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Tuesday 19 June 2018

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Scottish Parliament

Tuesday 19 June 2018

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

Time for Reflection

The Presiding Officer (Ken Macintosh): Good afternoon. Our first item of business today is time for reflection, for which our leader is Abby Lang, head girl of Harris academy in Dundee and campaigner for awareness of sudden cardiac death in young people in association with the charity Cardiac Risk in the Young.

Abby Lang (Head Girl, Harris Academy, Dundee): Presiding Officer and members of the Scottish Parliament, thank you for this opportunity to address you. Today, I want to reflect on an issue that I care about and which has motivated me to take action.

Sudden cardiac death in the young is instant, unexpected and, in most cases, preventable. As a carer for my granny who had motor neurone disease, I knew that her diagnosis was terminal, so I could prepare for her passing. However, families and friends of young sudden cardiac death victims are not afforded that period of psychological adjustment.

For my Scottish baccalaureate in science interdisciplinary project, I researched sudden cardiac death in young people. I discovered that, shockingly, every week in the United Kingdom at least 12 young people under the age of 35 die suddenly from a previously undiagnosed heart condition, and 80 per cent of those deaths occur with no prior symptoms or family history.

I have been actively raising the profile of the national charity Cardiac Risk in the Young, known as CRY, which believes that every 14-year-old should have access to optional free heart screening. In March, the British Heart Foundation revealed that people with potentially deadly heart conditions are too often not diagnosed until a life-threatening cardiac arrest or sudden death in the family. That highlights the importance of CRY's screening programme, which tests around 27,000 young people across the UK every year.

Bereaved families usually finance CRY-conducted community screenings. As a senior black belt in karate, I signed up for a test, because I wanted reassurance that I can physically exert myself during cardiovascular activity without the risk of exacerbating a hidden heart condition. Electrocardiograms examine the electrical activity in our hearts; fortunately, mine was normal. It was

paid for by the Peter McAvoy memorial fund; the 22-year-old talented footballer from Dundee died of an undiagnosed heart condition while on a soccer scholarship in America.

This coming weekend, the memorial fund's 200 cardiac screenings in Crieff and Dundee are fully booked, confirming the demand for testing. The same number of individuals were screened last year, resulting in six onward general practitioner referrals and potentially saving those young lives.

I feel that it is fitting that, in Scotland's year of young people, this issue is addressed. Shakespeare's King Lear observed:

"Nothing will come of nothing."

As a Scottish nation, we are responsible for the health of young hearts, so my hope is that we can work together to do something.

Business Motion

14:03

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-12875, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, which sets out a revised business programme for today and tomorrow.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business for:

(a) Tuesday 19 June 2018—

after

followed by Ministerial Statement: Progress in EU Exit Negotiations

insert

followed by Ministerial Statement: Complaints and Conduct Review

delete

5.00 pm Decision Time

Insert

5.15 pm Decision Time

(b) Wednesday 20 June 2018—

delete

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:
Health and Sport

insert

1.30 pm Parliamentary Bureau Motions

1.30 pm Ministerial Statement: The Future of Scottish Agricultural Support - Post Brexit Transitional Arrangements

followed by Portfolio Questions: Health and Sport—
[*Joe FitzPatrick.*]

Motion agreed to.

Topical Question Time

14:04

Glasgow School of Art Fire

1. **Sandra White (Glasgow Kelvin) (SNP):** To ask the Scottish Government what discussions it has had with relevant bodies regarding the recent fire and on-going situation at the Glasgow School of Art. (S5T-01154)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): We are all shocked by the devastation that the fire has brought to the iconic Mackintosh building, a landmark in Glasgow and renowned across the world. Thankfully, there were no casualties.

The First Minister spoke with Alasdair Hay, chief fire officer of the Scottish Fire and Rescue Service, on Saturday 16 June to discuss the response to the fire and she visited the scene to thank firefighters and those from other emergency services for their outstanding efforts to bring the devastating fire under control and manage the situation. The Minister for Community Safety and Legal Affairs met Iain Bushell, the deputy chief fire officer, this morning to discuss the Scottish Fire and Rescue Service and echoed the First Minister's sentiments. The Minister for Further Education, Higher Education and Science and I met senior colleagues from the Glasgow School of Art, including the school's director and the chair of the board, yesterday afternoon to discuss the on-going situation at the Mackintosh building and what support might be required in the period ahead; Historic Environment Scotland and the Scottish Further and Higher Education Funding Council were also present. During the response phase of the fire, officials were in communication with the emergency services and Glasgow City Council through the well-established Scottish Government resilience arrangements.

The fire is a devastating event, but I can assure members that the Scottish Government and its agencies have provided what support we can and will continue to do so.

Sandra White: I pay tribute to the firefighters, who I met the other day and who have worked tirelessly to bring the fire under control, and to all the services involved in the response to what is a devastating blow for everyone involved in the Mackintosh building locally and internationally. However, this major fire also has far-reaching implications for local people who are unable to access their flats and for local businesses that are unable to operate, with staff being laid off. What support can the Scottish Government offer to those affected?

Fiona Hyslop: Those are important points. On the role of the emergency services, I think that the fire has shown the benefit of having the single service that is the Scottish Fire and Rescue Service, which drew fire appliances and crew from across Scotland. The firefighters should be commended for their outstanding professionalism in responding rapidly and containing the fire. Until fairly recently there was a live fire site operation; indeed, as I understand it, the containment continues through the presence of the fire service. In clearing the space late on Friday night and ensuring people's safety through the evacuation, the other emergency services also acted in an exemplary way.

The cordon that the member asked about is there for continued safety until the security of buildings can be assured by the relevant authorities. However, it has had major implications for local businesses, which have also faced issues because of recent fires in other parts of Sauchiehall Street. I know that Sauchiehall Street is subject to a city deal redevelopment and that the city council leader, Susan Aitken, is meeting businesses this afternoon. I understand that the council is offering, as it can, zero rating for businesses, which is appropriate. We will work with the council to understand what the Government can do in some of these areas, not least because the loss of the O2 ABC also has major implications for those who are employed there and for music development. It is important that we recognise that and that we stand ready to provide what support we can.

Sandra White: Local businesses and people will certainly be very pleased to hear what the cabinet secretary said, particularly the point about zero rating for businesses. Obviously, the O2 ABC and the Centre for Contemporary Arts have also been very badly affected by the fire. We do not want to speculate, but the cabinet secretary will be aware that many questions are being asked about how the fire happened, particularly given the previous fire. I have been asked the following questions, as have other members. Were sprinklers installed? Were smoke alarms installed? Was security there? Those are all valid questions. What steps have been taken to investigate how the fire happened and when are we likely to have much-needed answers to those questions?

Fiona Hyslop: Those are questions that many people will want answered. I am not in a position to answer them, but I can speak for the Scottish Government in assuring the member that the fire investigation that is taking place includes the police looking at whether they can rule out criminal activity. The investigations will establish what can be known, including what was being managed at the construction site and how fire management was being delivered. Such issues have already

been addressed in part by a statement from Kier Construction, which was managing the site—we must remember that it was a construction site at the time of the fire—and by others.

Sandra White has made her points very well but, as she will appreciate, I do not want to rush to judgment or to speculate. I want to deal in facts and to ensure that the relevant authorities have the time to reflect the information accurately.

Adam Tomkins (Glasgow) (Con): I thank Sandra White for bringing the matter to the chamber, and I thank the cabinet secretary for the tone and tenor of her answers.

This is the third major fire in the Sauchiehall Street area of Glasgow city centre in the past four years, and it is the second to afflict Glasgow School of Art's much-beloved Mack building. This fire looks as though it is by far the most serious of the three major fires. It is not only the Glasgow School of Art that has been all but destroyed; the much-loved and very successful music venue, the O2 ABC, has also been damaged. Like many members of the Scottish Parliament and many people whom we represent, I have spent much time there enjoying all sorts of music events.

The economic devastation caused to that part of Glasgow city centre is immense. Can the cabinet secretary explain, in a little bit more detail than she was able to go into in her first answer to Sandra White, exactly what support the Scottish Government will give to businesses in the Sauchiehall Street area to ensure that that part of Glasgow city centre continues to thrive and prosper in the future, as it has done in the past?

Fiona Hyslop: Adam Tomkins reflects on the seriousness of the fire to other buildings. I reinforce the point that it is amazing that there have been no casualties, bearing in mind the proximity of the fire to what could have been a large number of people in the O2 ABC and the neighbouring nightclub. The fact that the fire did not happen an hour or two later, when many more people were expected in the area, is fortunate, and the fire service deserves credit for its evacuation plans.

There are a number of immediate issues in relation to the economy of Sauchiehall Street to do with access beyond the cordon and the short-term zero rating of business rates, which I understand is happening. I understand that Glasgow City Council's leader is meeting businesses this afternoon. Let us hear from them about their views and concerns.

The night-time economy of Glasgow is extremely important, and I am aware that Sauchiehall Street is vital to that night-time economy. I assure members that, when I reported to Cabinet when we met in Cumnock yesterday

and discussed the building and Glasgow School of Art as an institution, I made the point that we have to recognise the wider implications in our response.

I will not offer immediate solutions to the issue, as the fire happened only on Friday night. However, we need to ensure that businesses are sustained in the short term and, more important, that they develop in the long term. I want to speak to Glasgow City Council and those involved in the night-time economy. I want a vibrant arts scene in Scotland at the Glasgow School of Art, and I want a vibrant music scene. Both of those things need to be addressed in our response.

Pauline McNeill (Glasgow) (Lab): I associate myself with the remarks that have been made by other members.

I am pleased that the cabinet secretary has recognised the importance of the Sauchiehall Street area to Glasgow's economy and to Scotland's music industry. She is well aware that there is a serious concern that Sauchiehall Street might not recover from the fire if it does not get the right support. Businesses are already concerned about the impact on trade. The leader of Glasgow City Council announced this morning that zero rates will apply to businesses within the cordon, but it is not clear what will happen to those businesses and surrounding businesses after the cordon has been lifted. Is the cabinet secretary able to comment on what support can be given to such businesses specifically through business rates?

I associate myself with the remarks of Adam Tomkins and the cabinet secretary on the O2 ABC. It is a world-renowned, world-class music venue, and I know that its future will not be sidelined by some of the issues that surround it. It is a very special place. I believe—and I hope—that the cabinet secretary and everybody who is involved will work together very closely to ensure that all the institutions have a future where they are.

Fiona Hyslop: I hope that Pauline McNeill understands from my remarks that I understand the issues around Sauchiehall Street and the importance of the O2 ABC to the music scene not just in Scotland but further afield. It is interesting that I have probably had more questions about that venue today than about the Mackintosh building. Parliament has spoken in that regard.

I reassure people who are watching these proceedings that we understand that, although there must be support for Glasgow School of Art in assessing the Mackintosh building, which inspires great love, loyalty and affection in those who have studied and worked in it, it should be recognised that the response must look at the wider area. I

have said that I brought the matter to the Cabinet's attention yesterday because there are wider issues and Cabinet colleagues with other portfolios will have an interest.

I will reflect back the views of MSPs to the Cabinet, particularly to the Cabinet Secretary for Finance and the Constitution. Perhaps business rates in the longer term or in the wider area can be considered. However, I want to hear directly from the businesses themselves and the task force that has been set up what they think would be the most useful thing for businesses. That is a very important step in the Government's wider response beyond the heritage response, which I will lead on.

The Presiding Officer (Ken Macintosh): A few more members wish to ask questions. I will take a few more short questions if they are questions and not just expressions of sympathy.

Patrick Harvie (Glasgow) (Green): Given the three fires that Adam Tomkins mentioned and the fire not many years before them that destroyed the Shack, which was just around the corner from Glasgow School of Art, is the wider question not only about reassuring the public on the safety of our built environment but about being proactive? Should we regard the question not as one of heritage alone and take a more proactive approach to ensuring that our built environment—whether in Charing Cross in Glasgow or anywhere else—is looked after so that we do not see such things happen to buildings that we cannot afford to lose?

Fiona Hyslop: Patrick Harvie makes a valid point. The Cabinet discussed the importance of having a clear understanding of responsibilities and the actions that are required to ensure, as far as possible, the safety of, and prevention of fire in, all the built environment, particularly that of a heritage nature. Sometimes, it is not until a disaster happens that people are conscious of the importance of the built environment and things such as roofing repairs and fire safety. The country needs to come to terms with the fact that there are many older buildings, particularly in Glasgow. Focusing on that fact would help us to prevent issues and to take responsibility for our built environment, which is precious but potentially dangerous if fires or other incidents happen.

Joan McAlpine (South Scotland) (SNP): The artist Lachlan Goudie described Glasgow School of Art as probably the most important piece of Scottish art ever produced. Although what has happened is of concern to Glasgow and businesses—with other members, I express sympathy for them—this is also about our nation and what it gives to the world. Glasgow School of Art is of worldwide significance.

The cabinet secretary will be aware of the report by John Cole on Kier Construction, which is the contractor responsible for the work at Glasgow School of Art. He was extremely critical of its work on Dumfries leisure centre; in fact, he described it as “virtually unprecedented” in its number of faults including “inadequate” fire stopping. Does the cabinet secretary agree that it is shocking that that company was put in charge of the restoration of the most important piece of Scottish art ever produced?

Fiona Hyslop: As a Government minister, I cannot rush to judgments on anything about the fire incident without explanations from the investigations that are taking place. I caution members on what they accuse institutions of doing or not doing until the information is there. People can and will express their views and opinions but, as a Government minister, I have a duty and a responsibility to ensure that we have the facts and the evidence in place before I make any judgments.

Claire Baker (Mid Scotland and Fife) (Lab): Glasgow School of Art is important to Glasgow’s and Scotland’s historical, architectural and cultural legacy and future, so it was devastating to witness those scenes over the weekend. Will the cabinet secretary update us on any initial structural engineering reports? If it is not yet safe to carry out that work, when might that information be available, so that we can fully understand the options for Glasgow School of Art?

Fiona Hyslop: I emphasise that we are still in a period when safety and security are paramount. Throughout the weekend and into Monday and Tuesday, fire appliances have been on site. Until it is safe to go on to the site, that level of structural assessment cannot take place.

There has been initial structural assessment, which I would describe as superficial. Drones could be used in a safer environment. The assessments are taking place today and over the next few days, but it is premature to say definitively what the building’s status is. Securing the safety of the building and the surrounding area is paramount. Once we are assured that that has been achieved, further assessments will take place, which will primarily be undertaken by Glasgow City Council’s building control.

We are all anxious to find out how secure the shell of the building is. I visited the school in February, and it is obvious that the interior has been lost. The latest fire is quite different from the previous fire, from which the east wing was, by and large, protected by the fire service’s swift actions. Because of the fire’s ferocity and severity, the complex challenge presented by it is still being dealt with as we speak. I ask that people bear with us until such time as the structural engineers have

full access. Until they do, it is premature to say what the building’s condition is.

Richard Lochhead (Moray) (SNP): The cabinet secretary will be aware that, even though it is Glasgow School of Art, many parts of Scotland have a deep connection with the school, including Moray, where its rural campus is based. Will she convey to the authorities, the staff and the students that, if there is anything that the people of Moray or, indeed, the rest of Scotland can do to help, we stand ready to do so?

Fiona Hyslop: That is an important point. The messages of support and the solidarity shown by the people and the institutions of Scotland in places such as Moray and elsewhere will be well received.

As I have said, last night, I met the senior leadership of Glasgow School of Art, who have carried out extensive work right through from Friday night. It is important that they hear everyone’s support for what Joan McAlpine has described as the best piece of Scottish art. Those messages of support are important.

We stand with Glasgow School of Art and with the people of Glasgow. Internationally, the world of art stands with Charles Rennie Mackintosh.

The Presiding Officer: Thank you, cabinet secretary. That concludes topical questions. I apologise to those members whom I was unable to call.

Point of Order

14:22

John Finnie (Highlands and Islands) (Green): On a point of order, Presiding Officer. You will be aware that, under chapter 9B of the standing orders, this Parliament refused to consent to the European Union (Withdrawal) Bill. Last week, despite that lack of consent, the United Kingdom Government's timetable allowed the UK Parliament just over 15 minutes to debate our concerns and, indeed, all issues that related to devolution in Scotland, Wales and the north of Ireland. I understand that no MPs representing Scottish constituencies had the opportunity to speak in that debate.

I am a member of the Parliament's Justice Committee and the Rural Economy and Connectivity Committee. For several months, we have attempted—unsuccessfully—to get UK Government ministers to come before us. They have often cancelled at very short notice. I understand that other committees here have been treated with similar discourtesy.

This Parliament is being treated with utter contempt by the UK Government and, in particular, by the Secretary of State for Scotland.

Under rule 3.1(1) of the standing orders,

"The Presiding Officer shall ... represent the Parliament in discussions and exchanges with any parliamentary, governmental, administrative or other body."

Will you please advise members whether you have had, or plan to have, any discussions with the UK Government or the UK parliamentary authorities regarding the contempt shown to Scotland's Parliament in recent times?

The Presiding Officer (Ken Macintosh): I thank Mr Finnie for giving me advance notice of his intention to make a point of order.

As Mr Finnie and perhaps other members will recall, in response to a point of order at the time when the Parliament's position on the legislative consent memorandum was agreed to, I advised members that I would write to my counterparts at Westminster and in other legislatures around the UK to make them aware of this Parliament's position on the European Union (Withdrawal) Bill. I did exactly that. In line with normal procedures, the clerk and chief executive of this Parliament also wrote to his counterparts in the UK Parliament. The UK Parliament is therefore fully aware of this Parliament's position.

European Union Exit Negotiations (Progress)

The Presiding Officer (Ken Macintosh): The next item of business is a statement by Michael Russell on progress in European Union exit negotiations.

14:25

The Minister for UK Negotiations on Scotland's Place in Europe (Michael Russell): Just over 18 years ago, on 3 May 2000, this Parliament passed the Abolition of Feudal Tenure etc (Scotland) Bill. The bill was one of the earliest pieces of legislation that we tackled and it brought to an end an 800-year-old system, which had been past its sell-by date for generations.

In the final debate, Jim Wallace commented that the bill showed that Scotland's new Parliament

"would do things that Westminster would never get around to doing".—[*Official Report*, 3 May 2000; c 258.]

A similar sentiment was expressed by other members across the chamber, who pointed out that land reform for Scotland had never been a priority for London.

This Parliament was created to have the time for and the focus and expertise on Scottish issues that Westminster lacked. It has had that. Collectively, Scotland has slowly forgotten the endless occasions, over many years, on which Scottish priorities for legislation were sidelined by Westminster, or Scottish political imperatives were ignored, such as the occasion in January 1986 when the cross-party Gartcosh marchers, who were marching to save the Scottish steel industry, arrived in London to discover that the Prime Minister would not meet them and the official Opposition would not bring their cause to debate in the Commons.

The bad old times returned with a vengeance last week. Despite the fact that this Parliament had voted by 93 to 30 against giving legislative consent to the European Union (Withdrawal) Bill—the first time that such an action has taken place—and despite the vast importance of the withdrawal bill for peace in Northern Ireland, the House of Commons had no time to think about or talk about the devolved nations. Instead, it decided to legislate against the wishes of this Parliament without even a debate—no, that is not completely true; the House of Commons had 19 minutes to spare, but those 19 minutes were taken up in their entirety by a United Kingdom Government minister who has had responsibility for relationships with the devolved nations for less than six months.

So here we are again, faced with one of the key problems that devolution was meant to solve: a

dependence on an archaic, out-of-touch Parliament, which is run by a Government that Scotland did not elect and which thinks little of us and cares about us less. It is Westminster groundhog day.

However, the situation is more damaging than before, because now we are in the midst of the worst political and governmental crisis for many generations. Our national wellbeing is threatened by a decision to leave the EU against which Scotland voted decisively. In addition, the UK Government's flagship withdrawal bill is in a state of utter confusion as it approaches its final stage at Westminster. A Tory civil war rages around it, as it does around the whole disastrous Brexit project, while the threat to jobs, living standards and rights grows more imminent by the day.

What protection does Scotland have in those circumstances? What can we do to deflect, even in part, the chill, hostile winds that blow from Westminster?

The Sewel convention was meant to be a shield in that regard. It was meant to ensure that Scotland could not be ignored and that the concerns of this Parliament would be heeded in the developing process of devolution. However, last week that, too, was a victim of Tory insularity and arrogance.

In a sense, that is not surprising. A UK Government that is prepared to sacrifice prosperity, security and its standing in the world in order to satisfy a small, extreme group of its own back benchers was always likely to regard the interests of Scotland, Wales and Northern Ireland as expendable, too.

The wellbeing of Scotland might mean nothing to Westminster, but it should be our central and overriding concern. This Scottish Government will do everything in its power to protect that wellbeing and to promote the rights and interests of everyone who lives here. We are not going to allow the process of devolution to go backwards. We are not going to have our country ignored and our rights trampled at Westminster's whim—not now and not ever.

Let me turn to the withdrawal bill and the Sewel convention. Two distinct but connected issues face us as we consider the matter. First, the withdrawal bill still contains unacceptable provisions, which would allow the UK ministers to change, by order, the powers that are available to the Scottish people in this Parliament, without this Parliament's—and Scotland's—agreement. That breaches constitutional principles that are reflected in the procedures under sections 30 and 63 of the Scotland Act 1998.

The second issue is that the UK Government is ignoring the vote of this Parliament to refuse

legislative consent to the bill—in direct breach, we believe, of the Sewel convention. That convention is there to prevent Westminster from legislating without our consent in areas that are within our competence, or from changing our powers, which is essential to the security and stability of devolution. The convention has never been breached before—but now it has.

However, the matter is even worse than that, because, in his statement on Thursday, the Secretary of State for Scotland turned the convention on its head. He now says that

“the devolution settlements ... explicitly provide that in situations of disagreement the UK Parliament may be required to legislate without the consent of devolved legislatures”.—[*Official Report, House of Commons*, 14 June 2018; Vol 642, c 1122.]

That is not so. The whole point of the Sewel convention is actually the opposite: it is there so that, in cases of disagreement, the UK Parliament will not legislate without the consent of the devolved legislature. It does not—or, at least until the Mundell proclamation on Thursday, it did not—mean that Sewel is actually there to enable this Parliament to be overruled the moment that it dissents from a Westminster diktat.

