



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament

Wednesday 8 January 2020

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

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Scottish Parliament

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[The Deputy Presiding Officer opened the meeting at 13:15]

Palliative and End-of-life Care (Research Projections)

The Deputy Presiding Officer (Linda Fabiani): The first item of business is a members' business debate on motion S5M-20209, in the name of Miles Briggs, on research projections into place of death in 2040. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the publication of the report, *The impact of population ageing on end of life care in Scotland: Population-based projections of place of death and recommendations for future service provision*, by Marie Curie, the University of Edinburgh and King's College London; praises this research, which explores projections for place of death by 2040; recognises that projected trends suggest that two thirds of people will die outside of hospital settings by 2040; acknowledges the report's findings that more investment in community-based care is needed, particularly an increase in care home capacity, to support this shift in care; further acknowledges that terminally ill people and those at the end of their lives should be a high priority for those that commission health and social care services, and notes the view that sustainable funding of services is needed; further notes the recommendations from the research that there is a need to upskill the health and social care workforce in palliative and end of life care through education, training and valuing of their work, explore digital solutions and technologies to support people in the community, and mobilise communities to support people needing care; commends Marie Curie's proactivity in encouraging early conversations about dying, death, bereavement and grief, and notes calls to encourage further public debate so that people have early conversations about end of life, and enable them to plan to die in their place of choice.

Miles Briggs (Lothian) (Con): I thank colleagues for supporting my motion and enabling today's debate to take place. The topic that I have brought for debate is perhaps not the most cheery for the start of the new year, but it is of vital importance to our constituents and their families.

I welcome to the public gallery representatives of Marie Curie, and I pay tribute to the work of that charity and all its staff, nurses and volunteers, who do so much for our constituents in every part of Scotland.

I visited the Marie Curie hospice in Edinburgh in the run-up to Christmas and, once again, was incredibly impressed with the quality of care that its staff provide to terminally ill people in the Lothian region. I was also impressed with the

support and advice that it gives to family members at such a difficult time.

Improving the care and support that we offer to people at the end of their lives is something that every MSP in the chamber supports. I pay tribute to members for the campaigning that they have undertaken on the issue, including David Stewart, who is looking to have a debate on the issue in the future.

I commend the authors of the place of death report: Marie Curie, King's College London and the University of Edinburgh and, specifically, the lead authors Anne M Finucane of Marie Curie and Anna E Bone of King's College London.

The report identifies that there will be nearly 16 per cent more deaths in Scotland by 2040, with an increase from 57,700 to 65,700, and that 45 per cent of all deaths will be of those aged over 85. Currently, around 45,000 people a year die of a terminal illness and require some form of palliative care or pathway. Therefore, the increase in the number of people dying will bring with it an increase of thousands more people each year who need palliative care. We also know that the number of people living and dying with dementia, cancer and frailty will increase considerably and that more and more people will live with multi-morbidities. The challenge in getting the care right for such people is already a massive one, so we clearly need to start planning for the future, which is what I hope that today's debate will look at.

The Marie Curie-led research makes an important contribution to understanding what the future might look like and how the Government and the health and care sector can respond to the challenge. The research shows that, by 2040, if current Scottish trends continue, community settings are likely to be the place where two thirds of all deaths take place. Hospital deaths would account for the other third. Currently, around half of people die in hospitals, so that change would be aligned with the Scottish Government's ambitions for shifting the balance of care from acute to community settings. We support that shift, as do members across the chamber.

However, it is vital to highlight that the research concludes that the scenario of people being able to die at home is very unlikely to happen if community support and capacity are not radically increased. The research suggests that, if capacity is not increased in the community, more and more people will die in hospital, potentially peaking at more than 37,000 people dying in hospital by 2040—representing 57 per cent of all deaths—which would be an increase of more than 8,000 hospital deaths from 2016.

The numbers of care homes and care home places in Scotland are currently falling. The

number of care homes for older people fell by 10 per cent between 2007 and 2017, and the number of care home places has fallen to just 37,278. The sustainability of the care sector is an important issue for us to consider.

General practitioner numbers are also under pressure, and other professional groups, including district nurses, allied health professionals and social care teams, struggle to provide care for their patients as their numbers decrease and vacancies take longer and become more difficult to fill. All those professional groups are essential in providing support and the multidisciplinary team that is needed for people living with a terminal illness across our communities.

A unique aspect of the research was the sharing of data with 27 experts—including policy makers, clinicians, health service managers, social care workers and educators—in drawing together the findings. The experts were asked to identify priorities to support the shifting of care from acute to community settings, and, by consensus, they identified three key priorities to support that outcome. The experts said that the following needs to happen. There needs to be an increase in, and an upskilling of, the community health and social care workforce through education, training and the valuing of our care workers; we need to build community care capacity through informal carer support and community engagement; and we need to stimulate a realistic public debate on death, dying and sustainable funding for those services.

In his response to the debate, it would be useful to hear from the Minister for Public Health, Sport and Wellbeing how the Scottish Government is responding to those key priorities and what actions ministers are going to take in those areas. Specifically, it would be helpful if the minister pledged to write to all health and social care partnerships, asking them to publish their plans for palliative and end-of-life care. Some of them have already done that, but many have not and it would be useful to find out what our health and social care partnerships across Scotland are looking to do in the future.

The Government has pledged that everyone who dies of a terminal illness should have an advanced care plan in place. That is another ambition that everyone across the chamber supports. However, the Government has just 12 months in which to make that happen. Currently, only around half of those who die in hospitals have such a plan in place, so we have some way to go. I hope that the minister will also respond on that ambition and say what work is being undertaken to achieve it.

Getting the environment in hospitals right is incredibly important. All members will have had it

fed back to them by constituents and families that it is vital that dying people and their friends and families get the space and dignity that they need. The study also highlights the role of hospices in caring for people at the end of their lives. It is clear from the research that the in-patient capacity of hospices will not grow significantly in the years to come, although they will nonetheless care for 5 to 7 per cent of all deaths in their in-patient facilities. All of Scotland's hospices have already begun to increase their out-patient and community services, to ensure that they reach many more people beyond their in-patient cohort. Those services, and those of charities such as Marie Curie, will be needed in the future as we support the shift in the number of deaths—which is suggested in the research—from an acute setting to a community one.

Hospice UK suggests that Scottish hospices currently care for around 19,000 of our fellow Scots every year. With many hospices across the UK facing financial struggles, and with some closing, there is a real danger both that in-patient capacity could be reduced and that support in the community could be withdrawn, putting additional pressures—yet again—on the acute care setting. Given that the role of hospices is vital in the care of people living with terminal illnesses, how can the Scottish Government work with hospices to ensure a sustainable financial future for them not just in this decade but beyond?

To conclude, I thank all parties for their support of today's motion, which I welcome. We support the Scottish Government's vision that, by 2021, all those who need palliative care in Scotland should have access to it. There has been some progress, which we should acknowledge, although it has not been fast enough. Without real effort over the next 16 months, there is a danger that we will not meet that 2021 vision. Even if we do, without making palliative care a much higher priority for the Government and for health and social care partnerships, we could start to fall behind again quickly. We should not let that happen.

We will also face very significant challenges in responding to an increasing number of deaths as time goes on.

The Deputy Presiding Officer: You must conclude.

Miles Briggs: I hope that the report and today's debate help to kick-start a productive discussion about how we build capacity and develop sustainable services. *[Applause.]*

The Deputy Presiding Officer: I ask those in the public gallery not to take part in the proceedings.

13:24

Emma Harper (South Scotland) (SNP): I welcome the opportunity to speak in the debate and congratulate Miles Briggs on securing it. I welcome members of Marie Curie to the public gallery and recognise, and congratulate them on, the joint research that was published by Marie Curie, the University of Edinburgh and King's College London into projections of place of death in Scotland by 2040.

The research is very insightful and detailed, as Miles Briggs highlighted, and it makes a good basis for discussion of and debate about social care, anticipatory care planning and how best to manage lifeline social care services in the future.

I remind members that I am a registered nurse and that, as the deputy convener of the Health and Sport Committee and a regular attender of the cross-party group on palliative care, I have a particular interest in our social care sector. I feel passionately about ensuring that we equip the sector and, indeed, our population for years to come.

