential for health and education, but we must be conscious that negative consequential will arise as a result of the budget's financial implications for areas such as culture, environment and transport. Therefore, we need to consider the net implication of the budget for Scotland's public finances.

Significant uncertainty remains about the impact on public spending in Scotland of the increase in employers' national insurance contributions. We have to publish a budget on 4 December, and there is currently uncertainty about whether our finances will be compensated in full for all that is involved in that regard. The cost of the change to national insurance contributions is not an insignificant sum; it is a £500 million question.

We will engage constructively with the United Kingdom Government on those questions. I suppose that my regret comes from the fact that, in the financial estimates that the Chancellor of the Exchequer set out yesterday, she indicated that, over a three-year period, there will be a £10 billion

surplus in the budget. That is encouraging, but she was unable to find a single penny to lift the two-child cap, which is forcing families into poverty in our country today, and I deeply regret that.

**Anas Sarwar:** The Scottish public accept that we cannot fix every problem with one budget. John Swinney was desperate to be disappointed with this budget, and it is very much through gritted teeth that he is having to welcome the record level of investment in Scotland and the fact that this is a historic budget rise for the Scottish Government, delivered by a Labour Government. On top of that, the budget delivered a £1.4 billion investment in Scottish infrastructure; a pay rise for 200,000 of the lowest-paid workers; an extension to the fuel duty cut, which will benefit 3.2 million Scots; massive investment in the publicly owned Great British energy company, which will be headquartered in Aberdeen; a Covid corruption commissioner to get our money back from dodgy Tory deals—[*Interruption.*]

**The Presiding Officer:** Let us hear Mr Sarwar.

**Anas Sarwar:** The budget also delivered compensation for the infected blood victims and the victims of the Post Office Horizon scandal and an end to the pension injustice for miners. There is just so much for Scotland in this budget—I could go on.

Does the First Minister therefore accept that this change is possible only because Scotland voted to get rid of the rotten Tory Government and elected a Labour Government that ended the era of austerity and is changing the lives of people across Scotland?

**The First Minister:** Mr Sarwar is very, very excited today. I have the sense that he doth protest too much. There are many welcome measures in the budget. I am particularly pleased that a reliable source of funding is being made available for the victims of the infected blood scandal—both those affected and infected—because I have constituents who have demonstrated tenacious leadership in ensuring that that injustice was corrected. I think of my constituent Bill Wright whenever I think of this issue. I am very pleased—and it is to its credit—that the Labour Government has done that.

There are many welcome measures in the budget. For example, I argued that the Chancellor of the Exchequer had to change the fiscal rules. During the election period, she said that she would not do that, but I have obviously been very persuasive in getting her to change the fiscal rules so that we can get more investment—the very investment that Mr Sarwar talked about. It is important to invest in our infrastructure and our housing stock and to ensure that this country's competitiveness is enhanced by that investment.

I welcome all those things. However, Mr Sarwar will have to try to convey some of his enthusiasm to people other than me—people who are living in poverty and the children of families who will move into poverty because the two-child cap has not been lifted. The Resolution Foundation estimates that, by next April, an additional 63,000 children will be affected by the failure to lift the two-child cap. There will be pensioners who have lost their winter fuel payment who will not be greeting with enthusiasm the points that Mr Sarwar is making.

Mr Sarwar has to recognise that—

**The Presiding Officer:** Briefly, First Minister.

**The First Minister:** —although there are welcome steps in the budget, there are issues that will prolong the agony of individuals in our society. A Labour Government should address those and right the wrongs that it is presiding over now.

**Anas Sarwar:** I have always been clear that we cannot fix every Tory mess in one budget; of course we want to make further progress over the course of the Labour Government.

However, let us come back to this Parliament, which will get £1.5 billion of additional money this year and £3.4 billion of additional money next year. That is more money for Scotland's national health service, schools and other vital public services. More money is one thing, but how the Scottish National Party Government chooses to spend it is another. The fact is that this is an incompetent SNP Government that is bad with taxpayers' money, so more of the same will not cut it.

With almost one in six Scots on an NHS waiting list, with Scotland's education system falling down the international league tables and with record levels of homelessness and 10,000 children living in temporary accommodation, we need a change of direction. Will the First Minister finally end the blame game, end the SNP's financial mismanagement, incompetence and waste, and ensure that Scots benefit from yesterday's transformative budget?

**The First Minister:** I will go back and look at the parliamentary record of what I have said so far today, but I do not think that I have blamed anybody for anything. Mr Sarwar has blamed the Tories—quite fairly. Actually, to correct the record, I did blame the Tories—I blamed them for 14 years of austerity. That is correct; I agree with Mr Sarwar on that point.

However, let us take a couple of the examples that Mr Sarwar talked about. On schools, when this Government came into office, 63 per cent of pupils in Scotland were educated in good or satisfactory school buildings. That figure is now more than 90 per cent, because this Government

did the heavy lifting of investing in the school estate of Scotland.

Yes, there is a housing challenge, and far too many families are living in temporary accommodation, but this Government has presided over more affordable housing being built per head of population than in any other part of the United Kingdom—and, crucially, more than was built when the Labour Party was in government in Scotland before we were. *[Interruption.]* My dear friend Christine Grahame gives me some prompted comments from the side, which I shall pick up on. The Labour Government that was in power before we came into office was so incompetent that it could not even spend the money that was available to be spent on behalf of the people of Scotland.

We will continue to do what I have always done as a minister: we will deliver careful stewardship of the public finances to deliver for the people of Scotland, we will balance the books and we will deliver value. That is what people get from a Swinney Government.

### **Climate and Nature Emergencies (Funding)**

**3. Lorna Slater (Lothian) (Green):** Yesterday, the United Kingdom Government presented a budget that it claims will put £1.5 billion back into the Scottish Government's budget for this year. That money should ensure that some of the most damaging cuts that were announced by the Scottish Government earlier this year do not now need to go ahead.

Spending on the climate and nature emergencies is essential if we are to ensure that our planet has a liveable future. While the Scottish Greens were in government, climate and nature spending reached record levels. Will the First Minister commit to using the additional funding that was announced yesterday for this financial year to restore the funding cuts to the nature restoration fund and active travel budgets? Does that mean that the Scottish Government no longer needs to use up all the ScotWind funding, which was supposed to be invested in our green future?

**The First Minister (John Swinney):** I understand the importance that Lorna Slater and her colleagues attach to those areas of funding. It was a matter of deep regret to the Government that we had to remove funding from those priorities to enable us to create a path to balance. One of the points that I made in my earlier comments was that the increase in funding for this financial year largely accords with the expectations in our internal planning of what will be necessary to meet the costs of increased pay settlements and the effect of inflation that the Cabinet Secretary for Finance and Local

Government has previously explained to Parliament.

My expectation is not that any new capacity will open up in this financial year. I expect that the resources that have been allocated so far will be required to enable us to balance the budget during this year, because of the pay and inflationary costs that we are facing.

**Lorna Slater:** It is very disappointing to hear that about this year.

I will now ask the First Minister about next year. One of the proudest moments for the Scottish Greens during our time in government was the rolling out of free school meals for all children in primary 4 and 5, because we know that that is a simple and effective way to address the impact of child poverty and to ensure that every child has the best chance at school.

We were on course to expand that to every child in primary school by the end of this session of Parliament, until the Scottish Government put an indefinite delay on that roll-out as part of this year's programme for government. Given the predicted £3.4 billion that is due to be added to next year's Scottish budget, will the First Minister reinstate the promise to deliver free school meals for primary 6 and 7 pupils by 2026, as endorsed by the Parliament a few weeks ago?

**The First Minister:** We will certainly give consideration to that proposal as part of the budget process for the next financial year. Lorna Slater puts to me a substantial proposition that can certainly be considered for the next financial year. We will look at whether the resources are available to support that as part of the whole budgeting process, but I give Lorna Slater the assurance that we will look at that question.

I recognise that Parliament resolved on the issue, but that obviously has to have financial support within the budget. I give her the assurance that the issue will be considered. The finance secretary is engaged in detailed discussions with all political parties in Parliament to secure the passage of the Government's budget for next year and we look forward to discussion on that, and other questions, with Ms Slater and her colleagues and with other parties in Parliament.

### **United Kingdom Government Budget**

**4. Keith Brown (Clackmannanshire and Dunblane) (SNP):** To ask the First Minister what assessment the Scottish Government has undertaken of the impact of the UK Government budget on Scotland. (S6F-03477)

**The First Minister (John Swinney):** I called on the United Kingdom Government to prioritise increased investment in public services,

infrastructure and tackling poverty. Although the measures announced by the chancellor yesterday are a step in the right direction, we still face significant future cost pressures, which is hardly surprising after 14 years of underinvestment by the previous United Kingdom Government.

We are assessing what the UK budget means for Scotland's public finances and, in particular, whether the increased cost of up to £500 million for higher national insurance contributions in the public sector will be fully funded and when we might receive reimbursement. There is a danger that we will not have that certainty in time for the 2025-26 Scottish budget process. It is clear that we will need to see continued investment in the coming years to provide the funding that our public services need.

**Keith Brown:** Does the First Minister agree that the UK budget fails to deliver the transformative change that the people of Scotland were promised and that, in fact, it continues the same broken austerity ideology of the Tories—*[Interruption.]*

**The Presiding Officer:** Let us hear Mr Brown.

**Keith Brown:** —especially for those who are losing their winter fuel allowance—*[Interruption.]*

**The Presiding Officer:** Let us hear Mr Brown.

**Keith Brown:** —and for those suffering under the hated two-child cap?

In particular, does the First Minister agree that the UK Government's decision to increase national insurance contributions could have a severe financial impact on Scotland's public sector, potentially costing the Government, the national health service, schools and the police and fire services hundreds of millions of pounds? Does he agree that the UK Government must, at the very least, fully mitigate any negative impact on the Scottish Government and on public services in Scotland and that any mitigation must be provided in addition to, not as a substitute for, increases to Scotland's block grant?

**The First Minister:** Mr Brown used a couple of examples that illustrate some of the many remaining challenges that we face. Pensioners have lost their winter fuel payment as a consequence of a decision by the United Kingdom Labour Government, and the persisting maintenance of the two-child cap is forcing more and more children and families into poverty. It is beyond me to understand why, when there is a projected budget surplus in a three-year period, the two-child cap has not been lifted immediately by the UK Government. We were told in the summer to be patient until the UK budget, but we have been patient and the Labour Government has not delivered what people expected.

I recognise the need to increase taxation in the budget and, during the election campaign, I argued that that issue had to be confronted. However, I believe that some of that increase could have come from the UK Government following the Scottish Government's tax approach in asking people on higher incomes to pay more in taxation, which could have generated about £20 billion in increased revenue and avoided some of the punishing business taxes that have been applied, particularly to the Scotch whisky industry and other sectors of the Scottish—*[Interruption.]*

**The Presiding Officer:** First Minister, I am aware that, as I try to listen to your response, a conversation is carrying on across the benches. I ask members to stop.

**The First Minister:** The point that I was making is that there are tax choices to be made, and I am one who has argued for taxes to increase. We have actually increased taxes, and there was a way in which the UK Government could have done that, by asking people on higher incomes to pay more in taxation. That would have generated about £20 billion of revenue and would have avoided some of the damaging tax increases, such as the one that is going to undermine the competitiveness of the Scotch whisky industry. I understand why the Scotch whisky industry and business are aggrieved at the Labour Government, because they were promised economic stability, but they are not getting that from the Labour Government.

**The Presiding Officer:** Michelle Thomson has a brief supplementary question.

**Michelle Thomson (Falkirk East) (SNP):** After the budget, the Office for Budget Responsibility significantly downgraded its economic growth forecasts, and the Institute for Fiscal Studies warned that the vast majority of the national insurance tax hike will hit working people through lower pay. To what extent will the UK budget usher in the new era of growth that the Secretary of State for Scotland promised?

**The First Minister:** Some of the data that has been published is illustrative of the economic impact of the budget. The information from the Resolution Foundation indicates that, over the course of the UK parliamentary session, there is likely to be about half a per cent increase in average household incomes as a consequence of the measures that have been taken in the budget. That will leave a lot of people feeling that their living standards have not increased in any meaningful fashion over the course of the parliamentary session. That reinforces the point that Michelle Thomson made, and the Labour Government will have to explain that to the public.

### **Police Scotland (Professor Sam Eljamel)**

#### **5. Liz Smith (Mid Scotland and Fife) (Con):**

To ask the First Minister what engagement the Scottish Government has had with Police Scotland officials who are responsible for investigating whether the actions of Professor Eljamel amounted to criminal conduct. (S6F-03468)

**The First Minister (John Swinney):** The investigation of any crime is an independent matter for Police Scotland, and the Scottish Government has no involvement in such matters. Scottish Government officials met Police Scotland in June this year to discuss the establishment of the public inquiry and other developing work, and they had further engagement with Police Scotland in September.

**Liz Smith:** In his letter to me, Willie Rennie and Michael Marra on 17 October, the Cabinet Secretary for Health and Social Care rightly referred to the independent status of any Police Scotland investigation, and we respect that.

However, in November 2022, Police Scotland detectives appealed to Scottish Government health officials for help, and that was four years after the first complaints were made to police. Officials made a plea for support to Craig White, a senior health director, who, as the Parliament knows, was later assigned to help set up the public inquiry into the Eljamel scandal. Mr White replied to the Scottish Government officials that he would be happy to help investigating detectives. As a matter of public interest, and based on what the First Minister has just said in his first response, can he tell me the exact basis on which that advice was sought?

**The First Minister:** I might need to have further exchanges with Liz Smith to understand exactly the point that she wishes me to address.

Police Scotland must properly and independently conduct a police investigation, and Liz Smith accepts that point. Whatever information Police Scotland wishes to obtain from the Scottish Government, I expect Scottish Government officials and ministers to engage fully and substantively with Police Scotland on that question. If there are any concerns about that, I will happily address them, but my expectation is for the Government to engage in addressing any request for information or assistance from Police Scotland in order to support its independent investigation.

**Willie Rennie (North East Fife) (LD):** The First Minister will understand the deep anxieties that are felt by Professor Eljamel's ex-patients, especially as some of his constituents are in that position. There is deep anxiety among them about the circumstances with the police asking for help from Craig White. Will the First Minister explore

what can possibly be done to restore the confidence of those ex-patients in the process and to ensure that they see that the process is above board?

**The First Minister:** Willie Rennie is familiar with the fact that I, too, have constituents who are affected by the issue. I engage with them in my constituency capacity.

On the question of engagement with Police Scotland, what I said to Liz Smith was an attempt to be helpful in that respect. I would expect the Government to provide Police Scotland with whatever information it is looking for in relation to its inquiries. If there are deeper anxieties, I am happy to meet Willie Rennie, Liz Smith and any other members who wish for me to intervene on the question. I am happy to do so if there are any outstanding issues following my answers today.

### **Sex Crimes**

**6. Pauline McNeill (Glasgow) (Lab):** To ask the First Minister what the Scottish Government's response is to the reported rise in sex crimes. (S6F-03488)

**The First Minister (John Swinney):** Let me state strongly, as I have done previously, that violence against women is totally abhorrent.

Although I want to see a reduction in the number of sexual crimes, we all know that sexual crime is underreported. One of the multiple factors behind the rise includes a greater willingness among victims to come forward, alongside increased support for survivors, including the use of pre-recorded evidence and a greater consistency in approach and the use of specialist police officers.

However, it is the ending of such violence that should be our goal. Those who perpetuate sexual violence and abuse, the majority of whom are men, must be held to account. It is only through fundamental societal change in the behaviours and attitudes of men that women can be protected.

**Pauline McNeill:** Police Scotland received more than 7,000 reports of sexual crimes between the start of April and the end of September this year, showing the upward trend. That also included a 20 per cent rise in the number of reported rapes. I acknowledge what the First Minister said—more people are reporting, which is progress. Of course, the rise is indicative of the fact that male violence against women remains endemic, which the First Minister and I agree on. There is no part of the world where women are safe from such crimes—I am sure that we agree on that, too.

Does the First Minister agree that Scotland should be a leading country in tackling the issue

and in how our criminal justice system treats victims of rape and sexual violence? However, the Government voted to extend the limits for trials until the end of next year. Given that one of the most distressing aspects for victims of sexual assault is the length of time that cases take to come to court, can the First Minister give the Parliament a guarantee that the Government will not seek any further extensions to court time limits, as it did yesterday, to give victims some comfort that delays in our courts will continue to be reduced?

**The First Minister:** I agree with the overwhelming majority of what Pauline McNeill has said, if not all of it. I commend Police Scotland for the work that it has done in driving some of the increase in reporting through the very successful “That guy” campaign, which I think is acknowledged across the parliamentary chamber as one of the most effective means of communication.

The Government is still dealing with the implications of the Covid pandemic on the criminal justice system, and we have sought approvals from the Parliament for further extensions. However, we will not seek any further extensions to those arrangements—I give Pauline McNeill that assurance.

Obviously, there are other steps that we can take. Indeed, yesterday, the court of appeal determined on the Lord Advocate’s reference in relation to corroboration, which will obviously have an effect on questions in relation to prosecution.

**Pam Gosal (West Scotland) (Con):** Figures that were released earlier this week show that 1,400 rape allegations were made in Scotland between April and September this year, which represents an increase of around 20 per cent on the same period last year. Although it is encouraging that more survivors are coming forward to report such abuse, more needs to be done.

Last year, I worked with a rape survivor, Ellie Wilson, to urge the Scottish Government to introduce guidance on how higher education institutions should handle cases of sexual misconduct. What progress has the First Minister’s Government made to ensure that such guidance is issued?

**The First Minister:** I will have to write to Pam Gosal with the definitive answer to that question. During my time as education secretary, with my ministerial colleagues I undertook work on what has become known as the Emily test, in response to the terrible case of Emily Drouet, who was a victim of sexual violence. That approach was rolled out across our higher education sector. I will look carefully at the point that Pam Gosal makes.

We must make a range of interventions to ensure that individuals are able to come forward in such circumstances. However, we must also take steps to change the culture among men and their attitudes towards sexual violence. That will have to happen if we are to improve the lives of women in our society.

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** As convener of the Criminal Justice Committee, I have heard much testimony from survivors of sexual violence and what they perceive to be barriers to their cases getting to court. Will the First Minister outline whether yesterday’s appeal court decision on corroboration will improve access to justice for victims of sexual crimes?

**The First Minister:** The Lord Advocate’s view of yesterday’s decision is that it has the potential to transform the way in which all offences, and in particular sexual offences, are prosecuted, and that it will contribute to the

“development of a progressive and humane justice system.”

I welcome any decision that will do so, as, I am sure, all members will. As Audrey Nicoll will recall, I served on the Criminal Justice Committee, under her convenership, last year, and I heard much of the powerful testimony to which she refers. The Government is taking forward the Victims, Witnesses, and Justice Reform (Scotland) Bill, which commits us to having a trauma-informed justice system that puts victims and witnesses at its heart. We want to ensure that anyone who has been a victim of a sexual crime has confidence in our justice system.

### **Veterans Services (Funding)**

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** The First Minister will be aware that, without any notice to the Scottish Government, NHS Lothian has withdrawn its share of funding for the Veterans First Point service—some £200,000 or thereabouts—thereby leaving the Scottish Government alone to fund it. As Glencorse barracks is in my constituency, I am aware of how vital that specialised service is for veterans, to whom it provides mental and emotional support, both through professional interventions and with the help of peers. Does the First Minister agree that that is a very wrong decision on the part of NHS Lothian, which seems particularly cruel and thoughtless as we approach remembrance day?

**The First Minister:** I understand that there is currently engagement with NHS Lothian on that very question. Such services are vital. It is important that our veterans community is well supported at all times, but particularly in the period

around remembrance day. I know that the Cabinet Secretary for Health and Social Care, along with the Minister for Veterans, Graeme Dey, will take a close interest in the issues that my colleague has raised.

### **Moss Park Care Home (Proposed Closure)**

**Jamie Halcro Johnston (Highlands and Islands) (Con):** Last week, the health secretary and the Deputy First Minister met local people who were campaigning to keep open Moss Park care home in Fort William. However, since that meeting, there has been no announcement of any progress. Social workers have begun to contact residents' families to tell them that their loved ones are to be moved. I am sure that the First Minister will appreciate the fear and frustration that that is causing those residents and their families, and that he will agree that they deserve answers on what efforts are being made to keep them in the place that many of them now call home. Can the First Minister advise me, and those who today are protesting outside Highland Council about the closure, what role the Scottish Government has played in efforts to keep Moss Park open? What support has the Government offered Highland Council and NHS Highland to make that happen?

**The First Minister:** I understand the significance of the point that Mr Halcro Johnston raises. I am concerned about the delayed discharge situation, especially in Highland, where it is particularly acute. The proposed closure that Mr Halcro Johnston raises will only exacerbate that situation, so it would be moving things in the wrong direction. The Government has engaged substantively. The health secretary, along with the Deputy First Minister in her local representative capacity, have been engaged in those discussions, and all possible options have been explored by the Government. I understand that the issue that Mr Halcro Johnston puts to me is being considered by Highland Council today. The Government stands ready and willing to engage on finding a solution, because the impact of the proposed closure would mean matters moving in entirely the opposite direction to the one that I want to see happening.

### **Flights (Western Isles)**

**Rhoda Grant (Highlands and Islands) (Lab):** At the weekend, the Loganair chief executive said that the flight from Stornoway to Inverness is "difficult to sustain". That flight is a lifeline service for people who need to access healthcare services that are not available locally. We have already seen patients no longer accepting treatment due to the downgrading of the Uist flights. That would also happen if the Stornoway to Inverness flight were to stop or become less accessible.

I appealed to Scottish ministers to find a solution to the situation with the Uist flight, but nothing has changed. Therefore, I ask the First Minister to intervene personally to ensure that the Uist flights are fit for purpose and to protect all those flights with a public service order. If he does not, lives will be lost.

**The First Minister (John Swinney):** Some weeks ago, I had a discussion in Stornoway with an organisation that provides support and care to patients who require access to cancer treatment—the name is not at the front of my mind just now—about the substantive challenges that Rhoda Grant has raised with me regarding the practicalities of accessing hospital treatment from the islands when a sustained period of care is required.

I give Rhoda Grant the assurance that the health secretary and the transport ministers are looking closely at the situation to ensure that we are providing all the support that we can so that individuals who require to access healthcare needs are able to do so, regardless of their location.

### **Third Sector Funding (Edinburgh)**

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** A number of third sector organisations across Edinburgh Pentlands, including the Dove Centre, the Health Agency in Wester Hailes and the Community One Stop Shop in Broomhouse, have been notified by the Edinburgh integration joint board that their funding will soon be cut by more than £800,000, as part of a £4.5 million cut across Edinburgh. If those cuts go ahead, how will the Scottish Government ensure that some of the most vulnerable people in my constituency are supported to lead healthier and more stable lives?

**The First Minister (John Swinney):** I understand the significance of the issue that Mr MacDonald raises. I am familiar with the Broomhouse area of the city. I grew up very close to Broomhouse, so I know its challenges and circumstances.

The Government attaches great importance to supporting the third sector in the delivery of services and the impact that they can make. I understand that, on this particular issue, decisions have not yet been made by the Edinburgh integration joint board, and that those proposals will be discussed tomorrow.

I stress to Mr MacDonald the importance that the Government attaches to ensuring that we have in place the proper services that will meet the needs of individuals and communities.



### Consent Process Handling

#### **Douglas Lumsden (North East Scotland)**

**(Con):** The First Minister will be aware that Stephen Flynn lobbied for an offshore wind project, which the Scottish Government approved, and that, one month later, he received a £30,000 donation from one of the beneficiaries of that project. A Scottish Government official acting on behalf of Gillian Martin appeared to fast-track a ministerial reply in response to Flynn's request and, a few months later, the project was approved.

If the First Minister has nothing to hide, he has nothing to fear, so will he order an investigation into the handling of that consent process by the Scottish Government?

**The First Minister (John Swinney):** I have no intention of doing that, because the process has been properly conducted, and information—  
[*Interruption.*]

**The Presiding Officer:** Let us hear the First Minister.

**The First Minister:** I do not think that it should be a surprise that a Government that, in its policy position, is supportive of renewable energy developments has taken a decision to authorise a renewable energy project.

**Douglas Lumsden:** Fast-tracked.

**The Presiding Officer:** Mr Lumsden, you have put your question. I would like to hear the response.

**The First Minister:** Earlier this year, information was released under freedom of information requests that showed that there had been no breaches of protocol.

I really do not think that it is a big surprise that a Government that has had a consistent policy position for 17 years in favour of renewable energy development should take a decision to grant consent to a renewable energy development. What the question represents is the grubbing at the bottom of a barrel by Douglas Lumsden and the Conservatives. It debases this Parliament, it debases the Conservative Party and it shows that it has nothing constructive to say in Scottish politics.

### District Nurses' Pay (NHS Tayside)

**Michael Marra (North East Scotland) (Lab):** I draw members' attention to my entry in the register of members' interests as a member of the GMB trade union.

In 2019, a job evaluation process for district nurses working for NHS Tayside resulted in their jobs being upgraded. Thus far, NHS Tayside has refused to honour that pay rise and pay the

women what they are due. GMB Scotland has appealed to the Cabinet Secretary for Health and Social Care to intervene, but he has refused, citing the fact that the job evaluation process is an independent process. He is right, of course, but that process is long since complete. The question now is whether the health board pays the workers the money that they are due. I ask the First Minister to take a personal interest in the matter to ensure that those workers at NHS Tayside, which serves his constituents, get the money that they deserve.