Of course, the Secretary of State is right to say that the convention is not absolute. It says that Westminster will “not normally” legislate in such matters without our consent. “Not normally” has not been defined, but has been understood to mean extreme circumstances that would be clear and obvious to all. However, the current UK Government is changing that definition, too. Now it means whenever it wants to get its way on whatever subject it chooses—nothing more or less. “Normal” is what the UK Government says it is, and disagreement with the UK Government is “not normal”. That is not how devolution was designed, or how it is meant to operate.

Clearly, we now need to revisit, with urgency, how Sewel is defined and operated. We need to do so quickly, too. A number of Westminster bills are coming up—on trade, fishing, agriculture and the withdrawal agreement itself—that will require consent. We cannot have a repeat of last week. We will therefore seek urgent discussions with the UK Government, first of all on how to protect Sewel before introducing any other legislative consent motions to this chamber.

Of course, when the Scotland Act 2016 was going through the UK Parliament, we argued that the references in it to the Sewel convention would be nothing more than a convenient fig leaf—and so it has proved. At that time, we proposed a set of provisions that would have put Sewel on a stronger, statutory footing. Crucially, those provisions would have required the UK Government to consult with the Scottish

Government on any bills that required consent in advance of their introduction. They would have provided a proper statutory footing for the Sewel convention, as recommended by the Smith commission, by setting out the requirements of the convention, in full, on the face of the Scotland Act 2016. Such provisions would have protected the role of this Parliament in the laws for which it is responsible—not confused it, as the UK Government’s preferred provisions clearly have now done. They would have also strengthened intergovernmental working. It is therefore time to look again at how we can embed the requirement for the Scottish Parliament’s consent in law. If legislation at Westminster is required to give the people of Scotland the assurance that they need on that, we would expect—and demand—that that would swiftly follow.

While we are at it, we must also look at new robust intergovernmental processes—for example, by placing the joint ministerial committee structure in agreed legislation, with enforceable rules, including rules on dispute resolution. The whole of the Scottish Parliament should be involved in advancing that process, and—as ever—I would welcome input from across the chamber. I have asked the other parties to meet me to discuss the matter at an early date, and it would be good if we could find an opportunity for an initial debate before the recess, seeking views from all sides. I would like to think that protecting this Parliament, and how it works for our constituents, would be an obligation for us all, and that we could find a constructive and collective way to demonstrate that.

Finally, let me turn to the broader negotiations for EU withdrawal and the issues that arise from it, some of which require urgent action. With every week that passes, evidence accumulates to support our position that continued EU membership is by far the best option, and that, at a minimum, Scotland—and preferably the UK as a whole—should remain a member of the European single market and the customs union. Our analysis that was published earlier this year estimated that leaving the EU could result in a hit to Scotland’s gross domestic product of up to 8.5 per cent, which is equivalent to a loss of up to £2,300 per year for each person in Scotland by 2030. Despite that evidence, the UK Government has not yet listened to us, or to its own analysis, or even to anyone with any knowledge of the matter. To make matters even worse, the UK Government seems determined to pursue wholly unrealistic negotiating positions, wasting precious months in the process of doing so. Indeed, so serious is the situation now that, at the weekend, one EU official was quoted by an Irish journalist as saying that the talks were heading for a “cataclysmic” outcome.

While we continue to make representations to the UK Government and seek to take us off the damaging course of a hard and unnecessary Brexit, the Scottish Government is intensifying its preparations for all exit possibilities in order to support the Scottish economy and our key sectors in what are and will continue to be very uncertain times.

The Parliament, too, will now have to step up its focus on the technicalities of withdrawal. We owe that to the many people in sectors such as agriculture, business and the third sector who need information to plan for the future and who have had no information from the UK Government over the past two years.

Of course, the Scottish Government will never bring to the Parliament recommendations that would restrain its competence and reduce its ability to serve the people of Scotland, but we need to press on with identifying and drafting the measures that are required to bring at least a degree of legislative continuity and certainty in these uncertain times. We will therefore provide the Parliament with the initial detail of the required secondary legislation at an early stage in the new session, and I expect that the intensive legislative process that will follow will get under way shortly thereafter. We will give the maximum possible opportunity for proper parliamentary scrutiny of each piece of legislation in line with the arrangements that are being developed by the Parliament and the Government to assist that process, and as outlined and improved during the passage of the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill.

More widely on the issue of preparation, we have had significant recent contributions to the overall process, such as the agriculture champions’ report on the development of a future agriculture strategy, which was published at the end of May, and the report of the round table on environment and climate change, which was published shortly thereafter.

Last week, I announced the funding for a children and young people’s panel on Europe, and on Friday, the Cabinet Secretary for Justice published a further “Scotland’s Place in Europe” paper, “Scotland’s Place in Europe: Security, Judicial Co-operation and Law Enforcement”. Tomorrow, Fergus Ewing will lay out more detail on his post-Brexit plans for agriculture, and in the coming weeks and months we will publish more papers and will invite and propose more involvement across a range of subjects.

It is, of course, very disappointing that the response of the UK Government and the Scottish Tories to the taking of such initiatives by the Scottish Government and the Scottish Parliament, and to the actual votes of this Parliament, has

been unhelpful and is now contemptuous. That attitude means that we cannot, and devolution cannot, continue with a business-as-usual approach.

I have indicated some of the changes that are required in this statement; others will come forward in time. What can never be in doubt is that we are all here to protect and serve the best interests of the people of Scotland. Individually and collectively, we take our mandate from them, and we should always act with that—and them—at the forefront of our minds. That is the Scottish Government's firm intention and it will be our firm intention going forward.

Adam Tomkins (Glasgow) (Con): So incoherent and inaccurate was that statement that it is difficult to know where to begin—but let us start with the Sewel convention. That convention provides that Westminster will not normally legislate on devolved matters in Scotland without our consent, yet it was Mike Russell who told the Scottish Parliament that

"these are not normal times".—[*Official Report*, 1 March 2018; c 29.]

As for Lord Sewel, he has said just this week that there is no power grab, no constitutional crisis and no breach of the convention that bears his name. Michael Russell said that the times "are not normal" because he was seeking approval to rush half-baked and ill-considered constitutional legislation through the Parliament using emergency procedures, in defiance of Parliament's conventions—and in defiance of the legal opinion of the Presiding Officer, no less, that the proposed legislation in question was beyond our legal powers.

Therefore, Conservative members will take from nationalists who are intent, as they are, on breaking up the devolved United Kingdom, no lessons on how devolution in the UK should operate. They are not the guardians of devolution; they are the would-be architects of its demise. They do not believe in the devolved United Kingdom—they believe in breaking up the UK. Indeed, that is all that they believe in.

Despite all Michael Russell's bluff and bluster, important work remains to be done, not least on the UK-wide common frameworks that we have, hitherto, all accepted will be needed post-Brexit.

I have only one question. Will the minister today pledge to co-operate with the UK Government in completing that work, or is it now Scottish Government policy simply to obstruct the process, whatever the cost?

Michael Russell: It is notable that, in all that, there was no word of apology for the mere 19 minutes that were devoted to the subject at

Westminster. One might think that there would have been from the Tories a moment of reflection that taking only 19 minutes was a mistake.

I will deal with two of the points in Mr Tomkins's supposed question. First, the reality of the Sewel convention and the issue of times being "not normal" can be demonstrated in a piece of legislation: the Northern Ireland Budget (Anticipation and Adjustments) Act 2018. The explanatory notes for the bill explained that it was being dealt with "not normally" because there is no Northern Ireland Assembly. In contrast to that, the UK Government said no such thing about the EU withdrawal bill. In fact, David Davis wrote to me to seek permission for parts of that bill, so the UK Government knows when a situation is "not normal". However, it did not say that to the Scottish Parliament because the UK Government's definition of "normal" is that we agree with it; if we do not, we are not normal. That is not a definition of normality, even for Professor Tomkins.

Professor Tomkins asked me to pledge allegiance to something: I pledge my allegiance to the Scottish people, which is the constitutional position. Moreover, I will use that as the test for what we do. We will go forward on the issues that arise, including the frameworks, when doing so is good for the Scottish people. We will not go forward on them when that will not be good for the Scottish people, or when it is being done under the Tories' definition of "normal". If we are not like the Tories, apparently, we are "not normal". Thank goodness I am not normal.

Neil Findlay (Lothian) (Lab): During the past six months, Scottish politics has gone from high farce to groundhog day. Two sets of competing nationalisms have been throwing insults around and using the devolved powers stand-off not to seek a solution but to stoke up mutual antagonism for narrow party advantage.

David Mundell—a man who has sat in the UK Cabinet since 2015 without anyone actually noticing that he is there—gave commitments to table amendments in the House of Commons, but he completely failed to do so. Mike Russell tried to pose as a statesman, but that was utterly undermined by his party in the House of Commons, which risked losing the opportunity to debate devolution in terms of the withdrawal bill when its members stomped out of the chamber in a staged walkout.

Meanwhile, out there in the real world, people cannot get a general practitioner appointment, they cannot afford to buy a home, and too many children go to bed hungry.

Labour has been constructive throughout: we have suggested amendments in the House of

Commons and the House of Lords, we amended the continuity bill, and we have called for cross-party talks. However, those two sides, like warring factions in a family feud, shout and scream at each other irrespective of the damage that is being done. It is infantile and futile.

Will the minister acknowledge that his is a minority Government in a Parliament that has a multiparty majority view on the matters at hand? Will he insist that new discussions between the UK and Scottish Governments be held on a cross-party basis in order to represent this Parliament?

Will he put any new proposals on the table? Will he confirm that, had his party's position of last week prevailed, all progress with the amended clause 15 would have been lost and all devolved areas would have reverted to the UK Government?

There are very serious matters involved in this, but none that cannot be resolved. We can put men on the moon, Trump and Kim Jong-un can have peace talks, and Paisley and McGuinness have sat in Government, so are we really going to accept that two Governments cannot reach agreement on fertiliser quality, education qualifications, waste packaging and the rest? It is simply not good enough. Get it sorted.

Michael Russell: In the spirit of reconciliation, I am willing to sit down with Neil Findlay.

The reality of the situation is as follows. Neil Findlay knows that at the conclusion of the LCM process I asked David Lidington to come to Scotland, to sit down with the parties, and to have that conversation. He refused to do so. I am happy to repeat that invitation today, if the other parties are willing to do that, and I hope that that could move us forward.

I note that there was a proposal that formed the basis of the Labour amendments that were not debated last week, and which—according to David Mundell at the weekend—was made by Gordon Brown and Jim Gallagher. It was not terribly helpful that they did not come and speak to us; it would have been nice if they had done so.

However, I remain committed to working with members from across this chamber to try to find a solution, because I agree with Neil Findlay that this is not a good situation to be in. I want to find that solution, and am committed to doing that. I will be glad to work with Labour, the Liberal Democrats, and the Greens—and I will be happy to work with the Tories, if they will do so, to find that solution.

If we can get everybody in the same room to discuss the matter, that would be fine. *[Interruption.]* Unfortunately, the noise in the chamber does not allow me to address the matter

as clearly as I would like, but I want to make it clear that if we can get agreement to have those conversations, we will have them. I have already asked to meet the parties separately, as it happens, so that we can have such conversations. If those separate discussions—*[Interruption.]* I accede to the view that Mr Tomkins wants to get in a room with Neil Findlay as soon as possible. I will be happy to be in that room to have those discussions.

Neil Findlay: What about my other two questions?

Michael Russell: Neil Findlay will have to come back to me on those other questions.

Patrick Harvie (Glasgow) (Green): I think that it is worth remembering that both Governments are minority Governments and have a responsibility to seek consensus, or at least agreement, where possible.

It is telling that it is those in opposition at Westminster who seem very often to be failing to derail the UK Government's fundamentally destructive and chaotic Brexit project. There have been good opportunities to have cross-party dialogue and discussion and there is a clear cross-party majority in this Parliament against the actions that the UK Government proposes to take. In essence, the UK Government is treating Scotland as though it still has the right to impose direct rule. This Parliament has an absolute responsibility to reject that.

I think that the Scottish Parliament and the Scottish Government would have nothing to fear in this context from inviting some international body to mediate or to achieve some degree of arbitration between the two Governments. I suspect that the UK Government would be unwilling to have that constructive dialogue. Would the Scottish Government be open to some kind of international mediation process? It is very clear that, at the moment, the UK Government simply is not listening.

Michael Russell: I think that the Scottish Government would be keen to see any input from a neutral source that would help us to move forward on this issue. I cannot imagine circumstances in which the UK Government would agree to it, but I am happy to confirm that it would be a good idea.

Patrick Harvie makes a very interesting point about direct rule. The Tories are presently using the Sewel convention as though it is a substitute for direct rule. Sewel is there to cope with circumstances in which the system of devolved Government fails. Using Sewel in these circumstances says that the system has failed and the definition of system failure that the Tories are

applying is that we do not agree with them when they want to put legislation through.

That is a key point on direct rule that Patrick Harvie has made and it is worth remembering.

Tavish Scott (Shetland Islands) (LD): It is not news that Westminster's processes are archaic but the elephant in the room is the point that the minister made. The decision to leave the EU has brought about the worst political and governmental crisis for many generations.

Therefore, surely, is it not time for his party, for him as a minister, and for this Government to recognise that the particular need here is to put the outcome of the final EU negotiations to a vote of the British people?

Michael Russell: I do not think that my position on what we are talking about and what Tavish Scott sets out are mutually exclusive. I cannot speak for the British people, but I am very keen to see the Scottish people vote. In those circumstances, I am sure that they would reject leaving the EU. The issue is—how do we make that real? On 23 June 2016, the Scottish people said no to leaving the EU and they were ignored.

I have made it clear to Tavish Scott and to Willie Rennie—I am happy to go on doing so—that the question is whether we can square that circle. If we can square that circle, they will find no greater enthusiast for ensuring that such a vote takes place. I have had those conversations with people who are involved in those campaigns south of the border and I will be happy to continue to have those conversations with the Liberal Democrats.

If we can square that circle of what would happen in those circumstances, it will be more than possible to move forward; I would like to move forward, because I think that there will have to be a moment when people say, "We are sorry but we do not wish this—we do not wish to be dragged into the chaotic mess that the Tories have created."

This is now all about a Tory civil war and the interests of any part of these islands are being sacrificed on that altar. That is an utter disgrace. The fact that there are Tories who know that—there are Tories sitting in this chamber who know that—but will not say it compounds the disgrace.

Bruce Crawford (Stirling) (SNP): Does the minister agree that the position that the UK Government has adopted with regard to the European Union (Withdrawal) Bill undermines the protection that is provided to the devolution settlement through the Sewel convention? Does he also agree that, although the Sewel convention may not be legally binding, it is nevertheless a very important constitutional rule, and any breaking of that rule by the UK Government

therefore requires a serious and substantial explanation? Has the Scottish Government received such a serious and substantial explanation from the UK Government? I have seen reported excuses made by the UK Government but, to date, I am aware of no serious explanation for its power grab.

Michael Russell: The member makes a fair point. If any senior minister in the UK Government were to say to me that they are doing it for certain reasons and explain why the situation is, in those terms, "not normal", I would be interested in having that conversation, although I probably would not agree. However, that has not happened. The sole thing that we can intuit from what we have seen is that, because we had the temerity to withhold legislative consent, that was sufficient to create the circumstances in which we are simply going to be overruled. That cannot be the operation of the convention, because all it means is that there is no purpose in having the convention, as any request for us to pass a legislative consent motion is pointless—if we do not do so, we will be deemed to have done it anyway, and we will just be overruled. That cannot be what the convention is about.

Interestingly enough, I think that that is the view of the majority of Labour members who have undertaken ministerial roles in devolved Administrations and, indeed, in the UK Government—Malcolm Chisholm's contribution today was very helpful in that regard. Nobody who has seriously been involved in the administration of the Parliament or devolution believes in the definition that the Tories are applying, but they are applying it with a heavy hand at Westminster to the detriment of devolution.

Jackson Carlaw (Eastwood) (Con): We all understand that the Scottish Government does not support the UK Government position, but I want to ask about the on-going exit negotiations with the EU, which are now approaching their business end. What role does the cabinet secretary imagine that the First Minister and the Scottish Government can now play when the First Minister has recently returned from Brussels, where she busied herself in conversations with Michel Barnier, undermining the negotiating position of the member state with which the EU is charged with negotiating?

The minister again confirmed in his statement that he simply disagrees with everything. The Government of Wales and the mayor of London may disagree, but they are working constructively to ensure that important matters are represented in the negotiations, while the Scottish Government is just calling for ministerial resignations. How does that help anybody in Scotland?

Michael Russell: I do not think that the member is up to speed with what is actually happening. I saw a report of a conference last week at which Carwyn Jones strongly criticised the UK Government position and said that continued membership of the single market and the customs union is essential, which is what I said today. There is still a similarity in the positions that are being taken.

Let me deconstruct the logic of the member's point. He says that, if the First Minister goes to Brussels and meets Michel Barnier and stands up for Scotland's interests, she is undermining negotiations. If we extend that logically, the UK Government position is undermining Scottish interests, so the First Minister is doing exactly what she has to do, which is to set out the things that are important to Scotland. It would be easier to do that if there was a mechanism by which those issues are being represented and in which we had confidence.

I have sat at the JMC on many occasions when my colleague Mark Drakeford has asked what consideration the UK Government is giving to the central concerns of membership of the single market and the customs union. I remember that that happened before one of the Chequers meetings. Who is speaking for that in those meetings? There is no answer, because nobody is speaking for it in those meetings.

We have now started with these ministerial forums—I think that the next one will take place next week in London. Previously, we were shown a list of contents of the white paper, told that the white paper was not drafted and asked for our input. We then discovered a few days later from the press that the white paper had been drafted but was so controversial that it could not even be shown to ministers. We therefore do not really know what the purpose of that was. If that is what the UK Government calls genuine involvement, it needs to think again about that.

If there was genuine involvement in discussion and some indication that the views not just of the Scottish National Party or the Scottish Parliament but of Scotland—which said that it wanted to stay and, as a minimum, needs to stay in the single market and the customs union—were being taken account of, that would be progress but, as ever, the UK Government has shown itself to be completely cloth-eared on those issues and determined only to do what its extremists want. Those are things that most of the Tories in this chamber—the sensible ones—were opposed to two years ago and are now nodding through, knowing the damage that will be done to the people whom they represent.

The Presiding Officer: I suggest that we should have slightly more succinct questions and answers if we are to get to the rest of this item.

Emma Harper (South Scotland) (SNP): Many Scottish products benefit from EU schemes that help to maintain our unique brands and promote the provenance of Scottish produce, such as protected geographical indication status. There are signs that the UK Government might attempt to erode those special statuses to pursue free-trade deals. Has the minister received any indication that it will listen to vital Scottish interests?

Michael Russell: That is an important example of interests being held more widely across these islands as a whole. All the bodies and organisations that have products that are protected by protected geographical indication know that their position will be considerably weakened, particularly in the international markets, when that system is broken by our leaving the EU. They are saying to the UK Government that the situation must be sorted, but so far the UK Government has given no indication at all of sorting it. Indeed, I notice that the matter is now one of the key issues that are still to be resolved in the exit negotiations. It has gone up the agenda because the EU is also worried about the situation undermining the links that should exist between European protections and protections in these islands.

We will continue to support everybody who argues for the continuation of the PGI system, even if that means bringing two systems together in mutual recognition and—this is crucial—having continued regulatory alignment so that they cannot break apart. If they break apart, their value to Scottish whisky, lamb and beef, Arbroath smokies and—as Dr Allan is sitting next to me—Stornoway black pudding will be diminished.

James Kelly (Glasgow) (Lab): Does the minister accept the view that Jim Sillars, the former deputy leader of the SNP, expressed at the weekend that Nicola Sturgeon has soured relations between Holyrood and Westminster? If the minister is serious about protecting devolution, will he specifically commit to initiating cross-party talks before the summer recess to attempt to resolve the impasse?

Michael Russell: On the second point, the answer is yes. I have already made that commitment to Neil Findlay. There is a live invitation to Labour for those discussions and I hope that it will be taken up. I am keen for progress to be made on that.

As for Jim Sillars, it will come as no surprise to members on these benches and elsewhere that I

do not agree with him and that this is not the first time that I disagree with him.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): Does the minister believe that, by promising investment in the national health service in England under the guise of a Brexit dividend, Theresa May is not only treating the public “like fools”, to quote one of her MPs, but shamelessly disregarding the considerable concerns about the NHS after Brexit, including the prospect of a £3.7 billion cut to public services in Scotland by 2030 and the possibility that future trade deals could open up the NHS to privatisation?

Michael Russell: Those are key issues for exit. There is something deeply disorganised and deeply cynical about the claim of a Brexit dividend. There is no Brexit dividend; of that, there is no doubt of any description. Brexit will cost a substantial sum of money and I indicated in my statement what we expect that cost to be.

The Prime Minister’s promise exposes her absolute desperation. It is a gesture to the Brexiteers to ensure that they stay onside for something unpalatable that might be coming. It also opens up the Tory position on tax, which is an incredible position. In this chamber, the Tories have argued that any tax increases, particularly for health, are completely and utterly wrong. Now, of course, south of the border, tax increases are particularly good—we must put taxes up.

Where do the Tories stand on the matter? They stand on a completely irrelevant position. It exposes the emptiness of the Scottish Tories—many of us thought that that would happen eventually—and it simply shows that they take a position when they think that it is okay for them. The UK Government does not consult them at all. It is a bit like Scotland and England in the EU negotiations: we do not get consulted by the UK Government, but neither do the Tories in Scotland.

Jamie Greene (West Scotland) (Con): On protecting Scotland’s interests, there was nothing in the statement about the powers that will require common frameworks to protect the market of £48 billion a year that Scotland has with the rest of the UK. What policy preparations has Mr Russell’s Government made for the scores of EU powers that we know will come to the Scottish Parliament as a result of Brexit?

Michael Russell: I do not think that scores of powers are coming; the power grab is a power grab, no matter how we look at it. *[Interruption.]* People who deny that either do not know the situation because they have not read the material, or they are, unfortunately, not indicating what is true. Regrettably, that is the case.

As I said on the frameworks in my answer to Professor Tomkins—I do not know whether he

drafted the question for Mr Greene before I gave that answer—the reality is that we will take the interests of the people of Scotland as our guide.

Adam Tomkins: Why not answer the question instead of being patronising?