Across Scotland and internationally, we are seeing our population ageing better and people living longer lives and generally becoming healthier. Although that is welcome, it presents challenges, because with age come a greater risk of health complications and other health co-morbidities and a greater need for social care support and services.

The Health and Sport Committee is about to start an inquiry into social care in Scotland, and it will be interesting to see how we address many of the issues that we will highlight today. One of the main themes is that, as a society, we must be smarter and better prepared to deal with our ageing population. The evidence suggests that there must be an onus on healthcare professionals to have realistic conversations with people about their retirement, their wishes and their future care needs in order to best support them to stay at home or in a homely setting and to provide the care that best suits their needs.

I am pleased that the joint research that was published by Marie Curie suggests that, by 2040, two thirds of Scots—66 per cent of the population—will die at home, in a care home or in a hospice. That is encouraging. However, there are several steps that we must take to ensure that those projections become reality.

I am pleased that the Scottish Government, local health boards and local authorities are already taking action. Research from a consultation that formed part of the information that was published showed that experts, including clinicians, policy makers, health service managers, academics, social care workers and patients,

suggested that, to meet the target of more people dying at home, we must increase and upskill our community health and social care workforce through education but also by valuing care work and recognising caring as an invaluable profession; we must stimulate a public conversation about planning for the future—that is also referred to as anticipatory care planning—and discuss realistic medicine; and we must increase and build on community care capacity through informal carer support and community engagement.

I agree with all of those outcomes, and I am pleased that many actions are already being taken. I will highlight some of the work that is going on across Dumfries and Galloway, in my South Scotland region.

NHS Dumfries and Galloway has several community-based projects that are aimed at educating the public, families of people with complex health needs, carers and individuals about health and social care. In July last year, NHS Dumfries and Galloway and I worked together to provide an event in Stranraer to show people what care is out there for them. We demonstrated a baby box and had Marie Curie and palliative care discussions. That was a great way in which to engage the professionals as well as the public on what care is out there.

Another event is coming up in which anticipatory care planning and power of attorney—which is really important—will be looked at. If we can start to get people to talk about their future wishes, I strongly recommend that we take that work forward.

I know that my time is short. I look forward to hearing members' contributions and the minister's response.

13:28

Brian Whittle (South Scotland) (Con): I, too, thank my colleague Miles Briggs for bringing the debate to the chamber, and giving us the opportunity to discuss a very important and difficult topic. Discussing our mortality is never comfortable. It is my intention to hang around for as long as possible—if only to continue to annoy and occasionally embarrass my children and grandchildren. We all must have our fun.

The report highlights the fact that there will be a significant increase in the number of people who will die outside a hospital setting. We need to consider how we will create a system that will adequately enable that to happen. As has already been mentioned, projections say that two thirds of people will be in that situation.

I accept that, for politicians, 2040 is a world away. To be frank, I say that most of us here cannot see past 2021 and what policies to put in place to ensure electoral success. However, in all our political manoeuvrings and machinations, we need to find the time to consider the bigger picture.

The care home sector already plays a huge role in the care of people who are in their twilight years, but it is under extreme pressure. We are all aware, from our areas, of closures of care homes that put the system under greater strain.

There has also been a fundamental change in how care homes are used. Gone are the days, just a few decades ago, when they were sometimes seen as “granny farms”. These days, people who use care homes tend to enter them later in life and with much more complex health needs. We should recognise the skill set that is now required for care home workers and ensure that staff are upskilled, as the report suggests.

The way in which care homes are funded also needs to be reviewed. I have met several care home operators who are struggling to keep them open. They have very little say in how the homes operate: for example, they are told what they are allowed to charge, and what they receive from the council and the required staffing levels are also controlled. In other words, there is little room for manoeuvre, and with staffing costs now exceeding 80 per cent of budget in many cases, any small change can push them over the edge.

We have to look at the sustainability of the system if we are serious about developing a long-term plan, and we have to recognise that a cost is associated with that. The development of integration joint boards should be a part of an integrated solution, but currently there is little evidence to suggest that that is the case. In fact, the evidence suggests that the system continues to struggle under increasing pressure.

There is also the role of the third sector, including Marie Curie, to consider. I thank it for its extensive work in developing the report that has sparked off this debate. There will have to be an increased role for third sector organisations that offer palliative end-of-life care, but we all know how difficult it is for them to maintain funding for the services that they currently offer, let alone to get funds to expand them. I am sure that we all recognise the incredible work that they do and the care that they take of families and their loved ones as they approach the end of life. The compassionate way in which they deliver the service is a model for how it should be done. We will need to consider how we can enable and support that level of service in the long term, and how the third sector is to be integrated into health solutions.

On delivering that change, Presiding Officer, you will know how passionate I am about developing a health technology system that will support the move towards our taking more of a community care approach. That must be the first step. Without a platform that supports good data in, and good accessible data out, it will be much more difficult to work out an effective solution.

Technology in the home is much talked about, and there have been incredible advances, but adoption of such tech is very slow. Their being able to monitor room temperature remotely, or to know whether the kettle or the TV is switched on, helps people to stay longer in their homes. Wearable technology can feed back in real time much health data that currently requires a trip to the general practitioner, hospital or even residential care.

This is a complex issue for which there is no magic bullet, but I believe that the solutions are all there. We must just have the resolve and the courage to make the changes. If we do not start planning for what is detailed in the Marie Curie report, we will sleepwalk into a healthcare crisis that will be very difficult to get out of.

13:33

David Stewart (Highlands and Islands) (Lab):

I also congratulate Miles Briggs on securing this afternoon’s important debate, and on the quality of his opening speech. I echo his comments congratulating the work of Marie Curie and its staff, some of whom are in the gallery.

The issue has long interested me. It has fundamental public health implications for Scotland. Being able to die at home is, in my view, a basic human right that accords with the European convention on human rights.

Parliament has rightly been praised for its legacy of policies on matters including free personal care, the smoking ban and minimum unit pricing for alcohol. A right to die at home could join that illustrious group of legacy policies that parliamentarians and constituents of the future could look back on with pride.

In a recent Marie Curie opinion poll of Scots, 61 per cent said that they would prefer to die at home. In my region—the Highlands and Islands—many GPs who are trained in palliative care support that wish.

John Mason (Glasgow Shettleston) (SNP):

Does David Stewart also accept that a significant number of people want to be in a care home but are being forced to stay at home?

David Stewart: I certainly agree. The shorthand that I used was “die at home”, but I would extend

that to include community resources including care homes.

Dying Matters, which is an English and Welsh consortium, shows that about 70 per cent of people would prefer to die at home, but about 50 per cent of people with terminal illnesses die in hospital.

We all know that more and more people are living longer, and with increasingly complex conditions. It is estimated nationally that about 44 per cent of adults in the last year of life have multiple long-term conditions

I was interested to read the Marie Curie briefing earlier this morning, which makes it clear that

“without substantial investment in community-based care including care home capacity. Without this investment hospital deaths could rise to 37,089 (57%) of all deaths by 2040.”

I have been working closely with Shetland GP Susan Bowie, who recently raised with me her concern about the gap in hospital-at-home care for patients, and I have received similar reports from other concerned front-line practitioners from across my Highlands and Islands region. Shetland currently has no charities or carers providing hospital-at-home care. Other areas might be in the same position, especially rural and remote areas.

Dr Bowie told me that, previously, when someone wished to die at home, she was able to organise volunteer help for families in caring for their relatives, because children often find it difficult to take care of their parents’ personal needs. A list of trained people would be available to help occasionally if required, and to give relatives a break. It was a great low-cost service. However, that service in Shetland was closed years ago. Social care could not fill the gap, so carers are not available at night or at weekends.

In fairness, the situation has moved on. I spoke to the Cabinet Secretary for Health and Sport, who told me that the current model of on-call nursing in Shetland is to be extended to a waking night service, which will start this year. That service uses advanced nurse practitioners alongside care staff to support people in the community. However, despite reassurances to the contrary from Shetland IJB, I hear that there are still not enough carers and nurses, especially during weekends and evenings. The situation can only get worse with an ageing Highlands and Islands population.

I agree with Marie Curie that care of terminally ill people must be given higher priority, and that there must be more sustainable support services. As the motion rightly says, a public debate on death, dying and bereavement is also needed. However, we need to shift the balance so that we not only train more carers and nurses to be

available to support people who wish to die at home, but make sure that those carers are better paid for the valuable job that they do.