**The First Minister (John Swinney):** I understand all the issues that Mr Marra puts to me. The complication here is that there is a due process to be gone through, which involves the possibility of a tribunal. I understand that the issue is going to tribunal, which is a material part of the process of determining the issues. I know that that is cold comfort to anybody who is affected by the matter, but it is the process that we have to go through to determine on the issues. If there is anything further that can be added to that, I will consider whether there is a case for it.

**The Presiding Officer:** That concludes First Minister's question time.

## Point of Order

12:48

*Meeting suspended.*

12:46

**Douglas Lumsden (North East Scotland)**

**(Con):** On a point of order, Presiding Officer. At decision time last night, Parliament was tied 62 to 62 on my colleague Alexander Burnett's motion to annul the Local Services Franchises (Traffic Commissioner Notices and Panels) (Scotland) Regulations 2024. With Deputy Presiding Officer Liam McArthur in the chair and the other Deputy Presiding Officer voting according to her party's whip, the Scottish National Party was already granted an artificial boost in its voting numbers, compared with what the situation would have been if you had been in the chair, Presiding Officer. I also raised an eyebrow at the exact number of SNP MSPs voting, which was one more than I had thought there would have been, considering the pairing arrangements.

That aside, the Deputy Presiding Officer cast his deciding vote against the motion to annul and stated that the reason was to protect the status quo. As Alex Cole-Hamilton pointed out in his point of order yesterday, preserving the status quo would actually have been achieved by voting in favour of the motion. That is because a negative instrument—which is still a new law—is subject to less democratic scrutiny and can only be stopped by a motion to annul it.

If the vote had been on an affirmative Scottish statutory instrument, a legislative consent motion, an amendment at stage 3 of a bill or even the final vote on a bill, the Deputy Presiding Officer would have cast their vote against creating the new law. On this occasion, the Deputy Presiding Officer cast his vote to pass a new law and, in doing so, created a majority in Parliament where one did not exist.

I seek your guidance as to whether parliamentary protocol was followed correctly in the chamber last night. From where I am standing, it seems as if the SNP has passed new regulations against the clear will of both the relevant committee and the Parliament, with the backing of the casting vote from the chair.

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

Thank you, Mr Lumsden. The Parliament was asked whether the instrument should be annulled, and it was unable to decide that matter. Therefore, the Presiding Officer in the chair cast a vote against that change. Last night's vote means that the motion to annul fell, and it means that the negative SSI stays in place.

We will now suspend business to enable the chamber and the public gallery to clear before we move on to members' business.

12:50

*On resuming—*

## **Invasive Non-native Species**

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a members' business debate on motion S6M-13402, in the name of Audrey Nicoll, on invasive non-native species in Scotland. The debate will be concluded without any question being put.

I advise members that, as we are resuming business at 2 o'clock this afternoon, I will have to ensure that members stick to their allocated speaking times, to allow our staff sufficient time to clear the chamber in preparation for that.

### *Motion debated,*

That the Parliament notes the publication of the Scottish Environment LINK report, *Invasive Non-native Species in Scotland: A Plan for Effective Action*, which collates the thinking of Scotland's environmental non-governmental organisations regarding invasive non-native species; understands that invasive non-native species constitute one of the five principal direct drivers of global biodiversity loss and that invasive non-native species are among the most significant pressures on Scotland's biodiversity; recognises the reported significant negative impacts that invasive non-native species have for Scotland's marine, terrestrial and freshwater environments, including in the Aberdeen South and North Kincardine constituency; highlights reports of the financial impact of invasive non-native and non-native species on Scotland's economy; notes the view that it is necessary to effectively tackle invasive non-native species as a prerequisite to successful nature restoration in Scotland; believes that the Scottish Government's Nature Restoration Fund is providing critical funds to initiate and develop projects, working with communities and volunteers to prevent the establishment, and control the spread, of invasive non-native species, and considers that this is allowing the recovery of biodiversity across Scotland, including river restoration projects addressing invasive non-native plants, controlling invasive rhododendron in Scotland's rainforest and safeguarding internationally important seabird islands from non-native mammals through island biosecurity action.

12:51

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** I am very pleased to bring the debate to the chamber. I thank every member who signed the motion, and every member who is speaking today.

The motion centres on the recent Scottish Environment LINK report, "Invasive Non-native Species in Scotland: A Plan for Effective Action", which takes account of the current status of non-native species in Scotland, the part that they play in biodiversity loss and the urgent action that is required to tackle them. I commend all the organisations that contributed to the report, and I thank the report's authors for producing a comprehensive review of the non-native species

landscape in Scotland. I also thank all the organisations that have shared helpful briefings ahead of the debate, and I extend special thanks to Andrew Marks, Susan Madden, Dr Lorraine Hawkins and Jan Simpson for their insight and support.

As nature champion for the freshwater pearl mussel, I am pleased to have secured the time to debate this topic. The urgency of the work that is required to shift the dial on habitat and species decline, including tackling invasive non-native species, cannot be overstated.

Invasive non-native species, or INNS, are one of the five principal direct drivers of global biodiversity loss, alongside climate change, pollution, changes in land use, natural resource use and exploitation. Globally, natural barriers such as oceans and mountains restrict the mixing of species from different regions and allow global diversity to be maintained. INNS are species that have been introduced to a country, whether deliberately or accidentally, thereby breaking down those barriers and eroding biodiversity. International trade and the movement of people and goods are the most likely means by which INNS move across borders.

Not all INNS have immediate or detectable environmental impacts, but many of them do. There is no doubt that the pressure of INNS on biodiversity is intensifying across terrestrial, marine and freshwater environments. Many of us are familiar with Japanese knotweed, Himalayan balsam and giant hogweed, but there are many other INNS that cause issues, including the grey squirrel, American skunk cabbage and American mink, to name but a few.

The greatest threat to Scotland's rainforest is the rhododendron, with which we are all familiar. It blocks sunlight from reaching the forest floor, stifling the growth of native flora and fauna, which in turn impacts mammals, insects, moss and lichen. In the north-east, the Dee Catchment Partnership has undertaken a number of targeted projects, including in my constituency of Aberdeen South and North Kincardine, to control giant hogweed, Japanese knotweed and piri piri burr.

Japanese knotweed is highly invasive in woodlands and on riverbanks, forming very dense clumps that overshadow native plants. Dispersal is particularly problematic for riverbanks because fragments of root wash downstream, only to spread further.

As well as the environmental cost of INNS, their economic cost is significant. The cost of INNS to the UK economy is estimated to be almost £500 million per year. The cost over the past 40 to 50 years is estimated to be more than £5 billion, which is one of the highest totals in Europe.

How effectively are we controlling INNS? The Scottish biodiversity strategy notes the spread of 190 INNS across Great Britain during the past six decades, with an estimated 10 to 12 new non-native species establishing themselves each year. Projects such as Saving Scotland's Red Squirrels and the Alliance for Scotland's Rainforest are working successfully to tackle INNS in Scotland. However, efforts to control and eradicate non-native species have been patchy, and work to control the spread has been largely inadequate. The existing Great Britain invasive non-native species strategy is not considered to take full account of the unique and, in part, vulnerable Scottish ecosystem.

However, the forthcoming Scottish INNS plan, which was signalled in the draft Scottish biodiversity strategy, presents the Scottish Government with an opportunity to make key strides in the control and eradication of INNS. Scotland could look to the Kunming-Montreal global biodiversity framework for guidance when considering the forthcoming plan. The KMGB framework sets a target to reduce rates of introduction and establishment of INNS by at least 50 per cent by 2030, and it puts forward targets for significant progress on the eradication or control of INNS, particularly at priority sites that are susceptible to them.

On funding, financial support to date has derived from a wide range of sources including the Scottish Government nature restoration fund. It is disappointing that the Government has signalled that that fund is to be withdrawn. I hope that the recent United Kingdom budget affords some flexibility for that to be reconsidered, and I ask the minister to provide some clarity on that point in his response to the debate.

Looking ahead, I trust that the Scottish Government will engage closely with environmental non-governmental organisations to create a Scottish INNS plan that is both clear and comprehensive in addressing the impact of INNS on the ecosystem as well as on Scotland's native species.

Biodiversity and healthy ecosystems play a key role in tackling climate change, and I am glad to have had the opportunity to bring this debate to the chamber to highlight the threat that INNS represent to Scotland's biodiversity. I thank everyone who supported my motion and I look forward to listening to members' contributions.

12:58

**David Torrance (Kirkcaldy) (SNP):** Presiding Officer, I apologise to you and members as I will have to leave the chamber shortly after delivering my speech.

I thank Audrey Nicoll for bringing this topic to the chamber for debate, and I thank Scottish Environment LINK, which produced the report that is highlighted in her motion. Both Audrey Nicoll, by bringing the topic to the chamber, and Scottish Environment LINK, by producing such a strong and compelling report, have clearly expressed the need for comprehensive action to be taken to combat invasive non-native species.

The invasion of non-native species is a serious threat to the environment and heritage of our country. To see the effects, no one need look further than their local patch of woodland. The rhododendron, which was brought to the UK as a decorative garden plant in the late 18th century, not only invades our local countryside but is even found in spectacular temperate rainforests. It flourishes, dominating the woodland environment to the detriment of native flora and fauna.

To many, the grey squirrel might seem harmless, yet this invasive non-native species is a great threat to our native red squirrel population. The grey squirrel's size and aggressive nature allow it to dominate available resources and habitats. That has caused the native red squirrel population to plummet, with sightings of red squirrels becoming less and less frequent. Where forests full of native trees once grew and thrived, the Sitka spruce now invades our ancient woodlands.

I was reminded of that crisis when Audrey Baird and Fiona Baker submitted a petition to the Public Petitions Committee in 2020. As a member of the committee, I was inspired by their work to protect their local woodland. The petition calls on the Scottish Government to deliver legislation to give Scotland's remaining ancient native and semi-native woodlands full legal protection. That led me to visit one of Scotland's unique temperate rainforests, where I witnessed for myself the devastating effect of Sitka spruce and other invasive non-native species on our precious natural heritage.

Although the tangible and visible examples of the danger of invasive non-native species are compelling, they represent only the tip of the iceberg. Below the surface, aquatic life is arguably the most at risk. Managing invasive non-native species plays a major part in Scotland's economy, because our rivers, wetlands and coastlands are particularly at risk of biodiversity loss and of coastal erosion that affects our local coastal communities. Invasive non-native species also pose a risk to our coastal industries.

Restoration Forth, which is a collaborative project funded by WWF, works in partnership to protect native species in our local waterways. That major marine restoration programme works with communities to restore seagrass habitats and the

European flat oyster population in the Firth of Forth. The Ecology Centre, which is based in Kinghorn in my constituency, is a partner organisation on the project. I was pleased to visit the centre during recess to engage with the programme. With a focus on reintroducing native seagrass and oysters to the seabed of the Forth estuary, Lyle Boyle, the seagrass officer, knows only too well how important it is to carefully manage invasive non-native species.

One example of that is the project's strict oyster biosecurity protocol. Lyle Boyle explained that, although oysters are native, individual oysters and oyster reefs can also be a habitat for a range of other species. To guard against invasive non-native species, the organisation trains volunteers to rid each oyster of any encrusted living animal before moving it to a new environment, thereby getting rid of any suspected hitchhikers.

When working in the Forth, those working for the organisation protectively manage accidental spread using footbaths. Before planting and during the monitoring process, they actively search and remove invasive non-native species. Tank water is eradicated by ultraviolet light, seed-bearing shoots are quarantined and native species are planted and protected alongside a robust monitoring protocol.

As Audrey Nicoll highlights in her motion, the Scottish Government's nature restoration fund has been pivotal in funding community-based organisations to combat non-native invasive species in Scotland. Continued funding is necessary to help those organisations to continue their efforts to improve Scotland's biodiversity. Like many here today, I find great joy in the outdoors—

**The Deputy Presiding Officer:** Mr Torrance, I need to ask you to conclude your remarks.

**David Torrance:** I camp with the scouts, holiday in the Highlands and explore the countryside with my dogs. Our environmental heritage is there for us to see, but a walk on a woodland path and a stroll on a beach is at risk from biodiversity loss caused by—

**The Deputy Presiding Officer:** Thank you, Mr Torrance.

I remind members that those who speak in a debate but wish to leave early are required to seek prior permission from the Presiding Officer and to apologise to members in the chamber. In this case, I am not entirely sure whether the first step has been effected, but perhaps that matter can be pursued in writing with the Presiding Officer.

13:03

**Alexander Burnett (Aberdeenshire West) (Con):** I thank Audrey Nicoll for lodging this important motion for debate. I will address two invasive species—grey squirrels and giant hogweed—that can be found in Aberdeenshire West and that significantly impact our community.

I am proud to be the species champion for red squirrels, the UK's only native squirrel species. The introduction and subsequent rapid spread of grey squirrels—or the American tree rat, as it is more correctly known—since the late 19th century has had a devastating effect on red squirrel populations. Although there are more than 2.7 million grey squirrels in the UK, fewer than 287,000 red squirrels remain, and 75 per cent of those are in Scotland. It is very much our responsibility to protect that declining population, whose presence in our woodlands makes a major contribution to Scotland's nature-based tourism economy.

Grey squirrels are larger, they eat more and they are essentially starving red squirrels out of their habitats. They also carry the squirrel pox virus. Although the greys are asymptomatic to that disease, it is devastating for red squirrels. Outbreaks can wipe out local red squirrel populations, as the disease is usually fatal within two weeks. The competition between red and grey squirrels is a man-made problem, so it is our responsibility to manage it by any means—even, as I did once, daring to cook and serve grey squirrels, Peking duck style, in an effort to encourage a culinary market. Sadly, it did not take off.

The most effective strategy—halting grey squirrels in targeted areas—is practised by groups such as Saving Scotland's Red Squirrels. That group's project, which has been running for 15 years, demonstrates that centrally co-ordinated, professional control and monitoring of grey squirrels are both effective and necessary.

However, it is no longer sustainable for that vital work to be delivered on short-term funding cycles, with a charity responsible for delivery. Can the minister explain how the Government plans to ensure that strategic grey squirrel control continues into the future? Will the new strategy, which is being worked on by the Scottish squirrel group and shared by NatureScot, contain a detailed delivery plan for how such control will be delivered over its 10-year lifespan?

I turn to the other significant invasive species, giant hogweed. That plant originated in central Asia and escaped ornamental gardens in the UK in the 19th century. Now widespread across the UK, giant hogweed can reach heights of up to 5m, often overshadowing native plants and disrupting

biodiversity. It is also a public health hazard, as its sap can cause severe skin blistering, with symptoms that can reoccur for years.

It is crucial to eradicate giant hogweed in the UK. Large infestations generally require multiple treatments of herbicide, along with the removal of flower heads to prevent seeding. For smaller outbreaks, manual removal in spring can be effective. In my constituency, along the River Don, a multiyear programme has successfully controlled giant hogweed through annual treatment, starting at the top of the river. Across Scotland, the Scottish Invasive Species Initiative manages 753km of river to control giant hogweed.

However, eradicating it remains challenging due to the plant's resilience and to budget constraints, so continued effort and resources are essential. Failing to spend money on its removal now will only lead to greater costs in the future. Worryingly, NatureScot has made no species control agreements in the north-east to deal with giant hogweed. It is essential that we address that and other invasive species in order to protect and restore Scotland's natural heritage.

13:07

**Jackie Baillie (Dumbarton) (Lab):** I thank Audrey Nicoll for bringing this important debate to the chamber. I also thank Audrey Baird and Fiona Baker, two of my constituents, who have been calling on the Scottish Government to deliver legislation to give Scotland's remaining fragments of ancient native and semi-native woodlands full legal protection. Audrey and Fiona have been leading the campaign through the Citizen Participation and Public Petitions Committee since 2020. They are nothing if not determined, and their hard work continues. I believe that their petition is still open, so I thank members of the committee for their support.

Our Scottish historic landscape, which I know that we all value, has been overrun by invasive non-native conifers. The tree of the year competition that is run by the Woodland Trust was won this year by a tree in Scotland, in Lochaber. It is an ancient oak that is—guess what?—surrounded by dark spruces.

It is concerning that the prevention and control of invasive non-native species in Scotland has for so long been so inconsistent. In 2022, the University of Stirling published a report that helps to illustrate the problem, and I commend it to the minister. It discovered that a colossal 56 per cent of all trees that were recorded at the highest altitudes in Scotland are American Sitka spruce—a non-native invasive species. That growth has taken place in just a few decades. That is how fast-moving the issue is.

The report also underlines the fact that past and current efforts have failed to tackle the problem. For too long, we have allowed conifers to self-seed out of plantations, creating new seed sources, which further encourages the takeover of our ancient woodlands.

The reality is that there is a disconnect between what the Scottish Government says it will do to save ancient woodlands and its actions to reverse their disappearance. As Scottish Environment LINK rightly pointed out in its briefing,

“Eradications are not always seen to completion; success is not always assessed at the right ecological scale and best practice is not always followed.”

Given that the spread of invasive non-native species has an estimated economic impact of almost £500 million per year, that failure is costly and unforgivable.

It is time to take that crisis in hand and adopt new measures that actually work, including the recommendations that are outlined in the LINK report. The Scottish Government should quickly agree to a target to reduce the rates of introduction and establishment of invasive non-native species by at least 50 per cent by 2030. It should also outline whether it has any plans to remove those non-native invasive species from sites across Scotland, similarly to work that is being undertaken in other countries such as New Zealand. I agree with Audrey Nicoll that the Scottish Government's nature restoration fund is critical, which is why it is so concerning that funding has been cut.

I hope that the Scottish Government will commit to having a national strategy for Scotland, with targets that reflect the negative impact on our ecosystems of non-native invasive species. It is vital that we take the steps required for successful nature restoration in Scotland. Nature is, after all, our greatest asset, and we must look after our natural assets so that we can protect Scotland's biodiversity for future generations.

**The Deputy Presiding Officer:** I call Beatrice Wishart, who is joining us remotely.

13:11

**Beatrice Wishart (Shetland Islands) (LD):** I thank Audrey Nicoll for bringing this important topic to the chamber.

On its website, the organisation the Wildlife Trusts estimates that wild pollinators are responsible for pollinating 85 to 95 per cent of the UK's crops. It also anticipates that taking on the job ourselves

“would cost ... an estimated £1.8 billion a year.”

It really is no exaggeration to say that addressing climate change and biodiversity loss, and protecting our environment, is a matter of life and death that impacts our food sources, habitat and way of life.

Pollinators are under threat, with three bumblebee species having become extinct in recent decades. A recent European red list for bees reports that almost

“one in 10 wild bee species face extinction”.

Over the past 50 years, half the bee, butterfly and moth species that were studied in the 2013 “State of Nature” report have declined.

There are many reasons for bee population decline. Asian hornets are a growing threat to Scotland, with the Scottish Government’s pest-specific contingency plan highlighting them as

“one of thirty invasive non-native species identified as having a high risk of arriving, establishing and impacting biodiversity and ecosystems in Scotland in the next 10 years.”

Asian hornets can destroy western honeybee colonies, which have no defence against the threat. Japanese honeybees, however, evolved alongside Asian hornets and surround them in a ball of attack—the heat from the ball of bees overwhelms the hornet.

As has been highlighted, our greatest defence against invasive non-native species is to stop their introduction. However, we need best practice methods to better eradicate invasive non-native species that have already taken hold, such as rhododendron, which, as we have heard, grows in vast swathes of Scotland’s rainforest.

In Shetland, our waters face threats from many species, such as the orange-striped anemone, which has up to 100 long greenish tentacles, is found in brackish and inshore waters and can foul harbour and marina structures, boat hulls, mussel lines and oyster beds.

The Japanese skeleton shrimp is a red to cream-coloured shrimp-like animal with spines along its back. Those shrimps are widespread in Shetland and are found only on man-made structures, with little yet known about their impact. Among others, the orange-tipped sea squirt, which has a U-shaped gut, is found on man-made structures—which it, too, can foul—and in the wild, under rocks in Scalloway.

The Shetland Community Wildlife Group and UHI Shetland recommend that boats and structures be kept

“as free of fouling as possible”

and that personal gear be kept

“clean and dry ... when moving between areas.”

Even the smallest pieces of invasive non-native species should not be put back into the water, as

“some can grow back from tiny bits.”

If people encounter any invasive non-native species, they are asked to contact the Shetland Community Wildlife Group and UHI Shetland, with a location reference and timings, noting what the specimen was attached to. That will help to limit the spread of such species, which can impact businesses and ecological balance.

We may not be able to avoid species habitat expansion as our climate changes, although we should not shy away from the challenge of tackling the climate emergency. We can work together to limit the problems of invasive non-native species that are caused by human actions.

13:15

**Mark Ruskell (Mid Scotland and Fife)**

**(Green):** I thank Audrey Nicoll for lodging the motion and for securing the debate, which has been quite fascinating. Members have underlined that non-native invasive species are one of the main drivers of nature loss in this country, but there is also synergy with climate change—the two work together to damage our environment.

In a week in which we have been intensively discussing the budget in the chamber, the issue gives us one of the clearest examples of the impact of preventative spend. If we can tackle non-native invasive species early, we will save society a huge amount of money further down the line.

A number of members have celebrated the work of volunteers, charities and partnerships. David Torrance mentioned the amazing work that is happening with restoration Forth. We are making progress. For example, big progress has been made in controlling grey squirrels, and there is good progress on tackling rhododendron and giant hogweed. All that work needs co-ordination and support, and it needs organisations such as the Forth Rivers Trust in my region, which does amazing work in bringing together landowners and volunteers to take action and tackle issues such as the expansion of giant hogweed. It has done that successfully in the Allan Water, but that has taken a huge amount of effort.

That takes me back to the point about funding that a number of members have underlined. This is about spend to save. If we spend money on tackling non-native invasive species now, we will save later. It is disappointing that there has been an in-year cut to the nature restoration fund, which was established when the Greens were working in government with the Scottish National Party. The minister needs to consider how we can reinstate

funding, particularly the council funding strand, which has been cut. The £5 million is an absolute drop in the ocean in comparison with the public pay settlement, and we are stacking up costly problems unless we can empower councils to restore nature and tackle invasive species. It is really important that we do not lose momentum on that.

Members have received briefings from a number of charities that have called for multiyear funding, because we cannot tackle invasive species in only 12 months. Invasive species do not follow budget cycles. We need to look at growing cycles and ecological cycles. That means that multiyear funding is needed, otherwise the money that we spend in one year will be erased by the growth and distribution of species in the years that follow.

I will mention two species very briefly. According to a briefing from Woodland Trust Scotland, 140,000 hectares of rhododendron ponticum need to be treated, predominantly on the west coast, because the species is continuing to invade.

Funding is important, but it is not just about funding. We have an opportunity in the Land Reform (Scotland) Bill to place a duty and responsibility on landowners to deal with the species. We could also introduce a national register of ancient woodland. Of course, the Scottish Government could work with the UK Government to put in place a retail ban for the species, which would really help.

We also need to widen the debate. We have a list of non-native invasive species, but there are questions about non-native game birds, such as pheasants and partridges. More than 40 million game birds are released into the environment across the UK every year, yet we know from the science that there are concerns about the spread of bird flu and predation of reptiles, and that there is an ecological imbalance when we so many of these birds are roaming around our countryside and interrupting our natural ecology.

There is much to consider, particularly in the context of the proposed natural environment bill. The minister could and should consider licensing, particularly in relation to non-native game birds. I look forward to the issue coming back to committees of the Parliament and to our considering ways in which we can take on some of the challenges and provide some certainty.

13:19

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** Like Mark Ruskell, I think that this is an interesting and important topic, given the £500 million of damage that is caused to the environment per year by the

species in question. First, though, I thank Audrey Nicoll for bringing the debate to the chamber, not least because I have learned that Jackie Baillie is a defender of ancient woodlands. Her talents are extensive.

Invasive species are, as we know, introduced either directly or indirectly by man. Trade, transport, travel and tourism can move species around the world. Many species have been introduced intentionally for commercial purposes, such as for ornamental gardening, for farming or for forestry or as pets, only to escape and become established in the wild. Other species simply hitchhike, moving to new countries via people and transport. The most recent hitchhiker I can think of was a scorpion that had innocently taken shelter in a pair of trainers ordered online. The lesson is this: we should check inside our shoes, just in case. I once found a dead mouse in one of mine.

But I digress. It is easy for invaders to move around in a world of international trade, at both private level and commercial level, but I want to talk about plants. Plants or seeds that we buy from the garden centre will have undergone tests and certification that are pretty stringent and which have become even more stringent since our leaving the European Union. Before, there would have been, as I understand it, one biosecurity certification at the point of departure; now there is one from the EU export source, one on arrival in the UK and another at the wholesaler. That all comes with additional costs, which are all passed on to the consumer.

The issue was raised at a recent meeting of the cross-party group on gardening and horticulture, of which I am a member. Indeed, a joint letter from the Fresh Produce Consortium and the Horticultural Trades Association called for a meeting with the UK Government over the continued problems that their members face when importing plants, including trees and cut flowers, under the current border system. Notwithstanding that, biosecurity is crucial, and it is endorsed by the HTA.