Michael Russell: Presiding Officer, I am trying to finish my answer, but it is difficult to do that while Professor Tomkins shouts from his seat in his usual fashion. I put that on the record for those who do not know it. The Tories are behaving in the same boorish way as they do in the House of Commons; it was noted there last week, and it will be noted by viewers here.

We take the interests of the people of Scotland as our guide. We will follow that when we look at frameworks. If the approach is good for the people of Scotland, we will do it, but if it is good only for the Tories, we will not do it.

Joan McAlpine (South Scotland) (SNP): Given that the UK Government appears intent on overturning the deal that it signed with the EU last December, and given that it has taken less than a week to renege on the commitments that it made to its own back-bench MPs in the debate on the European Union (Withdrawal) Bill, can the Scottish Government trust anything that the UK Government says in joint ministerial committee meetings or in Brexit ministerial forum meetings?

Michael Russell: My expectations are the lowest that they have ever been in the circumstances. I regret to say that, because having such discussions is difficult. However, I am much more worried about what the situation looks like to those who are outside the UK. When I was in Ireland for two days last week, there was bafflement at what was taking place.

A number of commentators have recently said that the view in Brussels and in Dublin is that the UK Government is in a parallel universe and is involved in all sorts of arguments and discussions that are utterly meaningless. That destroys any confidence. How can we have confidence in a Government that takes weeks upon weeks to put in a paper to Brussels a position that does not meet any of the requirements that have been laid down, as was indicated within a few days? That shows that the process is shambolic. We cannot have confidence in people who are involved in that.

The Presiding Officer: Questions on the statement are to finish at 5 past 3. Four more members would like to ask a question.

Pauline McNeill (Glasgow) (Lab): It is right to defend the devolution settlement robustly—the minister has the Labour Party’s support for that—but does he agree that it is also important to make day-to-day progress on key issues? Immigration

rules are to be relaxed for nurses and doctors—it is important to note that no new legislation will be required to do that. Precisely what discussions has he had with the UK Government on that point? Has he asked for a similar relaxation for workers who are needed in the Scottish interest?

Michael Russell: The Cabinet Secretary for Health and Sport has welcomed the decision on doctors and nurses and is planning an initiative to move that forward, although the measure does not go nearly as far as it should.

It is important to remember that the best thing that we could have is freedom of movement; anything less than that is difficult. In the JMC forum, I have discussed Scotland's specific needs with the previous immigration minister. That concerned information from the Migration Advisory Committee.

We have raised sectoral issues, but a sectoral approach is not nearly as good as the much wider approach that freedom of movement provides. If we end up with a sectoral approach, we will need the most open and generous approach that we can have. Fruit gathering on the east coast of Scotland and the hospitality industry in Pauline McNeill's area and elsewhere will have huge issues because of a shortage of staff this year. Given that, a sectoral approach might be necessary, but it is not nearly as good as the wider approach.

Richard Lochhead (Moray) (SNP): Given that a Conservative Party that the people of Scotland did not vote for is using Brexit, which the people of Scotland did not vote for, to attack devolution, which the people of Scotland did vote for, does the minister agree that last week's events strike at the very heart of Scottish democracy and that David Mundell, the Secretary of State for Scotland, was wrong to suggest that yesterday's emergency debate in the House of Commons should be an end to the matter? Will the minister use every legal and political means to frustrate any attempt by the UK Government to undermine this Parliament's powers and Scotland's national interests?

Michael Russell: Yes, of course. This is not business as usual, that was made clear last week, it was made clear this week and it will go on being made clear. The reality is that what is happening undermines devolution and, as I indicated in my statement, we will not tolerate that. I am glad that there is support for our position throughout the chamber, except among the Tories, who will of course undermine devolution.

The Presiding Officer: I apologise to Rachael Hamilton and Ivan McKee that we do not have time for any more questions.

Police Scotland Complaints and Conduct Review

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a statement by Michael Matheson on a complaints and conduct review. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

15:07

The Cabinet Secretary for Justice (Michael Matheson): When I addressed the chamber in November on the leadership and performance of policing, I set out my intention to reflect, with key partners, on the operation of police complaints and conduct. As I said then, I am open to considering whether there is scope for further improvement.

It is of the utmost importance to me that public and parliamentary confidence in the police is high, and independently justifiably so. However, it is equally important that our systems provide suitable protection for the vast majority of police officers and staff who work hard to keep us all safe. Over recent months, I have listened to a range of different perspectives from those who are directly involved and it is clear to me that complex issues have emerged in relation to the existing framework, operational responsibilities and procedures, which need to be looked at afresh.

Five years on from the creation of Police Scotland, the Scottish Police Authority and the Police Investigations and Review Commissioner, the time is right to look at how the structures and processes are working. To do that effectively will require an independent and authoritative assessment, which is why I, together with the Lord Advocate, have commissioned the Rt Hon Dame Elish Angiolini QC to take that work forward.

I am delighted that Dame Elish has agreed to lead the review. Members will be aware that, as a former procurator fiscal, Solicitor General for Scotland and Lord Advocate, she is exceptionally well qualified to scrutinise these issues. Her outstanding record of public service in Scotland is well known. She chaired the commission on women offenders, the Mortonhall crematorium investigation for the City of Edinburgh Council and the national cremation investigation for the Scottish Government. More recently, she led the independent review into serious incidents and deaths in police custody in England and Wales for the United Kingdom Government.

Under Dame Elish's leadership, the review of complaints handling, investigations and misconduct issues in relation to policing will bring independent scrutiny to the framework and

processes for handling complaints against the police and investigating serious incidents and alleged misconduct. As well as assessing the current framework, the review will report on the effectiveness of structures, operational responsibilities and processes. It will also make recommendations for improvements to ensure that the system is fair, transparent, accountable and proportionate in order to strengthen public confidence in policing in Scotland.

The review will consist of two phases. The first phase will include consideration of current procedures and guidance to identify areas for immediate improvement, and the second phase will include a wider assessment of the frameworks and practice relating to complaints handling, investigations and misconduct issues.

The review will cover the work of the Police Investigations and Review Commissioner, the Scottish Police Authority and Police Scotland. It will take evidence from a broad range of stakeholders including the Scottish Police Federation, the Association of Scottish Police Superintendents, the Scottish Chief Police Officers Staff Association, Unison and Unite the union as well as the PIRC, the SPA, Police Scotland and the Crown Office. Dame Elish might also wish to speak to those who have had experience of the current system, to hear their views and understand where further improvements could be made. Recommendations in the final report should take into account human rights considerations and seek to identify longer-term improvements.

I am aware that the Justice Committee has invited evidence as part of its post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012. I welcome that scrutiny of the landmark legislation that enabled the creation of single police and fire services.

I am also aware that evidence has been submitted on the provisions in the act that underpin our current system of police conduct, complaints and investigations. Those provisions were intended to strengthen the governance, accountability and scrutiny arrangements for policing, and they created a clear statutory framework for independent review and investigation. It is only right that the committee considers that evidence as part of its broader scrutiny of the act, and I look forward to seeing the outcomes of that process.

However, as the cabinet secretary with responsibility for the overall framework for dealing with police complaints and conduct issues in Scotland, which includes other primary and secondary legislation, I have a duty to ensure that the whole system is working well. The Lord Advocate has an independent interest as the head

of the system for the investigation and prosecution of crime in Scotland.

There has been a period of intense parliamentary, media and public scrutiny of the arrangements for complaints handling, investigations and misconduct issues in relation to policing. The framework must ultimately build public confidence in policing, and the events of recent months have raised questions about the way in which the system works and whether it could be improved. It is only right that I listen to those questions and act decisively to address them, which is why the Lord Advocate and I have commissioned the review.

The key outcomes of the review will be that roles and responsibilities at all levels are clear, that there are agreed protocols that balance transparency with an appropriate level of confidentiality and that the framework and processes are fair, transparent, accountable and proportionate and uphold fundamental human rights. Fairness, transparency, accountability and proportionality are the guiding principles of the review, and they go to the very heart of what any system that holds public services to account should deliver.

The commitment to upholding fundamental human rights is embedded in police training and the oath that is taken by officers, and it is central to Police Scotland's professional ethics and values. That commitment is to ensure that policing operations respect the human rights of all people and officers, who, in turn, should have their rights respected. It must also be central to the process for police complaints handling, investigations and misconduct issues.

It is vital that the police are held to account when things go wrong. Policing by consent depends on that accountability. It is essential that lessons are learned and improvements are made to prevent mistakes, bad practice and criminality from recurring. In order to do that effectively, and if they are to earn the trust and respect of those who are involved and of the wider public, our systems must treat all parties fairly and justly.

I am also clear about what the review will not do. It will not consider the role of the Lord Advocate in investigating criminal complaints against the police, nor will it look at the role of Her Majesty's inspectorate of constabulary in Scotland in scrutinising the state, effectiveness and efficiency of Police Scotland and the Scottish Police Authority.

It is important to emphasise that the review will not re-examine specific cases or review specific decisions, although those may provide evidence for an overall assessment of the efficacy of current systems and processes. A number of high-profile

criminal investigations relating to serious incidents involving the police are currently under way, but those investigations are a matter for the Lord Advocate and it would be wrong to suggest that the review should examine those cases or pre-empt the investigation process.

I am confident that the review, under the authoritative leadership of Dame Elish Angiolini, will bring fresh scrutiny to the framework and structures that we established five years ago, ensuring that they are robust and true to the principles that I have outlined. It is essential that our systems for complaints handling, investigations and misconduct issues in relation to policing are fair, transparent and accountable, and they must respect the rights of all those who are involved so that police officers, staff and the public can have confidence in them.

I place on record my thanks and appreciation for the work of Police Scotland, the SPA, the PIRC, HMICS and the Crown Office, and I commend all those who work to keep our communities safe.

Liam Kerr (North East Scotland) (Con): I thank the cabinet secretary for advance sight of his statement. The past 12 months have been challenging for the police's leadership, and they have shone a spotlight on the structures that were put in place by the Scottish National Party and the issue of whether they were, and are, fit for purpose.

The cabinet secretary is right to say that public confidence in the police is crucial. Recent events, particularly in and around November 2017, have had a negative impact on public and parliamentary confidence in the police, and it is clear that lessons must be learned. In that context, the Justice Committee has launched a post-legislative scrutiny process of the Police and Fire Reform (Scotland) Act 2012 to get to the bottom of the extent to which the structures were responsible and what can be done better. The crucial question that arises is whether the cabinet secretary has confidence that there will be no interference in the committee inquiry by this inquiry. Will he give a reassurance in that regard?

Events, particularly in November, have brought challenges at all levels in the service and, indeed, for the SNP Government. It is vital that all agencies and structures are examined forensically to ensure that what went wrong is fully understood. Can the cabinet secretary confirm that Dame Elish Angiolini will have full freedom to investigate everything—including the actions of the cabinet secretary and his officials—and, where necessary, constructively criticise with a view to ensuring that that can never happen again?

Michael Matheson: I am grateful for Liam Kerr's comments—apart from his latter point in

which, as ever in relation to such issues, he tends to miss the point. That is becoming a repeated action.

Dame Elish Angiolini's investigation will be independent and conducted under the terms of reference that were published this afternoon. Anyone who knows Dame Elish Angiolini and the work that she has undertaken previously will know that the suggestion that she could be subject to some form of external influence in conducting the review does not recognise her integrity and her commitment to carrying out the particular type of investigation involved. I have every confidence that she will conduct the review in a fair, appropriate and independent fashion, and arrangements are in place to allow her to do that.

On the member's more reasoned point about interference with the committee's inquiry, I have no doubt that the wider investigation that the committee undertakes in relation to the 2012 act will look broadly at a range of aspects of policing in Scotland and of the Scottish Fire and Rescue Service. Nevertheless, there is a need to look at issues specifically relating to complaints and conduct matters and how they are investigated. The purpose of Dame Elish Angiolini's review is to produce a much more detailed analysis of that area of responsibility, and the work that will be undertaken for the review will inform decisions on whether further measures could be taken in the future. I have no doubt that, in considering the work that the Justice Committee is undertaking, Dame Elish Angiolini will wish to consider the evidence that is presented to the committee. However, the review will be a much more detailed consideration of specific aspects relating to complaints and conduct matters.

Daniel Johnson (Edinburgh Southern) (Lab): I thank the cabinet secretary for advance sight of his statement. I am pleased that he has agreed to the calls to commission a review. The accusations and counter-accusations swirling around senior officers in recent months have not been healthy for the police force and, at their worst, have resembled something of a soap opera. That the complaints-handling process has been slow and poorly understood by the public has not helped; most notable in that regard is the discrepancy that, when a senior officer resigns, the investigation stops and any potential lessons for policing are lost, which is a problem. Can the cabinet secretary confirm that that is a key reason for the review's investigation and that it will address that?

Likewise, there are reports of a confusing and complex complaints landscape for non-senior officers, because understanding the roles of the PIRC, the SPA, professional standards and HMICS is as much of a challenge for officers as it is for the wider public. Can the cabinet secretary

confirm that the review will seek to simplify the complaints framework for all officers and ranks? Will he confirm the timeline for the review and when he expects Dame Elish Angiolini to report?

Michael Matheson: I am grateful to the member for raising those points and I will try to address each of them in turn, as they are all about important issues that need proper consideration.

The member referred specifically to the issues around on-going investigations into individuals who might subsequently retire from the service or leave it. Clearly, there are questions to be asked about the existing arrangements for dealing with that matter, and the review will be able to consider them. Is there a need for a change in the way in which we deal with them? If so, what measures need to be put in place to address that, so that investigations into complaints or conduct issues can continue? I can confirm that the review will be able to look at that aspect.

The member also raised the issue of complexities around complaints, which I recognise. We need to ensure that we have a system whereby those who are having a complaint against them investigated have faith in how the process operates and have clear sight of that, and that the process operates in a proportionate fashion given the nature of the complaint. We also need to ensure that those who lodge complaints have confidence in the transparency and accountability of the process. That is why having a look at the whole system will be critical to ensuring that we can simplify the process where possible, but also clarify roles at specific points in the process to ensure that those who are being investigated and those who have lodged a complaint have a clearer understanding of the process. Simplifying the process is another aspect that Dame Elish Angiolini's review can consider.

On the timeline, given the discussions that we have had with Dame Elish and the detailed nature of the work, I expect it to take around 18 months to two years. That is why it has been broken into two sections, which will deal with some of the immediate issues around process and guidance that can be identified at an early stage and on which action can be taken, and then the much more detailed work to look at the wider framework and the different parts of the complaints system and ensure that they are being appropriately addressed, including issues relating to both primary and secondary legislation.

The Deputy Presiding Officer: Quite a few members want to ask questions, but if questions and answers are succinct, we should get everyone in.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Can the cabinet secretary assure me that

officers who wish to express their views to the team that will carry out the review will be able to do so anonymously?

Michael Matheson: It will be for Dame Elish Angiolini to determine how she conducts the review. No doubt she will want to engage with a range of stakeholders including individuals who have experience of the complaints and conduct investigations process, and no doubt she will want to consider how to facilitate access to individuals who may wish to engage with her on such matters anonymously. That will be a matter for her, but I imagine that she will want to provide an opportunity for people who want to give evidence or discuss their experiences with her to do so anonymously, in order to ensure that they are protected and that she gets as full a picture as possible of how the system is operating.

Margaret Mitchell (Central Scotland) (Con): Can the cabinet secretary confirm that the review will cover both civil and criminal complaints? Within the current complaints process, has there been any consideration of the Apologies (Scotland) Act 2016 as an effective and efficient way of resolving complaints and disputes to the satisfaction of both parties?

Michael Matheson: The review will be able to look at both the civil and criminal aspects. However, it will not look at the aspects that are led on by the Crown Office and the Lord Advocate. I referred to that in my statement.

In relation to the work that has been done by the convener of the Justice Committee and the committee members, the review will allow us to look at how the existing arrangements are working within the primary legislation in the 2012 act. We will be able to consider whether that needs to be amended or whether the secondary legislation that sets out the regulations for dealing with many of these matters needs to be changed. I hope that the review will be able to pick up on some of the issues that the Justice Committee is considering, but in a much more detailed fashion. It will look specifically at the regulation that is in place that deals with police complaints and conduct investigations, and it will consider whether such matters need to be addressed or changed in the future.

Stuart McMillan (Greenock and Inverclyde) (SNP): Will the cabinet secretary clarify whether the review will have an impact on any cases that are currently being investigated as part of a complaint or a misconduct procedure?

Michael Matheson: It will not. Complaints and conduct cases that are being investigated will continue to be investigated through the existing arrangements. The review might want to consider some of the cases that have used the existing

system in order to analyse how it is operating, but individual cases will not be reviewed and existing cases that are being investigated will not be looked at.

John Finnie (Highlands and Islands) (Green): I thank the cabinet secretary for early sight of the statement and I welcome Dame Elish Angiolini's appointment.

In your statement, you talked about the balance between transparency and confidentiality. I wonder whether there is another balance that the review could pick up on—that is, when what is in effect a service complaint turns into a complaint about an individual officer. We have known that to happen, particularly with senior officers in relation to grievances and employment issues, and in civil disputes, and it results in publicity. Do you envisage that the review will pick up on that?

The Deputy Presiding Officer: I ask members to always speak through the chair, please.

Michael Matheson: John Finnie raises a very important point. Issues of transparency and accountability have been raised with me on a number of occasions, and a key part of that is proportionality and how the complaints and conduct investigations process is operating. That is why I am very clear about the principles that are driving the review. We want to ensure that the process is fair, just, accountable, transparent and proportionate and that people can have confidence in it.

The specific example that the member mentioned is exactly the type of issue that the review will be able to consider. How are such issues being managed within the existing guidance and regulations? Is there clarity around responsibilities? If there is a change in how a complaint should be handled, who has clear responsibility for progressing that and considering whether it needs to be escalated? The detailed review will allow us to explore in a detailed fashion the issues that John Finnie has raised, in order to ensure that officers and staff who may be the subject of the process, but also members of the public, can have confidence in how the system operates.

Liam McArthur (Orkney Islands) (LD): I, too, thank the cabinet secretary for early sight of his statement. I acknowledge Dame Elish Angiolini's impeccable credentials for carrying out the review, but I express my regret that it will not be the wider independent commission review that I have advocated.

Given the circumstances that gave rise to the review—namely, concerns about the cabinet secretary's involvement in the SPA's decision to allow the return of the former chief constable following allegations of gross misconduct—can the

cabinet secretary assure members that Dame Elish Angiolini will be invited to look at the role of ministers and their officials in such processes in future?

Michael Matheson: Liam McArthur is wrong about the reasons why the review will be undertaken. There have been some issues to do with how the complaints and conduct process and investigations have been undertaken for some time—they predate issues that relate to November. However, there are issues around how the former chief constable's case was dealt with. For example, there were suggestions that it should have been dealt with through a grievance process rather than through a misconduct or complaints process. Those issues need to be considered, and the review will be able to look at them. However, the underlying issues of concern that have led to the review are not specific to November; they are more deep rooted and they relate to a number of matters that have been on-going for some time. I believe that now is the time to address them, and an independent review will be able to look at them in detail.

George Adam (Paisley) (SNP): Will the cabinet secretary explain something purely to aid my understanding of the need for the review? If the Police Investigations and Review Commissioner has audited the Scottish Police Authority's complaints-handling procedure and the SPA has undertaken its own review, why is the review needed?

Michael Matheson: I welcome the work that the Police Investigations and Review Commissioner has undertaken in auditing the complaints that the SPA has handled, the work that the SPA is taking forward as a result of that audit in reviewing its complaints-handling process and the decision to re-establish its complaints and conduct committee to consider the issues in individual cases. Their work will help to improve the system as it operates at present.

However, as I have mentioned, issues and questions have been raised about the broader framework and operational responsibilities that go beyond the scope of the audit that the PIRC undertook and the internal review that the SPA carried out. In my view and that of the Lord Advocate, those questions can be resolved only through an independent examination that looks at the whole system and its constituent parts and how they collectively work together. That is why we have commissioned Dame Elish Angiolini to undertake an independent review to ensure that we look at all aspects of the system from Police Scotland to the PIRC and the SPA and how the whole process connects, rather than limited aspects to do with just the SPA or the PIRC's work.

Maurice Corry (West Scotland) (Con): The cabinet secretary said that a key outcome of the review will be to ensure that

“roles and responsibilities at all levels are clear”.

Can he confirm that that will include a recommendation that the Cabinet Secretary for Justice should not interfere in the independence of the Scottish Police Authority?

Michael Matheson: Ministers are not involved in conduct matters, which are presently dealt with by the SPA.

Claire Baker (Mid Scotland and Fife) (Lab): I welcome the review and the role of Dame Elish Angiolini. I highlight that those who were listed in the statement for consultation were all police and Crown Office representatives. The cabinet secretary said that Dame Elish may also wish to speak with people who have experience of the current system. I assumed that that meant constituents, but his reply to Rona Mackay suggested that it meant serving officers. Some clarity on that would be helpful.

The cabinet secretary will know that I have raised in the chamber frustrations about the PIRC’s powers in relation to the investigation of the Sheku Bayoh case. I appreciate the difficulties of including live cases in a review and I make it clear that I am not asking for an examination of that case or any pre-emption of the investigation, but the PIRC is a relatively new organisation and the Bayoh family’s experience is critical to understanding where improvements and changes must be made. I hope that the cabinet secretary and the review are able to recognise that.

Michael Matheson: The member has raised the PIRC’s powers on a number of occasions. The review will be able to look at the PIRC’s powers and consider whether they need to be changed in some fashion in the future.

On the member’s point about engagement with individuals who may have been involved in a complaint or conduct investigation process who are not police officers, that will be a matter for Dame Elish to determine, but my view is that it would be perfectly reasonable for the review team to engage with individuals who have experience of the complaints and investigations process who are not officers but non-serving members of the police service or members of the public. However, I am also conscious that Dame Elish will be mindful of the on-going investigation work that is being conducted in relation to the specific case that the member mentioned.

There will be nothing to prevent Dame Elish Angiolini from choosing to engage directly with individuals who have made complaints and people who have experience of the complaints process

who are not police officers, if she considers that to be an appropriate means by which she can gather further intelligence and understanding of how the system operates.

The review is not just about trying to get the process right for police officers; it is also about trying to get it right for those who make complaints and ensuring that the process is balanced and proportionate so that both those who make complaints and those who are investigated can have faith in how the system operates. The system needs to be fair and just in how it deals with both parties.