Parents currently have the right to have their child born at home and the national health service provides midwives, but we do not have the right to carers to enable us to die at home. I see a real policy gap, there.

I am very conscious of time, Presiding Officer, and of your very relevant stare.

I say in conclusion that there can be few more important policy areas in health than one that provides certainty to people who are suffering from terminal conditions, and which gives them choice about their place of death and the ability to spend their last days and hours at home with loved ones, rather than in hospital with strangers.

The Deputy Presiding Officer: I think that I will stare at Mr Cole-Hamilton before he starts.

13:38

Alex Cole-Hamilton (Edinburgh Western) (LD): I, too, thank Miles Briggs for bringing the debate before Parliament today. I also thank Marie Curie, and particularly its nurses, who have touched my own life at a time of great sadness, as they have touched the lives of many members in the chamber.

In his book “Being Mortal”, Atul Gawande describes human life as a story that is defined by its key moments and the sum of its parts—not the day-to-day balance of pain and pleasure or success and defeat. As with all good stories, the ending matters. He writes:

“It is not death that the very old tell me they fear. It is what happens short of death—losing their hearing, their memory, their best friends, their way of life ... ‘Old age is a continuous series of losses.’”

The debate speaks to the heart of that reality. In general, people want things on their own terms in life, right up to the end. We live lives filled with choices of our own design, and yet, in our society, the choices that are available to us begin to evaporate as we near death, particularly if we have not had the conversations that Marie Curie is so rightly asking each of us to have with our loved ones.

That is why talking about the end of life matters and why I am very grateful to Marie Curie for building this campaign. Without an expression of will, the families around those who are dying will take difficult decisions that are based in the moment and shrouded in fear and in grief, which are not always to the benefit of the person who is actually dying.

Medicine has traditionally capitulated with that. Until recently, clinicians focused on what they could do to fix the failing body in the final weeks and months of life, and decisions were disproportionately weighted to the wishes of the surviving relatives. One more intervention might prolong a person's life for a couple of weeks, but that often comes at the expense of a person's comfort, dignity and even their own wishes as to where they die.

In every case, death is an enemy that will inevitably prevail and, as Gawande puts it, in that final battle:

"You don't want a general who fights to the point of total annihilation. You don't want Custer. You want Robert E. Lee, someone who knows how to fight for territory that can be won and how to surrender it when it can't, someone who understands that the damage is greatest if all you do is battle to the bitter end".

That is finally being recognised in the realistic medicine agenda, which has been authored and promoted by Scotland's chief medical officer, Dr Catherine Calderwood. It recognises that when confronted with the reality of the situation, end-of-life clinicians often choose one course of action for themselves and another for their patients. Realistic medicine encourages doctors and surgeons to treat their patients as adults and to credit them with the maturity to understand the reality and the finality of their situation. With that knowledge, a surprising number of patients will choose to stop treatment; instead, they will take a palliative care package and go home. The problem is that, by necessity, those life-extending interventions have to take place in an intensive clinical setting, but given the choice a significant majority of Scots would choose to die at home. However, less than a third of people are currently afforded that luxury.

Where people die really matters. A great deal of empirical academic evidence shows that being allowed to die at home eases not only the suffering of the person who is dying; it eases the suffering, and the bereavement process, of those around them. Those who are surveyed six months after a family member has died at home report that their mood is better, they are less likely to be prone to bouts of significant depression and they have been able to move on with a certain amount of closure that is attached to the belief that they granted their family member their wishes at the end of their life.

This is about those conversations. Marie Curie is putting that challenge to us in its campaign, and our answer to that is really important. The debate speaks to that, because we need to front load investment in social care if we are to properly answer the question. We know that there is a social care crisis in our society. It causes an interruption in flow throughout the national health service and things will get worse, given that the

death rate will increase by 16 per cent in a very short period of time.

We need to provide support to those who give care to people who are at the end of their life. We need to make people understand that it can be a tremendously rewarding profession that is shaped by moments of poignancy and unexpected joy. We need to ensure that they are well rewarded and properly supported by armies of volunteers. The chamber often focuses on every aspect of life's journey, but seldom looks at its end. With helpful interventions—like that of Marie Curie and the research that it carries out, and this afternoon's debate in the name of Miles Briggs—we can go some way to remedying that.

13:43

Mark McDonald (Aberdeen Donside) (Ind): As a fellow deputy convener of the cross-party group in the Scottish Parliament on palliative care, I congratulate Miles Briggs on bringing the debate to the chamber. I have a very strong interest in the issue. He was right to say that the subject might not be cheery, but it is a necessary subject because it deals with life's greatest certainty—the fact that it will end. Although we have no say on how we come into this world, we should strive to afford as much agency as possible to individuals to decide on how and where they leave it.

Miles Briggs spoke of the pressures that are faced by front-line health professionals. That is a debate that often occurs in the Parliament, across a range of areas. One of the pieces of work that I found ahead of this debate was an evaluation of the Marie Curie nursing service in England, which found

"evidence of lower total care costs for someone receiving the service compared to a similar individual in receipt of usual end-of-life care".

Healthcare savings of around £500 per person were identified. Extrapolating from those figures, that could result in annual savings of around £4.2 million in Scotland—money that could then be redirected. There is promising evidence that shows that palliative care interventions are cost effective but also that they also have improved outcomes such as reduced symptom burden and an increase in people dying in their preferred place. As a consequence, there could be reductions in acute care costs and pressures.

One of the issues that needs to be wrestled with in relation to the issues that have been highlighted in the debate is data and ensuring that there is good data available to drive the policy decisions that are made. The national survey of bereaved people in England contributes a considerable amount of evidence, which was used in a review that was conducted by the London School of

Economics and Marie Curie. However, no similar survey is undertaken in Wales, Northern Ireland or Scotland, which potentially presents gaps in evidence bases for the devolved nations. Has the minister considered seeking to extend the survey to Scotland or conducting a survey of our own in Scotland, in order to capture some of the rich data that can be used to improve service provision?

Similarly, the minimum data set for specialist palliative care services was another important source of data for the LSE and Marie Curie review, but it provides data only across England, Wales and Northern Ireland and no similar data is currently available in Scotland. I recently asked the minister about the Scottish research forum for palliative and end-of-life care, which has not met since early 2018. Although the minister said that he hopes that the forum will meet early in 2020, I would be grateful if he could update members in the chamber on that. It is important that the research in relation to palliative care keeps pace and drives the improvements in care that we want to see, to meet the aspirations that have been highlighted in the Marie Curie research.

I will highlight a final issue, which is the role of carers—not only paid-for carers, but members of the family who take up the caring role. The LSE review highlighted that having a carer who lived with the patient was the single most important factor associated with home death, whereas living alone or being unmarried increased the likelihood of a hospital death. The number of over-70s who are living on their own is projected to increase significantly, which could lead to pressure on community services and increase the number of people dying in hospital or care home settings.

I will highlight two examples from my constituency case load, both of which relate to individuals with motor neurone disease. The first, H, was admitted to hospital at the age of 81 for a percutaneous endoscopic gastrostomy procedure due to unsafe swallow. They were ready to return home for several weeks and the family was receiving support from MND Scotland. However, due to difficulty in sourcing care providers in the area, the suitable package could not be delivered; as a result, the patient became too weak and frail to get home, and died in the hospital setting.

The second constituent is Olive Mavor. I spoke to her husband and he gave me permission to mention her case in the chamber today. Olive Mavor was admitted to hospital for a PEG procedure but deteriorated and required a full-body hoist and breathing support. She remained in an acute ward for eight weeks, despite being deemed medically fit for discharge, due to a lack of carers being available to allow her to return home. It was only because her husband agreed to take on one of the caring roles alongside the carer

who was being provided by the health and social care partnership that she was able to return home and die there.

There is a contrast between the two cases: one individual did not have somebody to fulfil the caring role at home and thus died at hospital, while the other individual, simply because they had someone at home who was willing to fulfil the role, was able to die at home. That inequity needs to be addressed. We need to ensure that if people wish to leave the hospital setting and die at home surrounded by family and loved ones, the services are in place to enable them to do so.

13:38

The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick): On behalf of the Scottish Government, I thank Marie Curie, the University of Edinburgh and King's College London for publishing the important research. I add my welcome to the representatives who are in the chamber.