However, some plants have escaped in the past and are now invading. Some have already been mentioned, but I will repeat a couple of them. The notorious Japanese knotweed, which was once considered an ornamental garden plant, has become established in woodlands, on riverbanks and in coastal areas. Its dispersal is due to both deliberate and inadvertent human activity, as a result of which fragments of the aggressive root system get washed downstream, spread and propagate, changing the habitat structure of riverbanks and thereby impacting on biodiversity, ecosystem structure, conservation efforts and even salmon fisheries. I recall seeing the plant with more friendly eyes some decades ago as it



flourished along the riverbank at the bottom of my garden, before we knew that it was up to mischief.

*Rhododendron ponticum*—the purple rhody—is another non-native garden escapee plant that has become established and has spread across large swathes of Scotland, overwhelming other plants and preventing natural woodland regeneration. Again, I can recall seeing that in my youth just a few decades ago, when it was thought to be really pretty. How times have changed—and it is not the first or last example of a plant moving from being admired to being despised.

Then there is the American skunk cabbage, which is, yes, skunk by name and skunk by nature. It is very smelly. Years ago, when I visited Dawyck botanic garden near Peebles, which is one of the Royal Botanic Garden Edinburgh's gardens, I thought that the yellow flowers growing in the streams were stinky, although that could be overlooked, because they were beautiful, and I selected one from the gift shop. A few years later, the Royal Horticultural Society told me to destroy it.

I thank Audrey Nicoll for bringing the debate to the chamber. I have found the research engrossing as well as worrying. Grey squirrels are more infamous, through no fault of their own—we brought them in—but we must also consider seeds, plants and the wee beasties that travel on them.

13:23

**Finlay Carson (Galloway and West Dumfries)**

**(Con):** I thank Audrey Nicoll for bringing the debate to the chamber.

As we have already heard from Christine Grahame, curiosity can be a strange thing, especially when it comes to plants. Many plants from various corners of the world have found their way into Scotland's botanical gardens. For the gardeners among us, some have successfully flourished, despite our challenging weather. However, many of them fall by the wayside and cannot cope with the rain, sleet or freezing temperatures.

Unfortunately, a few do colonise, and we have heard about some colonising the bottom of Christine Grahame's garden—in Newton Stewart, I presume.

**Christine Grahame:** Minnigaff.

**Finlay Carson:** Absolutely—Minnigaff. I cannot call it Newton Stewart. It is definitely Minnigaff.

The term INNS—invasive non-native species—is not restricted to plant species; it can cover plants, animals and fungi. In areas that INNS colonise—I cannot even say the word; it is

“colonise”—the negative impacts range from damage to the ecosystem and reduction in biodiversity to disruption to human activities and, more worrying, damage to our health.

For the past two years, the Galloway Fisheries Trust in my constituency has been running a control programme that covers the whole of Dumfries and Galloway, apart from the River Nith. It was initially supported by the nature restoration fund before funding was cut, even though it scored highly and NatureScot was keen to support it. Thankfully, the programme has now secured funding for the next three years from the National Lottery and Kilgallioch wind farm community trust. The project, which is called the Scottish Solway invasive non-native species control and knowledge programme, has been delivering strategic and co-ordinated control of American skunk cabbage, Japanese knotweed and giant hogweed, as well as some limited Himalayan balsam control. It does that by working with local communities and stakeholders. Having initially controlled the INNS and got them to a manageable level, stakeholders are now encouraged to make long-term commitments to control the species. The Galloway Fisheries Trust is prioritising that work because it is clear that INNS are having serious biodiversity impacts on local habitats and ecology, particularly around fresh water.

If we are to get anywhere near our ambitions to reverse biodiversity loss, it is critical that adequate funding is provided to support INNS control programmes across the country. The Scottish Government needs to help. I will give an example from my own patch—which is probably at the bottom of Christine Grahame's old garden. The Galloway Fisheries Trust has raised concerns with Amey, the trunk road maintenance company, that knotweed is rife along the A75 and that control has been undertaken, even though it is a notifiable plant and INNS control is supposed to be a Scottish Government priority. The Galloway Fisheries Trust has now surveyed the A75 from Stranraer to Castle Douglas and mapped all the knotweed. On completion of that work, Amey agreed that it will undertake the necessary control from this year.

As we have already heard, the prevention, surveillance, eradication and control of invasive non-native species in Scotland has been inconsistent and, sadly, best practice has not always been followed. Historically, Scotland has suffered a high level of nature and biodiversity loss and, unless we get our act in gear, we will face further species loss in the future. Invasive non-native species remain one of the top drivers of overall biodiversity loss in Scotland and I am sure that members will agree that that needs to be addressed sooner rather than later.

13:27

**Colin Smyth (South Scotland) (Lab):** I thank Audrey Nicol for lodging her motion and for providing this opportunity to discuss and welcome the Scottish Environment LINK plan.

As we have heard, invasive non-native species are one of the key drivers of biodiversity loss across the globe. The level of intactness of Scotland's biodiversity is one of the lowest worldwide, with one in nine species currently at risk of extinction. Not every non-native species is established and not all have an immediate damaging environmental impact, but many do, and that has to be managed.

I want to focus on the impact and how we manage one particular species, which is highlighted as a case study in Scottish Environment LINK's plan—Sitka spruce. Just over a century ago, 5 per cent of Scotland's land was forested. Today, forest and woodland cover 19 per cent, but that varies across the country.

In Dumfries and Galloway, 31 per cent of the land is covered with woods and forests, making it the most forested part of Scotland. The geography—close to the motorway and with rail links to the market—means that the 211,000 hectares of forest have a disproportionate focus on tree species that meet the demand for timber; it is primarily Sitka spruce. I recognise the consequential positive economic impact that that has on direct employment in forestry and wood-processing jobs in the area and, crucially, on meeting growing demand for timber when we continue to import so much. However, the scale of planting in such a concentrated area puts pressure on inadequate infrastructure, including on roads that were never built for the 40-tonne-plus wagons that are used to remove the timber. It results in pressure on communities that fear the loss of natural habitats, as one particular area of countryside is planted with more and more Sitka and other non-native conifer species that are being grown for commercial reasons.

A consequence of that growth in such planting is the challenge of those species invasively seeding in neighbouring habitats. In his response to the debate, I ask the minister to outline how the Government intends to respond to the issue of non-native commercial conifers—according to the Botanical Society of Britain and Ireland plant atlas, Sitka spruce is the fastest-spreading plant species in Scotland. It seeds from plantations into neighbouring peatland and native and community woodland habitats.

Will the minister say what analysis has been conducted on how and to what extent the seeding of non-native conifers is impacting on carbon sequestration, storage functions and the

biodiversity of peatlands and native woodland habitats? I urge the minister to set out who he believes is responsible for removing non-native conifers that have seeded from commercial plantations into neighbouring habitats if they cause ecological or carbon storage damage. Does he believe, for example, that the polluter pays principle should apply to invasive non-native species in Scotland? What is the minister's response to the recent Royal Society of Edinburgh report on forestry, which recommended that Scottish Forestry should require tree-planting schemes to consider how the spread of invasive tree seed to adjoining land, especially peatland, can be prevented, and should require appropriate steps to be taken to reduce such spread, and, where necessary, impose conditions to remove seedlings when it occurs?

I appreciate that I have asked the minister several questions, which I hope he will address in his closing comments, but if he is not able to do so, I hope that he will write to me to set out the Government's response. I recognise that commercial forestry has a positive economic impact and that it is vital to meeting a demand for timber, but the concentration of planting in some areas has consequences. There will be an opportunity in forthcoming legislation to consider what more we can do to support commercial forestry in managing the impact of Sitka spreading from its important operations on to neighbouring land.

13:31

**The Acting Minister for Climate Action (Alasdair Allan):** I, too, thank Audrey Nicoll for bringing this fascinating and important debate to the chamber, and I thank members for their speeches. I also thank the organisations that were involved in producing the Scottish Environment LINK report, "Invasive Non-native Species in Scotland: A Plan for Effective Action".

It has certainly been an interesting and useful debate. I never thought that I would find myself mentioning Mr Burnett of Leys and Elvis in the same sentence, but it seems that they have something in common in their alleged taste for eating squirrels. In any case, the debate is timely, given that the 16th conference of the parties to the Convention on Biological Diversity is currently taking place in Colombia, where countries are working together to ensure that the global biodiversity framework is effectively implemented.

That framework recognises the need, as members have done, for urgent action to tackle the current impacts of invasive species and to prevent the establishment of new ones. It is really important for us in Scotland, as it requires the eradication or control of invasive non-native

species in priority sites such as islands—in my constituency, for instance, I am very aware of the protracted efforts to remove mink from the islands and hedgehogs from Uist.

All those efforts are why we are embedding key actions on biodiversity, including controlling and preventing the spread of INNS across Scottish Government policy. We are finalising our Scottish biodiversity strategy and delivery plan for publication later this year. In that delivery plan, we have committed to developing and implementing a Scottish plan for INNS surveillance, prevention and control, and securing wider support measures to enable long-term, effective INNS removal at scale. We are working hard on developing our Scottish INNS plan, which will set out in detail what we intend to do to tackle INNS. We will ensure that resources are better focused on preventing and controlling those species where possible.

As we undertake that work, we will engage with a wide range of stakeholders and delivery partners. We will also look carefully at the recommendations in the LINK report. Many of those recommendations are already under consideration or in train, but we recognise that more action is needed. However, Government cannot do that alone. We must work in partnership with and use the expertise of those who manage our land and who know it best. We will need an inclusive, whole-of-society approach that engages communities, businesses and decision makers alike.

I will pick up on Ms Nicoll's question about funding. We know that tackling INNS requires significant investment, which is why commitments such as our £65 million nature restoration fund are essential. Since its launch in July 2021, the fund has provided more than £7.6 million to support projects to tackle INNS.

I should emphasise that the nature restoration fund has not been withdrawn. There is a continued commitment to the £65 million figure during the current parliamentary session. It is true to say that the local authority strand of the fund has been repurposed under pressures, but I hope that I can reassure Ms Nicoll about the Government's continued commitment in that area.

**Mark Ruskell:** Will the minister acknowledge the critical role of councils in co-ordinating the work and creating partnerships to do that work? Co-ordination is important here. Without that co-ordinating function, we can do a little bit of work on removing INNS in one area of land, but it can be undone by the extension and expansion of INNS to another area of land.

**Alasdair Allan:** I am happy to acknowledge the important work that local authorities do in that

area. I would also mention the £2 million for phase 2 of the Scottish invasive species initiative for tackling invasive plants and mink across the north-east of Scotland, for instance, as well as more than £1.5 million for the Orkney native wildlife project to eradicate stoats, and the £1 million going to the saving Scotland's red squirrels project to control grey squirrels and reinforce protections for our iconic native red squirrel, as many members have mentioned today.

I will make one specific point about the yellow-legged hornet. Although no sightings have yet been officially recorded in Scotland, we are not complacent about that. My understanding is that we have contingency plans in place should sightings be confirmed.

The nature restoration fund also actively supports a range of other projects, including tackling rhododendron ponticum across areas that are important for nature and enhancing biosecurity for Scotland's seabirds.

On the point that Jackie Baillie and Colin Smyth raised about Sitka spruce, the Government is aware of the concerns about the self-seeding of the species and it is now reviewing the guidance about buffer zones to seek to address the issue. We appreciate the point being made.

**Christine Grahame:** In the interests of keeping to my time, I did not mention Sitka spruce, but I lived in Galloway 40 years ago when Sitka spruce was being planted hell for leather all over the place. Could the rest of us be copied into the answer that you give to Mr Smyth about regulation and everything else, which you are not at fault for, because you did not plant them 40 years ago? They are acid forests, though.

**The Deputy Presiding Officer:** Speak through the chair, please.

**Alasdair Allan:** I appreciate the point that Christine Grahame makes, and I will undertake to copy her and others in on the work that is being done on reviewing guidance in that area.

We know that all those measures, important as they are, are not enough on their own to address the problem of established INNS in Scotland. Securing responsible private investment alongside public funds will be critical in supporting long-term plans to tackle invasive species such as rhododendron, giant hogweed and mink more widely and effectively.

However, it is not just about tackling those INNS that are established in Scotland. We must take action to enhance prevention and surveillance for new INNS and to develop robust and rapid response measures to tackle incursions effectively. We have been working closely with other UK Administrations on finalising five GB

pathway action plans to raise stakeholder awareness of INNS and of what can be done to prevent them from becoming established in the UK. We are also developing a Scottish angling pathway action plan, which is relevant in that respect. We know that we need to improve prevention and surveillance, which are especially critical to the eradication of predators on Scotland's seabird islands and in the marine environment, where control becomes challenging.

The Scottish Government welcomes the debate and the insightful report that has been produced by Scottish Environment LINK, and we look forward to working closely with Scottish Environment LINK and our other stakeholders as we develop and implement our INNS plan.

**The Deputy Presiding Officer:** Thank you, minister, and thank you to all members for their co-operation in giving the security and other staff sufficient time to clear the chamber.

13:39

*Meeting suspended.*

14:00

*On resuming—*

## Portfolio Question Time

### Net Zero and Energy, and Transport

**The Deputy Presiding Officer (Liam McArthur):** Good afternoon. The first item of business this afternoon is portfolio questions, and the first portfolio is net zero and energy, and transport. I make the usual plea for members who wish to ask a supplementary question to press their request-to-speak buttons during the relevant question—that would be very helpful.

Question 1 has been withdrawn.

### Built Environment (Energy Consumption)

**2. Patrick Harvie (Glasgow) (Green):** To ask the Scottish Government what action it is taking to reduce energy consumption from the built environment. (S6O-03862)

**The Acting Minister for Climate Action (Alasdair Allan):** Heating our homes and workplaces causes 20 per cent of our emissions. We have already made significant progress: emissions from buildings fell by 32 per cent between 1990 and 2022.

The energy efficiency of our homes is increasing across all tenures and more heat pumps are being installed than ever before. More than 150,000 households in Scotland have already benefited from our delivery schemes and we provided more than £210 million to those schemes in the last financial year.

We intend to lay regulations in December 2024 to deliver a Scottish equivalent to the Passivhaus standard.

**Patrick Harvie:** The minister is right about the critical aspect of the heat in buildings programme as part of the transition to a net zero society. Over the past few years, the Scottish Government developed a programme that has been well regarded and even described as something that could be a template for action across the rest of the UK. However, in the past few weeks, I have heard increasing rumours of large-scale job losses in Home Energy Scotland and even one suggestion that the entire grant and loan scheme is going to be put on hold. Will the minister take this opportunity to scotch those rumours and make it clear that those changes will not happen? If there is any danger of such changes taking place, will he immediately begin discussions with Exchequer colleagues to ensure that the additional money that is now available to the Scottish Government, following yesterday's UK budget, is

made available to reverse any changes that have been suggested?

**Alasdair Allan:** The Scottish Government will have to study the implications of the UK Government's budget for Scotland. We work with suppliers and others to ensure that there is as much certainty as possible on those matters, but we are at the mercy of decisions in the UK about our overall budget. However, we certainly keep in touch with suppliers and agencies to ensure that there is as much certainty in the system as possible.

### **Bus Service Franchising**

**3. Mark Ruskell (Mid Scotland and Fife) (Green):** To ask the Scottish Government whether it will provide an update on how it is supporting local transport authorities to franchise bus services. (S6O-03863)

**The Minister for Agriculture and Connectivity (Jim Fairlie):** The Scottish Government has delivered all the bus powers in the Transport (Scotland) Act 2019 to enable local transport authorities to consider all the powers available to them, including franchising, and we will provide general and statutory guidance on the franchising process. This is currently under development and will be published once the remaining franchising legislation is completed.

It is for local transport authorities to determine what powers, if any, to use to improve local bus services. Any authority considering the franchising powers must ensure that their business case is made robustly and in an evidence-based way to support future decisions.

**Mark Ruskell:** It should be clear to the minister, following last night's vote, that he does not have the confidence of the Parliament or stakeholders in the franchising process for Scotland's bus services. How will he rebuild that confidence in the months ahead? The first decision on franchising is unlikely to take place until summer 2027, so there is time to work constructively with Strathclyde Partnership for Transport and other transport authorities on a fairer and more robust process that puts the public interest at its heart.

**Jim Fairlie:** I beg to differ with Mark Ruskell's assessment of the situation. I am struggling to understand how he can say that there was no agreement on franchising yesterday. In every discussion that I have had and in every debate, everybody talks about how they want franchising to happen. The regulations were set in 2019 primary legislation, but I get the fact that there have been some issues in relation to them over the past week. However, I have contacted my officials to say that I will continue to have conversations with Valerie Davidson and Stephen

Dornan from SPT to provide an assurance to the people who are demanding that franchising takes place that the process will stay on course.

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** The Transport (Scotland) Act 2019 enabled franchising, and the SNP has made significant improvements to public transport in Scotland, including by providing free bus travel for our young people. Can the minister say anything more about the impact of those policies on the affordability and accessibility of public transport and the vision for future improvement?

**The Deputy Presiding Officer:** That supplementary goes slightly wide of the original question, but if the minister is able to add anything, I invite him to do so briefly.

**Jim Fairlie:** Free bus travel is opening up opportunities all over the country for children, families and young people, and it is enabling young people to broaden their horizons by choosing to study further away from home, where that suits. Franchising will be part of that process, and we aim to continue to move forward with that.

**Paul Sweeney (Glasgow) (Lab):** Jonathan Bray, who is one of the leading experts on bus franchising development across the United Kingdom, has said that if Scotland adopts the panel-based approach by giving to the traffic commissioner unilateral power to veto SPT's plans for a bus franchise, that

"will be a serious mistake which ultimately will be seen as such ... It's hard to see any rational justification for it other than it serves the interests of those who wish to maintain the status quo for as long as is possible."

He also said that the panel should be "deleted from the process" and that the regional transport authority—SPT—should be given the unfettered ability to implement, democratically, the desired scheme for the region. That has the support of the Parliament, in committee and, I would contend, in this chamber.

Will the minister agree to revise the proposal to have the powers in question vested in the traffic commissioner and to come back to Parliament with a revised scheme and amend the legislation accordingly?

**Jim Fairlie:** SPT agrees that checks and balances should be in place, which is why such a provision was included in the 2019 act.

We are now in a position in which the panel will be put in place, there will be full scrutiny and we will put in place guidance, which the Net Zero, Energy and Transport Committee will have a chance to look at. If we delay that process, we will have to go back to primary legislation, which, as I have said in a number of debates, will stall it even further.

As I have said, I am preparing to meet SPT. We will discuss the matter further. However, franchising is going forward at the right pace.

#### **A96 Dualling (Inverness to Aberdeen)**

**4. Douglas Ross (Highlands and Islands) (Con):** To ask the Scottish Government whether it is committed to fully dualling the A96 from Inverness to Aberdeen. (S6O-03864)

**The Cabinet Secretary for Transport (Fiona Hyslop):** The Scottish Government remains absolutely committed to improving the A96. In particular, we have recently completed the statutory process for dualling between Inverness and Nairn, including the Nairn bypass, along with the adjacent Inshes to Smithton scheme. We are now pressing ahead with the procedural steps to complete the purchase of land.

The current plan is to fully dual the route. As part of that process, we are undertaking a transparent, evidence-based review of the programme, which includes a climate compatibility assessment and other statutory assessments. Once published, that review will be subject to public consultation.

**Douglas Ross:** I am sorry, but that answer shows that the cabinet secretary simply does not get it. She said that the Government is committed to “improving the A96”, but the pledge that she and her colleagues were elected on in 2021 was to fully dual the A96 from Inverness to Aberdeen. Today, communities in Moray and across the Highlands and the north-east are looking for that commitment to be reaffirmed by the transport secretary.

On page 42 of its manifesto, the Scottish National Party said that the dualling of the A96 was required to ensure that

“the road network between all Scottish cities is of dual-carriageway standard.”

Does the cabinet secretary still stand by that? If not, why does she not prioritise businesses and people in the north-east of Scotland as much as she prioritises other parts of the country?

**Fiona Hyslop:** Douglas Ross says that he is sorry, but I am sorry that he did not listen to my answer. I draw attention to my first answer, in which I said:

“In particular, we have recently completed the statutory process for dualling between Inverness and Nairn, including the Nairn bypass, along with the adjacent Inshes to Smithton scheme. We are now pressing ahead with the procedural steps to complete the purchase of land.

The current plan is to fully dual the route. As part of that process, we are undertaking a transparent ... review”,

et cetera. It wastes the Parliament’s time if members do not listen to the original answer and the same answer has to be repeated.

**Douglas Ross:** On a point of order, Presiding Officer. I know that we cannot rehash the debate, but can you confirm that the cabinet secretary’s initial answer was that the Scottish Government is committed to “improving the A96”, not to fully dualling it?

**The Deputy Presiding Officer:** Mr Ross, you will know that it is not for the chair to determine the responses or, indeed, the supplementary questions.

Karen Adam has a supplementary.

**Karen Adam (Banffshire and Buchan Coast) (SNP):** Significant improvements have been made to road infrastructure in the north-east since 2007 and upgrades to the A96 are an important next step. Will the cabinet secretary set out some examples of how Scottish Government investment has improved connectivity across the north-east?

**Fiona Hyslop:** The north-east demands and deserves good connectivity, which is why this Government has spent more than £1 billion on road infrastructure in the north-east since 2007 and opened two new railway stations. There have been projects such as the A96 Fochabers and Mosstodloch bypass, or the new Inveramsay bridge on the A96 and it was this Government that benefited the north-east through the completion of the Aberdeen west peripheral route, which has reduced journey times and improved journey reliability for those travelling round the city of Aberdeen. Additionally, the Haudagain roundabout project has improved traffic flow. Those are all investments by this Government in the north-east of Scotland.

#### **Renewable Energy Projects (Consultation)**

**5. Tim Eagle (Highlands and Islands) (Con):** To ask the Scottish Government what steps it is taking to improve public consultation on renewable energy projects by energy companies. (S6O-03865)

**The Acting Cabinet Secretary for Net Zero and Energy (Gillian Martin):** The Scottish Government is currently developing pre-application guidance for overhead transmission line projects. That will outline the clear and meaningful opportunities that we expect for affected communities to be fully consulted on the route and design of overhead electricity lines.

We have also worked closely with the United Kingdom Government on a consultation that is aimed at modernising the overall Scottish energy consenting scheme, by proposing updates to the reserved legislation that underpins our decision

making. That consultation was launched this week and includes proposed legislative changes to mandate pre-application consultation for large-scale projects.

**Tim Eagle:** I refer members to my entry in the register of members' interests: I was formerly a land agent and advised clients on renewables issues.

During Tess White's debate, you asked me whether I would support you—

**The Deputy Presiding Officer:** Please speak through the chair.

**Tim Eagle:** I am sorry. During that debate, the acting cabinet secretary asked me whether I would support her calls to make consultation and engagement with the public mandatory for transmission operators. That is fine and I agree with that, because communities across the Highlands and Islands and across Scotland are hurting because of the amount of infrastructure work that is going on.

However, it was recently announced that the UK and Scottish Governments have launched a joint consultation to change the planning process for large energy projects and that that could see the removal of councils' automatic right to a public inquiry, which will hurt the public across Scotland. Will the cabinet secretary guarantee that councils' right to review such projects will be protected? I do not want to hear that Labour and the Scottish National Party are planning to stitch up more communities.

**Gillian Martin:** Tim Eagle will not be surprised to hear that his characterisation of those reforms is not in line with my vision. I want to see enhanced opportunities for communities to be involved at the earliest stages of consultation. We are not waiting for the consultation to go through the UK Government; we are bringing out proposed guidance for community consultation.

I have always believed that community consultation should be mandatory and should come with associated guidance, because I agree with Tim Eagle that communities deserve, and should have, meaningful opportunities to engage with developers well before applications go in.

**Bill Kidd (Glasgow Anniesland) (SNP):** The ability to make pre-application community engagement mandatory is reserved to the UK Government under the consenting regime of the Electricity Act 1989, so that limits our ability to reform energy policy. Will the cabinet secretary advise members what engagement the Scottish Government has had with the new UK Government on reforms to ensure that that process can swiftly be taken forward while giving communities a voice?

**Gillian Martin:** Bill Kidd's question gives me the opportunity to say that I have had multiple meetings on that point with the new UK Government ministers. I raised it in my first meetings with Michael Shanks and Ed Miliband, because we did not have agreement with the former UK Government on the mandating of community benefits and engagement. I am pleased to say that the consultation is a result of the lobbying that I have done and the conversations that I have had. We launched a joint consultation that will specifically address the issues raised. I greatly appreciate the level of engagement and collaboration that has been shown by the current UK Government as we have collectively worked through the detail of the proposed reforms, which reflect the public discontent with the current system that Bill Kidd has just articulated.

### **Strategic Transport Projects Review 2 (A77)**

6. **Colin Smyth (South Scotland) (Lab):** To ask the Scottish Government what plans it has to fully implement the recommendations of the second strategic transport projects review in relation to the A77. (S6O-03866)

**The Cabinet Secretary for Transport (Fiona Hyslop):** We value the critical link that the A77 provides, in particular, in connecting the ports at Cairnryan to the wider trunk road network. Our investment in the Maybole bypass, which opened in January 2022, is a clear statement of that commitment. Recommendation 40 is in development and follows on from the robust strategic case for investment that was made in STPR2. This is a long-term plan and we must not forget the continued investment that we make in the maintenance and safe operation of that route.