Clare Haughey (Rutherglen) (SNP): Will the cabinet secretary advise me whether the review will be similar to Dame Elish Angiolini’s review of deaths in custody in England and Wales?

Michael Matheson: The Lord Advocate is looking at Dame Elish’s report on deaths in police custody in England and Wales and considering its implications for us in Scotland. The remit of the review that I have announced today is different from that, but I have no doubt that, once the Lord Advocate has been given the opportunity to consider the findings of that review, he will be able to consider whether there are any implications for us in Scotland.

It is worth keeping in mind that the previous inspection of Police Scotland’s custody facilities, which HMICS undertook in 2014, demonstrated that custody services were being delivered appropriately and to a good standard. However, there will always be potential for improvement. The specific issue relating to Dame Elish’s earlier report is a matter for the Lord Advocate, who is giving detailed consideration of any changes that we need to take into account in Scotland.

The Deputy Presiding Officer: I have been unable to call Graeme Dey. That concludes questions on Michael Matheson’s statement on the Police Scotland complaints and conduct review.

Scottish Crown Estate Bill: Stage 1

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a stage 1 debate on motion S5M-12846, in the name of Roseanna Cunningham, on the Scottish Crown Estate Bill. Before I invite Joe Fitzpatrick to open the debate, I call Michael Matheson to signify Crown consent to the bill.

The Cabinet Secretary for Justice (Michael Matheson): For the purposes of rule 9.11 of the standing orders, I advise Parliament that Her Majesty, having been informed of the purport of the Scottish Crown Estate Bill, has consented to place her prerogative and interests, in so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

The Deputy Presiding Officer: I call Joe Fitzpatrick to speak to and move the motion.

15:39

The Minister for Parliamentary Business (Joe FitzPatrick): In the absence of the Cabinet Secretary for Environment, Climate Change and Land Reform, I will open the stage 1 debate on the Scottish Crown Estate Bill.

The bill proposes a new framework for management of Scottish Crown Estate assets, including reform of the main duties of the manager, because those duties are more than 50 years old. The bill will also confer on the Scottish ministers new powers to change who manages Scottish Crown Estate assets, and opens up the possibility of local authorities and communities taking control of management of assets in their areas.

We want to maximise the benefits of the Scottish Crown estate for communities and for the country as a whole, while ensuring that assets are well maintained and managed, with high standards of efficiency, openness and accountability. That is vital, because the Scottish Crown estate is a diverse portfolio that includes 37,000 hectares of rural land, half of Scotland's foreshore, urban property and sea-bed leasing rights for activities including renewable energy generation.

Until recently, the assets were managed on a United Kingdom-wide basis; the Scottish Parliament received legislative competence for management of the assets under a key recommendation of the Smith commission. At the point of devolution of that management last year, Crown Estate Scotland (Interim Management) undertook management of the assets.

The bill was introduced in January 2018. In line with the Smith commission recommendations, it provides opportunities for councils and community organisations to manage assets themselves. There are two mechanisms in the bill for changing who manages a Scottish Crown Estate asset: first, it can be done through transfer of management to a local authority, community organisation or Scottish public authority, and secondly it can be done by direction of the existing manager to delegate day-to-day management to a local authority, community organisation or Scottish public authority. Under a delegation, the existing manager may continue to hold the ultimate responsibility for managing the asset.

The cabinet secretary's intention is to use the new powers to enable devolution of management on a case-by-case basis. That approach will enable decisions to be taken carefully and with the approval of Parliament, while recognising that a one-size-fits-all approach is not suited to such a diverse range of assets.

The effective and continuing management of the Scottish Crown estate is important for Scotland as a whole. We have therefore made provision in case things go wrong, at any point. We have specified that regulations may require a community organisation to notify us of changes to its constitution that result in that transferee ceasing to be a community organisation. We can also transfer management of an asset from a local manager to Crown Estate Scotland or to the Scottish ministers, as a holding measure, to ensure that tenants are not affected if a community organisation struggles to fulfil its duties in managing an asset.

We have included new duties to maintain and enhance the value of assets, and to obtain market value in a way that is likely to contribute to the promotion or improvement of economic development, regeneration, social wellbeing, environmental wellbeing and sustainable development.

Although buying and selling property is part of management of the Scottish Crown estate, there is a presumption against sale of the sea bed. We have, in the bill, taken powers to restrict or control the power of a transferee or delegate to sell part or all of the asset that they manage. In particular, sales of the sea bed by any manager would require ministerial consent. We think that that will maintain the integrity of the Scottish Crown estate.

Alex Rowley (Mid Scotland and Fife) (Lab): The minister will be aware that many organisations in Scotland believe strongly that sale of the sea bed or foreshore should require the consent of Parliament, too. What is his view on that?

Joe FitzPatrick: Alex Rowley has made a good point. I think that the cabinet secretary has made it clear that Parliament will be an important part of all processes. I am sure that she will carefully consider that point, in due course.

The financial flows from the Scottish Crown estate are not straightforward. I will explain what is entailed in that regard. The Scotland Act 1998 places restrictions on how revenues from assets and activities, minus the cost of managing the assets, are paid to the Scottish consolidated fund. The UK Government's annual block grant to Scotland has been reduced by the estimated amount of net revenues that Scottish Crown Estate assets earned in 2016-17—a reduction of £6.1 million. Whoever manages the assets clearly has to maintain and seek to enhance their value, and the income arising from them, otherwise Scotland will be out of pocket.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I am sure that the minister will welcome the fact that how Crown Estate Scotland is to manage assets will not be simply a financial issue, and that sustainable management will also be an important part. I am sure that that will be widely welcomed.

Joe FitzPatrick: Stewart Stevenson has made a good point. The bill makes specific allowance for that, and for the importance of maintaining and potentially enhancing the assets that we have, which are assets for Scotland.

Outwith the bill, we are committed to distributing to island and coastal local authorities the net revenue that is generated by marine assets out to 12 nautical miles. That local function will not be hypothecated, but we expect local authorities to be transparent and to be accountable to their communities for how that money is spent.

When management of the Scottish Crown Estate's assets was devolved, we inherited arrangements that allowed the manager of an asset to retain 9 per cent of the gross revenue for investment in the estate—for example, for new farm buildings or for purchase of new assets. We are keeping in the bill the ability for a manager to retain a proportion of gross revenue for investment in maintaining the estate. However, we are taking the power to be able, in the future, to vary the percentage that can be invested. It might be that some assets need more capital investment than others, so we want to provide for that.

The bill also seeks to ensure that assets can, in the future, be maintained through cross-subsidy. It is important to keep the ability to cross-subsidise when there are several local managers of Scottish Crown Estate assets. We are therefore taking powers to direct a manager to transfer money to other managers' accounts. In that way, a

community could take over management of a local asset if there were a good case demonstrating the benefits of that to Scotland, even if the asset did not currently generate enough income to cover costs. To be clear, such money would come from a manager's Scottish Crown Estate accounts and not from their other accounts. The bill requires a strict separation between a manager's Scottish Crown Estate accounts and any other accounts that are held by them.

We are clear that a robust governance framework is required in order to provide the Parliament and citizens of Scotland with assurances and transparency concerning management of the Scottish Crown estate. The bill sets out a national governance framework that specifies accounting and reporting procedures to ensure sufficient openness about the management of assets—local or national.

The framework also comprises a national strategic management plan, managers' management plans, annual reports from managers, and measures to promote consistency in reporting and accounting. The strategic management plan and annual reports will be laid in Parliament so that members can oversee management of the Scottish Crown estate. The bill provides for members to approve transfer of the management of assets, and accounts will be audited by the Auditor General. That all provides a robust but proportionate framework for governance and oversight of a valuable portfolio of assets, of which this Parliament now has stewardship.

I have set out the purpose of the bill, which enables the Scottish Crown estate to be used for the economic, social and environmental benefit of Scotland and its people. I appreciate that it is a highly technical piece of legislation, so I thank members of the Environment, Climate Change and Land Reform Committee for the careful and constructive way in which they have dealt with the various issues.

I move,

That the Parliament agrees to the general principles of the Scottish Crown Estate Bill.

The Deputy Presiding Officer: I call Graeme Dey to speak on behalf of the Environment, Climate Change and Land Reform Committee—for up to eight minutes, please.

15:48

Graeme Dey (Angus South) (SNP): As convener of the Environment, Climate Change and Land Reform Committee, I very much welcome the opportunity to highlight its views, as contained in its stage 1 report, on the Scottish Crown Estate

Bill—albeit that time constraints will curtail the detail that I will be able to go into on our views.

The committee welcomes devolution of the Crown estate as a significant recommendation of the Smith commission report, having previously supported the interim arrangements for management of the estate that were put in place in April 2017.

The committee welcomes the Scottish Crown Estate Bill and its provision for the longer-term management of Scottish Crown Estate assets, including 37,000 hectares of land, sea bed, mineral and fishing rights, coastlines and rural estates. The bill provides a clear focus on ensuring that the estate's assets are managed sustainably by those who are best placed to do so—whether that be Crown Estate Scotland, a local authority or a community group.

The committee supports the intention of the bill, which seeks to move beyond a focus on profitability and to encompass other factors including regeneration, social wellbeing, environmental wellbeing and sustainable development, when deciding how an asset should best be managed. That is the right approach, which seeks to recognise that there is a different ethos in Scotland.

However, the committee believes that there is scope to go even further. The committee therefore welcomes the Scottish Government's commitment, in its response to our stage 1 report, that it will consider guidance to ensure not only that the wider environmental factors are taken into account, but that their consideration can be clearly evidenced.

As part of the committee's consideration of the bill at stage 1, we heard from a range of stakeholders, including representatives of Crown Estate Scotland's four rural estates, representatives of its non-agricultural assets, and stakeholders who are involved in the strategic direction and governance of Crown Estate Scotland. The committee also carried out a confidential survey of existing Crown Estate Scotland (Interim Management) staff to ensure that their views or concerns would be captured in our work. The committee records its thanks for the evidence that was provided by them all, and for the constructive engagement that we enjoyed.

The committee was pleased to note that many of the Crown Estate's tenants had already noticed significant improvements since management of the estate was devolved to Scotland, including the creation of tenants groups on the four rural estates, which has led to improved communication between tenants and factors. The committee is hopeful that the bill offers an opportunity to make further progress.

Although the committee is broadly supportive of the general principles of the bill, we have made a number of recommendations about what should be included in it, and what should be left to regulations and guidance. The Delegated Powers and Law Reform Committee also made a number of recommendations with which the Environment, Climate Change and Land Reform Committee agrees. Broadly, those recommendations seek to ensure that when significant decisions are taken about the future of the Crown estate, there is sufficient parliamentary scrutiny of each decision—although the committee is conscious of the need to strike an appropriate balance between matters that are operational decisions for Crown Estate Scotland and those that require further scrutiny.

The bill offers opportunities to local authorities and community organisations to take on management of Scottish Crown Estate assets, but the committee believes that the sea bed, as a national asset, should continue to be managed nationally and that the bill should be amended to ensure that it cannot be sold, under any circumstances. The committee recommends that the Scottish Government outline clearly which Crown Estate Scotland assets it anticipates will continue to be managed on a national basis and which can be devolved to local management.

The extent to which the Crown estate in Scotland is likely to become fragmented as a result of the bill was a cause of concern among some stakeholders. The committee also considered cross-subsidisation, which happens when the income from one asset subsidises a less-profitable asset. That process currently works well on a national basis, but it might prove to be problematic in the future. The committee has therefore recommended that Crown Estate Scotland establish and maintain a list of assets that outlines which of them are profit making and which are loss making, and that clearly sets out any associated liabilities.

The committee is also of the view that the process to manage cross-subsidisation of assets should be subject to affirmative procedure, and that a definition of what constitutes "significance" or "significant value" in relation to an asset should be clearly set out in the bill.

Managers of Crown Estate Scotland assets can currently retain 9 per cent of gross revenue for reinvestment in an asset. The committee is keen to ensure that the definition of "community" extends to communities of interest, in order to allow broader interest groups to be able to take on management of assets, and it is keen that such groups be appropriately supported in doing that. I therefore welcome the Scottish Government's

undertaking that it will consider the matter further in advance of stage 2.

The committee sees clear benefits in retaining national oversight of the Crown Estate's rural estates, offshore renewables, energy-related assets and other cables and pipelines, although it acknowledges that, on occasion, it might be beneficial for an asset to be managed locally, and that we therefore need to retain provision for that.

The committee is content that local authorities should, when they can demonstrate appropriate expertise, be able to manage smaller-scale tidal and wind projects within 12 nautical miles of their shores. The committee therefore welcomes the Scottish Government's commitment that that process and the criteria for it will be included in guidance, that the guidance will be available by the time the sections on transfer and delegation come into force, and that there will be further consideration of the inclusion in guidance of a definition of "good management".

Crown Estate Scotland tenants are generally happy with how Crown Estate Scotland is being run. Tenants feel that devolution has brought an increased feeling of connectivity with the estate, improved communication and more involvement in decision-making processes. Tenants regard Crown Estate Scotland as a good landlord, and feel that the Scottish Crown Estate Bill offers the opportunity to make further improvements to how the estate is run.

The Committee seeks further clarification from the Scottish Government about the rationale for setting the figure for retention at 9 per cent, why there are no plans to alter that, and what arrangements it will put in place to ensure that 100 per cent of net revenues that are generated out to 12 nautical miles will be used for the betterment of coastal communities.

The bill contains a number of useful mechanisms that are designed to improve transparency and accountability. The concept "good management", however, remains undefined. The committee suggests that the Scottish Government consider including a definition of that in the bill or in guidance, and that the process and criteria for deciding the suitability of a potential manager be clearly set out in guidance.

The committee agrees that the bill will bring benefits not just to the Crown estate, but to Scotland as a whole, by ensuring that community empowerment and sustainability are at the heart of Crown Estate Scotland's future. I am therefore pleased, on behalf of the Environment, Climate Change and Land Reform Committee, to commend the general principles of Scottish Crown Estate Bill to the Scottish Parliament, and to recommend that the motion be agreed to.

15:56

John Scott (Ayr) (Con): I begin by declaring an interest as a farmer and for other interests I refer members to my entry in the register of members' interests. I welcome the stage 1 debate on the Scottish Crown Estate Bill and say at the outset that Scottish Conservatives will support the bill at decision time.

It is worth noting at this stage that the income for Crown Estate Scotland that previously went to the UK Treasury will now accrue to the Scottish Government, and how the Scottish Government manages those assets in the future will determine the level of income that the Scottish Government will receive from them. Under the bill, as well as delivering an income to the Scottish Government, Crown Estate managers might also be expected to deliver additional benefits, including contributing to sustainable development, delivering on economic regeneration, and delivering on social and environmental wellbeing.

It is also important to note that the bill will allow for management of assets to be devolved to local authorities and other community groups and bodies. Scottish Conservatives welcome that further devolution of the management and transfer of assets, always provided that potential new managers and owners have a full understanding of the obligations and responsibilities such transfers require. However, landlocked local authorities such as South and North Lanarkshire and East Renfrewshire must not lose out on the benefits of the seas simply because they do not have a coastline.

Ambition alone will not be sufficient for such transfers to local authorities and communities, and any application to either manage or own assets that are currently under the care of Crown Estate Scotland must be subject to a strong business case being presented and due diligence being carried out by Scottish ministers. Any such proposal must also be subject to Scottish ministers assuring themselves that those who wish to embark on managing or owning Crown Estate assets have a full understanding of the actual and potential risks and liabilities that are attached to their proposals.

Scottish Conservatives are concerned that the transfer of the management of assets from Crown Estate Scotland could lead to the fragmentation and loss of expertise in the Crown Estate itself. Self-evidently, the more assets that are transferred from the Crown Estate, the harder it will be for Crown Estate Scotland to provide income to the Scottish Government, and a balance will need to be struck and an understanding reached between the Scottish Government, Crown Estate managers and interested third parties on the cost to the

Scottish Government of transferring assets out of the current management structure.

Further, the more assets that are transferred from the Crown Estate, the harder it will be for cross-subsidisation between different parts of the estate if the size of the portfolio of the whole estate reduces year on year. If the portfolio of assets is reduced regularly, the income due to the Scottish Government and the 9 per cent investment income will also reduce.

On land management issues, Scottish Conservatives fully support the view of the Scottish Tenant Farmers Association, NFU Scotland and the tenants themselves that the national management of the four rural estates should be continued through Crown Estate Scotland. In principle, of course, that should not be subject to ministerial micromanagement and interference. That is why it is important to be clear from the outset—in the bill and in the guidance issued—what the remit of Crown Estate Scotland will be in that regard.

In practice, however, the temptation for ministers to interfere and the pressures on them to intervene in the day-to-day running of Crown Estate Scotland will be huge. A perfect illustration of that is the proposed sale of Auchenhallrig farm—part of Fochabers estate—by Crown Estate Scotland. Clearly, the proposed sale is, in Crown Estate Scotland's view, being done for sound business reasons and for the benefit of the estate as a whole, yet the STFA is seeking to stop the sale as it will further reduce the dwindling amount of tenanted land available to incoming tenants across Scotland.

Although that is just an early example of the difficult decisions on which Scottish Government ministers will be under pressure to intervene, the proposed new criteria under which Crown Estate land managers will have to work will only make the pressure for ministerial intervention even greater, as we move away from the delivery of revenue to the Treasury as the sole measure of success of Crown Estate Scotland and towards the measures of success including the delivery of sustainability, social and mental wellbeing, and economic regeneration.

A whole new lobbying industry is probably about to be born that will seek to spend the revenues that the Government hopes to receive from Crown Estate Scotland. The need for clear direction in the bill and for guidance to be in place from day 1 could not be more important for the managers of Crown Estate Scotland if they are to provide a reasonable yield on their assets to the Scottish Government in the face of the much greater expectations that will be placed on them.

Alex Rowley: I appreciate that there may be a new lobbying industry, but do you think that there is an opportunity for tenants themselves to have a greater say?

The Deputy Presiding Officer: Always speak through the chair, please, Mr Rowley.

John Scott: Yes, I do, and I think that it is working well at the moment. I am pleased about the recent improvements in that regard, such as the tenants forum that has been set up.

I turn to other assets of Crown Estate Scotland. The Scottish Conservatives share the view of the committee that the sea bed should not be sold off, except perhaps in the most exceptional circumstances—that is just my own view—and we urge the Government to address that issue at stage 2.

We also recommend the retention within Crown Estate Scotland of the expertise to deal with offshore wind applications in particular and offshore energy and renewable energy applications in general.

The Scottish Conservatives believe that there is a significant and valuable body of knowledge within the Crown Estate staff that is at risk of being dispersed if too many assets are transferred from the Crown estate to local authorities and community groups, and the loss of such expert knowledge could reduce the critical mass of the management team, which is vital for good decision-making.

I turn to communities—

The Deputy Presiding Officer: No—you will have to close very quickly, please, Mr Scott.

John Scott: I conclude by welcoming the bill. We will support it at decision time and we will seek to improve on it at stage 2.

16:03

Claudia Beamish (South Scotland) (Lab): Scottish Labour supports the principle of the Scottish Crown Estate Bill. However, we would like to highlight some concerns about some aspects of the bill before we proceed to stage 2. I also intend to reflect on the recommendations of the ECCLR Committee, building on the comments of our convener, Graeme Dey.

In its briefing, the Law Society of Scotland rightly highlights the need for

“full transparency and accountability in relation to management of the Estate”,

and the RSPB Scotland briefing stresses that this is a “step change”. Although both might seem to be obvious comments, they are at the core of the future of the Crown estate once its management is

devolved, a move that Scottish Labour heartily welcomes.

I have long argued, along with others, for the mission of the Crown Estate to have a social remit and indeed an environmental one, setting sustainable development at its heart. Now, by devolving the powers and setting out the governance arrangements in this bill, Parliament has the opportunity to enshrine this inclusive and empowering way forward in statute.

The bill seeks to enshrine the principles of good management of the Crown estate. I ask the minister and, indeed, the cabinet secretary—I wish her well and perhaps she can reply to this when she is better—what the criteria are for good management of a public asset in the 21st century. Scottish Labour is pushing to strengthen the principles and looking to place an obligation on managers to take account of enhancing regeneration, social wellbeing, environmental wellbeing and sustainable development, in parallel with the obligations for a financial return. Thus, managers could be required to consider issues beyond financial ones and report on how they take those into account. In my view, the most straightforward way to do that would be to change “may” to “must” in section 7(2) but, then, I am not a lawyer.

The ECCLR Committee felt that the Scottish Government should consider rewording the duty on decision makers in section 7(2) in deciding how an asset should be managed. Further, the committee

“believes this should be the case even if such consideration leads to the conclusion that a factor may not be relevant.”

The cabinet secretary has recognised that concern and I am pleased that she will consider it carefully.

Although Scottish Labour recognises the national significance of the Crown estate to Scotland, that should in no way prevent further devolution from taking place to local authorities, and particularly although not exclusively to island authorities, as highlighted by the Smith commission. There must be a process for that in relation to Highland Council, Orkney Islands Council or any other council. We wish the councils well in that process if and when the bill is passed. Steven Heddle, the environment and economy spokesperson for the Convention of Scottish Local Authorities, has stated:

“Paragraph 8 is at the start of the section titled ‘Local versus National Management’. It is worth stating that we do not view the future of the Crown Estate in such binary terms. Much like for Scottish devolution, we view the devolution of the Crown Estate as an evolving process which can change over time.”

Other members have talked about the ownership of the sea bed, which is a national

asset. That is indeed a challenge. The ECCLR Committee says that the sea bed should be sold only in very rare circumstances. The Scottish Government will consider our recommendations for amendments to ensure that the sea bed cannot be sold. There should be a little more consideration of that before stage 2.

Edward Mountain (Highlands and Islands)

(Con): I take the point about the sale of the sea bed, but there is also concern about very long leases on the sea bed, which might not have break clauses in them. Does the member share my concerns on that?

Claudia Beamish: I have not considered until now the issue of break clauses but, with long leases, there should be very clear criteria as to appropriate management, as with the other arrangements for the devolution of management.

The committee made the argument, which Scottish Labour supports, that community managers should have support where necessary. However, we should not assume that, simply because they are community organisations, they will need more or less support than any other managers. Scottish Labour concurs with the committee’s belief that

“the current definition of ‘community organisation’ in ... the Bill is based around geographical factors alone and, as such, may not encompass ‘communities of interest’.”