I also thank Miles Briggs for lodging the motion and colleagues across the chamber for their thoughtful contributions.

As Miles Briggs and other members have highlighted, the research states that if current trends in where people die continue, by 2040, two thirds of all Scots could die in a homely setting, whether at home, in a care home or in a hospice. As David Stewart said, that is the preferred option of most people. I thank Alex Cole-Hamilton for his very thoughtful contribution that put into context the reasons why that is the choice that many people would make and the benefits of their doing so.

The research also suggests that, if current trends continue, more investment will be needed to ensure that people get care in a homely setting rather than in hospital.

Those messages are striking and make clear the challenges that we face in delivering care and support that meet the needs of our changing population. However, we are well equipped to meet those challenges. Scotland is already recognised as a world leader in the field, and delivering high-quality and person-centred palliative and end-of-life care has long been a Scottish Government priority.

I am proud of the progress that we have made over the past few years under the auspices of our "Strategic Framework for Action on Palliative and End of Life Care 2016-2021". More specialist staff are in post, which has improved access to services in a homely setting. Through our programme of health and social care integration, we have been putting services under the control of

integration authorities, which are working closely with professionals, clinicians and local communities. Through that work, people enjoy greater choice and control over their care. As a result, pressure on NHS acute care units has been reduced, families and carers are better supported and, most important, the people who can benefit from palliative and end-of-life care are increasingly accessing it.

However, as the research illustrates, there is more to do. As Miles Briggs mentioned, our “Strategic Framework for Action on Palliative and End of Life Care” makes clear our ambition that, by the end of 2021, those who would benefit from palliative and end-of-life care will have access to it. To achieve that vision, it is essential that we focus on creating the right conditions nationally to support integration authorities in working with a range of partners in the planning of local palliative and end-of-life care services. Integration authorities are working with local communities and building on the expertise of organisations such as Marie Curie to commission services that are truly designed to meet the palliative and end-of-life care needs of their local communities. By commissioning services in that way, improvements will be driven through meaningful collaboration and partnerships with the palliative and end-of-life care community.

David Stewart: I agree with the contents of the minister’s speech. Is it in the minister’s or the Government’s plans to enshrine in law the right to die in a community setting?

Joe FitzPatrick: That is an interesting point. I have not given it great consideration but, when Mr Stewart raised it earlier, I wondered whether we should at least consider it. We certainly should consider it.

Our ambition to help to ensure that people get the care that is right for them in a community setting is reflected in our budget this year, which provides investment of more than £700 million to support social care services and speed up the pace of integration. We are on track to deliver our commitment that, by the end of this session of Parliament, more than 50 per cent of front-line NHS spending will be shifted to community health services. I hope that that direction of travel addresses some of the points that Mark McDonald made. I recognise that we are not yet where we want to be, but I hope that we are on a trajectory.

Mark McDonald: I absolutely hear what the minister says, but does he accept that part of the issue in the points that I highlighted is that, for a number of conditions, the increased complexity and the increased lifespan of individuals living with them mean that it will be difficult to commission services from the current models, so we need to think about different models of commissioning?

Joe FitzPatrick: That is true, which is why it is important that the work is being driven on a community basis and through partnership. Mr McDonald mentioned the survey that happens elsewhere. I will certainly consider whether it would be appropriate or helpful for us to ask for that survey to be extended to Scotland or to do it ourselves.

Miles Briggs mentioned hospices. The research touches on the vital role of hospices and care homes in delivering palliative and end-of-life care. Hospices have long been recognised as exemplars in the field and, now more than ever, they are developing their services to support the needs of local communities. It is important that hospices are supported in that vital work. That is why we supported the development of the memorandum of understanding between independent hospices and integration authorities. A central tenet of the memorandum is to establish effective reciprocal relationships between integration authorities and hospices. It is envisaged that the approach will help to provide sustainability for hospice services as well as supporting integration authorities in meeting their duty to make the best use of local assets in providing sustainable and high-quality services for their local populations.

That work has concluded at a national level. However, timescales associated with local adoption of the memorandums are expected to vary, depending on the existing arrangements between individual hospices and integration authorities. *[Interruption.]*

The Deputy Presiding Officer: I ask members who are coming into the chamber for the next item of business to have respect for the debate that is going on.

Joe FitzPatrick: As Emma Harper noted, having a highly trained and valued health and social care workforce is key to the success of delivering palliative and end-of-life care, particularly in care homes and care-at-home services. In April 2018, we published a new palliative and end-of-life care education framework that can be used in all health and social care settings to support staff who care for people with palliative and end-of-life care needs in their professional development. The Scottish Social Services Council and NHS Education Scotland are taking forward work to embed that across Scotland.

Brian Whittle and others talked about the importance of care homes, and we should also remember the importance of care-at-home services. We want to support people to stay at home or in a homely setting for as long as possible near the end of their life, but the role of care homes and care-at-home services in doing

that is often not recognised. It is only by providing more palliative and end-of-life care to people in a homely setting that we will be able to meet the care needs of our ageing population. Integration authorities are already making great strides in that area, and many are undertaking work to review their care-at-home services and structures to help ensure that they meet local needs now and in the future.

I am optimistic that, through the work that I have outlined, we will be able to bring about further transformative change in palliative, end-of-life and community care. I look forward to working with Marie Curie on that shared aim for many years to come.

13:57

Meeting suspended.

14:00

On resuming—

Portfolio Question Time

Social Security and Older People

The Deputy Presiding Officer (Christine Grahame): Good afternoon. The next item of business is portfolio questions. As usual, I would like short, snappy questions and nice little curt answers in order to get in as many people as possible. Questions 3 and 6 are grouped together, so I will take question 3 with its supplementary, and then question 6 and its supplementary, and anyone who has supplementaries to those two questions should seek to get in after that.

Gender Recognition Certificates

1. **Joan McAlpine (South Scotland) (SNP):** To ask the Scottish Government how many gender recognition certificates it expects to be issued under its proposed system of self-declaration, and how this compares with the current system. (S5O-03951)

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): Based on international evidence, we expect around 250 applications per year in Scotland under the proposed new system for obtaining legal gender recognition. The current United Kingdom gender recognition panel does not produce statistics on applicants from Scotland, but we estimate that around 30 people per year who were born or adopted in Scotland obtain legal gender recognition at the moment.

Joan McAlpine: The Government says that its proposals will not diminish the rights of women. However, its own draft equality impact assessment evidences that by citing research from the University of Bristol that criticises single-sex spaces and the exemptions under the Equality Act 2010. It suggests that, for a woman, catching sight of a male body in a changing room should be no more distressing than seeing another woman with a mastectomy.

Does the Government regret citing that research, and does the cabinet secretary agree that the comparison is insulting to breast cancer survivors?

Shirley-Anne Somerville: The impact assessment that the member refers to is a draft impact assessment. I would encourage members and members of the public to feed in their responses to the consultation, on both the contents of the draft bill and the draft impact assessment. The research that has been referred to was included because of a reference within the work to show that there is no increased risk of women being attacked in single-sex spaces by

trans women. That is why that report was included.

Other parts of the research, specifically the section that the member refers to, are not something that the Government would support—nor do we support any changes to the exemptions in the 2010 act.

Alex Cole-Hamilton (Edinburgh Western) (LD): Does the cabinet secretary agree that international evidence suggests that where a strict custodial sentence has been applied for a false declaration on a gender recognition certificate, that has reduced or eradicated any risk that the system will be misused?

Shirley-Anne Somerville: I would agree with Mr Cole-Hamilton's assertion. There is great and understandable concern among members of the public, particularly women, that there would be an increased risk to women because of the changes to gender recognition that the Government is proposing. That is why, in the consultation on the draft bill, I have specifically outlined that there is no diminution of women's rights under our proposals and that the exemptions under the 2010 act still stand. There are strict penalties for anyone who abuses the current system, which would be strengthened under our proposed system.

Women Against State Pension Inequality Campaign

2. Jenny Gilruth (Mid Fife and Glenrothes) (SNP): To ask the Scottish Government what discussions it has had with the United Kingdom Government regarding the WASPI campaign. (S5O-03952)

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): Since 2017, the Scottish Government has written to the UK Government on the issue on six separate occasions. We do not agree with the unfair manner in which the UK Government has imposed the change of state pension age on women born in the 1950s. The UK Government should take responsibility for its actions and should compensate those women who have had their retirement plans shattered and are now being forced back into employment to make ends meet, all because their pension age was changed without fair notification from the UK Government.