**Colin Smyth:** Two years after the final plan was published, there is still no clear implementation plan or timescale for those commitments, and that is deeply disappointing. Will the cabinet secretary consider the deep concerns about the impact of what appears to be a growing use of full road closures of the A77 and, indeed, the impact of such closures on the A75? Routine maintenance often leads to detours of hours for drivers. Will she consider the request from the A77 action group for a task force to bring together local stakeholders with Transport Scotland and Amey Highways to explore what more we can do to minimise the disruption for residents, local businesses and users of the road?

**Fiona Hyslop:** Clearly, for road safety, improvements to the road are essential. Being able to make those improvements without full closure of the road is an operational matter for the roads operator. However, I hear what Colin Smyth says. It was difficult to follow which road closures

he was referring to. I know that there are current concerns about the A75, but his original question was about the A77. I had intended to meet people in the A75 area, but the First Minister has now agreed to visit. In the meantime, I have approached the A77 action group to talk to its members and I might be able to raise the issue of that impact with them. I will also try to identify whether the operator has considered alternatives.

We have to be realistic. If we want to improve roads for road safety and other measures, we have to ensure that that work is carried out. In some circumstances, that might mean full closures and diversions, particularly for heavy goods vehicles. As I mentioned, the connectivity with Cairnryan is an important part of the road network.

**Sharon Dowey (South Scotland) (Con):** The A77 is a key trunk road both for people who live close to it and for those who live further afield. Thousands stand to benefit from further improvements, both in quality of life and in boosted economic activity. With that in mind, what major improvements does the Scottish Government have planned for the A77 in the next decade?

**Fiona Hyslop:** As Ms Dowey knows, there has already been substantial investment, including in the Maybole bypass. In addition, there have been £35 million-worth of improvements in other areas, such as Glen App and Haggstone. Resurfacing schemes were recently completed at Ballantrae and south of Girvan. In this financial year, resurfacing schemes are planned on the A77 Ayr bypass roundabouts at Bankfield, Holmston and Whitletts.

### Orkney Internal Ferry Fleet

**7. Emma Roddick (Highlands and Islands) (SNP):** To ask the Scottish Government what it is doing to support the internal ferry fleet in Orkney. (S6O-03867)

**The Minister for Agriculture and Connectivity (Jim Fairlie):** Since 2018-19, the Scottish Government has provided Orkney Islands Council with £87.7 million to support the operation of its internal ferry fleet. We also recognise the fleet replacement challenge that faces the council and, in that regard, the Cabinet Secretary for Finance and Local Government and I met the council at the Orkney ferry replacement task force earlier this month. We were pleased to confirm the allocation of £3 million in additional funding to support the council's electric ferry trial, design work for the northern isles ferry, and desktop-based work on the proposed port upgrades.

**Emma Roddick:** The news that the Scottish Government is investing £3 million in Orkney's internal ferry fleet will be really positive for

Orcadians who rely on the services to travel for various professional, educational and social opportunities. Will the minister outline how the Scottish Government will continue to work in partnership with Orkney Islands Council to ensure that decisions on improvements to local transport links are made in consultation with local communities and with the best interests of islanders at their core?

**Jim Fairlie:** Ms Roddick highlights an important issue, which has been made clear to me in meetings and visits with the islanders. Transport links are key to economic and social wellbeing, especially for island residents, communities and businesses, who must be involved in the decisions that affect those services. In light of that, the importance of hearing the voice of communities is a key theme in our islands connectivity plan. From meetings with the task force, it is clear that Orkney Islands Council is focused on meeting the needs of its island communities, and we remain committed to supporting the council with that work, including the progression of its business cases.

### Under-22s Bus Travel (Glasgow)

**8. James Dornan (Glasgow Cathcart) (SNP):** To ask the Scottish Government how many journeys in Glasgow have been taken by under-22s using a free bus pass in the last year. (S6O-03868)

**The Minister for Agriculture and Connectivity (Jim Fairlie):** In the 12 months to 30 September 2024, 10,657,077 bus journeys were made by children and young people for free using a card issued in the Glasgow City Council region.

**James Dornan:** I thank the minister for that very positive response. Does he agree that the scheme has been hugely successful in making bus travel more attractive to people at a younger age, with the accompanying benefit of opening up social, education, employment and leisure opportunities that younger people might not have had access to?

**Jim Fairlie:** I completely agree with the points that James Dornan has made. This is a truly transformational policy that is opening up opportunities for young people right across Scotland to leisure, learning, work, social activities and family connections that would not otherwise be available to them.

Since January 2022, more than 170 million free bus journeys have been made under the young persons scheme, and more than 772,000 cardholders have now signed up. This landmark policy is helping young people and families with children to cut costs every day in leisure and travel, while at the same time helping to protect our climate.



## Housing (Scotland) Bill

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a statement by Paul McLennan on the Housing (Scotland) Bill. The minister will take questions at the end of his statement, so there should be no interventions or interruptions.

14:22

**The Minister for Housing (Paul McLennan):** I am pleased to make a statement to the Parliament on the rent control measures in the Housing (Scotland) Bill. In March this year, the bill was introduced to the Parliament, bringing forward a package of reforms that will help to ensure that people have a safe, secure and affordable place to live.

Today's statement provides an update to the Parliament on the Government's intentions to lodge an amendment at stage 2 on the rent control measures as they are currently set out in the bill. The amendment will deliver on the commitment to provide further certainty on how rent control will be implemented—a commitment that was set out in the programme for government, which was published in September.

The proposal that I will set out offers clarity on how rents will be capped in areas where rent control is applied. The Government remains committed to delivering long-term rent control in order to stabilise rents, where needed, to protect the social and economic interests of tenants who rely on the private rented sector for a home.

Eradicating child poverty remains the Government's priority, and I am sure that we can all agree that having a home can make a direct contribution to achieving that. That is why, as part of our approach to tackling the housing emergency, we are ensuring that families can have secure and affordable homes that meet their needs.

The Government has a strong record of acting to protect tenants, recognising that households in the rented sectors are more likely to be in relative poverty and to be financially vulnerable. Scotland has the strongest tenants' rights in the world, and the Government acted to mitigate the impact of the cost of living crisis on tenants through the emergency Cost of Living (Tenant Protection) (Scotland) Act 2022, which protected tenants by stabilising their housing costs and preventing most evictions. In the United Kingdom, Scottish tenants alone had that protection.

The introduction of a long-term system of rent control for Scotland builds on that record, working towards a fair and well-regulated private rented

sector that delivers for tenants and responsible landlords. It is another step in ensuring that we make further progress towards Scottish tenants being able to access a secure and affordable rented home.

However, it is clear that that must be done in a balanced way that provides appropriate protection for the property rights of landlords and continues to support investment in private rented housing. That will make sure that the system of rent control that is introduced continues to support the supply of rented housing while recognising that the rented sector is a critical part of Scotland's overall housing system. The amendment that the Government will lodge at stage 2 has been developed in a way that recognises that the need to strike such a balance is a key driver in the approach to implementation.

Over the past few months I have been grateful for the opportunity to give evidence to both the Local Government, Housing and Planning Committee and the Social Security and Social Justice Committee as part of that process and to see and hear the evidence that has emerged as part of their considerations. I have also continued to engage with a wide range of stakeholders and have had the opportunity of hearing in detail from tenants, landlords, investors and developers on the rent control measures in the bill.

Through the work of the housing investment task force, there has been an opportunity to work directly with investors and developers to understand how we can establish a system of rent control that both works for tenants and supports continued investment in private rented housing. In recognition of the role that social landlords play by offering properties at mid-market rent levels to support those on lower incomes, it has also been helpful to hear from Scottish Federation of Housing Association members on how rent controls will affect registered social landlords that offer mid-market provision.

It has been positive to see that, across all stakeholders, there is a consistent view that Scotland needs a thriving private rented sector—one that offers good-quality, affordable housing options and values the benefit that investment in rented property delivers. It is clear that all those involved in the rented sector recognise the contribution that a good-quality, affordable, and well-regulated housing system makes to tackling poverty.

In those discussions, there have been on-going calls for further certainty on how rent control will be implemented and how rents will be capped in areas where rent control applies. To respond to that, the programme for government made a commitment to lodge an amendment to the bill to

set out clearly how rent increases will be capped in areas where rent controls apply.

Having considered how best to formulate the cap, the Government will lodge an amendment at stage 2 that will explicitly set out that, where a rent control area is designated, the cap that would apply to rent increases while rent control is in force would be set at the level of the consumer prices index plus 1 per cent, up to a maximum increase of 6 per cent. That would mean that, where a rent control area is in place, in most cases rents would be able to increase by CPI plus 1 per cent of the existing rent. Where the relevant CPI figure exceeds 5 per cent, the increase permitted would be capped at 6 per cent of the existing rent. The rent cap will apply to rent increases both during the term of a tenancy and between tenancies in the period where an area is designated for rent control.

Lodging such an amendment will respond directly to calls for greater certainty and will offer more clarity to tenants, landlords and those who invest in and develop rented homes. Setting out the form of the rent cap in this way—with CPI as its basis—will allow for a reflection of the costs to landlords of offering a property for rent while providing protection for tenants by limiting more significant rent increases. That approach has been shaped by input from stakeholders on how to develop an approach to rent control that provides protection for tenants while continuing to support investment in new and improved private housing.

I turn to other measures in the bill on which stakeholders would welcome further detail on how rent control will be implemented. The bill contains powers for Scottish ministers to make regulations that allow for certain types of property to be exempted from rent control and for rents to be increased above the level of the rent cap in some circumstances. The bill currently sets out that any such exemptions or modifications on how the cap will apply are to be supported by consultation with tenants, landlords and others who may have an interest.

It is essential that the circumstances of such exemptions or modifications to how the cap is applied are subject to full and open consultation that will allow everyone who is affected to have their views considered. That will ensure that the impacts of any decisions on how the powers are used can be fully understood and the measures are developed in a way that is not only fair but robust in the face of challenge and that can be clearly set out in legislation.

In order to respond to the calls for further clarity in respect of those aspects of the rent control system at the earliest opportunity, the consultation that will support decisions on how the powers might be used will take place in early spring 2025.

It will build on the work that has already been carried out to support development of the rent control measures in the bill and, in particular, the landlord and tenant questionnaire that was issued in October 2023.

That questionnaire sought views on allowing increases above the rent cap where there had been improvements to the quality of fixtures and fittings or the energy efficiency of the rented property, or where the landlord's costs incurred in letting the property had increased.

Reflecting on the important part that investment plays in growing the supply of housing, including in the private rented sector, the questionnaire sought views on circumstances in which exempting certain types of property from rent control could be considered. Specifically, it highlighted rented property offered for social good, with rents controlled below market level, and purpose-built accommodation for rent at scale.

The feedback from the questionnaire will feed into the development of the consultation, and there will be continued engagement with stakeholders on the circumstances in which it might be appropriate to exempt certain types of property or to apply a modified rent cap over the next few months. That engagement will inform what is brought forward in the consultation in early spring 2025.

The Government remains committed to bringing forward a system of rent control that works for Scotland—a system that supports the stabilisation of rents for tenants while ensuring that there can be a balanced approach that provides appropriate protection for the property rights of landlords and supports investment in the development of rented homes.

The amendment that the Government will introduce at stage 2 to set out the form of the rent cap will help to support the delivery of those aims. I look forward to continuing to work with Parliament as the bill continues its progress.

**The Deputy Presiding Officer:** The minister will now take questions on issues that were raised in his statement. I intend to allow around 20 minutes, after which we will need to move on to the next item of business. I invite members who wish to ask a question to press their request-to-speak buttons.

**Meghan Gallacher (Central Scotland) (Con):** I thank the minister for advance sight of his statement.

The Housing (Scotland) Bill was the opportunity for the Scottish National Party Government to address the housing emergency, but his statement has done nothing to address the housing shortage or to reassure housing developers and landlords

that the Government understands the issue at hand.

The minister has already taken a sledgehammer to the rental market, and today's announcement will only cause further worry to an already unsteady housing sector.

As the Government is hellbent on being anti-house building, developers have axed plans to deliver hundreds more houses since the introduction of the SNP rent cap legislation. Because of the SNP, around £3.2 billion-worth of build-to-rent developments have stalled. How on earth will we tackle the housing emergency if the Government does not understand that we need to build, build, build and not cap, cap, cap?

Has the Government consulted build-to-rent developers regarding the minister's proposals? If the minister is serious about addressing housing shortages, is he prepared to exempt social housing from rent controls?

**Paul McLennan:** I will make a couple of points before I address Meghan Gallacher's main point.

The biggest impact on house building was caused by the 9 per cent capital cut that this Government had to suffer from the UK Government. Another big impact involved the local housing allowance—again, a result of a policy of your Government.

**The Deputy Presiding Officer:** Speak through the chair, please.

**Paul McLennan:** On the point that the member raised about consulting the sector, in April last year we set up the housing investment task force, which includes a number of investors. We have consulted those investors on the proposals and will continue to do so through the consultation that I have set out. That gives investors certainty in that regard and we will continue in that way, involving those investors in discussions as we go forward.

**Mark Griffin (Central Scotland) (Lab):** After years of talking, the Government finally managed to introduce a bill on rent control, but somehow it did not include any actual detail on rent control. The Government has plugged one gap by means of a framework bill, but has ignored the facts that the dam is collapsing around it and that there are thousands of people in temporary accommodation right now. More detail on rent control has been demanded, and we welcome what has been said in that regard, but the housing bill will build not one house and provides no support to local authorities that are dealing with a housing crisis.

Given what the statement had to say about amendments and regulations, the Government also seems to accept that the bill lacks fundamental detail. Does the minister agree that

the bill should be fundamentally redrafted then, in its new form, subjected to full scrutiny and consultation by the Parliament in order to give tenants, landlords, councils and house builders certainty, and to enable us to get on with tackling the housing emergency?

**Paul McLennan:** We are talking about rent controls today, but the Housing (Scotland) Bill also mentions homelessness prevention duties, as Mark Griffin is well aware. We are consulting and working very closely with the sector on that.

As I mentioned to Meghan Gallacher, one key thing is to give certainty, which the sector has been saying to us over a number of months. That is what we are trying to provide today. We have already had extensive consultation with the sector as we have developed the bill, and it still goes on in terms of the timeliness of the bill. We will continue to have extensive consultation, including with local authorities, investors and registered social landlords. The consultation has already been extensive, and it will continue to be so over the next number of months.

**Emma Roddick (Highlands and Islands) (SNP):** The minister will be aware that many people who have spoken out on the need for rent controls have highlighted the imbalance of power in private tenancy agreements, with tenants often being afraid to raise issues or to escalate unfair actions. How will the rent control proposals ensure that tenants have protection and power, with the onus being on landlords to justify rent increases, and not on the tenant to fight against them?

**Paul McLennan:** Emma Roddick has raised that point on a number of occasions. Requiring all rent increases to be assessed or approved by an external decision maker would be resource intensive and administratively burdensome for landlords. The Scottish Government considers that the majority of landlords are good landlords that seek to comply with legislation and to provide a good experience for tenants who are living in their properties.

However, for cases where an incorrect rent increase is proposed, either in error or because the landlord chooses to act unlawfully, routes for challenge are provided in the bill. Before making an application to a rent officer or tribunal under those routes, a tenant will be required to make their landlord aware of the issue and to give them reasonable time in which to respond. That will give landlords an opportunity to resolve cases of genuine error.

**Jeremy Balfour (Lothian) (Con):** I have met representatives of many house developers here in Edinburgh and Lothian, and they all tell me that because of rent controls they are going to axe plans to deliver hundreds more houses in the city.

Does the minister accept that, in the medium to long term, fewer houses will be built because of the policy? Yes or no?

**Paul McLennan:** One of the key things that investors have been saying to me about that is about giving them certainty, and we have certainly given them that today.

As for moving forward, we have talked about the consultation, and I have mentioned the housing investment task force, which has been discussing the issue that Jeremy Balfour has raised. There have been discussions with investors on issues around rent controls, so they have been well involved. The purpose of today's statement is to provide certainty to allow them to move forward along with a full discussion in the consultation.

One of the key things about rent controls, which are really important to keep in mind in the debate, relates to how we tackle poverty. There are far too many people in poverty. Just yesterday, Shelter said:

"rocketing private rents is tearing communities apart—pricing families out of their local areas and pushing over 151,000 children into homelessness."

That is a UK figure.

The bill is about tackling poverty as well as bringing in investment.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** The policy memorandum to the Housing (Scotland) Bill states:

"the Bill has no significant differential effects upon island or rural communities".

I represent rural communities. The statement says that the Government will say where a rent control is in place and how rents will be capped. There is a very different problem in rural areas when they are compared with urban areas. How will the bill take account of rurality?

**Paul McLennan:** That is a really important question that I know was raised in committee. Rent control measures are being introduced to create a nationally consistent approach that can take account of local circumstances. We are conscious of the concerns that have been raised by rural landlords regarding operation of rural housing markets. We will continue to engage with stakeholders in the sector as we progress towards the consultation in spring 2025.

**Katy Clark (West Scotland) (Lab):** Given the importance of robust data on rent levels and housing quality, what steps will the minister take to ensure that councils have a rigorous, transparent and properly funded process for collecting that data? Where, in the landlord register, does the

Scottish Government envisage the data being stored?

**Paul McLennan:** I have been working closely with local authorities and I understand how they will use the powers. The matter of provisions being resourced properly is for the financial memorandum, and discussions are continuing. It is important to note that amendments on that point will be lodged for stage 2.

We are aware of existing data gaps in the private rented sector, so we have included provisions in the bill that will give local authorities the power to collect data directly from landlords, to underpin effective rent control area assessments. That engagement will inform any necessary longer-term data development work, thereby ensuring that we collect the right data in a practical and cost-effective way in order to support our long-term aspirations.

**Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP):** The proposed amendment to the bill will help to provide the clarity that is required for us to implement a sustainable rent control system for Scotland, and will balance vital protections for tenants with the need for investment in our housing supply. We certainly need to build, build, build.

Can the minister set out in more detail the steps that the Government is taking to ensure that there is confidence among investors, while also—crucially—protecting tenants by preventing homelessness? In addition, has he given consideration to testing or piloting the new prevention duties ahead of their full roll-out, in order to ensure their effectiveness?

**Paul McLennan:** We are talking about rent control today, but on the homelessness prevention duties, which are an incredibly important part of the bill, we have met a number of stakeholders. We are already encouraging stakeholders including local authorities, the Scottish Prison Service and so on, to try to bring in some of the prevention duties just now, because that does not require legislation.

On Elena Whitham's point about investment, we will continue to work with stakeholders among tenants, landlords and investors as we develop a system of rent controls that works for Scotland, and which brings in investment but also tackles poverty. The legislation needs to be robust and fit for purpose, and the issues that stakeholders are raising about investment will be an important consideration in the implementation of rent controls.

I previously mentioned the work of the housing investment task force. It was set up in March 2024 and will continue to identify actions that will unlock both existing and new commitments to invest in

housing by bringing together the key interests of investors and investees.

**Maggie Chapman (North East Scotland) (Green):** Scottish Greens do not believe that the current formulation will tackle the significant unaffordability of rents in many areas across the country. It does not give tenants in the private rented sector the security or stability that they have been promised. Can the minister explain how legislation that requires that rents always increase above the level of inflation, even in rent control areas, will make housing costs more affordable for tenants over time or help to tackle child poverty?

**Paul McLennan:** It is important that any design of rent controls considers the longer-term picture, as rents can grow below, as well as above, inflation. We consider that allowing some margin over inflation, such as 1 per cent—as has been mentioned today—would give investors some assurance that, over the long run, periods when growth is below inflation might be balanced out with periods in which rents might grow a little above inflation.

On Maggie Chapman's point about affordability, a good-quality, affordable and well-regulated housing system generates benefits that can tackle poverty—as she mentioned, including for families with children—promote equality and support wellbeing.

Rent controls are designed to help to stabilise rents when market rents have been increasing particularly steeply, but we need to ensure that we bring investment into the sector, too. Affordability is much broader than just what we are talking about here. Yesterday afternoon, I was disappointed that the Labour Government, in its budget, abandoned tenants in that regard when it failed to uplift the local housing allowance. That is one of the key things on which we will continue to push the Labour Government in our discussions. Affordability is much broader than the points that Maggie Chapman made.

**Willie Rennie (North East Fife) (LD):** It is not especially clear, but it looks as though the Government is moving to exclude mid-market rents from the rent controls. I see that the minister is nodding in agreement that that is the intention. That would make sense, because it would secure extra investment in the sector while treating mid-market rents on the same basis as social housing. For clarity, is that what the minister is planning? If so, by when will that be done?

**Paul McLennan:** I appreciate that Mr Rennie has mentioned that issue on a number of occasions. I have talked about consultation. One of the key considerations when we were preparing the bill was how we tackle poverty. That is incredibly important, and we cannot forget that.

However, we need to ensure that we also get investment in the sector, as we recognise the important part that investment plays in that regard.

As part of our work to seek views, as I mentioned, we issued the landlord and tenant questionnaire in October 2023. Further to that, we will speak to stakeholders about a number of issues, including the particular point that Willie Rennie made. As I mentioned, that consultation will be in spring 2025. That is within the proposed timeline for the bill, so it will not delay the bill in coming forward. I look forward to discussing with Mr Rennie the matter that he raised as we go forward.

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** According to the Office for National Statistics, on average rates, rents for my constituents have increased by about 14 per cent in the past year, compared with an increase of 7 per cent across Scotland. That is why, particularly among young people who are renting while looking for their own home, there is notable support for effective rent controls in the capital city. However, I appreciate that there is a need to increase supply and attract investment within a UK finance market. How will today's update help to achieve a balance by meeting both those important aims, especially in order to tackle Edinburgh's housing emergency?

**Paul McLennan:** I have mentioned that balance a few times during this discussion. It is about how we tackle the poverty element, which is one of the most important things.

One aspect of affordability relates to supply and demand. How do we increase the supply in Edinburgh? I know that the City of Edinburgh Council recently passed a motion supporting rent controls in principle, but it has said to me that we also need to get investment into the city. Through our discussions with the City of Edinburgh Council, and through the Housing (Scotland) Bill and the consultation, we are trying to make sure that we get investment so that we can tackle the supply issue that we are dealing with, and we are tackling the poverty issue through rent controls.

**Graham Simpson (Central Scotland) (Con):** I press the minister for the third time on what he thinks about mid-market rent properties. Does he think that they should be exempt from rent controls or not? If he thinks that they should be exempt, why can we not do that at stage 2?

**Paul McLennan:** One of the key things all the way through this process is that we are, responsibly, making sure that we take account of the views of people in the sector. As I mentioned, we will consult on exemptions through the consultation. It is not just a question of our discussing the matter today; it is important that we

speak to as many stakeholders as possible, given that there are different interests. One of the reasons why we are bringing out the consultation is to talk about exemptions.

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** Many of my constituents will have found yesterday's UK Government budget disappointing due to the lack of action to correct insufficient local housing allowance rates. With some rents for one-bedroom flats in Edinburgh being more than £1,000 a month, will the minister set out why rent controls are key to stabilising rents and protecting tenants' bills in Scotland?

**Paul McLennan:** Families who rely on housing benefits to cover their rent need certainty to be able to plan for the future and put down roots. As I mentioned in my answer to Mr Griffin, the UK Government's decision to maintain the freeze of LHA rates leaves families in an uncertain position, and I regret that it did not change that. Rent controls will give some certainty around that.

The Scottish Government has repeatedly called on both the previous Tory Government and the new Labour Government to link LHA rates to real-world rents. It is really disappointing that the Labour Party has not done that, and I hope that Mark Griffin will continue to push his UK colleagues on that. If families cannot rely on UK Government assistance with their housing costs, rent controls will become even more necessary to help families to know whether they will be able to turn the heating on or feed their children.

**Paul Sweeney (Glasgow) (Lab):** The minister will know that effective rent controls require detailed and comprehensive supporting measures. When rent controls were introduced in Glasgow more than a century ago, it led to a collapse in factoring of tenement stock in the city. Will the minister ensure that, in introducing rent controls, he also expedites measures such as mandatory owners associations, five-yearly tenement building inspections and compulsory building reserve funds to ensure that we do not see a decline in the quality of our housing stock?

**Paul McLennan:** One of the main reasons why we are consulting is that very reason—to make sure that the legislation will have no unintended consequences. The reason why we are doing the consultation is to raise and speak to the points that Mr Sweeney has raised. I look forward to discussing the matter with him, if he wishes to do so, in the future.

**The Deputy Presiding Officer:** That concludes questions on the ministerial statement. There will be a brief pause to allow the front-bench teams to change before we move on to the next item of business.

## Scotland's Commissioner Landscape

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a debate on motion S6M-15086, in the name of Kenneth Gibson, on behalf of the Finance and Public Administration Committee, on Scotland's commissioner landscape. I invite members who wish to participate in the debate to press their request-to-speak buttons now or as soon as possible.

14:50

**Michael Marra (North East Scotland) (Lab):** In the absence of the convener, and as deputy convener, I am opening today's debate on behalf of the Finance and Public Administration Committee on our "Report on Scotland's Commissioner Landscape: A Strategic Approach". I commend the report to Parliament.

We launched the inquiry in December 2023, prompted by concerns that the landscape of Scottish Parliamentary Corporate Body-supported bodies could almost double in size by the end of the parliamentary session, with clear implications for the SPCB and the overall Scottish budget. The purpose of the inquiry was to establish the extent to which a more coherent and strategic approach to creating and developing SPCB-supported bodies is needed and, if so, how that might be achieved.