That is a concern. The committee says that it would be helpful if the bill was in line with the similar provisions in the Community Empowerment (Scotland) Act 2015, and the committee recommends that the Scottish Government reconsiders the definition of community ahead of stage 2. I look forward to hearing from the cabinet secretary on that after she has reflected on it.

Scottish Labour believes that the consideration of community ownership in the bill is a significant issue, in view of the unjust patterns of ownership that continue intractably in Scotland. We should not rule out enabling communities to have ownership of particular assets and allowing them the autonomy and democratic process as community landowners to shape how those assets are used in practice. However, I grasp the point that there is a need to avoid fragmentation of the Crown estate.

The Deputy Presiding Officer: You must come to a close, please.

Claudia Beamish: I will—thank you.

My colleague Colin Smyth will go into some detail about tenant farmers, who also need to be protected.

As I said, we support the principles of the bill.

16:10

Andy Wightman (Lothian) (Green): This is a historic moment, as the Parliament debates legislation on the Crown estate. For the best part of 40 years, there has been an active campaign by, for example, the *West Highland Free Press* and politicians such as Brian Wilson and Michael Foxley to eliminate the malign influence of the Crown Estate Commissioners. I particularly commend the Crown estate review working group, which reported in 2006. That report from seven local authorities and COSLA brought the issue to public attention.

The estate comprises a range of Crown property rights, which are an intrinsic part of Scotland's system of land tenure, as well as other conventional modern property acquisitions. Those rights were administered in Scotland until the 1830s, when control went south, leaving only bona vacantia, ultimus haeres and treasure trove rights, which, to this day, are administered by the Crown Office, with revenues paid to the Scottish consolidated fund.

John Scott: On a point of order, Presiding Officer. Is it parliamentary language and reasonable to use the word "malign" in describing Crown Estate officers who have been only, and absolutely properly, discharging their duties entirely within the law and their remit and doing that job extremely well?

The Deputy Presiding Officer: I will look carefully at the *Official Report*, although what members say in the chamber is their responsibility. I did not hear the phrase very clearly. No offence to Mr Wightman, but I was not listening closely at that point. However, I will consider the matter and come back to you on it, Mr Scott.

Andy Wightman: It is important to note two substantive things. First, Crown property rights and interest in Scotland have, for centuries, been defined by Scots law and that remains the case. Secondly, for most of their history, those rights have been administered in Scotland and the revenues have flowed to the Scottish exchequer, with only a short hiatus between 1830 and 2017. For example, they never formed part of the civil list, although England's Crown revenues were surrendered in 1760. In other words, it is a distinctive, historical set of rights that belong to Scotland.

Attempts to devolve the powers in 1998 were blocked by the Treasury and the palace, with only the Crown's property rights and the Crown prerogative included in the Scotland Act 1998. In 2014, the Smith commission recommended that management and revenues be devolved. Despite UK Government guarantees that the Smith commission report would be implemented in full,

legislative competence for the revenues of the Crown estate was not devolved as it should have been.

The bill proceeds on the assumption that the Crown estate is a coherent suite of assets that, by law, must be maintained as an estate in land on behalf of the Crown. The Greens reject that assumption. The Crown estate is a feudal relic. It is an ad hoc estate of rights that includes everything from gold and silver, everywhere from a lock-up garage in the new town to the island of Rockall. Our goal should be to sweep away that anachronism and not perpetuate it in a framework of complicated management and delegation powers.

To put it simply, Scotland's ancient Crown property—the regalia majora and minora—should be abolished and the rights converted or transferred as appropriate to other legal bodies. For example, despite the transfer of administration in 2014, there is no good reason why the mediaeval right of the Scottish Crown to naturally occurring mussels and oysters has any place in the modern statute book. The bill should abolish that right and confirm the species as *ferae naturae*—wild animals.

More substantially, the Crown's right to the foreshore should be abolished. As the Scottish Law Commission notes in its 2001 "Discussion Paper on Law of the Foreshore and Seabed", the Crown's right to the foreshore is a patrimonial right that is derived from the Crown prerogative, although even that is, in the commission's words, "The predominant modern theory". The bill provides the opportunity to modernise the legal basis for the ownership of the foreshore, abolish the Crown's rights and vest title in Scotland's local authorities rather than have a complicated scheme of delegated management.

Similarly, as there is no statutory basis for the Crown's ownership of the seabed, the bill could vest it in the Scottish ministers and create an equivalent to the national forest land scheme to enable transfers of title to Scotland's 248 local authority harbours and 46 trust ports. That would end decades of legal disputes and conflict.

The Smith commission recommended that the responsibility for the management of Crown property be further devolved to local authorities. The bill makes provision for regulations to enable that but contains no statutory right. We will lodge amendments to make it clear that that transfer is a statutory right that is subject only to due process.

Graeme Dey rose—

The Deputy Presiding Officer: No, Mr Dey. Mr Wightman has to close.

Andy Wightman: Greens were elected to bring bold and transformative ideas to Holyrood. The Crown estate is a perfect example of where that is needed.

16:14

Tavish Scott (Shetland Islands) (LD): It is a good step that the Parliament is taking the powers of the Crown Estate, but I am with Andy Wightman—I am for a much more radical approach to the organisation. I will give John Scott two further examples of why we should do an awful lot more than just adopt an incredibly complicated and highly technical approach—the minister was right about that—to sorting out the issues.

When any trust port in Scotland decides to extend a quay or deepen a navigation channel, what does the Crown Estate do? It charges for that. The Crown Estate owns the asset, but does it invest in that? No—the trust port invests in it. The trust port deepens the navigation channel to allow for bigger ships or it reclaims land to improve the quay space, but it pays for the privilege of improving the asset that the Crown Estate owns.

If John Scott doubts the need for radical reform, I will give him a further example. When I handled such issues in a previous job back in Shetland, the Crown Estate passed to councils the job of handling applications for licences for aquaculture development, but the Crown Estate took the rental income. We did the work, but it took the income. The need for reform is considerable.

I will speak in particular about the sea bed. In relation to Crown Estate assets on land, other members might talk about farm tenants and others, but a much stronger devolved approach is needed to the sea bed inside 12 miles—there is an argument for dealing with the area outside 12 miles, too. A different approach for Scotland is needed that is based on the assets that exist.

Steven Heddle's letter, which Claudia Beamish quoted from, sets out a coherent case for why island authorities—and others, if they so wish—should take on such responsibilities. The issue concerns local versus national management. The logic of the argument that everything must be done nationally suggests that Shetland Islands Council could never run the Sullom Voe oil terminal, which it has run for 40 years. In 1978, we dealt with the spillage of oil from the Esso Bernicia tanker in the confines of the voe. We had to put in place pollution prevention measures and we established what became a gold standard for dealing with oil spills. I do not remember anyone saying then that we should sweep away such powers and have all such facilities run by a quango—*[Interruption.]* If Edward Mountain wants

to intervene, he is welcome to, but he should stop telling me that I am wrong from where he is sitting.

Edward Mountain: I am not telling you that you are wrong.

The Deputy Presiding Officer: Please speak through the chair.

Edward Mountain: I am sorry, Presiding Officer. I am not telling the member that he is wrong, but I wonder whether the law that applies to the sea bed and the coastline is exactly the same on the islands of Shetland and Orkney as that for the rest of Scotland. It would be helpful if Tavish Scott clarified that for me and other members.

Tavish Scott: I will not get into udal law—Andy Wightman, Stewart Stevenson and I might debate it, but not today—although an interesting question needs to be teased out by our learned friends on the bench. If Mr Mountain was referring to that, he will forgive me for not mentioning it today.

My point is about local versus national management. Shetland Islands Council and other local authorities that have marine responsibilities have been doing what we call marine spatial planning and what the Government calls the Marine (Scotland) Act 2010 approach for a lot longer than this place has been thinking about marine acts. I therefore do not accept the central contention that local government cannot be innovative and cannot come up with the right solutions to move the powers on and enable them to drive forward sustainable economic development in island and coastal communities.

That is why we need a much stronger approach, which is the epitome of what the Smith commission discussed. In the week when we discussed everything about the devolved powers of this place—a week that I will never get back—one of the few areas that all the political parties were in absolute agreement on was the need for change, for the Crown Estate's powers to be devolved to this Parliament and for us to make decisions. However, we must get that right.

I cannot disagree more with the suggestion that nothing should ever be sold, because trust ports have been able to sell small parcels for many a year. Members who think that that ability should be taken away from trust ports would reinstate the worst management that we dealt with from London for decade after decade. If we asked those in trust ports around Scotland's coast, they would say that such an approach was not right. It would not be right to replicate in Edinburgh the management that we did not care for from London.

I do not know what evidence the Environment, Climate Change and Land Reform Committee took on that, but the committee needs to reflect on an

issue that is about the sustainable development of trust ports across Scotland, including the sensible provision to allow the purchase of small areas of sea bed under a pier after a trust port has invested in them. There is much that needs to be done here.

Although there is much in the bill that is good, the minister made a fair point, which is that we should not get bogged down in highly difficult, technical details and constructions of systems. We should do some radical things to shake the situation right up.

The Deputy Presiding Officer: We move to the open debate. Time is quite tight, so I ask for speeches of no more than 5 minutes, please.

16:20

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I draw members' attention to my registered small agricultural holding.

I will respond first to something that Tavish Scott said. I cannot find where it says in the bill—although I know that it is there—that it is possible to sell assets, provided the proceeds are used to purchase another heritable asset. That may not be a complete answer to Tavish Scott's point.

I respond to the suggestion that this is a technical bill by making a few technical points that go beyond the Environment, Climate Change and Land Reform Committee's consideration of the bill. A particular point relates to section 6(2)(a), which requires that a body that takes over the management of an asset has to have

"no fewer than 20 members".

I invite the Government to have a wee think about that and build in some flexibility. I am thinking in particular of the recent buyout at Ulva, where, because of the way in which the community was defined, consent was required by a large number of people who were not on Ulva. There might be similar circumstances in future.

Andy Wightman: Will the member take an intervention?

Stewart Stevenson: I will make progress, if the member does not mind.

I want to make a few points about finance. Managers of assets that have been devolved to local communities are allowed to have other interests, although they have to keep the accounts for the Crown Estate asset separate from the accounts for any other assets. That is a perfectly proper provision. However, the aggregation of a Crown Estate asset with one that is not from the Crown estate may add to the value of the two assets. There is an unresolved question in the bill

as it is currently drafted about how the income and liability should be divided.

Speaking of which, I refer to section 3(4)(a), which relates to a transferee ceasing to exist. It says:

"the function, and any rights or liabilities, transferred to the transferee ... are to transfer to another person".

There is a wee bit of an awkward construct there in relation to liabilities if a community organisation becomes insolvent. Such an organisation is likely to be registered under the companies acts and therefore there will be provision for insolvency. It would be very unusual for the liabilities not to be extinguished at the point of insolvency; instead, we are legislating that they be transferred to someone else. In some very unlikely circumstances, a degree of irresponsibility could arise, where liabilities never rest on the shoulders of those who should be responsible for them. I invite ministers to have a wee think about that.

Section 14 limits the granting of a lease to 150 years. The period is a slightly odd choice; the period in the Long Leases (Scotland) Act 2012 is 175 years. Mr Wightman in particular will remember that because, as minister, I worked with him on that subject. I heard Edward Mountain refer to long leases of the sea bed. If a lease was more than 175 years, the 2012 act converted it to ownership. I post that as an interesting little aside, because I do not know whether there are any cases in which that has happened.

Primarily, I want devolution in relation to Crown Estate assets to work to the maximum possible degree. I am less interested in local authorities taking responsibility, although clearly there are areas in which that is appropriate. The success of what we are doing here will depend on our getting good, effective devolution down to quite small communities for which it may make a substantial difference.

The bill is relatively silent on the issue of community and there is some advantage in that. The Ulva buyout illustrates that as, although we were able to make the land reform provision for community buyouts work, it worked in a very odd way, because only a tiny minority of those who had to give permission were on Ulva. It is worth looking at that.

Paragraph 342 of the report draws attention to the absence of an

"up-to-date assessment of the condition of Crown Estate assets in Scotland".

I welcome the fact that that is being remedied, because lack of knowledge of one's assets is the road to economic and financial perdition.

I wish the bill every success.

16:25

Peter Chapman (North East Scotland) (Con): I declare an interest as a partner in a farming business.

I am pleased to be involved in today's debate on an important piece of legislation that follows from the Smith commission recommendations in the Scotland Act 2016. The act was delivered by a Conservative Government and it allows the devolution of the management of the Crown estate to the Scottish Parliament.

Andy Wightman: Will Peter Chapman take an intervention?

The Deputy Presiding Officer (Christine Grahame): There was a big heavy sigh, but the member will take an intervention, Mr Wightman.

Andy Wightman: Does the member agree that, contrary to what the Smith commission recommended on devolving the management of the revenues, the revenues remain reserved under paragraph 3(3)(a) of part 1 of schedule 5 to the Scotland Act 1998?

Peter Chapman: I must bow to the member's superior knowledge. I cannot comment, as I really do not know.

We are broadly in support of the recommendations in the ECCLR Committee's report.

The Crown estate in Scotland comprises a wide range of assets that includes rural estates; rights to fish wild salmon and sea trout in river and coastal areas; rights to naturally occurring gold and silver in most of Scotland; some moorings, ports and harbours; the sea bed out to 12 nautical miles; the rights to offshore renewable energy and gas out to 200 nautical miles; and business property in Edinburgh.

The bill allows for further devolution of management of powers to local authorities, public bodies and community organisations. The ECCLR Committee is of the opinion that, although powers may be further devolved, some assets should remain under national management. The Scottish Government needs to make it clear which assets must be retained under national control and those that may be devolved to a local level. My concern is that the devolution process might lead to the wholesale fragmentation of the estate, which, if it were to happen, would be a mistake.

Crown Estate Scotland tenants are generally happy with how the Crown estate is being run during the transition phase. Tenants report that devolution has brought significant benefits, including connectivity with the estate, improved communication and more involvement in decision making.

The bill provides for a number of mechanisms that are designed to provide transparency and accountability in the management of assets. However, more needs to be done in the bill to provide clarity on how suitable, able and knowledgeable those who are applying to manage assets actually are. A further issue is that, although a policy of operating cross-subsidies across different assets works well at present, there is the potential for that to become more complex once assets are devolved to a local level.

I endorse the ECCLR Committee's concern about the lack of financial flexibility in the bill. I agree that there are significant benefits in Crown Estate Scotland having the ability to hold capital reserves for strategic investment, and to retain revenue to service capital expenditure. The historical figure of 9 per cent gross revenue that can be retained needs to be reassessed.

Agriculture tenancies should remain centrally managed, reflecting the wishes of the tenant farmers. Tenants are concerned that local authorities might take control of the agricultural holdings of the Crown Estate. We are also concerned about that and recognise that the Crown Estate is seen as an excellent example of a landlord that works well with its tenants, and that is prepared to offer long-term stable tenancies and to invest in its farms for the long-term good of the estate.

Claudia Beamish: Will the member take an intervention?

Peter Chapman: I do not have time—I am sorry.

There is also the possibility that new young entrants into farming might be offered subsidised rents for an initial period to allow them a start. National management is therefore vital. That is what the tenants wish to see, and it must happen in the long term.

The bill is clear that assets must be managed in a way that leads to sustainable development. Factors such as social and environmental wellbeing, as well as profitability, must be taken into account in all management decisions. We on the Conservative side of the chamber recommend a measured approach to how island communities and island local authorities are dealt with in the process of devolving management powers. The Islands (Scotland) Bill that has just been passed by Parliament has raised expectations, and island authorities may be well placed to take on the management of assets around their coasts. Pilot schemes should be put in place as soon as possible to allow that to happen.

We are broadly supportive of the bill at stage 1, and I look forward to opportunities to strengthen

and fine tune the bill as it makes its way through the process to becoming law.

16:30

Richard Lochhead (Moray) (SNP): I welcome the debate and thank the committee for the stage 1 report, the Scottish Government for all the effort that it has put in and all the campaigners down the years for the achievement of the devolution of the Crown estate.

According to the Scottish Parliament information centre briefing, this journey has been long—it has taken us 952 years to get here, so I understand the impatience of those who wanted to get everything right on the first day of devolution. However, according to the briefing note, the Crown Estate dates back to 1066 and, since 1760, the net income has been transferred to the Exchequer under successive civil list acts. It has, indeed, been a long journey and we should celebrate that we have got here. We are now 19 years into devolution, so it has been a lot longer than any of us expected, especially for those of us who have been involved in this debate for many years.

A few years ago, when we finally persuaded representatives of the Crown Estate to come to the Parliament's committees, they gave bare outlines of financial figures but there was not a lot of transparency. At that time, it was seen as a breakthrough because for many years—those 952 years—there had been no transparency. The debate has been around the fact that our natural assets should be used for the benefit of the people of Scotland, particularly the communities that are closest to the Crown estate; our tenant farmers should not be working their socks off, nor should other more tangible assets be being used, to generate net revenues to go to the UK Exchequer in London. We are now much further forward and there is huge potential to ensure that our natural assets work for the benefit of our communities and the Scottish national interest.

In my Moray constituency, I have had a long-standing interest because of the Fochabers and Glenlivet estates, the coastline of the Moray Firth, fishing rights in the rivers and other assets, such as the harbour in Portgordon, which is owned by the Crown Estate. Our local communities in Moray have called for change for a long time and they welcome the devolution of the Crown estate. The key will be to show that things are different. It is fantastic that, in the bill, the Scottish Crown Estate has a new remit of

“economic development ... regeneration ... social wellbeing ... environmental wellbeing”

and

“sustainable development”.

Although we must address the balance between continuity and change, because we want to show that things are different, we will need an element of continuity. The tenant farmers in the farm estates in my constituency, for example, want to ensure that we get the benefits of devolution but we must also ensure that the Crown Estate as a whole will continue to exercise the ability to invest in the many tenant farms in Moray and throughout the whole of Scotland. We must strike that very careful balance.

I am pleased that the committee report recognises that point in the division between what should be managed nationally and locally. Many issues should be managed locally; representatives of the Findhorn Village Conservation Company, which has now taken over land through an award from the land fund, reminded me when I met them just yesterday that Findhorn bay has mooring fees that go to the Crown Estate. They, of course, would like those fees to support Findhorn's local community. Therefore, there is a strong case for further devolution of management of the assets in some areas, but for other assets, such as tenant farms and the farming estates, to be managed nationally. I know that my local tenant farmers are loth to accept the idea that Moray Council—a more local body—should take control, because that would raise all kinds of issues about the viability of those estates in the years ahead.

That takes us to another key tension, which is how to have cross-subsidisation at the same time as the ability to allow a local community to take control of some assets to generate revenues for the overall Crown Estate. Of course, that would be made very difficult in the years ahead if there was fragmentation of those assets. I therefore agree with the Scottish Government that, as we move forward, we should take a cautious approach to some of the tensions and debates. If there was fragmentation of the Crown Estate's assets, there could not be that cross-subsidy, which would lead to financial and liability issues for the tenant farms in particular but also for other assets.

However, we have to have that balance as people will want to know that things are different and that the Crown Estate will be much more responsive to local needs and will work in partnership on them. I would like the Scottish Crown Estate to be given the ability to have joint ventures and more commercial operations. I am pleased that the stage 1 report addresses that as well.

During the debate over the devolution of the Crown estate, I remember that we could not persuade the UK Government to devolve the Fort Kinnaird asset to Scotland. In that regard, I note reports in the media last week that the Crown Estate—not the Scottish Crown Estate, but the

Crown Estate for the rest of the UK—which refused to devolve the Fort Kinnaird asset, despite the fact that it is in Scotland, which was an absolute scandal, has sold that asset for £167.3 million to M&G Real Estate. Now we know why the UK would not devolve that asset to Scotland: it is because it wanted to con us out of that £167.3 million.

The Deputy Presiding Officer: I am afraid that you must conclude.

Richard Lochhead: I wish the Scottish Government well in consulting communities as we move forward.

16:36

Colin Smyth (South Scotland) (Lab): I am pleased to speak in this debate, which paves the way for another of the Smith commission recommendations to be delivered. I commend the work of members of both the Environment, Climate Change and Land Reform Committee and the Delegated Powers and Law Reform Committee in scrutinising the bill. There is a great deal to welcome in it and I am happy to support the bill's general principles.

One of the important themes to come from the Smith commission was the view that devolution cannot just be about powers transferring from one Parliament to another but must also be about devolving powers to our local councils and communities. The bill is an opportunity to halt the centralising drift that we have seen in Scotland in recent years and to enact the view of the Smith commission that the management of the Crown Estate assets in Scotland should be devolved as far as possible to our local communities. The ECCLR Committee's report notes that

"local communities have unique local knowledge, are motivated to ensure the continued success of an asset and are likely to have imaginative ideas about how to develop that asset further in future."

The bill makes welcome provision for both local authorities and community organisations to be managers. However, there remains a lack of clarity on what that means in practice. I therefore support the committee's view that the Scottish Government should

"clearly outline which assets it anticipates will continue to be managed on a national basis and which can be devolved to a local level."

In its submission to the committee, Orkney Islands Council rightly stated that the bill as currently drafted does not sufficiently deliver on the recommendations of the Smith commission and should go further. The Scottish Government must listen to local authorities and communities and respond to such concerns. It is not enough simply to give groups the legal capability to

manage assets; they must be equipped with the support and guidance that they need to be able to do that in practice. In its submission to the committee, the Law Society of Scotland emphasised that

"community organisations will require access to professional advice and planning in order to properly manage assets."

Likewise, the ECCLR Committee's report recognised that

"ongoing advice and guidance ... will be vital in ensuring smaller community groups are able to successfully manage assets".

Similarly, safeguards must be added to ensure that tenant farmers are not put at a disadvantage and that steps are taken to improve the standard and consistency of the support that they receive. I agree with the committee's recommendation that priority should be given to repairs to accommodation for tenant farmers and their families. However, that must be funded sustainably. In recent weeks, we have seen the Crown Estate selling off tenanted farms to fund investment while other public agencies are looking for land to help young people make a start in farming. I appreciate that there are financial challenges facing Crown Estate Scotland, but selling off tenanted farms to fund other investment is a short-term, unsustainable fix.