Jenny Gilruth: My constituent is 62. In 2016, she was forced to take early retirement at 58, following serious on-going health conditions. She is not eligible for universal credit, and she is being forced to use Glenrothes food bank repeatedly just to survive. This past year, it was only because of a welfare crisis fund that she could afford Christmas at all. Does the cabinet secretary think that that is acceptable? Can she confirm what support the

Scottish Government can provide to people such as my constituent who, through no fault of their own, have fallen victim to Westminster's callous pension reform?

Shirley-Anne Somerville: Jenny Gilruth has raised that constituent's case with me before, and I commend her for continuing to do so. It is not acceptable, and I once again call on the UK Government to do the right thing and to compensate women who have had their pension rights taken away.

The Scottish Government's money talk team income maximisation service is there to help older people. However, the real solution to the pension crisis is for the UK Government to take responsibility and act to end the misery faced by Jenny Gilruth's constituent and thousands of others like her.

Carers Allowance (Qualifying Criteria)

3. Willie Rennie (North East Fife) (LD): To ask the Scottish Government what plans it has to change the qualifying criteria for carers allowance. (S5O-03953)

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): We will consult on changes to carers allowance in early 2021 and we intend to introduce Scottish carers assistance the following year.

Willie Rennie: Marie Curie has called for an extension of the payment period after the person who has been cared for has died. When someone loses a person they are caring for, it is truly devastating. Does the minister agree that we cannot expect carers to get back on their feet and re-establish their working lives within weeks? How will the carers allowance in Scotland reflect that?

Shirley-Anne Somerville: I recognise the issue that Willie Rennie has raised, which is one that stakeholders have raised with me directly. I have already asked the disability and carers benefits expert advisory group for recommendations on carers assistance by May 2020. As I mentioned in my original answer, we will consult in 2021, and I am sure that that will be one of the areas that will be brought up, both in the advisory group's recommendations and in the consultation when it goes out to members of the public.

Carers Allowance (Earnings Threshold)

6. Monica Lennon (Central Scotland) (Lab): To ask the Scottish Government how much the carers allowance earnings threshold will be in 2020-21, and how many claimants reported earnings in 2019-20. (S5O-03956)

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville):

Carers allowance is currently being delivered in Scotland by the Department for Work and Pensions on a temporary basis through an agency agreement. That allowed us to introduce our carers allowance supplement in 2018 and to get extra money to carers in Scotland sooner than would otherwise have been possible.

Under the terms of the agency agreement, the earnings threshold for carers allowance in Scotland for 2020-21 will be the same as that applied by the DWP in England and Wales. For 2020-21, the DWP has set the threshold at £128 per week—an increase from the 2019-20 threshold of £123 per week.

The DWP does not produce management information on the reported earnings of carers allowance claimants in Scotland.

Monica Lennon: The minimum wage is set to rise by four times the rate of inflation, meaning that the earnings threshold is once again falling way behind increases in pay.

At the maximise project in Wester Hailes, the Social Security Committee heard from a mother who lost her carers allowance because of the minimum wage increase last year. The cabinet secretary has said that change could come from 2025, but will she commit to ending the agency arrangements and increasing the earnings threshold as a matter of urgency, so that carers do not have to suffer a further five years of work failing to pay?

Shirley-Anne Somerville: As I said in my answer to Willie Rennie, we will introduce Scottish carers assistance in 2022. I urge Monica Lennon to look at the reality of the situation, which I explained to Willie Rennie and to her. We introduced the carers allowance supplement in the way that we did to ensure that it was done as quickly as possible.

If Monica Lennon would like carers assistance to be introduced earlier, perhaps she can tell me, in writing or now, what she would like to change. Would she like not to make the Scottish child payment? Would she like not to introduce the Scottish replacement for disability living allowance for children or the replacement of personal independence payments? We have a timetable for social security. It is full and it is something that we work on very carefully to deliver as quickly as possible. Monica Lennon needs to deal with the reality of what we are doing, and to recognise that the first act that we took within devolved social security was to increase the amount paid to carers.

The Deputy Presiding Officer: Ms Lennon is not getting another supplementary, so you will have to deal with that outside of here.

Michelle Ballantyne (South Scotland) (Con):

The SNP made a manifesto pledge in 2016 to introduce a new national minimum fostering allowance for kinship and foster care. To date, we have seen no progress. The Fostering Network's 2019 report on the state of foster care shows that 60 per cent of foster carers feel that the allowance does not meet the cost of raising a child. Does the Scottish Government still plan to introduce a national minimum fostering allowance, and by when will it be implemented?

Shirley-Anne Somerville: As the social security representative for the Scottish Conservatives, Ms Ballantyne will recognise that that is not a matter that sits within my portfolio, but I will get the relevant minister to reply to her in writing.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): Will the cabinet secretary confirm that carers allowance was the lowest-paid benefit by the UK Government, and that the introduction of an additional payment by the Scottish Government means that it is now above the level of jobseekers allowance?

Shirley-Anne Somerville: That is indeed the case. Taken alongside the carers allowance, the carers allowance supplement, which, as I said to Monica Lennon, we introduced as the first work of the agency, has meant that the money that is paid to carers in recognition of their contribution to society is a larger amount than jobseekers allowance.

Child Poverty (North Ayrshire)

4. Ruth Maguire (Cunninghame South) (SNP): To ask the Scottish Government what action it is taking to address child poverty in North Ayrshire. (S5O-03954)

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): Last year, we invested £1.4 billion in support to low-income households across Scotland, including those in North Ayrshire, which includes £100 million to mitigate United Kingdom Government welfare cuts. Our tackling child poverty delivery plan outlines how we will tackle child poverty, including plans to introduce the new Scottish child payment worth £10 per child per week for eligible households. We have also committed £22 million to parental employment support and we are almost doubling funded early learning and childcare for all three and four-year-olds and eligible two-year-olds.

Ruth Maguire: Free school meal entitlement is really helpful for parents. In particular, meals during school holidays provide valuable assistance. What research has the Scottish Government undertaken into local initiatives that

provide holiday meals and how will the Scottish Government support the dignified provision of food for families that are struggling?

Shirley-Anne Somerville: We have focused £2 million of our £3.5 million fair food fund for 2019-20 on the school holidays. That funding, which is provided to third sector organisations and local authorities to deliver nutritious meals and activity programmes, includes evaluation to understand the impact and to identify best practice. The Scottish Government is supporting communities to respond to food insecurity in a way that promotes dignity by taking a human rights approach to tackling it. We will continue to focus on tackling the causes of food insecurity and we are working with local authorities through the Scottish welfare fund to provide a safety net for vulnerable people on low incomes.

Kenneth Gibson (Cunninghame North) (SNP): Does the cabinet secretary agree that, in its valiant attempts to reduce child poverty in North Ayrshire and across Scotland, the Scottish Government is hampered by the impact of UK Government policies such as welfare reform, which has increased child poverty?

Shirley-Anne Somerville: It is a sad fact that the UK Government is still pursuing policies that increase child poverty. As you know, Presiding Officer, Scotland is the only UK country to have set statutory targets for reducing child poverty. The UK Government's assault on welfare and continued benefit cuts makes it feel as though we are fighting poverty with one hand tied behind our back.

Older People (Loneliness)

5. **Alison Harris (Central Scotland) (Con):** To ask the Scottish Government whether it will provide an update on the action that it is taking to reduce loneliness among older people. (S5O-03955)

The Minister for Older People and Equalities (Christina McKelvie): The Scottish Government recognises that social isolation and loneliness can affect anyone at any age or stage in their life. I am delighted to update Alison Harris and other colleagues in the chamber that I will be co-chairing the third meeting of the national implementation group for our social isolation and loneliness strategy on 6 February 2020, along with Councillor Parry of the Convention of Scottish Local Authorities, which is one of our key partners in that work. We will be discussing how we can use the allocated funding of up to £1 million to develop solutions that are right for communities throughout Scotland. Organisations that work in communities are key to tackling social isolation and loneliness, and they will continue to be at the heart of that work.