Although our inquiry did not extend to looking at the structure around Scottish Government commissions or commissioners, we recognise that our findings could be used to set the tone for its wider review of that public body landscape. We held seven evidence sessions, hearing from all seven existing office-holders, committee conveners, legal and public administration experts, advocacy and support groups, the SPCB and the Minister for Public Finance. We also held two insightful informal sessions, in which we explored the experiences of former commissioners and ombudsmen and former MSPs who had submitted proposals to create commissioners in previous sessions of Parliament. We thank all those who gave up their time to speak with us. Their evidence, along with research on United Kingdom and international models, including those in Wales and New Zealand, helped to shape our findings.

As our report shows, we have not taken a view on the merits—or otherwise—of individual SPCB-supported bodies. I reassure all members that taking such judgments was not within the remit of our inquiry, nor would we wish it to be. We found the current office-holders to be a dedicated group

of people who are committed to serving Scotland in the public interest.

It is also important to be clear that our report does not seek to prevent other proposals to create commissioners from ever coming forward. We have concluded, however, that now is the time to establish a model in which current and future office-holders can operate effectively and coherently, and which is structured in a way that delivers the best outcomes and value for money for the people of Scotland.

**Jeremy Balfour (Lothian) (Con):** Does that mean that the member believes that the commissioner in the Victims, Witnesses, and Justice Reform (Scotland) Bill should be taken out and that we should have no commissioner in that bill?

**Michael Marra:** That is not a position that the committee has taken, and it is not contained in the recommendations of the report. The recommendations of the report, which I will come on to, are quite clear. That was certainly not within the scope of the inquiry and what we considered.

We have concluded that now is the time to establish that model. I believe the inquiry to be a considered and comprehensive piece of work, in which we sought first to establish how the model is working in practice, including by considering the respective roles of the SPCB, the parliamentary committees and the Government. We then looked to understand what was driving the increased number of proposals to create new commissioners, and considered possible alternative models and the case for a review.

The evidence that we heard was compelling. It is absolutely clear that the current model is no longer fit for purpose. Without a clear and coherent framework underpinning how the overall landscape should operate, it has evolved in an ad hoc way, with individual proposals being agreed on a case-by-case basis. That has led to a disjointed landscape comprised of a collection of individual bodies with varying functions and powers.

There is strong evidence of overlap and duplication across the commissioner landscape, which we heard was currently being managed through collaboration and, in some cases, through a range of written agreements and memorandums of understanding. There is considerable concern, including from existing commissioners, that adding new bodies into the mix would increase that confusion and duplication that already exists. As summed up by the Children and Young People's Commissioner Scotland,

"the proliferation of Commissioners offices will be a costly exercise and may not provide good value for money for

taxpayers, especially if there are multiple bodies tasked with intervening on similar or identical matters."

Current accountability, budget setting and scrutiny mechanisms were also found to be, at best, wanting. We heard from the SPCB that it faces challenges in dedicating adequate time and resource to provide comprehensive oversight and governance of supported bodies. We heard that the SPCB's function in this respect has evolved in a haphazard manner and that the governance role sits uneasily alongside the SPCB's other core purposes.

Conveners told us that parliamentary committees regularly experience capacity issues in scrutinising the effectiveness of post-holders against a backdrop of many other work programme commitments. Current post-holders told us that their experience of committee scrutiny varied, but all said that they would welcome more regular engagement with committees.

A significant number of witnesses also highlighted challenges in assessing aspects of commissioners' performance, including whether they have made a difference, whether they are delivering on their core purpose and whether they provide value for money.

At the time that we published our report, six proposals for creating new commissioners were being considered, each of which could be defined as proposals for new advocacy or rights-based bodies. My colleague Liz Smith, in summing up, will speak more about the evidence that we received on the drivers for the increase in proposals to create that type of commissioner.

**Sarah Boyack (Lothian) (Lab):** Does the member acknowledge that a range of different commissioners are being proposed? If he looked at the proposals for a future generations commissioner and a wellbeing and sustainable development commissioner, he would see that the consultations for both of those referred not just to advocacy but to a range of other roles, including scrutiny, accountability, best practice and guidance.

**The Deputy Presiding Officer:** I ask members who are making an intervention to press their intervention buttons.

I can give you the time back for those interventions, Mr Marra.

**Michael Marra:** Thank you, Presiding Officer.

The committee would certainly recognise that a wide range of different commissioners with different purposes is being proposed. As I mentioned, my colleague Liz Smith, in summing up, will speak more about the evidence that we received on the drivers for the increase in proposals to create that specific type of

commissioner. However, I recognise the point that Sarah Boyack makes.

I turn to our key recommendations. Based on the overwhelming evidence that we received, the committee strongly believes that now is the time to pause and take stock before any new bodies are added to what is an already complex and disjointed landscape. We are therefore asking Parliament to agree to a root-and-branch review, to be carried out by a dedicated committee of the Scottish Parliament, which would be similar to the Review of SPCB Supported Bodies Committee that was set up in 2008.

The purpose of the review would be to design a clear strategic framework to underpin and to provide more coherence and structure to the landscape. The review would also ensure more effective accountability and scrutiny mechanisms and improve delivery of outcomes and value for money. Our inquiry and the committee's report provide a good starting point for that work. The evidence that we have already gathered, along with the focused and short-term nature of the suggested ad hoc committee, would go some way to address any potential concerns that members might have about its impact on parliamentary resources and time.

We are also asking Parliament to agree that, while the review is under way, there should be a moratorium on creating any new SPCB-supported bodies or expanding the remits of existing bodies. We fully recognise that that would have an impact on those who would wish to propose, or have already proposed, new commissioners. Parliament should be assured that this is not the committee saying that there should never be new commissioners; rather, we are saying just not now. A more coherent structure would benefit the effective operation of all commissioners and support better outcomes.

We also set out recommendations on measures that can be put in place now to enhance the transparency, accountability and scrutiny of existing arrangements.

We thank the SPCB and the Scottish Government for their initial responses to our findings, and we look forward to working with committees in early course to better link financial and performance scrutiny. We are aware that other parties have submitted amendments to the committee's motion. It is right that Parliament debates the merits of our report, its recommendations and options for a way forward. I look forward to hearing and considering those points today.

I move,

That the Parliament welcomes the Finance and Public Administration Committee's 7th Report, 2024 (Session 6),

*Scotland's Commissioner Landscape: A Strategic Approach* (SP Paper 642); agrees with the recommendation that a dedicated committee should be established to carry out a "root and branch" review, with the purpose of creating a clear strategic framework to underpin and provide more coherence and structure to the Scottish Parliamentary Corporate Body (SPCB) supported body landscape, and further agrees that, while this review is undertaken, there should be a moratorium on creating any new SPCB supported bodies, or expanding the remit of existing bodies.

**The Deputy Presiding Officer:** I call Ivan McKee to speak to and move amendment S6M-15086.3.

14:59

**The Minister for Public Finance (Ivan McKee):** I thank the Finance and Public Administration Committee for bringing this important issue to the chamber and for its excellent report on the commissioner landscape. I was delighted to take part in evidence sessions in front of the committee on the matter. It is important to recognise that the committee's work on this issue is a key part of the wider public service reform agenda that I lead for the Government. I will talk more about that as I go through my remarks.

The Scottish Government very much welcomes the committee's report and I am interested to hear views from across the chamber on its contents. I have responded to the report on behalf of the Government. However, I will set out the Government's position on the key recommendations in the report and our approach to wider public sector reform.

The committee recommends

"a 'root and branch' review of the ... commissioner landscape"

and

"a moratorium on creating any new SPCB supported bodies, or expanding the remit of existing bodies".

It plans to complete its work by June of next year.

The Scottish Government agrees that any new public body—whether that is a commissioner or a public body across the wider landscape—should be created only as a last resort, and we have introduced the ministerial control framework to robustly assess any Government proposals for a new public body. I will say more on that point later.

We therefore support the intention of the report and a drive to improve governance, accountability and efficiency across the parliamentary commissioner landscape, and we will engage in any review of the framework for commissioners and provide any information requested if that is the direction that Parliament agrees to.



I note that decisions on the establishment of any new SPCB-supported bodies are ultimately a matter for Parliament. The status and role of certain office-holders, such as regulatory or quasi-judicial bodies, make it inappropriate for Scottish ministers to have any involvement in their appointment or any arrangements for holding their offices to account.

**Martin Whitfield (South Scotland) (Lab):** In relation to bills that propose a future commissioner, the Scottish Government's amendment uses the phrase "been introduced". Is the Government's definition of "been introduced" the same as that which appears in the standing orders in relation to the introduction of a new bill to Parliament by the Scottish Government or, indeed, by members?

**Ivan McKee:** I will come on to talk about that point, but we have identified that it is for Parliament and its committees to take a view, in the context of the discussion that we are having and the FPAC's report, as to how they wish to proceed on bills that have already been introduced and are before Parliament. It is of course important to recognise that, with regard to procedure, the debate does not impact on the ability of any member to introduce a bill and take it through parliamentary process as appropriate.

Although we recognise the value of a review of SPCB-supported bodies, it is for Parliament to agree to create an ad hoc committee to conduct that review. Any decision on that point will obviously need to consider the practicalities and capacity of MSPs, some of whom are already serving on multiple committees and, of course, the role of the SPCB itself in such a review.

In regard to a moratorium, the Scottish Government is happy to support a moratorium by not introducing any proposals to establish new bodies or to expand the remit of existing ones while the review, which should be completed by June 2025, is under way. We recognise the need that the committee has identified to bring some structure into the commissioner landscape and to address the complexity that exists.

However, with a number of bills that were introduced to Parliament before the committee's inquiry concluded, the scrutiny process is already well under way and proposals have been built on prior consultation. The First Minister and I recognise that it is now for the Parliament to intervene and take a decision on those bills, respecting the lead committees' roles in scrutinising proposed legislation that is in their remit.

There are some recommendations in the report specifically for the Scottish Government to action,

which I want to highlight today. The committee asks the Government to

"set out how it plans to use this report to 'set the tone' for the Scottish Government's wider review of the public body landscape".

As a responsible Government, especially in a challenging financial climate, we must ensure that the resources that we have work as hard as they can to improve outcomes and reduce inequality, now and in the future. Frankly put, any pound that we spend on back-office functions and creating or setting up new commissioners or public bodies is a pound that we cannot spend on front-line services and supporting the people who depend on us for those services.

We are already implementing a number of actions to support reform. I previously mentioned the ministerial control framework; we are also continually assessing and reviewing the public body landscape. Our message to public bodies is clear: we should not follow existing operational practices if public services can work more efficiently by adopting new arrangements, and we should not maintain the current public body landscape if we can secure savings and improved service delivery by rationalising public bodies.

Earlier this afternoon, I met chief executives of non-departmental public bodies and had a great discussion about those points. Over the summer, we collected from NDPBs and wider public bodies a significant amount of data on their operating costs, which we intend to publish in the near future.

**Michelle Thomson (Falkirk East) (SNP):** The minister will note that the committee recommended that the ministerial control framework should be published. Is the Government willing to do that?

**The Deputy Presiding Officer:** I can give you the time back, minister.

**Ivan McKee:** We have already sent the ministerial control framework to the committee, so it should be in receipt of it.

It is worth emphasising the point about the wider public body landscape. As I said, the Government is very interested in how we redirect resources from the back office to the front line. We have identified around £5 billion that is spent on supporting public bodies or Scottish Government or other commissioners and other aspects of the commissioner landscape. We are addressing how much of that cost we can drive through the savings programmes that we have in train so that we can refocus it on the front line. It is important that the debate is seen in that wider context.

The committee asked for the ministerial control framework, which, as I said, has been published.

The framework was created to ensure that Government proposals for new public bodies are based on evidence and value for money, and are made only when required. I have shared the draft framework with the committee and welcome any input on it. As I explained, it is not a final version and will be subject to further review and amendment, not least taking on board input from the committee. We expect the framework to be finalised by the end of the year, when it will be published and sent to the committee.

I am also happy to agree that the assessment will be published for any proposal that is being taken forward and has been through the framework. The framework is for Government-led proposals and does not act as a control mechanism for other proposals. We would encourage the Parliament to use the principles of the framework or a similar framework to assess proposals for any new SPCB-supported bodies.

The committee also asked the Government to update it on when it will produce multiyear spending plans, which would allow all public bodies, including SPCB-supported bodies, to plan for the medium term. The Scottish Government is considering the timing of publishing medium-term spending plans, in line with the announcement by the United Kingdom Government that a full spending review will be published in spring 2025.

To conclude, the Scottish Government is committed to reforming the public sector landscape. We have introduced frameworks and reviews and we are driving a number of programmes, working closely with chief executives of public bodies. We are serious about taking forward the agenda and recognise the scope that exists to free up resources from the back office to focus on front-line services. The review of the commissioner landscape should be seen in that context.

I would very much welcome any work that the Finance and Public Administration Committee deems that it would like to take forward to look at the broader public sector landscape. I believe that the cost of commissioners is about £18 million and, as I indicated earlier, the cost of the wider public body landscape runs into many billions. We would therefore very much welcome any contribution that the committee may want to make in terms of focus and opportunity for reallocation of resources.

I am grateful to the committee and its members for lodging the motion for debate, and I look forward to hearing members' contributions.

I move amendment S6M-15086.3, to leave out from "and further agrees" to end and insert:

"which should complete its work by June 2025, and further agrees that, while this review is undertaken, there

should be a moratorium on creating any new SPCB supported bodies, or expanding the remit of existing bodies, while recognising that, for proposals within bills that have already been introduced, these are now for the Parliament to take a decision on, respecting the lead committees' roles in scrutinising legislation within their remits."

**The Deputy Presiding Officer:** I call Maggie Chapman to speak on behalf of the Scottish Parliamentary Corporate Body.

15:08

**Maggie Chapman (North East Scotland) (Green):** I speak in the debate as a member of the Scottish Parliamentary Corporate Body.

I begin by thanking the Finance and Public Administration Committee for undertaking its inquiry. I am grateful to have the opportunity to add the SPCB's views to the debate and to give some background on the situation.

Colleagues will, I am sure, be aware that the role of the SPCB, as set out in the Scotland Act 1998, is to

"provide the Parliament, or ensure the Parliament is provided, with the property, staff and services required"

for its purposes.

In addition to those duties, the SPCB also has a statutory duty to support independent office-holders, including ensuring that they have appropriate governance structures, as well as providing their budgetary requirements.

In 2003, there were two office-holders—the Scottish Public Services Ombudsman and the Scottish Information Commissioner—and their running costs for 2003-04 amounted to £1.3 million. The SPCB now supports seven office-holders, it will shortly support an eighth office-holder, and it funds the devolved Scottish functions of the Electoral Commission. For 2024-25, the office-holders' budgets, which form part of the SPCB's overall budget, amount to £18.2 million, which is quite a significant increase.

Supporting office-holders has become very time consuming for the SPCB. In addition to providing and agreeing annual funding for the office-holders, the corporate body sets their terms and conditions of appointment, undertakes open recruitment exercises for a number of the office-holders, appoints acting office-holders and accountable officers, approves determinations for staff, advisers and so on, and comments on draft strategic plans.

To ensure that we undertake our role properly, we have put in place a number of governance arrangements. Those include putting in place an annual evaluation process that involves an independent assessor assessing the office-holders

and preparing a report for us; issuing a suite of strategic engagement documents that support the efficient administration of the relationship between the office-holders and the corporate body; putting in place a written agreement with the Conveners Group that sets out our respective roles; and establishing a shared services agenda.

**Martin Whitfield:** I am grateful to Maggie Chapman for taking an intervention. Can she confirm whether the SPCB has always been comfortable with some of the challenges, particularly in relation to management and internal concerns that have arisen in some of the commissioners' offices? Does the SPCB feel that it is capable of dealing with those matters, or is that one of the challenges that we are looking at today?

**Maggie Chapman:** I thank Martin Whitfield for that intervention. I do not know whether he is referring to operational challenges, but those are not within our remit. Our remit is to provide the budgetary requirements and the governance scaffolding for each office-holder.

With regard to challenges around those governance structures, as we see an increasing number of office-holder posts being enacted by this Parliament, we ask, as we did during the Finance and Public Administration Committee's evidence session, whether we have the proper capacity to carry out that role absolutely effectively. We carry out that role as best we can, but there are questions of capacity involved.

As a result of the shared services initiative, four office-holders are now co-located at Bridgeside house in Edinburgh, and there will soon be a fifth office-holder located there, when the patient safety commissioner for Scotland is recruited. That has resulted in accommodation savings. In addition, the Scottish Public Services Ombudsman provides back-office services to the other office-holders, including human resources and finance services.

The corporate body meets with the office-holders at least annually and officials in office-holder services meet with the office-holders and their staff much more regularly and frequently to share information and to ensure that there are no governance issues.

Over the past few years, particularly with the mention of proposals for up to an additional six new office-holders, the corporate body has raised concerns with Scottish ministers and the Finance and Public Administration Committee, and we are therefore grateful to the committee for holding an inquiry into the office-holder landscape.

I should make it clear that the SPCB does not take a view on whether a new office-holder should be established; that is rightly for the Parliament to determine. However, we have a vested interest,

given how that would impact on our workload, our overall budget and the workload of the official whose job it is to liaise with the office-holders.

In 2009, when the Review of SPCB Supported Bodies Committee was established, the then SPCB brought forward a recommendation to merge the then six bodies into three bodies—a complaints and standards body, a human rights body and an information body. The proposal was about merging bodies with no loss of functions. However, instead of the six bodies each having its own back-office support, for example, there would have been a maximum of three back offices—and with the shared services agenda, there could have been even fewer. Two underlying principles drove those proposals: making access as simple as possible for the users of the services—in essence by providing a streamlined one-stop-shop approach—and achieving public services that provide the best value for money.

The then SPCB understood that it was a bold proposal and that not everyone would support it. However, the thinking behind the suggestion was that grouping bodies by synergies of their functions would lead to a more streamlined structure, provide greater opportunities to share services, especially if the bodies were co-located, and make it easier for the public to gain access to the office-holders through a single point of contact.

In addition, in proposing those three bodies, the then SPCB felt that its approach was consistent with the recommendations of the then Finance Committee, which had undertaken an inquiry into the accountability and governance of office-holders. It recommended that, in establishing new bodies, the first test should be that bodies with similar roles and responsibilities should be amalgamated wherever possible; that the potential to pool the resources of existing bodies, for example by sharing staff, should be considered wherever possible; and that unnecessary remit overlaps should be dealt with by removing responsibility from one of the bodies involved and adjusting budgets accordingly.

If the corporate body's proposals had been pursued, it is unlikely that a number of the stand-alone office-holders that have since been proposed would be necessary, as there would have been an established body to which a specific cause could have been referred, which would have avoided the need to create a new position and the resulting additional governance structures and costs.

I turn to the Finance and Public Administration Committee's report. The corporate body very much welcomes its findings and recommendations. We support the aim of bringing more coherence and structure to the landscape,

as well as greater accountability, better value for money and enhanced scrutiny of performance.

The committee recommended to the SPCB three improvements to the current system, and we have written to the committee to confirm that we will shortly look at ways of further promoting our shared services agenda and will explore ways of increasing transparency in our governance and oversight arrangements. In consultation with the Conveners Group, we will consider whether improvements can be made to the written agreement between the corporate body and the Conveners Group, which sets out a robust governance role for the SPCB and promotes effective scrutiny by committees of how the office-holders carry out their functions.

I welcome the debate, and the corporate body stands ready to contribute to any on-going work on the issue.

15:17

**Craig Hoy (South Scotland) (Con):** On behalf of the Scottish Conservatives, I welcome the Finance and Public Administration Committee's report and offer my thanks to the committee for carrying out a robust inquiry into an important and evolving area. For transparency, I mention that I am now a member of that committee, but as I have attended only one meeting, it is too early to say that I have gone rogue or native.

The reason for my party welcoming the report is that it relates to two important considerations: value for money for the taxpayer and the effectiveness of public bodies. Perhaps the Parliament does not look enough at both those issues. As the committee notes, it is time to examine both, given the rapidly shifting sands in relation to the public purse and the shape and scale of the wide range of Scottish public bodies, including the supported bodies that we are looking at today.

**Michelle Thomson:** Does Mr Hoy agree that the addition of scrutiny of public administration to the finance brief for the first time in this place has been very worth while and that, arguably, that has been evidenced by the report that is before us?

**Craig Hoy:** Absolutely. One of the things that Government does not do often enough is look at Government itself. Organisations in the corporate environment do that each and every year. It has been regrettable that the Scottish Government has been too busy governing the country to look at its own internal mechanisms and operational procedures. The same has been true of Governments down the ages.

The commissioner landscape inquiry has given the Parliament an opportunity to probe that issue.

Twenty-five years into devolution, we should be reviewing many elements of the way in which the Parliament and the wider landscape outside it operate.

We welcome the moratorium on the creation of further SPCB-supported bodies, given that we stand on the doorstep of a possible proliferation of such bodies. I believe that that is a sensible move. It will be for Parliament to determine whether it fully accepts the committee's recommendation that all such bodies should be subject to a moratorium or only those that are coming down the line.

**Martin Whitfield:** Is it Craig Hoy's understanding that "introduced" means the same as it does in standing orders? In other words, bills that the Government has introduced to Parliament and that are going through the structure of stages 1, 2 and 3 will not be subject to the moratorium, but bills, many of which are likely to be member's bills, that are still at the consultation or drafting stages would be subject to the moratorium.

**Craig Hoy:** I heard what the minister said about that and Liz Smith will address that point on behalf of my party.

Regardless of the interpretation of either the amendments or the report and its recommendations, it would be prudent for any committee that is established by the Parliament to look at proposed bills and those that are under legislative consideration. We should set our face against ever saying that a body that has been legislated for or introduced can never be considered surplus to requirements at some future point.

The committee heard wide and varied evidence about the role, function and cost effectiveness of commissioners and supported bodies. It is vital that we continue examining those issues out of due regard for the public purse, and we should commit to doing so regularly.

The committee also heard repeated calls for sunset clauses to become commonplace when new public bodies come into being, not least to ensure that the landscape does not become cluttered or stale and that the effectiveness of commissioners and bodies is not blunted over time. Where commissioners, or any public bodies, have been, or are to be, formed with a principal role of advocating for a cause, rather than fulfilling some statutory function or requirement, it is vitally important that we continue to review them and, over time, to remove them as the causes that they champion progress to a point where there is satisfaction with whatever regulatory regime or support is provided through public policy.

Having a review now also gives Parliament an opportunity to look dispassionately at the proposed proliferation of commissioners and to

ask whether, as Michael Marra said, there is a risk of overlap or duplication. Not only is that bad practice structurally but it is not in the interests of the taxpayers who fund those agencies and who are already looking at a cluttered public space in Scotland, even if they cannot necessarily name all the organisations that they are paying for.

There may not be many people watching, but, for those who are, it may be worth recapping the organisations that are already in place because of the system. We have the Commissioner for Ethical Standards in Public Life in Scotland, the Standards Commission for Scotland, the Scottish Public Services Ombudsman, and the Children and Young People's Commissioner Scotland. There are also commissioners for information and human rights, and the most recent is the Scottish Biometrics Commissioner. I do not intend to go into each of those in detail, but, in general, my impression is that their functions go beyond simple advocacy.

Sarah Boyack referred to some of the proposed organisations and made the point that they, too, may have functions that go beyond simple advocacy. If we look at the list of those organisations, we will see that we are getting to the point where the fabric and role of organisations are changing. As well as the proposed patient safety commissioner, there is the victims and witnesses commissioner, the disability commissioner, the older people's commissioner, the wellbeing and sustainable development commissioner, the future generations commissioner, and the learning disability, autism and neurodiversity commissioner.

**John Mason (Glasgow Shettleston) (Ind):** Will the member accept an intervention?

**Craig Hoy:** I do not have time, unless I can get some time back.

**The Deputy Presiding Officer (Annabelle Ewing):** You can get the time back, Mr Hoy.

**John Mason:** Does the member agree that there could also be an issue with groups that are already stronger in society demanding a commissioner, whereas weaker groups with less of a voice would not get one?

**Craig Hoy:** The member takes me to my next point, which is that there are already strong channels through which organisations can communicate with the Scottish Parliament.

In 1999, I set up *Holyrood* magazine, in part to give the third sector and other stakeholders a voice and an entry point to engage with the Parliament, but we rapidly found out that Parliament had itself set up good mechanisms for that and that third sector groups and other organisations could engage with it.

Parliament continues taking engagement very seriously through consultations, the committee structure and cross-party groups, and by developing policies alongside and with those who have lived experience. There is also a plethora—on occasion, perhaps too many—of working groups, action plans and other forums.

After I launched *Holyrood* magazine 25 years ago, I went on to do something similar in London, Brussels, Asia and China, where the door is not open to external organisations. I worked through organisations such as the secretariat to the Association of Southeast Asian Nations. In those places, third sector organisations struggle to get a foot in the door. Here, the door is open and all those organisations have a seat at the table. If we go down the route of using the structure of commissioners to give a platform to advocacy groups, we are duplicating an already vibrant and engaged civil society process in the Parliament.

**Colin Smyth (South Scotland) (Lab):** Craig Hoy has made the point that all those third sector organisations and charities have an appropriate forum in which to raise their concerns. If that is the case, why did 31 charities and third sector organisations sign a statement calling for an older people's commissioner? Why do 90 per cent of the people who took part in my consultation believe that that is the right way forward? The existing structures are failing, including for those organisations that he says have plenty of forums.

**Craig Hoy:** There is a difference between giving somebody a voice and the person who is listening to that voice responding to it.