As well as looking at who is managing assets, however, we must consider how they are run. I am glad that the bill seeks to expand the objectives of those managing the estate to include other considerations, namely economic development, regeneration, social wellbeing, environmental wellbeing and sustainable development. That broadened remit is a welcome improvement, but the provision needs to be strengthened. Under the bill's current wording, although managers "must" seek to enhance the value and profitability of assets, they "may" do so in a way that promotes those other objectives, which means that there is no real requirement for those objectives to be given any consideration. In its submission to the committee, Highlands and Islands Enterprise expressed concerns that the current wording might "make it very difficult, if not impossible, for managers to take account of the wider benefits".

Similarly, Professor Ross and Professor Reid of the University of Dundee stated that the provision

"gives undue pre-eminence to pursuing economic interests over other concerns."

The reality is that other considerations will be consistently overlooked in favour of profitability if the provision is not strengthened. I am pleased that the Government recognises that point in its response to the ECCLR Committee's report.

Related to that is the need to define more clearly what constitutes good management of Crown Estate assets. I support the ECCLR Committee's recommendation that a definition that reflects

"the wider public objectives, including socio-economic, environmental and sustainable development considerations"

should be set out. Therefore, I am disappointed that the Government has indicated that it does not plan to include such a definition in the bill. I hope that, at the very least, it will commit to including a definition in the guidance.

The transition period will create uncertainty for existing Crown Estate Scotland staff. I echo the ECCLR Committee's recommendation that

"staff should be provided with a realistic indication of how their role might change, or not, as a result of the Bill",

and that staff should

"be meaningfully consulted and engaged in planning processes both now and following the passage of the ... Bill."

I am pleased that the Government has provided a positive response to those recommendations, and I hope that that means that there will be full and proper discussions with the relevant trade unions.

I am happy to support the general principles of the bill. However, I hope that the points that have been raised by the two committees and by members across the chamber will be taken on board by the Government. I look forward to seeing more detail—and, indeed, amendments—on the plans as the bill moves forward.

16:41

Angus MacDonald (Falkirk East) (SNP): As a member of the ECCLR Committee, I am pleased to speak in today's stage 1 debate, not least because the bill is a welcome step forward from previous work that Parliament has done on community empowerment.

Before I speak about the report, I place on record my disappointment and frustration, along with that of my colleague Richard Lochhead, that Edinburgh's Fort Kinnaird retail park, which the Crown Estate has, or had, a 50 per cent stake in was not included in the transfer to Crown Estate Scotland, despite the calls in 2015 from the Scottish Government to the UK Government for the retail park to be included. The UK Government signalled that it had no intention of doing so, and two weeks ago, on 7 June, we found out exactly why when it was announced that M&G Real Estate had acquired the Crown Estate's 50 per cent stake in Fort Kinnaird in a £167 million deal. I cannot help feeling a tad bitter about that, not least because, as I understand it, that £167 million

could have been used to cross-subsidise other CES assets, such as the Glenlivet, Fochabers, Applegirth and Whitehill estates. I am sure that the tenant farmers on those four estates would have welcomed capital investment to improve their farm buildings—and, indeed, their farm houses—and ensure that the farming units are fit for purpose to meet tenants' needs.

As it stands, Crown Estate Scotland will see none of that £167 million, which is another prime example—along with the convergence uplift money, which has not come to Scotland as it should have done—of Scotland being short changed yet again. Perhaps if that had not been the case, there would have been no need for Crown Estate Scotland to consider selling off Auchenhalrig farm on the Fochabers estate, with an asking price of more than £1.6 million, which will remove land from the tenanted sector. The Scottish Tenant Farmers Association has described that as a "grave error", considering the scarcity of available land to let. I understand that the STFA has written to the cabinet secretary to that effect.

I go back to my original point: if one of the reasons for putting Auchenhalrig on the market is to raise the investment that is required to bring the buildings and fixed equipment up to tenanted condition, the £167 million from the Fort Kinnaird sale, had it been available, could have helped to avoid the sale of much-needed tenanted land. However, we are where we are. I am sure that members can understand the frustration that I feel that Crown Estate Scotland is being forced to sell off tenanted land when that could have been avoided if the UK Government had agreed to the transfer of the stake in Fort Kinnaird.

Turning to the report, the sale of Auchenhalrig farm to cross-subsidise other assets highlights the need for an audit of existing Crown Estate assets. The committee was surprised to hear that there is no up-to-date assessment of Crown Estate assets in Scotland. It is clear that understanding the current state of assets and the cost involved in addressing any issues is vital to determining the value of the assets and associated liabilities. It is also a necessary starting point for identifying a future programme of work and investment. The committee has therefore recommended that the bill

"makes specific provision for the creation of a 'record of condition' of Scottish Crown estate assets that identifies the cost to address issues and places a requirement on the Scottish Crown Estate to ensure that ... assets are properly maintained."

The idea of such an audit was warmly welcomed by tenants. However, they were clear that the audit should be designed and co-produced with them, and that it should not be a

top-down exercise with no input from them. That would help to address a perception, which seems a valid one, that problems, some of which are of very long standing, are often picked up only when they are reported by tenants and that they are budgeted for only then. Tenants suggested that planning proactively now will help to budget for better maintenance in the future. That makes sense to me.

The committee has also recommended that the record of condition

“should be reviewed on a regular basis”

and that

“tenants must be involved in agreeing a schedule of works for repairs. Priority should be given to repairs to accommodation for tenant farmers and their families and agreed repairs should be carried out without unreasonable delay.”

The condition of accommodation for tenant farmers was an issue that came to light in the previous parliamentary session when the Rural Affairs, Climate Change and Environment Committee took evidence on the Land Reform (Scotland) Bill. It is clear that it would be good if Crown Estate Scotland could lead by example in that regard and ensure that dilapidated outbuildings and accommodation are made fit for purpose. The committee looks forward to amendments being lodged at stage 2 to address those issues.

I had hoped to touch on devolving the management of some Crown Estate Scotland assets to local authorities and community organisations, particularly given that that was a significant recommendation of the Smith commission; suffice to say that the inclusion of that in the bill is very welcome.

Given the time constraints on us, I will leave it at that.

16:46

Edward Mountain (Highlands and Islands) (Con): I welcome this stage 1 debate on the Scottish Crown Estate Bill and join my Conservative colleagues in supporting the bill in principle. Before anyone corrects me, I declare an interest: I am a member of a farming partnership.

In the our islands, our future campaign, Orkney, Shetland and the Western Isles made the case for more local control of the Crown estate. That was evident to me as a member of the Rural Economy and Connectivity Committee when I visited the islands. When the committee visited Orkney and the Western Isles, there was a general appetite for double devolution. Expectations on the islands are indeed high, and many islanders believe that the Scottish Crown Estate Bill along with the Islands

(Scotland) Bill will allow island communities to assume control over Crown Estate assets. However, I caution the Scottish Government to think very carefully about how it will enable double devolution to the islands without compromising the big picture. In particular, it needs to consider how devolving the sea bed to the three island councils can be done without comprehensive guidance. Unless that guidance exists, the best outcome might not result. After all, the sea bed is an asset that benefits all users, not just the islands.

The Scottish Conservatives support double devolution to the islands in principle, but we are concerned about the dangers of fragmentation. If there is to be more local control, that must be accompanied by an overarching national policy that safeguards the assets that we believe are there. The last thing that I want to see is the complete break-up of the Scottish Crown Estate, with assets either being sold off or put out on long and irrevocable leases that we have no control over.

It is clear to me that the tenant farmers at Glenlivet, Fochabers, Applegirth and Whitehill are satisfied with the current arrangements that were established by Crown Estate Scotland (Interim Management). The setting up of rural working groups has proved popular, and tenants feel that the Crown Estate is more accessible and responsive to local issues than it has ever been before. Tenants want further devolution.

Claudia Beamish: Does Edward Mountain agree that it is very important that the tenants on each of the four estates should have an equal opportunity to get the same repairs and maintenance and that we should not see Glenlivet, which some would call the jewel in the crown of the Crown Estate, as the one that gets more?

Edward Mountain: I know many of the tenant farmers at Glenlivet and Fochabers, and I know that the standard of their fixed equipment is extremely high—I sometimes look at it with a green eye. I do not know the state of the buildings on the other farms, but it is important that things are kept up to the required standard, as laid down in the leases, and that the Government ensures that that happens.

Bearing it in mind that responding to that intervention has taken up a bit of my time, I will move on to my concern that double devolution could lead to more managers and costs and less cohesion.

I welcome the minister’s reference to devolution max not being a one-size-fits-all solution. The fact that tenant farmers have found a solution that works for them—namely, a consultative approach with Crown Estate Scotland—should be welcomed.

I will mention briefly the sale of Auchenhallrig farm, which John Scott spoke about. That removes, rather than creates, an opportunity for young tenant farmers. There are young farmers across Scotland who are desperate for more tenancies to be made available, and to my mind the Scottish Government needs to reconsider whether it is appropriate to sell off Crown Estate assets.

I cautiously welcome the Scottish Crown Estate Bill at stage 1. The real test of the bill will be how it turns the recommendations of the Smith commission into reality, and I urge the Government to think carefully about how it might deliver devolution of the Crown estate to the three island councils. I also urge the Scottish Government not to sell the family silver, thereby losing assets that could work for the benefit of Scotland and its people.

16:51

Richard Lyle (Uddingston and Bellshill) (SNP): The bill will provide for the devolution of Crown Estate Scotland assets. Those include, but are not limited to, rural estates, mineral rights, fishing rights, urban assets, the sea bed and the foreshore.

The bill could be life changing for many of our communities and should be supported. It will bring opportunities to communities and local authorities, and, with local decision making at its heart, it will ensure that many issues that local communities considered were not being addressed will be looked at.

The bill provides for consideration of other factors, such as regeneration, social wellbeing, environmental wellbeing and sustainable development, when the management of an asset is being considered.

I was a councillor for many years and I see in the bill an opportunity for local authorities, whenever possible, to participate in decision making on the management of assets in order to potentially increase revenues and deliver better outcomes for local people and the local authority. I am sure that the bill will be welcomed by all that it affects.

Many local councils that will be affected by the bill are better placed to discuss and support local community groups that want to be involved in the management of the Crown estate. I am not suggesting for one moment that we cut up Crown Estate assets in order to satisfy certain groups; I am suggesting that, together, local groups, local authorities and existing managers look at the required development in order to enhance assets.

To me, “enhancing assets” is the operative term. The bill should be seen as a way to increase local development of and enhance the asset base. The ECCLR Committee has made various recommendations in that regard. To my knowledge, the recommendations were supported by all committee members. I am sure that the Government will take on board the committee’s primary objective, which is that the process for deciding which assets should be managed nationally and which could be devolved to a local level should be made clear.

I turn to the cross-subsidy of assets. Under the present arrangement, some assets are more profitable than others, so the usual practice of some assets subsidising others applies. The bill will provide for the transfer of assets from one manager to another, but we must be mindful of concerns about overfragmentation. If that happens, the ability of one part of the estate to cross-subsidise another will be lost. I am sure that that matter will receive the attention that it deserves as the bill moves through its various stages. In fact, the committee made various recommendations on the issue, including recommending that

“Crown Estate Scotland establish and maintain a list of assets and ... liabilities.”

During the evidence sessions, I was struck by how tenants are generally happy with the way in which Crown Estate Scotland is being run. Tenants consider that devolution has brought them significant benefits, including a greater feeling of connectivity with the Crown Estate, improved communication and more involvement in decision-making processes.

However, tenant farmers have also suggested that more work could be done on regular contact with factors and that many buildings on some estates require urgent maintenance. They consider that there are specific problems with the maintenance of rural buildings and that issues relating to upkeep are not picked up early enough. That matter should be resolved. Buildings that are in a state of dilapidation, including out-buildings and accommodation for families, should be upgraded as part of an on-going maintenance programme. In my opinion, tenants should be involved more, whether an asset is controlled and run by the Crown Estate, the local council or a local community group. Everyone must play their part locally in the improvement of assets for the benefit of all.

On offshore renewables and related assets, Scottish Renewables made it clear that some assets require to be managed on a national basis. I am sure that that will be taken into consideration, particularly when it comes to large commercial offshore wind farms. In its report, the committee

noted its view that the sea bed is a national asset, which should be managed nationally and should not be sold.

The committee discussed the role of port and harbour authorities in the context of the bill. Lerwick Port Authority said that there is a need to ensure that the bill does not encroach on, or permit others to encroach on, the jurisdiction of trust ports over the harbours for which they are statutorily responsible. The committee was mindful of the potential for conflicts of interest to arise. I am sure that that will be taken into consideration.

The bill presents an opportunity to devolve more to local communities and I welcome it.

The Deputy Presiding Officer: We move to closing speeches. I am disappointed that Mr Stevenson has not graced us with his presence.

16:56

Mark Ruskell (Mid Scotland and Fife) (Green): Andy Wightman was right when he described the Crown estate as “a feudal relic”. It is the most surreal of Monopoly boards involving gold, mussels, the sea bed and even a missing shopping centre that the Westminster Government has sold off.

It is important that we consider the bill’s origins and purpose. Tavish Scott spoke passionately, from the experience of the communities that he represents in Shetland, about the need for local democratic control of public assets, which must be run in the public interest and in an accountable way.

A number of members quoted Councillor Heddle, from COSLA. In his letter, he said:

“like the original Scotland Act, to be a success ... the Bill will require a deliberate decision by legislators to devolve as much as possible and also to leave the door open to future devolution where circumstances change.”

It is important that we are deliberate in ensuring that local authorities and communities get the best chance to move towards new management in the public interest. It is therefore important that there is a presumption in favour of communities and councils managing Crown Estate assets. The issue will need to be considered again at stage 2.

Members have talked about sustainable development. Claudia Beamish asked what the criteria for good management will be. Good management absolutely is about sustainable development and ensuring that the livelihoods of future generations are protected because we are protecting the environment on which their economy is based. We should be looking for win-wins and growing the economy while protecting the environmental asset that sustains that

economy and the communities who need livelihoods.

In that context, I am not sure that the guidance on sustainable development that the Scottish Government has committed to bringing forward at stage 2, which Graeme Dey mentioned, will be adequate. We will need to look carefully at the matter. There must be a duty in the bill to consider and deliver sustainable development.

The minister said that there will be a need to maintain and seek to enhance the value of the important assets that we are talking about, and flexibility will clearly be needed in that regard. There is a historical reinvestment rate of 9 per cent, to allow revenues to be reinvested in assets. If we are to invest in the assets, to give future generations a chance to grow their livelihoods, we might need to revisit the issue and set a much higher reinvestment level so that we can ensure that assets are there for the long term and can sustain communities.

16:59

Alex Rowley (Mid Scotland and Fife) (Lab): I welcome the debate and, like other members, I acknowledge the work of the Environment, Climate Change and Land Reform Committee clerks and all the people who gave up their time to provide evidence to the committee.

When we took evidence from tenant farmers, it was interesting to hear them express the view that it was good to come to the Parliament and have their voices heard. We should do more of that, as Richard Lochhead said.

Richard Lyle said that there are issues for some tenant farmers. I hope that those can be addressed and that key stakeholders such as tenants can feel empowered in the future.

As Claudia Beamish and other members made clear, when we speak about assets in the Crown estate we mean many irreplaceable national assets, which we must ensure are protected and well managed so that they provide social, economic and environmental benefits for all of Scotland. The resources themselves are extensive, so their management is of vital concern to the future of our natural environment and rural economy as well as to the energy needs of our country moving forward in the 21st century.

Like Graeme Dey and other members of the committee, I welcomed the Smith commission’s recommendation to devolve the Crown estate but, as Colin Smyth said, devolution is not about simply shifting powers from one centralised Parliament to another. I strongly believe that, where it is appropriate and there is good reason to do so, we must be willing to devolve powers from

Holyrood to local government and, indeed, to local communities.

When we devolve powers, they must be devolved for a purpose. As Joe FitzPatrick said, in devolving the Crown estate, we have an opportunity to strengthen the management of assets by creating a balance between local and central decision making. In particular, the Smith commission was clear in seeking full devolution to the three Scottish island local authorities, and I urge the Scottish Government to uphold that recommendation. That sentiment is echoed by the National Trust for Scotland, which has stated that emphasis should be put on ensuring that management is devolved

“as far as practically possible”.

As John Scott said, good management is central to the successful future of the Crown estate assets. For me, key to that will be local communities having a say over the land around them. This Parliament must also have an on-going ability to hold ministers to account for the Crown Estate, and I note the strongly held view, expressed by a number of organisations, that it should not be possible for the sea bed and foreshore to be sold off in any way without the agreement of this Parliament. The committee says that it should not be sold off—full stop. I note the point that Tavish Scott made about the islands.

The bill's attempt to widen the focus of Crown Estate management beyond the duty of securing a commercial return is a welcome development. The wider objectives in section 7 now include economic development, regeneration, social wellbeing, environmental wellbeing and sustainable development. As RSPB Scotland has stated, Scottish Crown estate assets

“should be managed in accordance with the guiding principles of sustainable development to create and maintain a strong, healthy and just society capable of living within environmental limits.”

There must be a duty to strike a balance and achieve parity between financial obligations and the wider sustainable development of the assets. Devolution of the Crown estate can create opportunities for community land ownership, which should be explored by the Scottish Government, and for new partnership working, which should be exploited to the full.

The bill is a step in the right direction, and we now have an opportunity to come together as a Parliament to strengthen it so that it delivers for the people of Scotland, first and foremost. Those assets belong to all of us, and commercial profit should never be at the forefront of managing our land.

17:04

Finlay Carson (Galloway and West Dumfries)

(Con): I start by declaring my interest as a member of NFU Scotland, and I refer members to my entry in the register of interests.

I am pleased to have this opportunity to sum up for the Scottish Conservatives the stage 1 debate on this important piece of legislation. I reiterate my support, and that of my colleagues, for the bill in principle. However, as it goes through the parliamentary process, we will want to ensure that it is strengthened at stages 2 and 3 to deliver what is intended and ensure that the objectives of the Smith commission and the Crown Estate are met.

The bill has been introduced as part of the Smith commission's recommendations, which is very refreshing on a day on which we have heard yet more nonsense about power grabs and the Scottish Government's voice not being heard. Here we have a perfect example of extra powers and devolution in action.

I anticipate that the bill will offer benefits to local authorities, public bodies and community organisations right across Scotland by encouraging community empowerment while ensuring—as Stewart Stevenson and other members mentioned—that sustainability in its broadest sense is at the heart of the Crown Estate's future.

Graeme Dey and Edward Mountain have concerns, as I do, about fragmentation and the possible consequential impact on the financial stability of marginal operations if the well-performing parts of the estate are sold off. An audit needs to be carried out to give a clear indication of the Crown Estate's current and on-going assets and liabilities.

With regard to the agricultural estates, I am very concerned and surprised about the position that I understand that the Greens are to take in amendments on a presumption of devolution to local authorities. That is despite Mark Ruskell hearing the concerns that were expressed by tenants and others about the idea, which could ultimately remove the possibility of fully devolved community empowerment.

Graeme Dey: Does Finlay Carson wonder, as I do, why Mr Wightman failed to bring forward his proposals during the stage 1 consideration of the bill, when the committee could have examined them and stakeholders could have had their views on them heard? Does Mr Carson agree that that would have been more respectful of the parliamentary process and, most important, would have allowed stakeholders to have their voices heard?

Finlay Carson: I thank Mr Dey for that useful intervention, and I agree with everything that he said.

I say with all due respect to Dumfries and Galloway Council that I do not believe that it has the expertise or experience—or the desire—to be responsible for the upkeep of the resources at the Applegirth estate, for example, whereas I am confident that a group of existing tenants has exactly the skills that are required. That is why any policies to enable more control to be handed down at a local level must be accompanied by robust guidance and must be subject to careful consideration. In addition, such handing down of control must be done transparently and in conjunction with stakeholders, not least the tenants. Decentralisation should not and cannot be railroaded through against the wishes of those who ultimately matter the most, who, in this case, are the Crown Estate tenants.

Believe it or not, Mark Ruskell was at the meeting at which the committee heard that the Scottish Tenant Farmers Association is firmly of the view that it would be more appropriate for the four rural estates to be managed directly by the Scottish Government. In addition, Jim Inness of the Glenlivet estate referenced the example of Moray Council. He said:

“We do not really want things to be devolved down to councils, because Moray Council, for example, has a big enough job running its own show.”—[*Official Report, Environment, Climate Change and Land Reform Committee*, 30 March 2018; c 30.]

Mark Ruskell: Will the member give way on that point?

Finlay Carson: I am sorry; I do not have time.

The NFUS has rightly stated that the long-term stability and wellbeing of the rural estates and rural communities are paramount, and it shares the concerns about the devolving of assets to local authorities. The NFUS believes that local authorities simply do not have and will not be able to obtain the skill sets that are necessary to manage agricultural units. We share that opinion.

The Crown Estate’s management team at national level has a structure that is much more in tenants’ interests than control by local authorities could ever be. That is why the Scottish Conservatives agree with the Environment, Climate Change and Land Reform Committee’s unanimous recommendation—which the Greens supported—that the national management of the Crown Estate’s four rural estates should be continued.

Along with Richard Lyle, I am pleased to hear that the Crown Estate tenants have been generally happy with how Crown Estate Scotland (Interim Management) has been run, and that they feel that

there is greater connectivity, improved communications and more involvement with the Crown Estate.

I believe that the expertise and experience that are currently in place represent the best solution for the upkeep of the resources at Applegirth and other rural estates, which is why it is important to retain something akin to the status quo.

Mark Ruskell: Will the member give way?

Finlay Carson: I am sorry, but I do not have time.

The Scottish Crown Estate Bill represents another important juncture in the history of the Scottish Parliament. The powers in question have been devolved to the Scottish Parliament as a result of cross-party work by the Smith commission. That is devolution in its best form, and we now must make sure that the bill meets the needs of stakeholders and that the most appropriate management structures are identified in each individual case.

I look forward to supporting the general principles of the bill shortly and to progressing it further after the summer break.

17:09

Joe FitzPatrick: This has been an excellent debate, and the speeches that have been made across the chamber will, I am sure, give the cabinet secretary and her officials lots to reflect on. The cabinet secretary will take time to reflect on a number of the issues that have been raised. The bill team has been passing me lots of notes so, with their help, I will do my best to cover as many of the points that have been raised during the debate as I can.

Richard Lochhead: On the point about reflection, a number of members have raised the issue of Auchenthalrig farm on the Fochabers estate in my constituency, and it has also been raised by many of my constituents. Will the minister urge the cabinet secretary to reflect on the concerns that have been expressed and perhaps intervene, if that is appropriate?