Alison Harris: In December, Age Scotland predicted that 111,000 older people in Scotland would sit down to dinner alone on Christmas day, and the First Minister commented on loneliness before Christmas. At First Minister's question time, she said:

"I very much agree that we should see this as a public health issue."—[*Official Report*, 11 December 2019; c 48.]

Is that an indication of a potential Government portfolio change in the near future?

The Deputy Presiding Officer: That is below the belt!

Christina McKelvie: I hope that Alison Harris and other colleagues saw the message that I put out at Christmas on social isolation and loneliness, working alongside all those organisations. Age Scotland is another key partner in our implementation group and we absolutely treat social isolation and loneliness as a public health issue. That is why we have joint ministerial meetings to deal with it. I can reassure Alison Harris that that work is important and that we are doing it. Whether there will be a portfolio change is not within my gift.

Keith Brown (Clackmannanshire and Dunblane) (SNP): Television access is one way in which older people can maintain a connection to the outside world. Does the minister therefore agree that the removal of free TV licences for over-75s is a misguided decision and will do nothing to reduce the risk of social isolation and loneliness among vulnerable older people? In addition, will the minister urge the United Kingdom Government to fully fund free licences?

Christina McKelvie: Yes. In my opinion, that will be very detrimental to many older people across the UK. It is a clear abdication of responsibility by a heartless Tory Government that is trying to shift what is a welfare policy on to a public broadcaster. It was a Tory Government decision, which shows that that Government is clearly shirking its responsibility to support older people.

The BBC's plan to introduce a means-tested waiver based on pension credit has at least shone some light on that benefit and resulted in an increase in its uptake. The UK Government—it is a new Government and is saying that it will do things differently—should recognise that it has a responsibility to fund free TV licences for our over-75s. I hope that our Conservative Party colleagues will take that up with their new colleagues in their new portfolios as they move forward.

Motability Scheme

7. **Gordon Lindhurst (Lothian) (Con):** To ask the Scottish Government what steps it is taking to

ensure that there will be a functioning equivalent to the Motability scheme in Scotland. (S5O-03957)

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): The Scottish Government published details of the accessible vehicles and equipment scheme on 4 September 2019 and will ensure that disabled people receive the same service that they currently receive under the Motability scheme. The new scheme will ensure that disabled people in Scotland can lease a car, electric scooter or powered wheelchair at a heavily discounted rate without having to undergo credit checks from an accredited provider.

The application process for the accreditation scheme opened on 4 October and closed on 4 November, and the Scottish Government will announce the outcome of the accreditation process in due course.

Gordon Lindhurst: Can the cabinet secretary give assurances that those who are currently on the Motability scheme will have full access to the same equipment and services that they currently have, and can she advise Parliament on the number of providers who are already accredited under the new scheme?

Shirley-Anne Somerville: As I said in my original answer to Mr Lindhurst, I will make an announcement on the outcome of the accreditation process in due course. I am unable to provide the number of organisations that will be part of the scheme, but I am happy to provide reassurance that no one who currently has a Motability vehicle will lose out once the new scheme opens. The Scottish Government is working with Motability to ensure that disabled people with a Motability vehicle will keep it until the end of their lease, subject, of course, to their continuing to meet the eligibility criteria of the relevant mobility component.

Sandra White (Glasgow Kelvin) (SNP): *Disability News Service* revealed in November that more than 100,000 disabled people have lost their mobility vehicles after being reassessed as part of the Conservative Party's disability benefit reforms. Does the cabinet secretary not agree with me that it is a bit rich that the Tories have brought this issue to the chamber today?

Shirley-Anne Somerville: Sandra White is quite right to point out that disabled people have been badly let down by the United Kingdom Government as a result of the introduction of the personal independence payment, and it is disappointing that so many disabled people have lost access to a vital scheme such as Motability. We are clear that we will not be taking an austerity-led, target-driven approach and we will

deal with what matters, which is providing a good service to clients.

Scottish Child Payment (Backdating Period)

8. Daniel Johnson (Edinburgh Southern) (Lab): To ask the Scottish Government what the maximum backdating period is for the Scottish child payment. (S5O-03958)

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): As stated in my written answer to Mark Griffin on 19 December, the Scottish child payment regulations will include provisions to allow the Scottish ministers to make a determination without application where an individual has been unsuccessful in their original application as a result of a qualifying benefit or child responsibility benefit decision. In those instances where it was as a result of an incorrect decision being made on a reserved benefit and the person has since received a backdated award, the Scottish child payment will also be backdated to the point a person first applied for the payment. That is set out in revised draft regulations that were published on 20 December.

Daniel Johnson: As the cabinet secretary will know, under Scottish choices, over 60,000 people have opted for fortnightly payments of universal credit, which provides greater financial security for those budgeting on low incomes. However, as it stands, the Scottish child payment will not be paid fortnightly. Does the cabinet secretary agree that it would be consistent with Scottish choices and better meet the needs of people's lives if the benefit were paid fortnightly?

Shirley-Anne Somerville: We will certainly be happy to look at that when we review the Scottish child payment. I simply say to Mr Johnson that the speed of introduction of the Scottish child payment is unprecedented and that it requires us to look at both the legislative route and the existing functionality within Social Security Scotland. However, it is an issue that I am happy to come back to. I am sure that Mr Johnson would also want to ensure that the first payments can indeed be made by Christmas this year, but for that to happen we have to make decisions around how we can introduce the benefit as simply as possible.

Finance, Economy and Fair Work

The Deputy Presiding Officer: We move straight on to questions on finance, economy and fair work. I remind members that questions 1 and 5 and questions 3 and 8 are grouped together, respectively, with the usual consequences if members want a supplementary.

Digital Growth Fund

1. Alexander Stewart (Mid Scotland and Fife) (Con): To ask the Scottish Government how much it has provided in loans through its digital growth fund. (S5O-03959)

The Minister for Trade, Investment and Innovation (Ivan McKee): The digital development loan is the first pilot programme delivered from the digital growth fund. Its purpose is to provide low-cost finance to support Scotland's small and medium-sized businesses to invest in the digital technologies and skills necessary to boost growth and productivity. As of December 2019, the total amount disbursed through the digital development loan is £2,142,000. Phase 2 of the programme began in September 2019 and early figures from the first quarter of the second phase indicate an encouraging spike in demand: there are approximately 44 loans in the pipeline, worth around £1.9 million.

Alexander Stewart: The digital growth fund of £36 million was announced in 2017, but through phase 1 from June 2018 to August 2019 only £1.7 million was spent. The minister has indicated that there will be a second phase. Can he confirm whether there will be 21 other phases to ensure that the £36 million is spent, or is that completely unrealistic?

Ivan McKee: The £36 million was across a whole range of programmes and the digital development loan is one part of that whole suite of programmes. The programme is demand led, and any eligible businesses that want a loan can apply to receive one. We have established a baseline market on which we intend to build with business organisations and the loan providers. We recognise the huge value of that to the economy and we are working with businesses for them to come forward and take advantage of the loans. I encourage any business that is listening to this exchange to do that. If the member knows any businesses, I ask him to please encourage them to come forward. As I said, the programme is demand led and the availability is there, but it is for businesses to come forward and take advantage of that provision.

Digital Economy Budget

5. Finlay Carson (Galloway and West Dumfries) (Con): To ask the Scottish Government whether it plans to increase its digital economy budget. (S5O-03963)

The Minister for Trade, Investment and Innovation (Ivan McKee): As the Cabinet Secretary for Finance, Economy and Fair Work has made clear, it is extremely difficult for the Scottish Government to confirm its spending plans in the absence of a United Kingdom budget. We

continue to press the UK Government for urgent clarification. That said, we are acutely aware of the economic potential of Scotland's digital economy and that is why we will continue to invest heavily in digital infrastructure and skills and encourage investment in digital and data-driven innovation to improve outcomes in policy areas as diverse as health, education, climate change and economic development.

Finlay Carson: The Scottish National Party Government's £600 million flagship R100 broadband scheme has been beset by delays in the north of Scotland and now faces legal challenge. Since the R100 policy was announced in 2017, the budget for digital economy has fallen dramatically, from £114 million to £32 million in last year's budget. Will the minister commit to an increase in the digital economy budget to ensure that rural communities like mine do not fall further behind while his Government sorts out the issues, the contracts are signed and we see R100 starting to be delivered on the ground?