When I was shadow minister for social care, I spoke to many organisations that were supportive of a national care service. The principle of a national care service was co-design. As time progressed, the Government had one idea of the national care service and the stakeholders had another, which is why the national care service is in such a dire position. Had there been a care commissioner, I do not think that their voice would have been any more powerful.

Many of those organisations are already funded in part by the Government, so if the Government—and, effectively, the taxpayer—funds a commissioner, there is a duplication of the spending of taxpayers' money.

The fundamental point is that some of the commissioners have a statutory function and perform a function—for example, the Ethical Standards Commissioner or the Standards Commission. Looking down the list of new commissioners, I think that there is a significant chance of duplicating what civil society is already doing in Scotland.

I very much welcome the review and look forward to the debate. I hope that a committee will be formed and that it will come to the conclusion that it has to do two things. First, it has to make sure that Government and structures are effective in this country and, secondly, it has to make sure that we have due regard to the public purse.

**The Deputy Presiding Officer:** I call Sarah Boyack to speak to and move amendment S6M-15086.2.

15:26

**Sarah Boyack (Lothian) (Lab):** I thank the committee for its report because this is an important debate for us to have. In the words of the report, it is important that we have an SPCB-supported body landscape that is “fit for the future”.

I very much welcome a review into the SPCB-supported bodies to make sure that Parliament money is being spent well. It is a question of good governance, and I hope that we can move towards that together as a Parliament.

Any review would have to have a timescale attached to it to avoid endless delays. The motion before us does not include a timescale, so I strongly welcome the fact that all three amendments highlight the need for a deadline for the report to be concluded by June 2025.

Although a review is necessary, we must not downplay the impact of existing commissioners. For example, Together (Scottish Alliance for Children's Rights) prepared a briefing that highlighted the vital contribution that the children's commissioner has delivered.

I also worry that the reference in the report to a moratorium on creating new SPCB-supported bodies is ambiguous and needs clarification. Therefore, I welcome the minister's clarification that his amendment means that members who have secured the right to introduce a bill will be able to progress that bill as it is being drafted. That is important, because it leaves it up to the Parliament to make a decision on each of those bills.

In relation to the phrase,

“creating any new SPCB supported bodies”

it is important to clarify what constitutes the creation of a body. Would that follow the passage of a bill? Would what is proposed not necessarily preclude the three-stage legislative scrutiny process?

One or two issues need to be clarified in relation to the potential committee that has been suggested. The point has been made several times that we all know that the capacity of

Parliament and its committees is stretched. More ministers means fewer back benchers. The Scottish Government's staff is bigger than ever—there has been an increase from 6,000 to 9,000 staff. The Parliament has to scrutinise more topics as new responsibilities have been devolved, as well as delivering post-legislative scrutiny on the hundreds of bills that have been passed since 1999. Maggie Chapman's points on the pressures that the SPCB faces were extremely well made.

The report recognises the need for the commissioners and why some roles are being suggested. In relation to the older people's commissioner, I thought that the Independent Age briefing was really important; it highlighted that methods must be developed urgently to ensure that older people's interests are understood and advanced within political decision-making processes.

**John Mason:** Older people are really good at voting, and we have groups such as Age Scotland, so does Sarah Boyack not think that the older people's sector is already well represented?

**Sarah Boyack:** There is a question of representation and there is a question of scrutiny. It is not just about advocacy. There is a discussion to have when my colleague Colin Smyth moves forward with his member's bill; that proposal needs to be discussed.

Members have agreed that proper scrutiny and parliamentary accountability are important, but we all know that committees are stretched beyond capacity. The approach that they have in Wales—an annual scrutiny process—makes a huge amount of sense.

As the report acknowledges, not all commissioners are the same.

**Craig Hoy:** Is it not incumbent on us all, as members of Parliament who are elected to represent our constituents, to scrutinise the work of the Government, whether those constituents are older people or children?

**Sarah Boyack:** Absolutely. I would not go as far as Professor Alan Page, who suggested:

“is my MSP not my commissioner?”—[*Official Report, Finance and Public Administration Committee*, 21 May 2024; c 70.]

There is something about structural integrity, accountability and reporting back that, as individual members, we cannot do. I would love to scrutinise the national performance framework and question how it is implementing the sustainable development goals, but there is no way that I can do that as an individual member. There is a point about having collective responsibility and focus.

The report acknowledges that not all commissioners are the same, as a couple of other members have said. This week, we saw the importance of the Scottish Information Commissioner. The Scottish Biometrics Commissioner made valuable comments in the report about timescales and changes relating to the purpose of commissioners that occur between when they are established and the years after. It is important that those issues are considered by such a committee as gets established.

Another point that has been made is that the term “commissioner” can mean different things to different people. However, stopping all commissioners would potentially be throwing the baby out with the bath water. We need proper consideration.

I want to give a sense of the discussions that I have been having in relation to my member’s bill, which recommends establishing a commissioner for sustainable development and wellbeing. The Scottish Government has also consulted on a future generations commissioner. The two consultation documents are incredibly similar, and there is a huge overlap. I had an excellent meeting with the Deputy First Minister and the Minister for Employment and Investment, and we have agreed to engage constructively on my bill. They are very keen to see the draft that is currently being prepared by the non-Government bills unit. That does not mean that they will support my bill or, indeed, any of the details in it, but it was a constructive dialogue, and responses to the consultations that we have carried out were incredibly supportive.

Comments were made, by Craig Hoy in particular, about value for money. We have an ageing population and there are huge pressures on our national health service, and the recommendations of the Christie commission in 2011 have still to be implemented. There is also the need to tackle our climate crisis while creating jobs and investing in our communities. We need joined-up action, which we are simply not getting at the moment.

The recent academic report that was produced by the Carnegie UK Trust pointed out that the national performance framework is insufficient when it comes to ensuring that sustainability and wellbeing are at the heart of policy making.

Michael Marra’s points about advocacy are important, but I note that the term “commissioner” can cover very different roles in the areas of accountability and scrutiny. There is an issue about ensuring that successive Governments of any party meet legal targets and achieve the United Nations sustainable development goals across all policy areas. There is significant scrutiny in that area currently. The Carnegie report talked

about the need for a “helicopter” approach, which is about not just individual committees but cross-committee and cross-ministerial reviews.

Reform of the commissioner landscape should include greater consideration of progress made in other countries. I hope that that will be included in the work of the proposed committee. The approach of the Welsh commissioner has shaped my thoughts on the drafting of my bill, on which the non-Government bills unit is currently working. I have considered the financial savings that were generated by establishing the Future Generations Commissioner in Wales, and the clarity and sense of direction that the Welsh Government has picked up since then.

Colin Smyth mentioned lobbying by organisations. Earlier this month, all members were issued with a letter from more than 130 organisations, which urged the First Minister to support my bill. Reform has been an issue since before 2021, so that conversation has been ongoing.

I very much welcome the opportunity for a proper discussion on the commissioner landscape. The Scottish Human Rights Commission has highlighted the need for a coherent infrastructure, but we should be careful not to downplay or reduce the effective work of existing commissioners. More integrated working and support are important, but let us not forget the importance of those commissioners’ remits. The Scottish Parliament regularly struggles with long-term thinking. Commissioners potentially enable a bigger-picture approach to be taken to legislation, improve scrutiny and increase action on the important issues that our constituents have elected us to act on.

I move amendment S6M-15086.2, to, leave out from “; agrees with” to end and insert:

“, and notes the recommendation that a dedicated committee should be established to carry out a ‘root and branch’ review, to be concluded by June 2025, with the purpose of creating a clear strategic framework to underpin and provide more coherence and structure to the Scottish Parliamentary Corporate Body (SPCB) supported body landscape.”

15:35

**Ross Greer (West Scotland) (Green):** This is one of the most important committee debates that I can remember in my time in the Parliament; it is certainly the most important committee debate in which I have participated. It asks us all to do something that is politically difficult but necessary, which underlines the need for us to do so by consensus. The principles that we are addressing are democratic accountability, upholding the rights of our constituents, providing effective governance, and achieving value for money.

Those are all of fundamental importance to the Parliament and to the country at large.

The debate is also revealing some interesting facts about this institution, including failures in our institutional memory. The committee's report highlights the work of the session 2 Finance Committee on developing criteria for SPCB-appointed bodies. Maggie Chapman's speech on behalf of the corporate body cited previous work that both the SPCB and previous committees have undertaken, much of which I was not aware of until the committee started its inquiry, despite the fact that I have been a member of the Scottish Parliament for eight years.

There is clear evidence that the current system is not working. It has evolved in an ad hoc and inconsistent manner that cannot continue, let alone become more profound. Members of the public struggle to access what they cannot understand. What we have at present—and what we would have to an even greater extent if we do not take some kind of holistic action—is variation in the powers and functions of commissioners, with elements of duplication and overlap. Michael Marra said that various commissioners have bespoke agreements with each other to try to deal with that. However, the more bodies that are created, the more of a challenge that will become. As it is, from their casework, all members will be familiar with the experience of constituents being passed from pillar to post among various public bodies.

We also need to reckon with the fact that the system will get beyond the capacity of the Scottish corporate body to manage. It is not only a capacity issue, though; we need to face up to the fact that we now have so many proposals for new commissioners, because a whole range of groups across society feel a lack of attention and a lack of effective action on the part of the Government and the Parliament. They feel that the issues and matters that affect their lives are not being scrutinised effectively.

We also need to face up to the fact that, collectively, members probably do not sufficiently scrutinise the corporate body and provide it with the support that it sometimes needs. There are 129 members of this place.

**Martin Whitfield:** Is the challenge not that, if we proceed today as we are likely to do, it could reinforce the view of people outside the Parliament that both the Parliament and the Scottish Government lack care about them?

**Ross Greer:** I will address that point in more detail later on. A challenge certainly lies in the fact that we sometimes have to do what is difficult but what we collectively understand is necessary. If we do not take a holistic approach to the issue,

and address each proposal in turn, the situation will be infinitely more difficult, because someone will have to put their head above the parapet and say, "That group of people there, who have serious challenges in their lives, do not deserve the advocacy of a commissioner." That is why we need to take a holistic approach.

**Jeremy Balfour:** Does the member accept that, even if the committee reports by next summer, there will be no structural changes within this session of Parliament, and that any changes that come forward will be legislated for in the next session, meaning that we will see no progress with regard to the issue for the next 14 to 15 months, minimum?

**Ross Greer:** I do not accept that point, because not all the necessary changes would require primary legislation. The committee sets out a number of recommendations to the SPCB, Parliament as a whole and the Scottish Government that do not require primary legislation.

There is a wider point here. There are 129 members of this Parliament. There were also 129 in 1999, but we have far more power and responsibility than we did then. That points to the need for a wider debate on parliamentary reform. I note that Murdo Fraser published a paper marking the 25th anniversary of this place, which contained a range of proposals on reform, including consideration of the number of MSPs, and the Presiding Officer also made comments about that at events surrounding the 25th anniversary. I suggest that, if we had stronger local government in Scotland, less of a burden would fall on this place.

A range of proposals from elsewhere can be considered. In Sweden, for example, when someone is appointed to the Government, they are no longer a member of Parliament and a substitute member is appointed to Parliament in their place to ensure that Parliament is of sufficient size to scrutinise the Government. That is not compatible with the electoral system that we have, but it is an example of the range of proposals that we should start considering in that regard, because there are democratic implications of outsourcing scrutiny.

Let us be honest: Parliament is not effectively scrutinising the commissioners, not even those who are in Parliament regularly and are effectively advocating for those whom they represent. We often find ourselves in a position in which we cannot scrutinise their functions, even though they are in Parliament regularly enough to discuss other issues.

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** Will the member give way?



**Ross Greer:** I am sorry, but I am going to have to make progress at this point.

We need to ask whether commissioners improve outcomes. I do not want to get drawn into debates on any specific proposals today, but I encourage those members who are bringing forward proposals to seriously consider that, because it was a consistent theme of the evidence that the committee received.

I do not believe that there are people out there whose ultimate desire is to have a commissioner represent them. There are people whose ultimate desire, quite rightly, is to have their rights upheld and to have a better experience, in particular in engaging with public services. Therefore, we should ask why we are facing a sudden growth in the number of proposals for new commissioners. Personally, I think that it is because of the financial reality of recent years. Of course, people will not be getting what they need from public services if those services are not sufficiently resourced. The creation of new commissioners does not resolve that issue, and I point to the minister's view, which is noted in the committee's report, that every pound spent on a commissioner is a pound that is not spent on the delivery of front-line services. That is particularly relevant in relation to some of the advocacy commissioner proposals. We heard compelling evidence from the Scottish Human Rights Commission about the need to expand its remit. Perhaps that would be an alternative option to the creation of a number of new discrete commissioner roles.

Maggie Chapman mentioned previous SPCB proposals to reduce the number of commissioners to three. The landscape has moved on from a point at which that would be easy to implement, but there are elements of that that should be resurrected. For example, why do we have two different commissions dealing with standards in public life? Surely just one would suffice in that particular area.

The Finance and Public Administration Committee is ultimately asking Parliament to trust us. We collected the evidence. We heard from a range of stakeholders: those who want to see new commissioners in their area of work; those who previously supported those proposals and do not now; and those who want to see reform of the existing landscape. We gathered that evidence and then came to unanimous conclusions that point a way forward that I believe is in the best interests of Parliament and the country as a whole. I hope that, at the end of the day, Parliament can unite around those conclusions and that we can resolve this difficult issue rather than leave it for those who come after us.

15:43

**Michelle Thomson (Falkirk East) (SNP):** Each year, as we approach the budget, the FPAC—that is what I will shorten it to—hears the same refrain, which is broadly summarised as, “We’re great and we deserve more money.” Each successive group of witnesses says the same, and each successive group does not necessarily consider the bigger picture. The strategic landscape—I use that term deliberately to ensure that we in this Parliament take a long-range view in relation to commissioners—seems to have been going the same way. I can imagine a multitude of areas in which, if we consulted people and asked them whether they would like a commissioner to deal with their area of interest, they would say that they would like one.

However, as an existing postholder said:

“As commissioners, we see regular frequent flyers ... looking for an angle in on their particular issue, and sometimes the more angles you have, the more risk there is and the more inefficiency there is in a system.”—[*Official Report, Finance and Public Administration Committee*, 30 April 2024; c 16-17.]

I hope, and suspect we all agree, that public service reform is long overdue; that efficiency, effectiveness and coherence must be at the heart of our public spend; and that the processes in this place are still evolving.

I was pleasantly surprised, on receiving the usual briefings ahead of the debate, to find that they, too, were supportive of the position adopted by our committee. That provides a welcoming backdrop to today's debate.

I plan to pull out a few points to add to the contributions from members so far, which I have found heartening. First, it is worth reiterating the strong cross-party agreement in committee for a moratorium on the creation of any new commissioners. We should bear it in mind that the Finance and Public Administration Committee is, of course, a cross-party committee, as is standard, and we have robust exchanges on a regular basis. The strength of feeling within the committee was heartening.

Secondly, on democratic accountability, of the various types of commissioners that are listed—investigatory, regulatory, complaints handling, specialist oversight and advocacy—we know that the new ones that are being proposed are mostly advocates. I agree with that, but what are we here to do, as MSPs, if not to advocate? That point was succinctly made by Jackson Carlaw:

“When it comes to advocacy, that is what MSPs were elected to do.”—[*Official Report, Finance and Public Administration Committee*, 28 May 2024; c 2.]

My third point concerns parliamentary accountability. Professor Alan Page noted that the bodies concerned

“are not really accountable to anybody”.

That is a strong view, but I would certainly agree that their accountability is uncertain. On scrutiny, or the lack of, we heard from the Law Society of Scotland, which noted that committee scrutiny

“can sometimes seem a little perfunctory.”—[*Official Report, Finance and Public Administration Committee*, 21 May 2024; c 54, 56.]

That may well win an understatement of the year award, given the large workload of all our committees.

Fourthly, on cost, the estimated cost for 2024-25 is certainly above £15 million, and is heading towards £16 million, I think. We do not have all the costs for any of the new commissioners, but it would certainly be many millions of pounds, which is on top of an already stretched budget. Ironically enough, the Finance Committee of 2006 got a lot right with its tests for the creation for future bodies, namely clarity of remit, distinction between functions, complementarity, simplicity and accessibility, shared services and accountability. Our committee reiterates some of those tests in our recommendations—and rightly so.

Fifthly, perhaps the most interesting area where consolidation may be considered is that of rights. The SHRC makes a number of comments in its briefing, principally that creating new commissions or commissioners could create significant challenges for the protection of human rights. It notes that that makes matters more complex for accessing justice and dilutes human rights—it also makes various other points. What struck me was the SHRC’s view that silos could be an issue regarding the protection of rights. I make no apology for noting that that was an issue with the Parliament’s consideration of the Gender Recognition Reform (Scotland) Bill. Balancing rights is messy and complex, but it is entirely necessary. I thought that that point came through strongly.

I will make a final few comments on the dedicated committee that is proposed. Of course it will be a cross-party committee, and rightly so, but can the minister confirm that a bit of attention will be given to the skills of the members gathered on it? If we are going to do what is an important piece of work, we want to give ourselves the best potential outcomes by getting the right people on that committee.

**Audrey Nicoll:** On the point about skills, one thing that slightly concerns me is how MSPs robustly scrutinise commissioners. Is there something in and around supporting MSPs, given

their very important role in scrutinising commissioners, as has been reflected on today?

**Michelle Thomson:** That is an interesting point. We can all concede that we have been on committees where the quality of the scrutiny is variable. It can be influenced by the quality of the briefings that members are given. I have seen examples, both during my time in Westminster and here, of the offer of courses for new members or refresher courses on how to carry out scrutiny and how to get to the jugular.

I know that the member is interested in biometrics, and another area that we also need to consider is specialist academic knowledge, which is very important, given that we tend to be generalists in here.

Lastly, a cross-committee approach can be a very good thing, and in general, the Parliament could benefit from more of that type of working. When we focus on this type of subject, we are all learning from each other, given the nature of the debate.

That concludes my comments, and I look forward to the rest of the debate.

15:50

**Jeremy Balfour (Lothian) (Con):** I open my remarks with a statement that might surprise a number of my colleagues in the chamber. I welcome today’s debate, and I welcome the report to which it is responding. Even though I am currently advocating for the establishment of a disability commissioner, and the report is being used by some to justify opposition to that, I still welcome the Parliament reviewing its practice. I even concede that there probably is a need to look at the use of commissioners, and a full inquiry would be useful to see whether it is in fact the most efficient model by which to help voiceless groups.

However, my key point today is that, regardless of whether one thinks that commissioners are worth the money, they are currently the tool of choice for the Parliament and will continue to be such until a replacement is established, and—to be frank—disabled people cannot wait that long. We need a solution now; the situation is not getting better. By every metric, disabled people are being left further behind by the day, and every day they look to the Parliament to see it doing absolutely nothing to address that fact.

In the past two months, two bills that would have helped disabled people have been withdrawn. Other members have said that MSPs should be advocating for those bills, but I am afraid that most of my colleagues have been absolutely silent.

**John Mason:** Would the member agree with the point that Ross Greer made earlier that the problem is really a lack of money? There is a desire in the Parliament to help disabled people, but it is not a commissioner that is missing—it is money.

**Jeremy Balfour:** Clearly more money is required, but it is also about having a voice for disabled people. The Government has withdrawn two bills, and there has been almost no coverage of that in the national press. Glasgow Disability Alliance and Inclusion Scotland have ridiculed the Government's plan for disability, and yet that has hardly been picked up at all in the mainstream press. Disabled people are not being heard—not only that, but they are now being told that, while other groups enjoy a voice through a commissioner, they are being denied the same.

We do not know how long a broad commissioner review will take. I am afraid I do not agree with Mr Greer, as I do not think that any substantial changes will happen in the current session of Parliament. As I have said over and over, disabled people cannot afford to wait and it is discriminatory to expect them to do so. I can think of no other marginalised group that would be expected to put up with this situation.

In saying no to a disability commissioner, not only are we closing the door on the possibility that the Parliament will pass meaningful legislation to benefit disabled people this side of the election, but we are forcing them to remain voiceless for the foreseeable future.

Once again, I am not saying that commissioners are necessarily the best value for money, but I recognise that they are the current method by which we give a voice and a champion to communities and groups who cannot muster their own.

**Ross Greer:** I find myself agreeing with so much of what Mr Balfour is saying. However, the challenge is that every argument that he has just put forward for why disabled people need a commissioner could be put forward not only for older people and for every other group who currently have a proposal in front of us, but for six, 12 or 20 other groups in society that do not currently get what they deserve from the public sector.

Surely we all recognise that we cannot continue with the unlimited growth of this particular model. Does the member recognise that something needs to give, and that Parliament eventually needs to take a consistent, holistic approach to the matter, as the committee has tried to recommend?

**Jeremy Balfour:** I absolutely accept that point. However, my point is that we must allow disabled

people to be at the table to have that conversation, rather than not even allowing them into the room.

Until we have a clear view of what the alternative will look like, we must not cut off this lifeline for disabled people. I assume that the current commissioners will not cease operations until the review is complete—of course they will not, because we understand that that would leave a number of vulnerable groups without a voice and it would leave a gap. What of the fate of the commissioner who is expected to be created by the Parliament passing the Victims, Witnesses, and Justice Reform (Scotland) Bill in short order? Will that commissioner be accepted? If so, I would love someone to stand up and tell me exactly why they believe that disabled people do not deserve a commissioner while victims and witnesses do.

Disabled people cannot be forced to wait any longer. We cannot allow the report and the ongoing review to continue to rob them of their rights. If the inquiry finds a viable alternative, I will welcome it and work to see disabled people have a seat at whatever table that will involve. Until then, however, we need action now. We do not need to hear that the solution is just around the corner or that we should wait just a bit longer. We are not asking for a lot here. In the grand scheme of the budget, we are asking for a drop in the ocean.

The creation of a commissioner is the least that we can do for disabled people. The alternative is to finish the current five-year session of Parliament without producing any meaningful legislation on disability. I do not think that that is acceptable, and I do not think that Parliament should, either. I will support the motion because I believe that the review process is important, but I implore my colleagues not to use it as yet another excuse for robbing disabled people of a voice.

15:56

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** I commend the Finance and Public Administration Committee for producing its detailed report on the commissioner landscape, which drills into a range of issues and makes timely recommendations. As the committee's motion states, it calls for

"a 'root and branch' review"

and the establishment of

"a clear strategic framework to underpin ... the ... landscape".

In my short speech, I will first reflect on some of the points that are outlined in the report by referring to the evidence that has been taken on a proposal for a new commissioner, and secondly

draw on the evidence that has been given by an existing commissioner.

I was particularly interested in the Finance and Public Administration Committee's consideration of how commissioners fit within existing democratic accountability structures, which has been referenced in this debate. That is particularly relevant given the increase in the number of new commissioners who are being proposed. They include a victims commissioner, as we have heard. I was pleased to give evidence to the Finance and Public Administration Committee on the Criminal Justice Committee's scrutiny of that proposal and the challenges that were faced by that committee, which I convene, in making sense of the evidence and reaching agreement on recommendations.

At the time of the Criminal Justice Committee's scrutiny, members were unaware of the existence of the ministerial control framework, which might have been of assistance to members. I am still slightly unclear on how the published framework should be applied, especially at the committee stage of scrutiny of a proposal for a new commissioner. I note for the record that my comments today reflect a personal viewpoint.

The proposal for a victims commissioner arises from a perceived need for an independent voice to put victims at the heart of the justice system. Support for the proposal varied. There was a strong sense that, for victims, the status quo is not acceptable and that a commissioner would play an important role in changing that. It was no surprise that cost was raised as an issue, with the suggestion that the funding that would be required could be put to better use. A witness stated that they would rather fund legal representation for survivors than a commissioner.

There was an expectation, and perhaps some confusion, among some witnesses that the commissioner would be able to intervene in individual cases. That is not the case, but the proposal highlighted the need for clarity on the individual roles and responsibilities of commissioners. Would a commissioner interfere with the ability of experienced third sector organisations to engage directly with the Scottish Government and other justice bodies, where strong relationships already exist? Scotland is considered to be leading in that regard. Similarly, would there be a synergy between a commissioner for victims and the likes of His Majesty's inspectorates for policing and prosecutions, or the Police Investigations and Review Commissioner?

The issue of overlap was also raised—it has already been spoken about in the debate—for example, in relation to the existing role of the Children and Young People's Commissioner

Scotland in representing the rights of children as victims. I hope that it is of some interest to Jeremy Balfour that, on the basis of the evidence heard, the Criminal Justice Committee remains to be convinced of a strong case for a victims commissioner. It recommended that, if a commissioner post is established, it should be for a time-limited period to allow for an assessment of the value of the role.

I also note the minister's response to Martin Whitfield's intervention seeking clarity on the status of commissioners' posts that are currently the subject of live scrutiny, which was very helpful.

By contrast, the Scottish Biometrics Commissioner, whose role is scrutinised by the Criminal Justice Committee, fulfils a fairly clear function of supporting lawful practices relating to biometric data such as fingerprints and DNA. I note the excellent evidence of the Scottish Biometrics Commissioner, Dr Brian Plastow, who described the model of commissioners in Scotland as having "evolved organically" over time—in his case, following controversies over what was described at the time as a "biometric wild west". He stressed the importance of commissioners' independence, sharing services to ensure best value and avoiding scrutiny purely through the lens of cost, which are points that have all been referenced this afternoon. I do not disagree with Dr Plastow's view that the scrutiny role of the SPCB, Parliament and committees is a bit of a mixed picture at the moment, with scope for it, especially the role of committees, to be far more proactive.