If the Crown Estate is looking to raise funds, will the Scottish Government make representations to the UK Government to get back the £167 million from the Fort Kinnaird share that was declared to be a UK asset and not a Scottish asset when it came to the devolution of the Crown Estate assets? That is Scottish money and the UK Government should not be conning us out of it.

Joe FitzPatrick: The member has made two strong points. They are now on the record and the cabinet secretary will look at them both.

During the debate, Graeme Dey and Claudia Beamish made some points about the concept of good management. The bill contains a duty to maintain and enhance the value of Crown Estate assets, and the manager may do so in a way that is likely to promote socioeconomic and environmental matters. That duty is in the bill instead of a specific reference to good management, so although the words “good management” are not in the bill, it is encapsulated in that wording.

Graeme Dey also made a point about the scope of the bill and whether wider environmental factors should be taken into account. There is a duty to maintain and enhance the estate, but managers may meet that duty in a way that contributes to its economic value and to sustainable development, economic development and social wellbeing.

Graeme Dey, Mark Ruskell and Peter Chapman made points about the retention of 9 per cent of revenues by the manager. They questioned whether that is the correct figure and whether we should examine that. Although we have kept the existing figure of 9 per cent under the interim arrangements, the bill provides flexibility to vary that, and we will keep the figure of 9 per cent under review.

Tavish Scott made a specific point about trust ports and what they need to pay to the Crown Estate. There are new powers in the bill to weigh up the profit to the estate with the wider benefits. That is a new power that does not exist just now, so I hope that will help with Tavish Scott’s specific point.

Mr Scott and Mr Wightman made similar points about looking for a simpler approach, but we need to bear it in mind that management, not ownership, has been devolved. The bill will enable the local management of assets; no powers exist to do that at the moment.

Andy Wightman: Does the minister accept that subparagraph 3(1) of schedule 5 to the Scotland Act 1998 covers

“property belonging to Her Majesty in right of the Crown”?

As the Scottish Law Commission has confirmed, the Scottish Parliament has always had the right to legislate on Crown property.

Joe FitzPatrick: This specific bill relates to the devolution of powers over management.

John Scott, Claudia Beamish, Richard Lyle, Graeme Dey, Alex Rowley and others raised points about the sea bed, arguing that it should never be sold off, or different variations on that point. The bill makes it a requirement for a manager to obtain the consent of Scottish ministers before the sea bed can be sold. That is a new requirement and it goes further than ever

before. The point is that there are some circumstances in which it might be the right thing to do, such as those around the sea bed under the footprint of the Queensferry crossing. We all agree that there are exceptions to that rule, so the power to sell the sea bed should remain, although there is a requirement for such cases to come to Scottish ministers, so there will be parliamentary oversight.

Andy Wightman and John Scott made points about Crown Estate staff and Scottish Government officials who are working with Crown Estate Scotland.

Claudia Beamish and Richard Lochhead both made points about transparency. The bill provides for that, and management plans will be published and accounts laid in Parliament. Those are all new things in the bill that will increase transparency.

I see that the clock is ticking. To go back to what I said at the start, the cabinet secretary will be paying close attention to everything that has been said in the debate today. If members have particular points that they want to take up with her or her officials, I am sure that she will be pleased to hear from them prior to stage 2.

The Presiding Officer (Ken Macintosh): That concludes our stage 1 debate on the Scottish Crown Estate Bill.

Scottish Crown Estate Bill: Financial Resolution

17:15

The Presiding Officer (Ken Macintosh): The next item of business is consideration of motion S5M-11939, in the name of Derek Mackay, on a financial resolution for the Scottish Crown Estate Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Scottish Crown Estate Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.—[*Joe FitzPatrick*]

Decision Time

17:15

The Presiding Officer (Ken Macintosh): There are two questions today. The first question is, that motion S5M-12846, in the name of Roseanna Cunningham, on the Scottish Crown Estate Bill at stage 1, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Scottish Crown Estate Bill.

The Presiding Officer: The next question is, that motion S5M-11939, in the name of Derek Mackay, on a financial resolution for the Scottish Crown Estate Bill, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Scottish Crown Estate Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.

The Presiding Officer: That concludes decision time. I will suspend the meeting for a few moments to allow members to change seats and new guests to arrive in the public gallery.

17:16

Meeting suspended.

17:17

On resuming—

International Women in Engineering Day

The Deputy Presiding Officer (Linda Fabiani): The final item of business is a members' business debate on motion S5M-11823, in the name of Gillian Martin, on welcoming women in engineering day. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes that Women in Engineering Day is on 23 June 2018; notes that it highlights the work needed to go further and faster to meet the target of 140,000 women engineers by 2022; understands that only 9% of engineers and 18% of the tech workforce are female; notes the view that action must come from the industry and other stakeholders to make the changes within the sector; believes that there are a number of positive action measures that can be taken, such as outreach, placements, training and activities, which target women and girls, and notes the calls for the industry to meet the future needs of the engineering and technology sectors.

17:18

Gillian Martin (Aberdeenshire East) (SNP): Next week, on 23 June, it is women in engineering day. I am looking forward to a debate that celebrates the women who work in technology and engineering, and I am excited that I will hear other members tell Parliament about the young women all over Scotland who are the engineers, technicians and designers of the future.

I had hoped to spend the majority of my speech today concentrating on the positive efforts to change the engineering and tech landscape, rather than dwell on the fact that currently only 9 per cent of the engineering workforce and 18 per cent of the tech workforce are female. However, it is important to recognise the problem of underrepresentation, and gently but assertively to suggest what needs to be done, and to highlight systemic failings, as we do so.

The fact that the debate is oversubscribed shows how important the issue is, but I want to start by sounding a note of caution. I am a big believer in the power of women-only spaces to facilitate confidence and change, but I am also a believer that a concerted effort to have 50:50 representation in forums in sectors that struggle to get women involved is important in terms of effecting changes in attitudes and perceptions. If you cannot see it, you will think you cannot be it, and putting on a leaflet a photograph of a woman in a hard hat is certainly not enough.

In the spirit of gentle but assertive suggestion, I want to mention my disappointment that last week, in my neck of the woods, there was an event on the future of the oil and gas industry at what is, to my mind, one of Scotland's most forward-looking and innovative universities, the Robert Gordon University, for which 44 speakers were booked, of whom only two were women. What kind of example is that setting to young women and girls who want to get into the sector, and how are we supposed to encourage women into science, technology, engineering and mathematics subjects—and, specifically, the oil and gas sector—if the industry itself perpetuates that kind of gender-segregated image and environment?

I know that there are great women working in oil and gas. It is not enough to say that we need change, or to run programmes to encourage women into engineering and have them as an add-on. The sector needs to include and promote women wherever possible in order to effect real change. People in the sector need to look at every public engagement and every workplace and ask, "What image of the industry are we presenting?"

On a positive note, there are organisations that exist specifically to facilitate change, and which work hard with the sector and education bodies to do that. Those include Equate Scotland, representatives of which are in the gallery with tech mentors from Amazon. I believe that we are on an upward trajectory, thanks to the concerted efforts of organisations such as Equate and, in the United Kingdom, the Stemettes, as well as Skills Development Scotland. However, there is a steep climb ahead if we are to reach the goal of having 140,000 female engineers by 2022. We definitely will not get to the summit without the oil and gas sector having equality of opportunity at its heart.

Getting more women and girls into engineering is not solely an equality issue; it is also about economic survival for Scotland's engineering and tech sector, and it is a key consideration as we seek to grow Scotland's economy. We do not know what the jobs of the future will be, but we can confidently predict that engineering, design and tech will always be at the forefront of whatever innovation drives change in the working landscape, and women must be part of that.

Last year, the Economy, Jobs and Fair Work Committee, of which I am a member, carried out an inquiry into the gender pay gap. As part of that inquiry, we looked at sectors in which occupational segregation is still an issue. The tech and engineering sector still attracts more men than women, but it cannot carry on that way, because it just will not have enough people to power its future.

The tech and engineering sector loses talent at key points on the infamous leaky pipeline. The first

leak occurs in late primary school, as the notions of there being boys' and girls' jobs, and of gender stereotypes take hold. Then, when subject choices for highers are being made, we lose more girls. If young women manage to avoid that leak point, they might fall foul of another leak in the pipeline, which happens when choices are being made for post-school education. At the point of higher education, only 16 per cent of tech and engineering students are women—but they have, at least, managed to get past some of the leaks. However, even if a young woman has taken the STEM subjects at school, has chosen an engineering pathway post school and has entered the workplace after graduation, she might stay for only a few years in the sector, like many female engineers and tech specialists do.

In 2015-16, only about 6 per cent of engineering modern apprentices were female. For civil engineering, the figure was under 1 per cent. I am hopeful that we will see an increase year on year as a more concerted effort is made to attract girls into STEM and to encourage women returners to re-engage with the sector, and as there is more focus on companies investing in women through targeted recruitment and training, and by examining their policies and procedures through a gender lens. SSE gave to the Economy, Jobs and Fair Work Committee's inquiry compelling evidence that by overhauling strategies for apprentice recruitment it had increased the number of female applicants. It had to do that, because it needs technicians to replace the older workforce who are due to retire, and it needs to plug the skills gap.

At the end of last year, I was excited to be a dragon—no jokes, please, Graeme Dey—on the “Dragon's Den” judging panel for one of the north-east's programmes to get girls enthusiastic about technology, design and engineering. That was Shell's “Girls in energy” programme. Girls from all over Aberdeenshire formed teams who were mentored by Shell's graduate apprentices to come up with an idea for their community's energy needs. It turns out that they all worked on green energy ideas and—what do you know?—green energy just happens to be one of Scotland's growth sectors. Of course, I must also mention that Turriff academy and Mintlaw academy in my constituency did very well and were placed first and third. Before anyone says anything, I point out that there were other dragons and that I was not stacking the odds.

There are similar programmes all over Scotland. Equate Scotland's summer placement scheme, which is called careerwise, works to place female undergraduates in paid employment with companies.

I must also pay tribute to some employers that are actively working with Skills Development Scotland to recruit female modern apprentices out of school. Earlier this year I was at Sparrows Offshore Services Ltd in Bridge of Don to meet former pupils of my old school, Ellon academy. I met Leanne Brown, who is a hydraulic technician. Leanne could have gone to university, but chose to do an apprenticeship, because Sparrows offered her the skills and partnership to enable her to progress her studies to degree stage while she was still earning. She has the potential to work all over the world with Sparrows. I also met Caroline Gill, who is a draughtsperson with Sparrows. I got a note today to say that she has passed her degree and is off to work in Singapore with Sparrows.

In March this year, I met Kerry Taylor, who is formerly of Mintlaw academy. After two years in an apprenticeship she has—I am not exaggerating—the skills to maintain and operate any part of Peterhead power station.

There are young women like them all over Scotland. I thank Equate Scotland for the excellent briefing that it gave members on the work that it does to help us to get significantly more women into engineering. I say to the companies in tech and engineering that do not know where to start when it comes to encouraging more women to apply for their apprenticeships or vacant posts, that Equate should be their first call. Its interconnect student network could be just what is needed to help those companies to get the women who will power their organisations into the future.

The Deputy Presiding Officer: A number of members would like to take part in the debate. If they are all to speak, Parliament will have to agree to a motion without notice to extend, under rule 8.14.3, the debate by up to, and no more than, 30 minutes.

Motion moved,

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

Motion agreed to.

The Deputy Presiding Officer: The debate is extended. However, we are still oversubscribed and are already over time, so I might have to cut the speaking time of members in the second part of the debate.

17:26

Michelle Ballantyne (South Scotland) (Con): I feel slightly guilty now, because I was asked to speak in the debate only in the past couple of hours, when Alison Harris unfortunately had to pull out. When I was asked, I thought about the topic and remembered immediately the week in which

my son and daughter graduated from the University of Edinburgh. My daughter received her degree in primary education in a hall that was filled predominantly with girls, while my son received his master's degree in civil engineering amid his predominantly male peers. I hope that, one day, my children will sit at their children's graduations and not see such gender demarcation by subject.

Saturday is international women in engineering day. That brings with it an opportunity to highlight the fact that even though it is nearly 100 years since the creation of the Women's Engineering Society in 1919, many of the society's aspirations and concerns hold as true today as they did then. Progress has been slow: surveys from 2017 show that only 11 per cent of the engineering workforce is female, albeit that that is a 2 per cent increase since 2015.

However, the story is no longer about women not being able to enter engineering: 61 per cent of engineering employers say that recruitment of engineering and technical staff with the right skills is a barrier to business; 32 per cent of companies across the sector report difficulties recruiting experienced STEM staff; and 20 per cent find it difficult to recruit entrants to STEM. The opportunities exist, but we must find ways to inspire women to follow STEM careers. That is the challenge.

From where do young women draw their inspiration? Scotland has its own engineering hall of fame, so I thought that it might be a good place to start. However, only two women have made it on to that list: Anne Gillespie Shaw, who was a production engineer and businesswoman and was inducted last year, and Dorothee Pullinger, who was the first woman to be inducted, in 2012.

Dorothee Pullinger's legacy caught my eye, because not only did she train as an engineer under her father during the first world war and become lady superintendent, managing 7,000 female war workers at Barrow, but she was the first person—certainly the first woman car designer—to see not only the need for a different design of car for women drivers, but the design and engineering solutions to bring that about commercially. She remains to this day the only person to design and take into production a car that was designed specifically with women drivers in mind.

What did Dorothee Pullinger think women needed in a car that men did not need? What made the car suitable? It was that the car had a rear view mirror, was smaller and lighter, had more storage space, had a raised seat and had a hand brake situated near the driver's seat rather than under the dashboard. Does any of that sound familiar to members? It did to me. I thought, "Aha!

All cars are now designed for women, thanks to a woman."

What I love about Dorothee Pullinger is the fact that she not only designed the Galloway car and brought it into production, but won the Scottish six-day car trial by driving it. That proves that we do not just talk the talk; we also walk the walk.

Dorothee Pullinger created new training courses and apprenticeships specifically for local women. Why is that interesting and important? It is because she shortened apprenticeships from the usual five years to three years, because it was considered that girls were better at attending and quicker learners than boys. Perhaps that is something for current employers to note.

Dorothee Pullinger achieved that, and more, at a time when men dominated engineering and industry, and when working women were often regarded as stealing men's jobs. She was a woman of remarkable resilience and talent. She was a leader in recruiting women into engineering in wartime; she was awarded an MBE at the age of 26; she was a founder of the Women's Engineering Society in 1919 and was accomplished engineer in her own right; and she was a pioneer and inspiration for women in engineering.

The message to women now is that we can change things. People might not notice or know about that, but they might be affected by it every day of their lives.

The Deputy Presiding Officer: You really must come to a close.

Michelle Ballantyne: At a data science event in Edinburgh, I confessed in my speech that I had not expected to enjoy the day, but it was, in fact, one of the most informative, inspiring and interesting events that I have been to. I encourage women to get into engineering.

17:31

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): I remind members that I am the parliamentary liaison officer to the Cabinet Secretary for Education and Skills, because I will speak about schools today.

I thank my friend and colleague Gillian Martin for bringing the debate to the chamber ahead of women in engineering day this Saturday. In the past 60 years, the types of job that the economy requires have shifted markedly. Consider the Rothes pit in my constituency. When the Queen opened it in 1958, it was meant to provide coal until 2070. The colliery was the main reason why the town of Glenrothes was built. However, just four years later, the pit shut down.

Sixty years ago, the work that was undertaken in the pits of Fife and across the country was deemed to be not appropriate for people like me. Specialist mining engineers were required to design and develop coal mines, but women were kept away from the process. In 1958, the Queen defied the age-old miners' superstition that meant that women were not allowed to visit the pit. Coal mining and engineering were heavily gendered. Perhaps that historic imbalance is one reason why engineering continues to display such a gender divide.

Today, just 4 per cent of Fife College's engineering students are women. In 2018, there remains a stereotypical preconception about what being an engineer means. Lesley MacRury, who is an engineer with Scottish Power, has said that

"Engineering really isn't about hard-hats and sitting down with rulers anymore".

For her, the problem starts at secondary school with gendered subject choices, which I witnessed as a class teacher not so long ago. Schools have a huge role to play in dispelling stereotypes and promoting STEM subjects.

In March, the Government announced the STEM bursary of up to £20,000 for career changers to complete teacher training in STEM-based subjects. Fife College has started an engineering for girls programme, which has attracted more than 5,000 female school pupils this academic year. All that is promising, but only 2 per cent of automotive engineering students at the college are women.

As a former school teacher, I am only too aware of the potential disconnect between school-based qualifications and those that our further and higher education institutions offer. That was highlighted recently by the work for the Government's "The 15-24 Learner Journey Review" report that was published last month.

Diageo is one of the largest employers in my constituency, with its Cameronbridge distillery and its bottling plant situated in Leven. Since 2006, Diageo has recruited 158 modern apprentices. Across the country, the company has 78 apprentices who are working towards qualifications in a range of areas—from mechanical engineering to electrical engineering and coppersmith engineering, as well as in science and technology. Of its modern apprentices, 31 per cent are female, and the company hired its first female coppersmith engineer—Rebecca Weir—last year.

Some years ago, a fellow Fifer—Gillian McBride—was an engineering apprentice with Diageo. She had a keen interest in maths, physics and technical subjects at school, but was not sure what she wanted to do after school. At the age of

24, she was attracted to a future in engineering and began her journey with Diageo as a modern apprentice. In her third year there, she was streamed into electrical engineering, and she went on to work weekend shifts on the production line as an electrician. From there, her career has continued to progress—she gained experience of project management through having a team-leader role before entering her current position in the company as a deployment manager.

For the past six years, Gillian has been sponsored by Diageo to study a course at university: she recently graduated with a degree in engineering management. Gillian's on-going success and Diageo's positive apprenticeship programme are encouraging signs for women's future in engineering in Scotland, but there is still work to be done.

If we accept that subject choice in school is where career choice is decided, we cannot ignore the recommendations of Equate Scotland's "Rising to the Challenge" report. Equate calls for more regular talks and practical sessions from the industry for school pupils; for science ambassadors and gender advocates in every school; and for gender and equality classes in schools.

Engineering has certainly changed since the days of the Rothes pit, but age-old stereotypes of engineering persist. Gillian Martin's motion calls for action from within the industry, and I agree. We need action from all fields—schools, colleges and the engineering sector itself—to change the gender imbalance.

The Deputy Presiding Officer: I cannot stress strongly enough that if members take more than their allotted time, other members will be unable to contribute.

17:35

Jackie Baillie (Dumbarton) (Lab): I consider myself duly warned, Presiding Officer.

As others have done, I thank Gillian Martin for bringing this important discussion to the chamber.

As Gillian Martin's motion correctly points out, the Government's ambition is to have 140,000 female engineers in Scotland by 2022—a goal that I fully support. However, can the minister, when he sums up, tell us where we have got to with that? According to research carried out by Equate Scotland, only 11 per cent of Scottish engineers are women. Close the Gap tells us that 10 per cent of managers in STEM businesses are women. Perhaps the minister could tell us what the real numbers are rather than simply the percentages. Further, given that women make up 49 per cent of Scotland's full-time workforce, it

would be useful to understand how we will improve those figures in four short years and what action the Scottish Government is taking.

I acknowledge that encouraging women into the engineering workforce starts long before a job is advertised. Far more needs to be done to educate girls from a young age that engineering is an option for them, that they have the same opportunities as their male classmates to go into STEM careers and that they can advance within those careers to the same extent as their male counterparts.

I am delighted to see Talat Yaqoob from Equate Scotland in the gallery, because Equate's research has helped us to understand the challenge. Equate found that, regardless of academic capabilities, girls' interest in STEM subjects decreases dramatically as they go through school. Female students in secondary schools are often stereotyped into certain subjects and guided away from others. Those female students who dare to break the mould and study STEM subjects often find themselves quite isolated. They are the only girl in a class full of boys, being taught by a male teacher and learning about the work, predominantly, of male engineers, scientists and mathematicians.

It is harder to be what we cannot see, and striving to be in an industry with minimal female role models can be demoralising. It is therefore hardly surprising that only 16 per cent of female students in higher education are studying engineering and technology degrees, despite the fact that 57 per cent of higher education students are female. It is even more disappointing that only 27 per cent of those female STEM graduates stay in the industry.

The failure to encourage women and girls into engineering and other STEM subjects means that we have been creating unintentional barriers for generations of Scottish women, segregating Scotland's workers, and denying Scottish industry the level of innovation and creativity that would undoubtedly be the result of a more diverse workforce. How can we, as a Parliament and a country, brag of Scotland's first-class industries—how can we convince others that we deserve a place on the world stage—when a huge proportion of our population is being excluded from one of our most prominent industries and pigeonholed into careers that are stereotypically attached to their gender?

I accept that the task is a big one but, when we consider the skills shortages in engineering, we see that it is absolutely worth doing. I would encourage the cabinet secretary—I mean the minister; I have just promoted him—not just to achieve the target of 140,000 female engineers but to surpass it.

17:40

Ash Denham (Edinburgh Eastern) (SNP): I am delighted to be here today to celebrate women in engineering day and I thank my colleague Gillian Martin for securing debating time. The issue has strong resonance for me, as I am passionate about increasing the number of girls and young women who are studying STEM subjects and, importantly, staying on to work in that sector.

Currently, the numbers of girls and young women studying and working in STEM areas make for disheartening reading. I was on the Economy, Jobs and Fair Work Committee when we did the inquiry into the gender pay gap and, through that, it became clear that girls and their parents are influenced by gendered occupational segregation, which means that young women are pushed into more traditionally female-friendly subjects and jobs. We need to do more about that. Girls feel that they do not belong studying STEM subjects, but I am here to tell any young women or girls who might be watching that they do belong. If they want to study chemical engineering or be a software engineer, that is exactly what they should do and they should not let anybody stop them from doing that.

We need to reflect on the fact that, to a large extent, our culture minimises the contribution of women. If I were to ask members to name influential engineers or scientists, how many of them would be women? Would they choose Patricia Bath, who developed the technology for laser cataract surgery; Yvonne Brill, who developed satellite propulsion technology; Mary Somerville, the Scottish mathematician and astronomer; or Marion Ross, the physicist who became the first director of the University of Edinburgh's fluid dynamics unit? The situation needs to change. We need to celebrate female success in STEM, which will feed into more women making the choice to study and work in that sector.