The Deputy Presiding Officer: I do not know whether that comes under the minister's portfolio, but Mr McKee will respond.

Ivan McKee: You are correct, Presiding Officer, that the matter is not part of my portfolio, but I am happy to comment on it.

As the member is, or should be, well aware, that is a reserved matter. Having said that, the Scottish Government has stepped in to roll out the R100 programme at our expense to fill the gaps left by the UK Government. We are proceeding faster with the roll-out of superfast broadband across Scotland than the UK Government is proceeding on that across the rest of the UK. I understand that my colleague Mr Wheelhouse will make a statement on the matter in the chamber tomorrow.

Richard Lyle (Uddingston and Bellshill) (SNP): My question is supplementary to question 1. Can the minister outline what additional support is available to businesses and individuals to build their digital capabilities?

Ivan McKee: For businesses, our £1.6 million digital boost programme provides SMEs with advice and support in implementing new technologies, reskilling and trading online. The digital development loan makes £12 million-worth of interest-free loans available to SMEs to invest in implementing that advice.

The digitisation of SMEs is also an economic priority of the incoming European Commission, and we will work closely with our European Union partners to understand the most effective interventions for individuals.

In addition to the substantial digital provision through our colleges, universities and

apprenticeship programme, we have recently established the £1 million digital start fund, which supports people on low incomes with the right aptitude to reskill into well-paid digital careers.

We have also invested £800,000, through Skills Development Scotland, in the digital skills investment plan and around £3 million in CodeClan that will deliver 800 highly skilled professionals to the Scottish economy.

United Kingdom and Scottish Budgets (Timing)

2. John Mason (Glasgow Shettleston) (SNP):

To ask the Scottish Government what discussions it has had with the UK Government regarding the timing of the UK and Scottish budgets. (S5O-03960)

The Cabinet Secretary for Finance, Economy and Fair Work (Derek Mackay): The delay in the United Kingdom Government's budget is highly unsatisfactory, as it is needed to provide absolute clarity on future funding for public services in Scotland.

The chancellor's announcement yesterday, without any consultation or prior notice, that the UK budget would take place on 11 March is astonishing, particularly when I wrote to the chancellor on 22 December offering to discuss budget timing.

I remain focused on introducing a Scottish budget for 2020-21 at the earliest practical opportunity, and we will continue to work closely with the Finance and Constitution Committee, the Scottish Fiscal Commission, and, as I said yesterday, Opposition parties.

John Mason: The Accounts Commission for Scotland has been expressing its concerns for local government. I am also concerned that, further down the line, the third sector, which often gets money from local government, will have to wait even longer. Can the cabinet secretary give any reassurance to local government and the third sector?

Derek Mackay: As I said yesterday, I want to ensure that there is an orderly process that builds consensus and confidence in the Scottish budget process and its timing, scrutiny and contents. I will meet representatives from the Convention of Scottish Local Authorities to discuss matters of interest to local government.

I received a letter from the Chief Secretary to the Treasury just today. He has written to me to say that, as per the detail in my letter to him:

"there are other issues we should discuss in detail and I'd welcome the chance to do so. My office will be in touch to discuss timing."

I hope that that is a wee bit more constructive than the appalling treatment that the Scottish Government and the people of Scotland have had from the UK Government thus far.

The Deputy Presiding Officer: As there was a statement on this subject yesterday, I want short supplementary questions.

Dean Lockhart (Mid Scotland and Fife) (Con): Can the cabinet secretary explain how the Welsh Government was able to set its budget in December, despite facing exactly the same circumstances, while he is claiming that he is unable to set the Scottish budget?

Derek Mackay: Yes, I can explain that, and it is rather revealing that Dean Lockhart does not know the difference between the Scottish Parliament and the Welsh Assembly. Our powers are quite different from those of the Welsh Administration, which relies less on things like the block grant adjustment and tax powers and forecasts. The massive difference between the financial systems of both countries is the explanation why the Welsh Government has gone earlier. Dean Lockhart should maybe do his homework for future finance questions.

Rhoda Grant (Highlands and Islands) (Lab): Has the cabinet secretary now been able to decide to publish a draft budget ahead of the UK budget to allow local authorities to plan their budgets this year? If not, what steps will he take to assist them to put their budgets in place?

Derek Mackay: That is a fair question and it is important that the Parliament considers it. The Chief Secretary to the Treasury responded to me today, the day after the UK Government set out publicly when its budget will be, although I had written to the Treasury in November and December. Getting the letter after that decision clearly shows that Scotland is not even an afterthought for the UK Government.

The day after the United Kingdom's announcement is not the right day for me to set out a Scottish budget date when I have pledged to engage with the convener of the Finance and Constitution Committee, the Scottish Fiscal Commission, and Opposition parties to determine a way forward, rather than just announcing it as a fait accompli. I want to engage a bit more and give confidence in a process that will allow the Parliament to scrutinise a proposed Scottish budget that will command confidence and responsibility in the face of UK Government irresponsibility.

United Kingdom Government Spending Pledges (Barnett Consequentials)

3. Maureen Watt (Aberdeen South and North Kincardine) (SNP): To ask the Scottish

Government what analysis it has carried out of the UK Government's spending pledges and the Barnett consequentials that might arise from those. (S5O-03961)

The Cabinet Secretary for Finance, Economy and Fair Work (Derek Mackay): What the UK Government says and what it does are two completely different things. Until the UK budget is published, we cannot know with certainty what funding will be available for public services in Scotland arising from UK Government spending pledges. We have examined the pledges that the Conservative Party made during the election campaign, and I have written to the chancellor to point out that it is essential that he delivers the promised additional Barnett consequentials for Scotland.

Maureen Watt: Yesterday, we witnessed all parties bar one unite in the chamber against the utter lack of respect shown by the UK Tory Government for the people of Scotland; we also saw the contempt in which those people are held by the Scottish Tories, who sat here sniggering at their puppet masters' actions. Does the cabinet secretary agree that it is no laughing matter? Will he outline what the consequences of Boris's botched budget actions might be for the people of Scotland's livelihoods and the services on which they rely?

Derek Mackay: I have made it clear that the local government sector has expressed alarm at the delay and at the proposed date for the UK Government budget. Indeed, there are reasons for all Scotland's services to be concerned, because they are all in a precarious position if we do not have the necessary budget approval in time for the start of the financial year.

Whatever politics were played out by the UK Government yesterday, if we want devolution and this Parliament to succeed, all the parties in this chamber will need to co-operate like never before to ensure that, in these exceptional circumstances, we take forward a budget that delivers for our people, safeguards public services and makes responsible tax decisions to give this country the confidence and certainty that it so desperately wants.

Block Grant Settlement (Timing)

8. Gordon MacDonald (Edinburgh Pentlands) (SNP): To ask the Scottish Government what discussions it has had with the United Kingdom Government regarding the timing of the block grant settlement. (S5O-03966)

The Cabinet Secretary for Finance, Economy and Fair Work (Derek Mackay): As I said, I have just received correspondence from the Chief Secretary to the Treasury. I hope that that

engagement will be more fulfilling than anything that I have had to date with the current United Kingdom Government.

The block grant settlement for the Scottish Government for 2020-21 is determined in part by the announcements on the UK spending round of 4 September, and also by the UK tax announcements and the Office for Budget Responsibility's tax, social security and economic forecasts that are produced for the UK budget. Without those, we do not have absolute clarity on the funding that will be available for public services in Scotland. I will continue to engage with the UK Government.

Gordon MacDonald: The UK Government's decision not to deliver its budget until 11 March leaves an incredibly short time for the Scottish budget process, and could put our local services at risk. Does the cabinet secretary agree with the Conservative councillor and resource spokesperson of the Convention of Scottish Local Authorities, Gail Macgregor, that a March UK budget runs the risk of delaying the Scottish Government's budget and significantly impeding the ability of local authorities to formulate their budgets, meaning that Scotland's communities will be disadvantaged?

Derek Mackay: I agree with Councillor Gail Macgregor in that regard.

Murdo Fraser (Mid Scotland and Fife) (Con): Not for the first time.

Derek Mackay: That is very true—it shows the strength of the positive relationship between the Scottish Government and COSLA.