I was particularly interested to note Dr Plastow's evidence to the Finance and Public Administration Committee regarding post-implementation review. He said:

"Often, these posts arise because of a particular wicked issue—a controversy ... but, 20 years down the line, that might no longer be relevant, so I think that there needs to be a more systematic look at how this entire landscape fits together."—[*Official Report, Finance and Public Administration Committee*, 30 April 2024; c 17.]

I note the committee's consideration of the merits of a sunset clause in enabling legislation.

My final point relates to the need to ensure that elected members fully understand their role in scrutinising the role and function of commissioners and holding them to account—a point on which I intervened on my colleague Michelle Thomson—in particular when a commissioner's role is specialist or technical.

I commend the Finance and Public Administration Committee for its work, and I very much look forward to following the progress of the review, should it be agreed to today.

16:03

**Colin Smyth (South Scotland) (Lab):** Presiding Officer, I apologise for missing the first few seconds of the opening speech.

Given all the substantial issues that face our public finances, I have to confess that I was surprised at the priority that the Finance and Public Administration Committee has given this issue, and I was even more surprised that it should propose a motion that, in my view, goes way beyond the committee's remit.

As members know, there are proposals for commissioners from Government and individual members—including one from me for an older people's commissioner—that have received support, are being developed and, in some cases, are before committees. However, the Finance and Public Administration Committee's motion seeks to undermine the work of those committees, and I believe that, in doing so, it undermines the Parliament.

The Government and any member have the right to introduce legislation that is within the power of the Parliament at any time, and they have the right to have that legislation considered on its merits by our agreed processes. No committee—nor this chamber—should seek to veto that democratic right.

**John Mason:** The member mentioned the processes. Would he accept that the processes are not working at the moment and that something is out of control?

**Colin Smyth:** I am not aware of any proposal from the Finance and Public Administration Committee that says that the way in which we determine legislation in the Parliament is not working. That is my point. However, the committee is seeking to undermine those agreed processes whereby a member can introduce a bill and have it scrutinised by Parliament, with a decision being made. A moratorium takes that right away from members.

I also have to say that the Government amendment is not clear, as it appears to propose a moratorium on creating new commissioners but not the ones that are in published bills. It seems that the concerns about the lack of a strategic framework are not concerns if the commissioners are already proposed in a Government bill.

**Ivan McKee:** Will the member take an intervention?

**Colin Smyth:** I will take an intervention on that point in the hope that we get some clarity.

**Ivan McKee:** The Government supports a moratorium. It also recognises that, when bills are proceeding through Parliament, it is rightly for

Parliament and its committees to make a decision on how those proceed.

**Colin Smyth:** The Government amendment does say that, in those circumstances, we should respect

"the lead committees' roles in scrutinising legislation within their remits."

The problem is that the Government seems to be suggesting that the same respect should not be given to the right of a member who has a proposal for a bill, has consulted on that proposal and has received cross-party support for it but whose bill is in the process of being finalised and is not yet published. The same right should apply for those proposals and not just the proposals that have already been introduced in bills. The Government's amendment seems to be suggesting one rule for bills that are already published and another rule for bills that might be published in the next few weeks. I believe that that is wrong.

In the case of my proposed bill, the consultation that took place had more than 1,000 people give their view. That is in contrast to the very small number of people that the Finance and Public Administration Committee consulted for its report.

There are serious questions to be asked about the practical implications of both the committee's motion, which does not even include a timescale for its proposed moratorium, and the Government's amendment.

The decision by members of the finance committee to bring forward the proposal for a moratorium and the Government's response in its amendment are in danger, in my view, of overshadowing some valid points in the committee's report. Those include the need for an overarching framework, which I support, and the need to tackle concerns about the budget pressures on the SPCB. The finance committee rightly acknowledges its failure, and the failure of other committees in Parliament, to properly scrutinise the role of SPCB bodies. However, we do not need a selective moratorium to agree to take action, and we do not need a moratorium to agree that committees should review their work plans and processes to put in place sessions for the appropriate scrutiny of commissioners.

**Ross Greer:** I pose to Mr Smyth the same question that I posed to Mr Balfour, because I have sympathy with the position that he is in. A compelling case can be made for the need for older people to have a commissioner, but does he recognise that the same case could be made for dozens of other groups in society? I presume that he would not want us to be in a situation in which there are almost as many commissioners as there are MSPs. Therefore, a holistic approach needs to

be taken, rather than Parliament being put in the position of deciding on a group-by-group basis who does and does not deserve advocacy.

**Colin Smyth:** I am not going to have the debate on an older people's commissioner today, because, sadly, we do not have time. However, I believe that members have the right to scrutinise any proposal on its own merits to determine why there might be an argument for one commissioner but not an argument for another. What we appear to have here is the finance committee saying that there should be a moratorium on having that debate altogether.

I also think that we should accept that the failure of scrutiny goes way beyond the very small number of SPCB bodies. It also includes, for example, the way in which we scrutinise the growing number of quangos, which have budgets of hundreds of millions of pounds that go far in excess of the budgets of commissioners. As I read last week, *The Scotsman* exposed the fact that quangos spend £120 million on public affairs bodies alone. That is about 10 times the budget of any commissioners.

**Ivan McKee:** I do not know when the member came into the chamber this afternoon, but if he was here for my remarks, he would have heard me very clearly say that the £18 million that we spend on commissioners is a very small part of the bigger picture and that the Government is absolutely focused on the wider public body landscape; we spend around £5 billion on back offices across wider public bodies and the Scottish Government. He can rest assured on that point and, indeed, I encourage the committee to take up a piece of work in that regard.

**Colin Smyth:** I would certainly encourage that, too. It comes back to my original point about why there is a focus on the relatively small budget of commissioners but no effective scrutiny of the far wider budget of our quangos. That is a piece of work that I would support and it would certainly show that the finance committee is serious about scrutinising huge sums of public sector spending.

The committee also argues that the advocacy role of commissioners is for MSPs to carry out. Of course, advocacy is our job, but I would be the first to say that Parliament has not fulfilled that role effectively when it comes to older people. For example, there was not a single mention of older people in the most recent programme for government.

There is a very real difference, however, between the role of an MSP and the impartial advice of an expert commissioner that helps to enhance and inform our advocacy role as MSPs. Even a cursory glance at the extensive work of the Older People's Commissioner for Wales and the

Commissioner for Older People for Northern Ireland, and at my proposal for a commissioner for older people in Scotland, shows that their role goes way beyond advocacy. In response to the views of the Scottish Human Rights Commission, I say that the role also goes way beyond the human rights factor.

My proposed older people's commissioner would have a key role in challenging age discrimination; the power to conduct investigations into how service providers take account of the rights and interests of older people in the decisions that they take; and a clear role to provide advice on policy making across Government as it considers the long-term needs of our ageing population, which is crucial—the growing ageing population alone makes the case for an older people's commissioner.

Crucially, an older people's commissioner would be independent, free of party or Government bias. They would not come and go with the election cycle but would be a permanent independent force, championing the rights of older people, of course, but also working on improving the lives of older people and protecting their rights daily.

That independence is one of the reasons why more than 90 per cent of organisations and individuals who took part in my consultation on an older people's commissioner backed my proposal and why independent polling shows that not only do 90 per cent of people over 65 support an older people's commissioner, so, too, do more than 70 per cent of people of all ages.

**The Deputy Presiding Officer:** I have been generous, Mr Smyth, but please bring your remarks to a close.

**Colin Smyth:** That polling also shows significant concerns that we are not dealing regularly with the issues of older people.

At the time of Covid, when all the big decisions were being made, I kept asking myself who, independent of Government, was championing the human rights of older people. The answer was, "No one."

Some members might disagree with my proposal for a bill—

**The Deputy Presiding Officer:** You really need to conclude, Mr Smyth.

**Colin Smyth:** I hope that the Finance and Public Administration Committee's motion does not pass today, as it will undermine the right to, at the very least, have the debate on commissioners in the months ahead.

16:12

**Emma Harper (South Scotland) (SNP):** I welcome the opportunity to speak in the debate. I thank the Finance and Public Administration Committee members and clerks for producing their report and carrying out this important inquiry, and I acknowledge all the witnesses who provided evidence.

I remind members that I was a member of the selection panel for the Scottish Biometrics Commissioner and that I am currently a member of the selection panel for the patient safety commissioner.

I have discussed Scotland's commissioner landscape on numerous occasions recently with both members of the public and my office team. There are clearly many benefits to commissioners, but I agree with the committee that the landscape has become cluttered in recent years.

One of the issues that was raised with me recently is the overlap in the roles of commissioners, which Ross Greer highlighted, naming individual groups. One of the questions that was posed to me was, "Which commissioner would be right for an elderly neurodiverse person with a disability who was the victim of a crime?" How to represent and support all the different people who, rightly, need to be supported is a challenge.

**Jeremy Balfour:** Where does a disabled person go now?

**Emma Harper:** I did not catch that, sorry.

**Jeremy Balfour:** Let me clarify. You have given an example and said that there are different options. At the moment, where does a disabled person go to get their voice heard in that crowded landscape?

**The Deputy Presiding Officer:** Always speak through the chair.

**Emma Harper:** In our scrutiny of the National Care Service (Scotland) Bill, representatives of disabled groups have come directly to us to provide evidence, which we then scrutinise. There is also the Scottish Human Rights Commission, as well as the person's own MSPs. There are already routes in place to help lots of different groups—I am not just speaking about persons with a disability.

The remit of the commissioners overlap—indeed, "overlap" is mentioned 17 times in the committee's report. Therefore, I welcome that the Government, in principle, agrees with the committee that there should be a moratorium on the creation of new commissioners until a root and branch review of the commissioner landscape is undertaken.

**Craig Hoy:** *[Made a request to intervene.]*

**Emma Harper:** I am conscious that Mr Hoy wants to make an intervention. Let me finish my point, and then I will let you in.

A root and branch review needs to be done, as colleagues have said in their contributions.

**The Deputy Presiding Officer:** Members should always speak through the chair.

**Craig Hoy:** Is Jeremy Balfour's question difficult to answer because there is a lack of clarity about the function of commissioners? If the issue was about upholding rights, surely it would fall to the Scottish Human Rights Commission, but, in relation to the advocacy function, we are saying that we are not convinced that commissioners are there to be advocates, per se, because civil society groups do that. Should we therefore not look at the function of commissioners before we start thinking about who should go to them and for what?

**Emma Harper:** It is reasonable to suggest that various commissioners have an advocacy role but that members of the public do not have a clear understanding of that. There should be a review so that there is more clarity on the role of each commissioner, including whether they have an advocacy role.

As I mentioned, the duplication of the functions and duties of commissioners in Scotland has been a concern. There is potential for the overlap and duplication of functions among different commissioners and across other organisations in Scotland, particularly as the number of commissioners is proposed to grow. Stakeholders have raised concerns about the complexity of the current landscape and the cost to the public purse of the commissioners' appointments, along with their offices, their support staff and other associated administrative costs. With new bodies potentially adding to that complexity, some argue for a broader approach that prioritises human rights and equality for all, rather than creating multiple commissioners for specific groups.

One of the areas of concern that I have discussed with constituents and others is the potential democratic deficit that can be caused by the use of commissioners. Paragraph 142 of the Finance and Public Administration Committee's report discusses democratic accountability concerns. Some argue that the commissioner system outsources Government decisions and policy direction away from ministers, who are democratically accountable through elections. The committee's report broadly agreed with those points. It found that there is a need to ensure that commissioners deliver value for money and effectively address the needs of the population, including by addressing the potential risks

associated with duplication and working towards enhancing the efficiency of commissioners. It is welcome that the Scottish Government has accepted that point and will reflect on it as we move forward.

My final point relates to the financial aspect of commissioners. We are in challenging budgetary times, with the UK budget announced yesterday. As the committee's report helpfully points out, the Scottish Parliamentary Corporate Body supports these independent office-holders and sets the terms and conditions of their appointment and annual budget. I will not repeat the figures, but I welcome the Scottish Government's support for the intention of the committee's report in driving to improve governance, accountability and efficiency across the parliamentary commissioner landscape. The Scottish Government has already adopted the position that any new public body should be created only as a last resort, and the Cabinet has approved the use of the ministerial control framework.

16:18

**John Mason (Glasgow Shettleston) (Ind):** As others have said, the Finance and Public Administration Committee has spent quite a lot of time on this subject since Jackson Carlaw and others on the corporate body first raised it with us at budget time. The topic is linked to the wider question of public sector reform. Scotland is a relatively small country, and we should be able to operate with a simpler system and have fewer public bodies than larger European countries such as France or Germany, or England in the UK. However, there tends to be a feeling—I see it across the parties—that, if England, Wales or Northern Ireland has a commissioner for a particular subject, we need to have one, too. We need to break away from that way of thinking and be more prepared to do things in our own way to suit Scotland and our population size.

As others have said, it has become the tendency in recent times that, when a problem is highlighted—for example, the needs of autistic or disabled people not being met—we create a commissioner to show that we are doing something. That certainly sounds like a nice and supportive thing to do, and who would be hard-hearted enough to oppose a commissioner for children, animals or those who are terminally ill? However, a commissioner might not always be the best answer to those real issues. Perhaps the problem is a lack of money or something else. If the problem is a lack of money, having a commissioner could make things worse by diverting resources away from front-line services or away from another sector that does not have a commissioner.

The committee did not want to take a view on individual supported bodies, but I would like to provide an example in suggesting that older people do not need a commissioner. I guess that I am taking a risk by using that example, but I am part of that sector of society, given that I am 67. I am also not going to stand for election again.

Older people already have very active advocacy groups in the form of, for example, Age Scotland, Independent Age and the Scottish Older People's Assembly, not to mention groups that have a strong focus on older people, such as Alzheimer Scotland, the Scottish Men's Sheds Association and Generations Working Together. I have a very high opinion of Age Scotland, which is a strong, well-financed organisation that often gives professional evidence to parliamentary committees, including to the Finance and Public Administration Committee on the budget.

Therefore, why would older people need another advocate when they already have several very good ones? Older people are usually the most committed to voting in elections, so their voice is clearly heard, which means that most political parties prioritise older people. For example, the triple lock on pensions meant that, in April, state pensions increased by £900 a year.

I fully accept that there is pensioner poverty, and we need to address that—for example, by keeping the winter fuel payment and reorganising pension credit in order that pensioners do not miss out on that. However, the problem is not the lack of a commissioner. The main problem is the lack of money.

**Colin Smyth:** I am sure that older people who noticed that there was not a single mention of older people in the programme for government will be surprised that they are such a high priority for the Government. Why would all the organisations that John Mason listed support the creation of an older person's commissioner if they already have plenty of advocacy ability?

**John Mason:** Those organisations support the creation of a commissioner because everyone wants their sector to have a stronger voice. Everybody wants a commissioner for everything. We have mentioned about 12 so far, but where would we stop? Will we stop at 20 or 40 or 60 or 100? There will be no limit unless we put a system in place.

It was particularly interesting for the committee to hear from two former MSPs who had proposed new commissioners when they were in the Parliament but have since changed their minds and concluded that that would not have been the best option.

We have had a piecemeal approach to increasing the number of commissioners, so what



should be the way forward? There is a variety of views. I would probably favour expanding the role of the Scottish Human Rights Commission and perhaps one or two other commissioner bodies, as the SPCB previously proposed. That would require new legislation, and I accept that that would also be a major change for the SHRC. However, that would give the SHRC greater powers and flexibility, including, potentially, to focus on one subject for a few years before switching emphasis to another matter.

Assuming that we continue to have some or more commissioners, we will need to be clearer about the involvement that we want committees to have. The committee heard from some commissioners—specifically, the Scottish Biometrics Commissioner—that they are seldom asked to appear before a committee. That is probably because the relevant committee is pressed for time, and it is unrealistic to expect the corporate body to oversee more and more commissioners.

Professor Alan Page described how the bodies are established. However, he said:

“but they then occupy a certain no man’s land ... where they are not really accountable to anybody”.—[*Official Report, Finance and Public Administration Committee*, 21 May 2024; c 54.]

The importance of independence is often stressed, and I agree with that, but there are different ways of achieving independence. For example, His Majesty’s Inspectorate of Constabulary in Scotland and His Majesty’s Inspectorate of Prisons for Scotland are accountable to the Government but it is widely accepted that they operate independently. Therefore, a commissioner does not need to have a whole organisation of its own in order to be independent.

I fully support the committee’s recommendations that no new commissioners or similar bodies should be set up until a thorough review has been carried out by a dedicated committee and that that review should build on the committee’s report.

I am happy to support the Green amendment, which adds a timescale for the review. I could possibly live with the SNP amendment, although it is not ideal and would allow for a loophole, so if there is a vote, I plan to vote against it. However, the Labour amendment is the weakest of the lot. It sets out a position that is the closest to the status quo, and it goes against the evidence that the committee heard, so I urge members to reject it.

**The Deputy Presiding Officer:** We move to the closing speeches. I call Ross Greer to close on behalf of the Scottish Greens.

16:24

**Ross Greer:** It is fitting that we started this week with a debate on fiscal sustainability and are closing it with this afternoon’s debate on the commissioner landscape—although I appreciate that, in the middle, Conservative colleagues gave us the opportunity to let off a bit of steam and have a good partisan knockabout. Both debates have been opportunities for members to come together and recognise that we are capable of doing difficult things if we are brave enough to do so together, as a Parliament. It is important that we have that degree of unanimity.

Michelle Thomson made the compelling point that, if people in any group are asked, “Do you want a commissioner to advocate for your interest? Do you want more of a voice?” then of course they will say yes, but Parliament has the job of looking at the issue in the round.

I appreciated Jeremy Balfour’s speech and I welcome his support for the committee’s motion. However, I do not think that, if the motion is agreed to, there is no prospect of progress being made until the next session of Parliament. The moratorium that is proposed by the committee, as my amendment clarifies, will last only until June next year. That absolutely does not stop bills such as Jeremy Balfour’s Disability Commissioner (Scotland) Bill being passed in the current session of Parliament. We are not prejudging the outcome of the committee process.

I also appreciated Audrey Nicoll’s contribution and I am sorry that I could not take her intervention. The Criminal Justice Committee’s experience of dealing with the proposal for a victims and witnesses commissioner is especially interesting. To be honest, my reading of the committee’s report was that it gave an invitation to the Government to remove that proposal from the Victims, Witnesses, and Justice Reform (Scotland) Bill, and I think that the Government needs to give that consideration.

However, there is a way to maintain that as an option while proceeding with the Victims, Witnesses, and Justice Reform (Scotland) Bill, which includes other, incredibly important provisions that we do not wish to delay. One potential solution that occurred to me—I admit to not being an expert on the bill—would be for it to include a ministerial regulation-making power that would allow for the creation of such a commissioner through secondary legislation at a later point, if Parliament were to agree.

Sarah Boyack made the helpful point that there are different kinds of commissioner. If Parliament agrees to a review being carried out, that review should absolutely take that into account. Its scope should capture all the different proposed and

current categories of commissioner. It should be a holistic review, and one that recognises the differences between the proposals that are on offer.

The proposal that the Scottish Human Rights Commission submitted to our inquiry—that its role should be strengthened—is an attractive alternative to the creation of new discrete commissioners, but there are other options. Having stronger legislation in the first place—for example, legislation that compels public bodies to give greater regard to the national performance framework—would improve outcomes and, in many cases, would avoid the need for such bodies to be challenged further down the line.

**Sarah Boyack:** That is exactly what I have been considering with my proposed wellbeing and sustainable development bill. The consultation looked at the fact that it is not enough just to have a duty; it is also necessary to think about how the duty will be monitored and implemented. The idea of taking an approach that is independent of Government is a key issue that was strongly welcomed by lots of organisations.

**Ross Greer:** I am grateful to Sarah Boyack for putting that on the record. I will come on to her bill later in my speech.

Emma Harper's point about democratic accountability is one that we need to draw out far more, because the groups that we are talking about, who either already have a commissioner or for whom a commissioner is proposed, are not monolithic and they do not all speak with one voice on every issue. It is perfectly legitimate for us to question the democratic legitimacy of positions that are advanced by the advocacy form of commissioners. We all have every right to advocate for any position that we wish to advocate for as a result of the democratic mandate that we have received. Although commissioners play an incredibly important role, those democratic safeguards are absolutely critical. The growth of commissioners weakens the potential for those democratic safeguards to be exercised.

**Colin Smyth:** Does Ross Greer not accept that there is a huge difference between an independent commissioner who has no policy-making powers but is there to give an independent voice and to provide expert opinion, and MSPs, who will still, ultimately, take the decision when it comes to policy development?

**Ross Greer:** Mr Smyth touches on the important point that there are differences between the different types of commissioners that are proposed. Some of the existing commissioners are purely advocacy based, while some of the proposed commissioners would have statutory functions including, for example, the ability to

investigate. The key point is that we are trying to take a consistent approach, rather than to allow ever-expanding growth of different types of commissioners with overlapping and sometimes duplicating remits.

John Mason's joke about how he is not standing again and can therefore be more honest than might otherwise have been possible about the older people's commissioner reveals something that we should consider, because the debate gives us the opportunity to consider the landscape as a whole. As I said to Martin Whitfield earlier, if we take a proposal-by-proposal approach, it is harder for MSPs to be honest, because no one wants to be the politician who tells a sympathetic group in society that they are not getting what they think they need. The debate gives us an opportunity to move out of that space and to take a more considered and rounded approach.

The Green amendment is intended as reassurance and simply clarifies the limited timescale. I had hoped that there would be no amendments to the motion, but when I heard that others were lodging them I thought that it might be useful to emphasise that the process should be completed by June next year.

The Greens cannot support the Labour amendment because we think that it is important to agree to the committee's recommendations, rather than just to note them, and that a moratorium is required.

In the spirit of previous debates this week, in which we have all agreed with people whom we do not always, or often, agree with, I agree with Colin Smyth's point about scrutiny. This Parliament is not good enough at scrutinising legislation, at post-legislative scrutiny or at scrutinising the functions of public bodies. However, I challenge him on the question whether the finance committee has gone beyond our remit. As Michelle Thomson pointed out, we are the Finance and Public Administration Committee for this session, so the inquiry and report are entirely within our remit. It is not part of the committee's remit to reform parliamentary scrutiny as a whole, but Parliament as a whole should absolutely consider the question. I agree with Mr Smyth on that point.

**The Deputy Presiding Officer:** Please conclude, Mr Greer.

**Ross Greer:** I will come to a conclusion. The Scottish Government amendment is not great, but even though we are not enthusiastic, we would not necessarily oppose it if it were limited to the two commissioner proposals that are currently before Parliament.

As I said in opening, this is an opportunity for Parliament to prove that we are capable of doing difficult things.

**The Deputy Presiding Officer:** Please conclude.

**Ross Greer:** Let us do them together.

**The Deputy Presiding Officer:** I call Martin Whitfield to close on behalf of Scottish Labour.

16:32

**Martin Whitfield (South Scotland) (Lab):** This has been a most interesting debate that has been prompted by a considered and thoughtful report for which I thank the committee, the clerks and those who contributed. I confess to having spent an interesting hour or so answering questions in front of the committee.

More than anything, the debate has shown that there is a need to review the commissioner landscape in order to get an understanding of what on earth a commissioner actually is, and to go all the way through to creating a model that would allow serious consideration of any need to expand that landscape.

There have been some helpful comments about individual commissioners and some less helpful ones—I will leave it at that. I am glad that it has been noted that commissioners are independent. One of the strongest virtues of commissioners is their independence from both Government and Parliament. There were some interesting discussions that showed fluidity in the use of language regarding who holds whom to account and how that is done.

A point was raised with regard to the overlap between the advocacy roles of commissioners and MSPs. If I were typing this, I would add a marvellous little, “See previous paragraph about independence,” because there is a challenge as to what that independence means in this chamber. That is important.

In my short remarks, I will concentrate on a number of matters. The first is with regard to the Scottish Parliamentary Corporate Body. I am thankful for the contributions from the SPCB, both in the debate and in preparation of the report. It is right to recognise and remember that the corporate body was created by section 21 of the Scotland Act 1999. Its role is set out in schedule 2. It sits in that legislation and is funded from the block grant that comes from the UK Parliament consolidated fund into the Scottish consolidated fund, with some additional extras kindly being provided by the Scottish Government, by way of receipts where work is undertaken on its behalf.

That sets out the factual background, but Maggie Chapman put it far more eloquently than I that there is a challenge with the expectation that rests on the SPCB, both as a resource and as a fund of knowledge and wisdom about certain

aspects. The SPCB has rightly defended the extent to which its interjection into our independent commissioners’ work exists, but there is sometimes a gap between that and the request and requirement from independent commissioners and those who work for them. I am more than content that a specific committee, which would be set up to look at it, can deal with the matter. Going forward, although it might seem to be a small matter and, I hope, one that does not often raise its ugly head, when it does it is a very challenging situation that needs to be dealt with.

I come to the actual motions before us. It is interesting to listen to the debate this afternoon about the roles of the Parliamentary Bureau, the SPCB and this chamber. I might become monotonous in saying this but, under standing orders, it is for the bureau to establish the remit, membership and duration of a committee. Any member can bring a motion to Parliament to ask the bureau to make that consideration.