I am a fan of the Myers-Briggs personality indicator. It was developed by two women—Katharine Cook Briggs and Isabel Briggs Myers—as a way for women to work out which careers might suit them. It is a free test that can be taken online, and I have found the results to be really accurate and helpful for finding out what different personality types might enjoy in their work. If young women are not sure about what career might suit them and have not done the test, it might be worth looking into.

Equate recently released the report "Rising to the Challenge", which identified that having science ambassadors and regular talks and workshops by STEM industry representatives at primary and secondary school levels are

particularly important in encouraging girls into STEM areas. It is fantastic that there are groups and programmes around Scotland facilitating that.

The women in STEM campaign has developed the Stemettes social enterprise that connects young girls with STEM role models, which is great. If people would like to know more about that, the hashtag that is used is #lassiesinSTEM.

I was encouraged to see that Edinburgh College, which has a campus in my constituency, has a college ambassadors initiative as part of its new gender action plan. The initiative is led by female students who act as role models to young girls at school who are considering careers in design and digital technology. Edinburgh College also has the primary 7 STEM inspiration programme, which teaches gender-balanced cohorts STEM subjects with the aim of normalising the idea of girls studying those subjects.

In March, I initiated a STEM day, which included a coding workshop in partnership with Microsoft Scotland and Cortex Worldwide, at Holyrood high school in my constituency, because I believe in the positive effect that that type of direct encouragement can have on girls.

We should do all that we can to support and encourage girls and young women, and give them as many opportunities in STEM as possible. They will do the rest.

17:43

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): I congratulate my colleague Gillian Martin on bringing the important matter of women in engineering to the attention of Parliament.

Recent figures show a huge disparity in female participation in the engineering sector. As other members have said, only 11 per cent of engineering professionals in the UK are female. That is the lowest percentage in Europe, while countries such as Latvia, Bulgaria and Cyprus manage around 30 per cent. They do not have parity either, but they have achieved a much higher percentage than we have.

We probably know the historical and cultural reasons for that disparity, as engineering was—and perhaps still is—seen as a male-oriented profession. The oily rag mentality still persists, which helps to push many talented young women away from science and engineering as a result.

Research that was conducted by the American Association of University Women points to a range of environmental and social hurdles, such as damaging stereotypes, the influence of gender bias and the climate of science and engineering departments in colleges and universities—it sounds all too familiar. That is a huge loss to

science, research and innovation and we need to do more to turn it around.

However, all is not lost. The wonderful Kilmarnock engineering and science society has met in my constituency for the past six years under the stewardship of Professor Danny Gorman. The society was set up to provide a focus on science for school students and to encourage young women in particular to come along to hear about the wonderful achievements of women, some from Kilmarnock, who are leading in their field of science and engineering. Grange academy in Kilmarnock can be proud of its former pupil, the accomplished Dr Victoria Martin, who is an expert in particle physics and a reader in the subject at the University of Edinburgh, and who did impressive work with Professor Peter Higgs. We also heard about the future for electronics from Dr Carol Marsh and some amazing explanations of exoplanet atmospheres from Dr Maire Gorman.

As well as the exciting work that they do, all those women have shown our younger students that a career in science and engineering is incredibly rewarding and offers the opportunity to travel the world. After winning an inspiration award, Dr Marsh said:

“We have to inspire girls to get into engineering, we have to encourage them to stay in engineering, and promote engineering as a wonderful career.”

Currently, we need to increase the number of people with engineering skills; recent estimates are that there is an annual shortfall in those vital skills of about 40,000. There is much we can and ought to do to, first, to encourage women to pursue their scientific interests and to show them that the field is one that they can thrive in. An invaluable way of showing women and girls that they can excel in engineering is to highlight the examples of women past and present who have done just that. The brilliant women who have kindly delivered their lectures to the Kilmarnock engineering and science society have given us the link that so many of our talented young women students need. Real-life examples from women who have made their way in science and engineering really help young women to overcome the self-doubt and the misplaced stigma that many have that engineering is just not for them. We should bring more of those inspiring examples to the direct attention of women and girls through that kind of outreach. The motion rightly values outreach as a tool for improving equality and I am fortunate to have some examples of that working effectively in my constituency.

My background is software engineering; although that wonderful profession still needs many more men and women to take it up, there has been a steady but encouraging upward trend

in the number of female students who are taking up degree courses in computer science. However, the male to female ratio is still worryingly around 80 to 20.

I congratulate Gillian Martin once again on bringing this matter to our attention today and I look forward to hearing the remaining speeches from members.

17:47

Jamie Halcro Johnston (Highlands and Islands) (Con): I congratulate Gillian Martin on bringing the debate to the chamber.

The attention that has been paid in recent years to opportunities for women in STEM careers has been welcome. For too long, there has been not so much a gap as a chasm between the numbers of men and women entering those professions. The efforts of the Women's Engineering Society will be welcomed across the chamber; this is the fourth national women in engineering day across the UK and there is now an international dimension with events spanning the globe. Next year, the Women's Engineering Society will celebrate its 100th anniversary. What better celebration could be imagined here in Scotland than looking forward to a brighter future for women, not only in engineering but across the STEM professions?

When the Economy, Jobs and Fair Work Committee considered the gender pay gap, it was clear that occupational segregation remains one of the most significant barriers to more equal pay between men and women in the workplace. Those divisions have become self-perpetuating, because a lack of representation in certain professions or subjects is itself a barrier for those who may be in a position to enter them. Last October, in a debate on the gender pay gap that was led by the committee, I spoke of how early and clear those distinctions can be in the minds of even very young children, which has the effect of narrowing horizons in ways that can endure for life. As the Scottish Government's STEM strategy recognises, the outcome has been female underrepresentation in STEM subjects that begins in school, runs through colleges and modern apprenticeships and ends with the professional segregation that remains in place today. Therefore, it is welcome that the Women's Engineering Society is playing its part by bringing to attention the pioneering women in the sector and creating role models for the next generation.

The Scottish Government's strategy spoke of joint action between agencies, as well as action at all levels from primary education to the broad general education component of secondary education and then into the senior phase, which is

a positive step. I feel strongly that opportunities in those areas have to be a core part of careers education, but considerable gaps exist between strategic direction and what is delivered on the ground. We must also consider the impact of policy on the opportunities for reskilling. In many cases, the opportunities have narrowed in recent years as further education has been cut.

In my recent members' business debate on apprenticeship week, I welcomed some of the work that has been done in recent years to increase the headline number of women in modern apprenticeships. However, behind those figures, the divisions between individual apprenticeship frameworks remain extremely concerning.

I remain of the view that the target in the developing the young workforce strategy to

"reduce to 60 per cent the percentage of Modern Apprenticeship frameworks where the gender balance is 75:25 or worse by 2021"

is not ambitious. It is a concession that the majority of frameworks will remain enormously gender divided. The fact that SDS is clearly bringing forward events to encourage young women into STEM careers is positive, but it risks being a piecemeal approach without the resource to reach across Scotland. We must create approaches that can bring the whole spectrum of careers and opportunities to every pupil in every school.

I look forward to the expansion of foundation apprenticeships and I give credit to Jamie Hepburn for his commitment to expand the range of frameworks that will be available across Scotland in future years. I hope that the inclusion of STEM frameworks, particularly those in engineering, from the beginning demonstrates a willingness to use those apprenticeships to build skills in that area. By getting into all schools across Scotland and showing pupils more directly the careers that can exist, we all stand to benefit.

As we celebrate this year's women in engineering day, we have a great opportunity to point to the achievements of women in the industry, to build awareness and to help aspiration. I commend the number and range of businesses that have been involved as sponsors or in organising events. However, to make engineering more inclusive, policy must be ambitious and reach all women at all stages of their lives across all parts of Scotland.

17:52

Sandra White (Glasgow Kelvin) (SNP): I, too, congratulate Gillian Martin on securing this excellent debate. I will concentrate on two of the aspects that are referred to in the motion: positive

action measures and industry outreach. On the latter point, next week I will meet ScotRail, which is actively recruiting women for apprenticeships in engineering. I thank ScotRail for setting that example.

However, the biggest example that I will mention is a fantastic project in my constituency. The FemEng student network was established in 2013 by Ellen Simmons, a biomedical engineering student at the University of Glasgow. FemEng students have been running a programme of activities and workshops, which they have taken out to schools, to promote science and engineering.

As well as the outreach project, FemEng has a number of other projects, including one called future you. FemEng believes that one of the main issues that deter females from studying, or considering studying, engineering is a lack of positive role models in the industry, as other members have mentioned. FemEng aims to bridge the gap between the university student and the industry professional to try to give students an idea of where their degree could take them. That is about getting away from the oily rag idea that Willie Coffey mentioned and showing that there are other ways to get into engineering. FemEng hosts informal networking events that it calls future you events at which successful female industry professionals and alumni are invited to give a brief presentation answering the question “How did you get to where you are now?”

FemEng also has a mentoring or buddy system that is designed to give younger FemEng students a way to direct questions about university to older students who are studying similar subjects. It is not a tutoring system, but students can ask their partner older students anything that they want, such as questions about tips on how to revise certain subjects, what a certain subject will be like, where they can get help with something, when they should start applying for internship and so on. The buddy system gives the partner student, who is in a more advanced year, the chance to make friends among the younger students and pass on tips and tricks that they have learned over the years—passing knowledge on, basically. The help that they give can involve everything from occasional messages to meetings. In return, the information can be used in applications, and FemEng helps people to fill them in. The scheme allows those involved in FemEng to help other women in engineering.

One of the proudest things that FemEng has done is FemEng Rwanda. The project was born of a desire for the group to participate in projects overseas. It is an international collaboration between the University of Glasgow’s school of

engineering and the University of Rwanda’s college of science and technology.

FemEng has gone from strength to strength, and I must thank Ellen—who has gone on to other work and is now a professional engineer—and her fellow students for the drive and enthusiasm that they have put into it. The aim of the project is to open up possibilities in science and engineering as a career for young women, not only here but internationally. It offers a unique and progressive experience for everyone involved; more important, it engages young women in the opportunities that science can offer.

I have been involved with FemEng over a number of years. I have hosted events in Parliament and secured a members’ business debate, in which I and others highlighted the work that FemEng should be rightly proud of.

17:55

Graeme Dey (Angus South) (SNP): I am proud to have within my constituency the Angus Training Group, which the minister visited a few months ago. Since 2000, it has produced 629 engineers, who are now plying their trade all over Scotland and beyond our shores. Of those engineers, depressingly, just 26 have been women—that is 26 over 17 years. As recruitment for this year is not quite complete, the group is unable to give me a definitive figure for 2018-19. However, it looks like there will be 43 modern apprentices, of whom only three will be women. The group wants to attract more women; it tries to attract more young women. However, the pipeline of women who come from local schools moves at a dribble.

I am grateful to my colleague Gillian Martin for securing the debate, which allows me to note, as she did, the problem that we have in my neck of the woods, but also to highlight the attempts to address it.

In preparing for the debate, I was heartened to learn that Angus Council has been taking steps in primary schools to build teacher skills in science so that teachers can motivate our young learners. In secondaries, careful analysis of gender breakdowns in STEM subjects is taking place to support the targeting in schools of interventions to encourage female engagement in science. Positive female role models in the field of science are also being highlighted.

The 1,000 girls, 1,000 futures programme is a ground-breaking, worldwide initiative that is designed to engage young women who are interested in STEM and to advance their pursuit of STEM careers through mentoring. A secondary 4 pupil from Webster’s high school in my constituency has been selected by the New York Academy of Sciences to participate in the

programme. Participants are provided with a mentor, most of whom are American female academics.

Beyond that, following a successful Primary Engineer pilot in the Arbroath west cluster, the developing the young workforce programme is funding its own pilot of the project in the Kirriemuir cluster. Subject to positive evaluation, DYW Dundee and Angus is looking to roll out the project across all Dundee and Angus schools.

Primary Engineer seeks to deliver

“the development of children and young people through engagement with engineering, the promotion of engineering careers for pupils through inspiring programmes and competitions, the development of engineering skills for teachers and practitioners as a sustainable model”

and work

“to address the gender imbalance in science and engineering.”

Steps are being taken.

The statistics that were provided by Dundee and Angus College ahead of the debate unequivocally reinforce the need for such actions: in the 2016 enrolment for engineering across all disciplines, there were 84 female students compared with 1,550 males. That is 5 per cent representation. The college is tackling the gender issue by sending an invitation to more than 2,500 S3 pupils for taster sessions that will cover all curriculum areas at the college. It hopes that that will go some way towards exposing the pupils to subject options and that it will lead to more girls choosing engineering. As I have indicated, we need that to happen.

Let me maintain a positive note. There should be increasing opportunities for young women and men to get into engineering in Angus in the years to come. The Tay cities deal will, I hope, lead to an engineering centre of excellence being established in Arbroath. In the past few weeks, there have also been significant Scottish Government-backed developments in Montrose, in my colleague Mairi Gougeon’s constituency. There is cause for optimism in Angus, but much work is still to be done before we can honestly say that engineering in all its guises is truly open and welcoming to all.

17:59

Iain Gray (East Lothian) (Lab): Gillian Martin made a noble effort to get us to focus on positive role models of women engineers, but we have failed in that, have we not? Most members spent their time talking about the difficulties of getting women into engineering and the lack of women in that profession. That is no wonder, as the figures are stark. Given the shortness of time, I do not want to rehearse those figures; I will restrict myself

to two comments on how to change that situation and what we can do about it.

First, Ash Denham said that the figures are “disheartening”. They are indeed disheartening, so it is important for us to tell ourselves—and I believe this—that we can change them. Evidence exists that the situation can be changed. Professions such as law and medicine—which is, after all, a STEM-based profession—have been transformed in recent years and have become gender balanced. Arguably, the new lawyers and doctors who are coming through are slightly predominantly women. Perhaps we should spend more time looking at why that has happened and considering why it has not happened in engineering. However, that tells us that the situation can change.

Secondly, our efforts have to be early, with young women. A number of members have referred to that in one way or another. Anyone who has worked in a school—a number of speakers have done so—and has tried to convince young women even in S1, S2, S3 or S4 that science and engineering could be for them knows how difficult that is and how strongly gendered attitudes are already embedded by that time. Jenny Gilruth spoke about the critical issue of course choice. As young women go into S4, it is incredibly difficult to get them to see that STEM subjects could be for them.

When I was at a conference late last year, I was very struck by something said by one of the other speakers. Zoe Thomson, who is a deputy headteacher at Woodmill high school in Fife and who has a background in electronic engineering, spoke about what Woodmill high school had done to try to change things. It was striking how much of an effort she believed had to be made. The school has a three-year gender action plan and a huge focus on staff continuing professional development. She said that she was shocked by the degree to which many of her staff colleagues did not believe that the issue was anything to do with them. The school’s approach included workshops on addressing unconscious bias, weekly follow-ups, which she checked people were reading, work with parents and pupils, and exposing people to role models. What really struck me was that the approach also included rewriting the language and format of the school’s curriculum choice materials to degender the language and changing its curriculum choice structure to stop it squeezing young women out of STEM subjects.

We cannot afford to be gentle or assertive; we have to be serious and intensive if we are going to make the efforts that will change the situation.

The Deputy Presiding Officer: I call Stewart Stevenson, who is the last of the speakers in the open debate, to be serious and intensive.

18:03

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I will certainly not try to be too frivolous, but I will try to rise to the challenge that Iain Gray issued and give some role models in software engineering and related activities. Girls do belong.

Ada Lovelace, who was Lord Byron's only legitimate child, was born in 1815 and died in 1852. She was the computer programmer for Charles Babbage, who got a huge amount of money from the Government to develop the analytical machine and the calculating machine. She developed the first computer algorithm and identified the importance of branching—testing and changing the direction of a program depending on the results, which is key to how software works today. She was a mathematician and a computer person. She was largely encouraged by her mother, because her father fled one month after she was born and she never saw him again.

On 5 October 1972, I had the immense privilege of meeting Rear Admiral Grace Hopper at the University of York. Born in 1906, she was a programmer on the US Navy mark 1 computer in 1944. That computer had a partly electromechanical system. One of her program runs failed—a moth was stuck between the contacts. The Americans call a moth a bug, and that bug is Sellotaped to her lab notes and can be seen in a New York museum; it is why we say that computer programs have bugs.

Grace Hopper did something incredibly important. She was the first person to develop a computer program that wrote computer programs. Today, we utterly depend on such computer compilers.

Rear Admiral Grace Hopper retired three times from the US Navy. She was re-recruited because she was genuinely indispensable. She finally retired at the age of 80 as the oldest ever uniformed member of the US armed services, but then went to work full-time for the Digital Equipment Corporation, where she was still working at the age of 85.

Stephanie Shirley used the name Steve professionally, so that the people she was dealing with would not know that she was female. She developed a rather deeper voice than the one she might have been born with to use when on the telephone. She founded Female International, which is one of the very successful early computer consultancies. She is still around doing good works in the House of Lords.

I turn to the original NASA computers for the orbital manned missions. In 1962, John Glenn did three hops around the earth. The computer failed

for three minutes during his three orbits—only 99.95 per cent reliability was required, and failures were allowed. Thank goodness that Katherine Johnson, who was the orbital mechanical engineer responsible for the mission—or “that computer”, as such ladies were known—was there when the computer failed.

Today in the NASA Langley research center, the director, the chief scientist and the chief technical editor, Pearl Jung, are female. There are plenty of places where girls belong in engineering.

18:08

The Minister for Employability and Training (Jamie Hepburn): I, too, thank Gillian Martin for bringing this topic to the chamber for debate. I thank other members for their speeches, particularly Stewart Stevenson, who I find never frivolous but always enlightening. His speech included his finding someone doing good work in the House of Lords—I did not think that I would ever hear that from one of my SNP colleagues.

The debate gives us a chance to celebrate women who have made their mark in engineering. Many members have done that in the debate, so I will not rehearse all the names. However, I say to Ash Denham that I noticed that a few of her colleagues are a little nervous about the prospect of taking the Myers-Briggs test to determine whether they should be in their current career—perhaps we will all do that in secret.

I fully support international women in engineering day because it gives us that opportunity. It also gives us the opportunity to recognise the Women's Engineering Society and the difference that it is making in its support of women in engineering, its work to encourage and promote the education, study and application of engineering, and its promotion of gender equality in the workplace.

The Government is working towards those aims. We are committed to addressing occupational segregation in the labour market in all its forms, and occupational segregation is particularly prevalent and stark in the STEM sector. That is driven by many factors, not least the fact that even when women study STEM-related subjects, that does not always lead to participation in the labour market, as Jackie Baillie said. Some 73 per cent of female graduates in STEM subjects do not enter or remain in the sector. That is a stark example of the leaky pipeline that Gillian Martin was talking about. It is a clear waste of talent and an underutilisation of a skill set—something that the country cannot afford.

We know that there is more to be done at school. We know that there is interest at primary school age. I see that very clearly in my daughter,

who has been extolling the virtues of learning robotics at school and last night proudly showed me the rollercoaster that she had made using K'Nex—other brands are available, I am sure. She demonstrated admirable patience, which I certainly would not have had at that age, and I will do everything that I can to encourage her to continue with her interest.

As members said, it is our responsibility, as individuals, to encourage girls to become interested in STEM subjects at an early age and to sustain and maintain their interest—given that another part of the leaky pipeline, which is recognised in the engineering skills plan that was published in 2015, is secondary school, when girls' interest in STEM subjects begins to drop off. The number of passes by girls in STEM higher qualifications has increased, but we know that we need to improve and we have been taking action in that regard. I am an optimist, like Iain Gray, and I think that we can improve.

We took forward the improving gender balance Scotland project with Skills Development Scotland and the Institute of Physics. The project finished at the end of March, and its interim evaluation, which has been published, reported greater awareness among teachers and senior managers of how unconscious gender bias manifests itself in activities in the school environment. The evaluation also found greater awareness among learners, who were more willing than they might have been in the past to come forward and challenge stereotyping, for example in throwaway remarks.

The evidence that the project made a difference was provided by Iain Gray when he talked about changed practice at Woodmill high school. The school was part of the project, which suggests that that is exactly the type of activity that we need to take forward. The challenge is to roll out that learning.

Another way in which we can make a difference in schools is through foundation apprenticeships, which Jamie Halcro Johnston talked about. We are committed to growing the range and number of opportunities in that regard. This year we are increasing potential starts to 2,600, from 1,200 last year, and we are committed to moving to 5,000 opportunities next year. It is important to ensure that girls pick STEM subjects in school, but if they do not do so, a foundation apprenticeship gives them another opportunity. They do not have to have chosen a STEM subject to undertake such an apprenticeship if they express an interest in working in the sector further down the line.

There is much more to be done in universities and colleges, and we heard good examples in that regard. Sandra White talked about the University of Glasgow and Jenny Gilruth talked about Fife

College. The Scottish Further and Higher Education Funding Council's gender action plan sets out how colleges, universities and other partners must collaborate to address the gender imbalance that exists in certain subjects.

Skills Development Scotland's equalities action plan is designed to address a range of imbalances, not least gender imbalance in modern apprenticeships. I do not shy away from the fact that we have a long way to go in that regard. That is most starkly demonstrated by the fact that if we take away construction-related frameworks, which include those on engineering, the majority of participants in modern apprenticeships are female. However, overall, 60 per cent of participants are male and 40 per cent female, which shows where the clear imbalance comes from.

I have to say that if ever there was a way of promoting the benefits of an apprenticeship to anyone, it would be for them to go along with Graeme Dey to the Angus training group, which I was very happy to do—not only to see the tremendous training that it has put in place, but to speak to its apprentices. I know that money is not the only motivating factor for a person getting into their career, but those apprentices' earning potential not long after they finish their training is significant, and well ahead of median earnings. That could be another way in which we could promote the sector to a wider range of people.

I am up against time, Presiding Officer. I would have liked to go on to speak a little about the work we are doing with women returners projects and Equate Scotland, and the other ranges of activity that we are progressing through the workplace equality fund, the pregnancy and maternity discrimination in the workplace working group that I chair and the fair work practice that we seek to promote more widely. However, let me say that I recognise that the road that we have to travel is still significant. We have begun to take steps, and I am determined that we will get to the end of that road to ensure that we will have far better and more equitable participation in engineering across the range of our population, so that more women can have that chance.

Meeting closed at 18:16.

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