One member—I apologise because I cannot remember who—talked about the need for a certain level of skill to serve on a committee. That provision already exists within our standing orders, under rule 6.3.4, which says that a “member’s qualifications and experience” to sit on a committee should be taken into account if the member gives that information to the bureau. That standing order is celebrated more in its absence of use than in its real value, but there are procedures.

One of the interesting challenges that I have at an intellectual level is that I am not sure that the motion—no matter how it is amended or passed—is actually a request from a member to set up a committee.

We move to the question of the binding effect of the motions. It is for that reason that Scottish Labour lodged the amendment in Sarah Boyack’s name, the synopsis of which is that it would include a termination date. The Green amendment would also do that. I am grateful for that, and we will support it today. However, it removes the question of a moratorium, and the question what we mean by whether a bill is in or outside that has not been successfully answered.

There is also a real challenge in saying whether the Parliament can even bind itself to do that, other than in stage 1 debates, where we will say that there is a moratorium.

**Ross Greer:** Will the member give way?

**Martin Whitfield:** I am happy to give way to Ross Greer briefly, because I am conscious of the time.

**Ross Greer:** I will be very brief. My understanding of the Government amendment is

that it would preclude the victims commissioner proposal and the disabled people's commissioner proposal.

Is it the Labour Party's position that, if the amendment is passed, it would preclude all current proposals, so that there would be a moratorium only on proposals that no one has mentioned yet?

**The Presiding Officer:** Answer in closing, Mr Whitfield.

**Martin Whitfield:** In closing and in short, the reason for my intervention on the minister was to ask about the meaning of the amendment. In any event, I am concerned about the motion's binding nature.

We very much welcome the request to investigate the landscape—historical, current and future—of commissioners. Across the chamber, I think that we are unified in that. The investigation should be carried out quickly and succinctly. It should learn and take evidence from a lot of places because we need to provide guidance and support—ideally, in this parliamentary session—on the development of the role of commissioners going forward.

16:39

**Jamie Halcro Johnston (Highlands and Islands) (Con):** Like other members, and as a member of the Finance and Public Administration Committee during the inquiry, I thank all those who gave evidence and shared their concerns and experiences of Scotland's commissioner landscape, as well as our former MSP colleagues, our advisers and, of course, our committee clerks for all their efforts in putting together the report.

As the deputy convener, Michael Marra, rightly said in his opening speech, the report is a considered and comprehensive piece of work, but it is not intended to be a report card on the existing bodies or individual commissioners.

The inquiry was focused on ensuring that a future model delivers value for money, given that the bodies are now costing the taxpayer more than £15 million a year, with at least one of the bodies costing seven times more than was originally forecast. It must also—perhaps most importantly—deliver the best outcomes, which is an issue that other members have mentioned and to which I will return.

Our report pulled no punches. We found that the current commissioner landscape is not fit for purpose, and that the lack of a clear and coherent framework meant that an ad hoc approach had become the norm, with individual bodies left with varying functions and powers. We heard concerns about duplication by and overlap between bodies.

We also heard that, although there was some collaboration between bodies, which was welcomed by the committee, more could be done to bring together back-office functions and on office sharing.

It is clear, as has been raised repeatedly by members in the debate, that scrutiny has been lacking. A serious overhaul is needed to ensure that, as the report states,

"Overall accountability, budget-setting, and scrutiny mechanisms ... are clearer, more robust, joined-up, and transparent."

Professor Alan Page of the University of Dundee said that SCPB-supported bodies are

"established, the Parliament funds them, sets their budget, appoints people to them and all the rest of it, but they then occupy a certain no man's land ... where they are not really accountable to anybody and no one is responsible for saying whether or not the system works or whether it should be rationalised and so on."—[*Official Report, Finance and Public Administration Committee*, 21 May 2024; c 54.]

The scrutiny role, as we have heard today, seems to have outgrown the corporate body's capacity and resource to deliver, yet the oversight and governance of supported bodies is so important to ensure value for money for the taxpayer and to ensure that the outcomes that those bodies are supposed to deliver are achieved. In that case, who provides the security? As the report made clear, and as all members are aware, there are already capacity issues in areas in which committees of the Parliament have a role.

I turn to other members' speeches. Michael Marra, speaking on behalf of the Finance and Public Administration Committee, rightly and importantly noted concerns that have been raised by some current and former commissioners on the increasing number of commissioners.

Craig Hoy recognised the recommendations on the role that sunset clauses could play in ensuring that the commissioner landscape does not become stale, and on the need for clear focus on the objectives that new bodies are brought in to achieve and whether they achieve them.

I welcome the positive way in which the minister, Ivan McKee, has engaged with the committee report and the commitment to reforming the public sector, which, if it is delivered through significant action, will surely be welcomed by Conservative members.

Jeremy Balfour made an extremely important contribution, reminding us all that, behind the decisions that we make in the chamber, there are groups and individuals who live their lives with serious challenges and who look to us to provide solutions. That is why it is disappointing that it has taken so long for the Parliament to look again

seriously at this issue, and why it is so important to resolve it, by exposing the failures and bringing about a better system. Of course, if that happens and, as the committee recommends, there is a moratorium, that will risk leaving people in limbo, as Jeremy Balfour highlighted. Is that really fair? As Sarah Boyack suggested, is there a risk of throwing the baby out with the bath water?

I am sure that we would all agree that it is outcomes that are most important. When there are serious concerns about whether outcomes are being accurately measured or scrutinised in existing cases, there is the risk that pushing ahead with more of the same will not bring about the change that we probably all agree is needed.

Ross Greer was right that this is an important debate, as were his suggestions that it should be more focused on outcomes, and that, because of the lack of structure in how commissioners are established, no commissioner has the same roles or responsibilities.

John Mason mentioned the concern that every pound spent on commissioners is a pound that cannot be spent on front-line services. In an intervention, he raised reasonable concerns that it is larger organisations—those that already have the largest resources and the loudest voices—that have an advantage in pushing for new commissioners in their area.

This is not the first time that the Finance and Public Administration Committee has looked into Scotland's commissioner landscape, but creating new commissioners has become the go-to solution for dealing with systemic failures in delivering public services, which could be more effectively dealt with by other models. Action and reform are long overdue.

16:44

**Ivan McKee:** This is the third of this week's triple-header of debates on finance-related issues. I have had the pleasure of speaking in all three of them on behalf of the Scottish Government.

Members around the chamber, and the various parties, often call for the Government to address public service reform. It is important to recognise that those called-for requirements are often taken forward and to consider how people react when something specific is put in front of them that directly addresses their agenda. It is a measure of how seriously members in the chamber take these matters. It is easy to call for change, but it is difficult to implement it when the time comes to deliver, which was a point well made by John Mason, Ross Greer and others.

I confirm that the Government is absolutely committed to delivering on the public service

reform agenda and achieving the necessary change. Savings have already been delivered. I give the example of what we have done on the estates agenda, where we have saved £36 million through our actions during the past year. We will shortly publish much more data on that.

However, the context for the debate is important. As I and other members have pointed out, although the amounts of money that we are talking about for the costs of both existing and new commissioners are reasonable, they are but the tip of the iceberg when we consider the broader public body and Scottish Government spend. I believe that it is well within the remit of the Finance and Public Administration Committee to address such issues, because it sets the tone—as the committee has called for—for the Government to take a lead on them. I believe that we have done that.

**Martin Whitfield:** Will the minister take an intervention?

**Ivan McKee:** I will, shortly.

It also instigates a process whereby a mechanism is created for reviewing the establishment of new bodies. It has done so in a cross-party space, which is hugely important in taking that agenda forward.

**Martin Whitfield:** It is right that the issue sits within the remit of the committee—there is no question about that—but it is not simply about the low-hanging fruit; this is a complex issue. A proper investigation, with a proper committee to undertake it, could bring huge advantages for the Parliament and for Scotland.

**Ivan McKee:** It is not for the Government to intervene in how Parliament sets up and runs its committees, but I recognise Martin Whitfield's point and also how the Finance and Public Administration Committee report addresses that aspect.

It was interesting and illuminating to listen to Maggie Chapman's remarks, which highlighted that work was last done on the issue in 2009. That shows how important it is to seize the moment and address issues when we have the opportunity to do so. Otherwise, matters can drift on for years, or even decades. That is a practical example of the various matters—such as the emerging of bodies, shared services, sunset clauses and other models—that the sub-committee that I have set up will look into. There are many options in considering how the issue can be taken forward.

Ross Greer's opening and closing remarks were very helpful. We would all do well to reflect on the Parliament's occasional lack of institutional memory that he referenced. As I have been here for almost nine years, I agree that it is remarkable

how many things that I thought that we had addressed and dealt with previously keep coming back. Mr Greer's point about needing to do politically difficult things is a measure of the effectiveness of this place. He said that having a simpler landscape would perhaps be more effective for the people whom we seek to represent, and he emphasised the need for a holistic approach.

Various members, including Craig Hoy and Sarah Boyack, highlighted the need for the Government to address its own operations. They can rest assured that the Government and I are focused on ensuring that we get value for money from what we deliver in that regard. Recruitment controls are in place for that very reason. We recognise that there has been some expansion in Scottish Government responsibilities over the years, but the increase in the size of our operations has been excessive and it needs to be—and is being—addressed.

In summary, it is clear that the Government supports the moratorium on public sector recruitment. Several weeks ago, I came to the committee and was asked whether the Government would support it. I commented that I would have to seek the agreement of my colleagues for that to be the case. I am glad that we have now reached a place where the Government supports the moratorium. However, as members across the chamber have pointed out, the Government also recognises that it is the responsibility of Parliament and its committees to make decisions on proposals that have already been introduced. I have no doubt that the relevant committees will take note of these debates as part of their deliberations.

In conclusion, I believe that the Government has set the tone on this topic. We recognise the importance of this agenda and the work that the committee has done on it. We also recognise that the commissioner landscape is in danger of becoming unwieldy, with many proposals for commissioners coming forward. We acknowledge the need to address the matter in a holistic and structured way and to understand the purpose of commissioners, and we look forward to the work of the dedicated committee that will be set up to do that. The Government commits to co-operating fully with that committee, and we look forward to its conclusions being debated in this place in due course.

**The Presiding Officer (Alison Johnstone):** I call Liz Smith to wind up the debate on behalf of the Finance and Public Administration Committee.

16:50

**Liz Smith (Mid Scotland and Fife) (Con):** Before I sum up on behalf of the committee, I must say, from a personal angle, that this is one of the best debates that I have participated in, because it is looking at the way in which the Parliament works, and that should concern us all.

On behalf of the committee, I say to Jeremy Balfour, Colin Smyth and Sarah Boyack that we do not in any way underestimate the passion, integrity and commitment with which they have represented the interests of the groups that are associated with the bills that they have brought to Parliament. It is important to say, on behalf of the committee, that our approach is not about the contributions of individual members or the issues that have been brought to us.

We must understand the issue in the context of where we are starting from. As Michael Marra set out, the evidence that was presented to us was pretty much unanimous. That is an important point, because there was a recognition that the structure has evolved over time on an ad hoc basis rather than through a coherent approach, and that that has been a problem.

Obviously, there have been significant pressures on the public finances, and, in his very good speech, Ross Greer made an important point—I hope that I do not trash my reputation by agreeing with him again this week—about the fact that we started this week in the chamber by looking at fiscal sustainability, and that this debate is also part of that debate on fiscal sustainability.

The debate is also about concerns around the delivery of some public services that have been seen to be deficient. We could take from what Jeremy Balfour, Colin Smyth and Sarah Boyack were saying that they have naturally been very disappointed that the public services that should have been looking after the groups that they have chosen to represent have not been doing that. Some of the witnesses noted that, when it comes to the Scottish Government's commitment to public sector reform—the minister was enthusiastic about the need for that to happen—there is a concern about the amount of time that that is taking.

All that context is important to the committee, as it helps us understand what has been driving the substantial increase in the number of proposals to create new SPCB-supported bodies, following a period of relative stability in the commissioner landscape before that.

It is clear from the evidence that the Finance and Public Administration Committee took that the current model is no longer fit for purpose, as it lacks clarity, coherence, sufficient accountability and transparency over budget setting. That

combination is something that could produce a very bad cocktail—bad for the stakeholders and potentially bad for the reputation of the Parliament.

The committee was clear that we need to look at why we are seeing greater demand in relation to the advocacy type of commissioner. The Scottish Information Commissioner said to us that

“a lot of the desire for future commissioners is a bellwether to the lack of trust and confidence in a lot of public services.”—[*Official Report, Finance and Public Administration Committee*, 30 April 2024; c 16.]

My goodness—that is quite a strong comment, and it concerns something that matters to all MSPs. Similarly, Age Scotland commented that the SPCB-supported model is

“an established way of getting more effective action on particular issues.”—[*Official Report, Finance and Public Administration Committee*, 7 May 2024; c 3.]

That is particularly the case because the model provides for more independence, which implies that the best route might not always be via ministers.

That said, other groups such as the Health and Social Care Alliance Scotland took a very different view, namely that commissioners might act as a “sticking plaster”, but without really solving the problem.

In reflecting on those points, the committee was struck by the evidence that was presented to us by two former MSPs, Alex Neil and David Stewart, who, in the previous session, had been very enthusiastic about introducing members’ bills for new advocacy commissioners, but had completely changed their minds about the wisdom of doing so, because they felt that it was a bit of buck passing, whereas the legislation should have been pursued by ministers or by committees.

As some members have said, the Finance and Public Administration Committee had concerns that the rise in the demand for advocacy commissioners was probably related to the weak delivery of too many public services across Scotland—in other words, that there were inherent failures within the existing system—and to the fact that the Government finds it too easy simply to say that the work could be done by a commissioner, rather than by it. We should all reflect upon that. Several members asked us whether it would be better to target the money at public services to ensure that all the demands that we are making are met through those public services.

As Michael Marra rightly said, we found too much duplication within the system and too little awareness among the public about the role played by each commissioner. To the committee’s astonishment, some commissioners told us that they did not really feel that they were providing sufficient evidence to parliamentary committees on

the matters that they were being asked to account for. In fact, one commissioner told us that, despite writing seven different reports, he had been called before a committee only once. That tells us something.

I will now raise what I think is quite an important issue about the working of the Parliament—a matter that has come from a lot of the debate on this subject. It is whether we have the appropriate structures in place in the Parliament for accountability, to deal with the kinds of decision making that the debate has thrown up. This is about the workings of Parliament; it is not a party-political issue. It is about how effective we are in putting such decisions to the members of the Parliament.

One of the great things about the debate is that there has been very considerable consensus right across the political spectrum that the Parliament is not working well enough when it comes to dealing with a lot of the advocacy issues. I say that with some experience, having worked on the Eljamel case for 10 years. I understand why a patient safety commissioner has been called for, because I do not feel that the existing system was dealing with the concerns of the former patients of Eljamel. I understand where people are all coming from in wanting individual commissioners. That said, there is a big issue around the lack of consistency, about the lack of coherence and about public money.

I can say on behalf of the committee that we very much welcome the debate, which has given the Parliament an awful lot of food for thought, including about how we work and how we disburse public money. As I say, it has given us a lot to think about. We have to take stock and think about what we are going to do for the future, and the committee is calling for a moratorium in order to allow us to do that. I welcome the Green amendment, which puts a timescale on that—which is very important.

I finish by thanking all the witnesses from whom we took evidence; the SPCB, for its very positive contributions; members of the Parliament, for their positive contributions; the Scottish Government, for responding to our report; and, as always, our first-class team of clerks, who I see are seated up at the back of the chamber. I call on members to support the committee’s motion.

**The Presiding Officer:** That concludes the debate on Scotland’s commissioner landscape.

## Passenger Railway Services (Public Ownership) Bill

16:59

**The Presiding Officer (Alison Johnstone):** The next item of business is consideration of motion S6M-15088, in the name of Fiona Hyslop, which is a legislative consent motion on the Passenger Railway Services (Public Ownership) Bill.

*Motion moved,*

That the Parliament agrees that all relevant provisions of the Passenger Railway Services (Public Ownership) Bill, introduced in the House of Commons on 18 July 2024, so far as these matters alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.—[*Fiona Hyslop*]

16:59

**Sue Webber (Lothian) (Con):** The Passenger Railway Services (Public Ownership) Bill would remove the presumption in favour of franchised passenger railway services being provided by the private sector and would instead allow train operations to be provided by a public sector company when existing franchise contracts end.

Clause 1 would prohibit the Secretary of State for Transport or the Scottish ministers from extending existing rail franchises or entering into new franchise agreements, apart from in specific limited circumstances. It would also remove the presumption in favour of franchised railway passenger services being provided by a private operator. Instead, these will be provided by a public sector company, under a public sector contract.

Clause 2 would place a duty on the relevant franchising authority to provide or secure passenger rail services by giving a direct award to a public sector company. The secretary of state would also have the power to extend existing franchises or to agree new franchises with the same private sector operator as currently operates the service.

Clause 3 would give the secretary of state the regulation-making powers to make consequential amendments, including to primary legislation.

Ultimately, the aim of the bill is to bring all rail franchises into public hands—

**Richard Leonard (Central Scotland) (Lab):** Hear, hear.

**Sue Webber:** —and that is something that my party cannot support.

On 17 July 2024, the shadow transport secretary, Helen Whately, described nationalisation as

“a move that can only be based in ideology”,

and said—[*Interruption.*]

**The Presiding Officer:** Let us hear Ms Webber.

**Sue Webber:** She said that

“Nationalising well-run operators won’t bring fares down or make services more reliable”.

Furthermore, Rail Partners, which represents the interests of private sector train and freight operators, has argued that

“full nationalisation is a political not a practical solution, which will increase costs over time”.

**Ross Greer (West Scotland) (Green):** Ms Webber seems to be arguing that nationalisation is ideological, and therefore a bad thing. Surely privatisation was the ideological choice that was made in the first place.

**Sue Webber:** My party believes that the bill would have a detrimental effect on Scottish travellers who rely on key cross-border services such as Avanti West Coast. It would also limit competition. Cut-price rail providers such as Lumo, which planned, over the summer, to provide an increased east coast mainline service from Edinburgh Waverley to London King’s Cross, and which also hopes to expand through to the west in Glasgow, could be prevented from providing such a service once the franchise ends.

Finally, and more importantly, the legislation would tie the hands of Scottish ministers and compel them to keep ScotRail and the Caledonian sleeper in public ownership.

17:02

**The Cabinet Secretary for Transport (Fiona Hyslop):** The Scottish Government’s policy aims and objectives are for a fully publicly owned railway to deliver for the people of Scotland and to achieve our vision of a reliable, resilient, affordable and accessible railway. The Passenger Railway Services (Public Ownership) Bill aligns with our policy aims, which is why we support the legislative consent motion and recommend that the Scottish Parliament supports it.

Since ScotRail and the Caledonian sleeper moved into public sector control through operator-of-last-resort arrangements, we have seen continuous improvements as a result. ScotRail has added more than 200 additional services each weekday, offering 7 per cent more seats, and passenger numbers have increased by 75 per cent, from 46.7 million in 2021-22 to around 82 million in 2023-24. On average, ScotRail remains



one of the highest-scoring operators in terms of overall passenger satisfaction. It is fully appreciated that the past few months have seen a dip in comparison with the preceding period, which coincided with a reduced service as a result of a temporary timetable.

The changes that the bill will make to the current railways legislation will allow rail passenger services to be delivered by a public sector company as the first-choice option, rather than as a last resort under a franchising model that the Scottish Government has regularly criticised. That will enable current public sector delivery arrangements to be made permanent, providing a stable framework from which we can continue to provide those services.

We are not in favour of returning to the failed Tory franchise system, but any concern that the bill removes the power of any future Scottish Government that may wish to reintroduce the franchise model—a failed model—is incorrect. The Scottish Parliament cannot currently make provision regarding the manner in which rail passenger services are provided; that is a reserved matter, and nothing in the United Kingdom bill will change that. Therefore, it is only through full devolution of rail that any future Scottish Government would truly be able to decide the preferred method of rail service delivery, whether that be publicly or privately operated.

That is one of the reasons why full devolution of rail has been a long-standing objective of Scottish ministers and it is a reason why all members should support that position in consideration of the future UK Great British railways bill. Any future changes to the railways legislation that would impact on devolved powers would also be subject to the convention that the UK Government will not normally legislate with regard to devolved matters without the Scottish Parliament's consent, which would be sought through a further legislative consent memorandum process, as appropriate.

Therefore, to ensure that we have a publicly owned and publicly run rail system in Scotland, I recommend that the Parliament votes to support the legislative consent motion for the UK Passenger Railway Services (Public Ownership) Bill.

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

## Decision Time

17:05

**The Presiding Officer (Alison Johnstone):** There are five questions to be put as a result of today's business. I remind members that, if the amendment in the name of Ivan McKee is agreed to, the amendment in the name of Ross Greer will fall.

The first question is, that amendment S6M-15086.3, in the name of Ivan McKee, which seeks to amend motion S6M-15086, in the name of Kenneth Gibson, on behalf of the Finance and Public Administration Committee, on Scotland's commissioner landscape, 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.

17:06

*Meeting suspended.*

17:08

*On resuming—*

**The Presiding Officer:** I remind members that, if the amendment in the name of Ivan McKee is agreed to, the amendment in the name of Ross Greer will fall.

We move to the vote on amendment S6M-15086.3, in the name of Ivan McKee, which seeks to amend motion S6M-15086, in the name of Kenneth Gibson, on behalf of the Finance and Public Administration Committee, on Scotland's commissioner landscape. Members should cast their votes now.

The vote is closed.

**Paul Sweeney (Glasgow) (Lab):** On a point of order, Presiding Officer. I cannot connect. I would have voted no.

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

I am aware that Beatrice Wishart would like to make a point of order. I can confirm, Ms Wishart, that you have voted and your vote has been recorded.

**Beatrice Wishart (Shetland Islands) (LD):** Thank you, Presiding Officer.

**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)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)

Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (Ind)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
 Whitfield, Martin (South Scotland) (Lab)  
 Wishart, Beatrice (Shetland Islands) (LD)

### Abstentions

Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Greer, Ross (West Scotland) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Mackay, Gillian (Central Scotland) (Green)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)

**The Presiding Officer:** The result of the division on amendment S6M-15086.3, in the name of Ivan McKee, is: For 84, Against 25, Abstentions 7.

*Amendment agreed to.*

**The Presiding Officer:** I remind members that if the amendment in the name of Sarah Boyack is agreed to, the amendment in the name of Ross Greer will fall—it has fallen already. *[Laughter.]*

The next question is, that amendment S6M-15086.2, in the name of Sarah Boyack, which seeks to amend motion S6M-15086, in the name of Kenneth Gibson, on behalf of the Finance and Public Administration Committee, on Scotland's

commissioner landscape, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
 Whitfield, Martin (South Scotland) (Lab)  
 Wishart, Beatrice (Shetland Islands) (LD)

**Against**

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)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)

Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 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) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division on amendment S6M-15086.2, in the name of Sarah Boyack, is: For 24, Against 92, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S6M-15086, in the name of Kenneth Gibson, on behalf of the Finance and Public

Administration Committee, on Scotland's commissioner landscape, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

The vote is closed.

**Lorna Slater (Lothian) (Green):** On a point of order, Presiding Officer. My screen is stuck. I would have voted yes.

**The Presiding Officer:** I can confirm, Ms Slater, that your vote was 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)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 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) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

## Against

Baillie, Jackie (Dumbarton) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
 Whitfield, Martin (South Scotland) (Lab)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division on motion S6M-15086, in the name of Kenneth Gibson, on behalf of the Finance and Public Administration Committee, on Scotland's commissioner landscape, as amended, is: For 92, Against 24, Abstentions 0.

*Motion, as amended, agreed to,*

That the Parliament welcomes the Finance and Public Administration Committee's 7th Report, 2024 (Session 6), Scotland's Commissioner Landscape: A Strategic Approach (SP Paper 642); agrees with the recommendation that a dedicated committee should be established to carry out a "root and branch" review, with the purpose of creating a clear strategic framework to underpin and provide more coherence and structure to the Scottish Parliamentary Corporate Body (SPCB) supported body landscape, which should complete its work by June 2025, and further agrees that, while this review is undertaken, there should be a moratorium on creating any new SPCB supported bodies, or expanding the remit of existing bodies, while recognising that, for proposals within bills that have already been introduced, these are now for the Parliament to take a decision on, respecting the lead committees' roles in scrutinising legislation within their remits.

**The Presiding Officer:** The next question is, that motion S6M-15088, in the name of Fiona Hyslop, which is a legislative consent motion on the Passenger Railway Services (Public Ownership) Bill, which is United Kingdom legislation, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

The vote is closed.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** On a point of order, Presiding Officer. My app would not connect. I would have voted to abstain.

**The Presiding Officer:** Thank you, Mr Cole-Hamilton. We will make sure 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)  
 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)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, 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)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (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)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP) [Proxy vote cast by Jamie Hepburn]  
 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)  
 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)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (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)

**Abstentions**

Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 McArthur, Liam (Orkney Islands) (LD)  
 Rennie, Willie (North East Fife) (LD)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division on motion S6M-15088, in the name of Fiona Hyslop, which is a legislative consent motion on the Passenger Railway Services (Public Ownership) Bill, is: For 87, Against 26, Abstentions 4.

*Motion agreed to,*

That the Parliament agrees that all relevant provisions of the Passenger Railway Services (Public Ownership) Bill, introduced in the House of Commons on 18 July 2024, so far as these matters alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

*Meeting closed at 17:18.*

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

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