I will meet COSLA to discuss those matters to give local government the support that it will need to get through the process. However, it will be not just local government that is affected, but all of Scotland's public services. Therefore, I will return to Parliament at the earliest possible opportunity to set out the way forward.

Murdo Fraser: Will the finance secretary commit to spending all Barnett consequentials that arise from health spending in England on the national health service in Scotland?

Derek Mackay: It has been a manifesto pledge of the Scottish Government to allocate the resource from Barnett consequentials for health to the health services in Scotland. That pledge and practice continues; it is exactly what I have done in my budgets and what I propose to continue to do.

Business Rates (Devolution of Powers to Local Government)

4. Gillian Martin (Aberdeenshire East) (SNP): To ask the Scottish Government how transitional rates relief would be affected if business rate

powers were devolved to local government. (S5O-03962)

The Cabinet Secretary for Finance, Economy and Fair Work (Derek Mackay): And now for something completely different.

The Scottish Government introduced transitional relief to cap the annual increases in rates bills at 12.5 per cent real terms until 2022 for eligible businesses, which means all but the largest hospitality businesses around Scotland and offices in Aberdeen city and Aberdeenshire.

Amendment 9 to the Non-Domestic Rates (Scotland) Bill repeals section 153 of the Local Government etc (Scotland) Act 1994 and effectively abolishes the transitional relief and removes the Government's power to set further reliefs by subordinate legislation.

Gillian Martin: During the oil and gas downturn, I joined the co-leader of Aberdeenshire Council—now MP for Gordon—and my North East Scotland Scottish National Party MSP colleagues, to negotiate with the cabinet secretary the very welcome transitional reliefs that he has just mentioned.

If the cabinet secretary had not had the power to put in place such transitional reliefs, or national schemes like the small business bonus scheme, what would the impact have been on businesses in Aberdeen and Aberdeenshire?

Derek Mackay: In financial years 2017-18 and 2018-19, ratepayers in Aberdeenshire and Aberdeen received total relief of more than £12.5 million and £14.5 million respectively, due to reliefs that had been set by the Scottish Government through subordinate legislation. The reliefs include the small business bonus scheme, transitional relief and renewable energy relief. *[Derek Mackay has corrected this contribution. See end of report.]*

There is a concern that section 8C of the Non-Domestic Rates (Scotland) Bill, which was inserted through an amendment by the Greens at stage 2, will lead to termination of those reliefs and repeal the current power to set new reliefs in subordinate legislation. Let me be clear: not just for that part of the country, but for the whole country, the Scottish Government's being unable to deliver reliefs around renewable energy and the small business bonus scheme through subordinate legislation would be a retrograde step, considering the usual calls on the Scottish Government to intervene to support sectors and businesses when that is the right thing to do.

Andy Wightman (Lothian) (Green): Transitional rates relief schemes lower bills and, as we have heard, have done so in Aberdeen city and shire. Does not the cabinet secretary accept

the principle that local economic conditions require local variation of rates and that, just as the Scottish ministers and Scottish Parliament can vary Scottish taxes, local authorities are best placed to assess when and where such variations need to be applied in their areas?

Derek Mackay: I agree with localism. That is why, when I was the responsible minister, I helped to take forward the provisions in the Community Empowerment (Scotland) Act 2015, so that further reliefs can be provided by local authorities if they so wish.

I, as the Scottish Government does, happen to believe in a national universal poundage—a national rate for business—as did the Barclay review, as do business organisations, and as do some trade unions, incidentally. It is right for business to have a national rate and that there is a national poundage for non-domestic rates.

I am surprised that even Scottish Conservative members now support there being potentially 32 levels of non-domestic rates across the country. That is contrary to what business wants. It would remove the Government's ability to deliver relief through subordinate legislation and would abolish, at the stroke of a pen, the small business bonus and other reliefs. Members should think very carefully about that when we come to the final stage of the Non-Domestic Rates (Scotland) Bill, because the amendment is anti-business and is a reckless and erroneous move.

Procurement Policy (Zero-hours Contracts)

6. **Pauline McNeill (Glasgow) (Lab):** To ask the Scottish Government what its response is to calls for it to no longer offer contracts to private firms that employ people on zero-hours contracts. (S5O-03964)

The Minister for Business, Fair Work and Skills (Jamie Hepburn): Our response is to continue taking action to tackle insecure work, as part of our fair work agenda. Through fair work first, we are extending fair work criteria to as many funding streams, including public contracts, as we can by the end of the current parliamentary session. Those criteria include there being no inappropriate use of zero-hours contracts, and payment of the real living wage.

Legislation related to zero-hour contracts is reserved, and we have repeatedly made very clear our opposition to the inappropriate use of those contracts and other types of employment that offer workers no job security.

Pauline McNeill: Does the minister agree that most people's zero-hours contracts mean poor terms and conditions, sometimes no sick pay and, invariably, no pension, and that poor management practices make shift-working at short notice hard

for many workers? Notwithstanding the fact that I agree that employment law should be devolved to the Scottish Parliament, will the minister assure me that the Scottish Government will use its existing powers to outlaw legally the making of any contract between the Scottish Government and companies that use zero-hours contracts?

Jamie Hepburn: We are not able legally to outlaw anything of that kind; Pauline McNeill made the point that employment law remains reserved. I accept that the Scottish Labour Party now seems to have changed its position and supports devolution of employment law, but it opposed its devolution throughout the Smith commission, which means that we cannot take that action. However, I agree with the fundamental premise, and we will continue to take action to do what we can to stop inappropriate use of zero-hours contracts.

Short-term Lets

The Deputy Presiding Officer (Christine Grahame): The next item of business is a statement by Kevin Stewart on short-term lets. The minister will take questions at the end of his statement, so there should be no interventions or interruptions.

14:39

The Minister for Local Government, Housing and Planning (Kevin Stewart): I am pleased to announce today the Scottish Government's proposals for the regulation of short-term lets in Scotland to fulfil our programme for government commitment.

We want local authorities to be empowered to balance the needs and concerns of their communities with wider economic and tourism interests to ensure a safe, quality experience for visitors while protecting the interests of local communities. I have always been clear that we must develop a solution that is informed by the evidence and which is right for Scottish circumstances. We committed to taking a proportionate approach so that we focus our efforts on addressing real problems.

There has been a dramatic rise in the number of short-term lets in Scotland in the past few years. A substantial part of that growth is in whole-property rentals. That has caused concern in some areas of Scotland about the impact on local communities and the availability of housing for permanent residents. However, for many people in Scotland, visitors and businesses, short-term lets offer a convenient, rewarding and authentic experience. We are delighted to welcome visitors from across the world and to show them the very best of Scotland.

Short-term lets are an important source of flexible and responsive accommodation for tourists and workers, particularly during the peak holiday season and for large-scale events. They have helped to support the development and growth of the tourism industry in Scotland, and they bring a variety of economic benefits to hosts, owners and local businesses. However, they also raise issues for local communities that are understandable and legitimate.

In April last year, the First Minister launched our consultation. The consultation set out our understanding of the benefits of and issues around short-term lets, the principles that would help to guide our approach, and some proposed approaches to regulation. We have held consultation events throughout Scotland with residents, guests, hosts, platforms, businesses and local authorities. I heard first hand about the

benefits of and the many issues around short-term letting, and we received more than 1,000 consultation responses.

We also commissioned research to explore the impact of short-term lets on communities and neighbourhoods in five very different areas across our country. Broadly speaking, the same themes and issues were highlighted by people at consultation events, those who responded to the consultation, and the independent research. The evidence that we gathered formed the basis for what I am announcing today.

In parallel with the consultation, the new Planning (Scotland) Bill was being considered by Parliament. The Planning (Scotland) Act 2019 gives local authorities new powers in respect of short-term lets. I recognise the need to act now in order to allow local authorities and communities that face the most severe pressures to manage those more effectively. I am therefore pleased to announce three measures today.

First, I intend to establish a licensing scheme for short-term lets using powers under the Civic Government (Scotland) Act 1982. Secondly, I am prioritising work to give local authorities the power to introduce short-term let control areas under powers in the Planning (Scotland) Act 2019. Finally, we will review the tax treatment of short-term lets to ensure that they make an appropriate contribution to the communities that they operate in.

I will say a few words about each of those proposals.

In September 2018, I received a cross-party letter from housing spokespeople that asked me to establish a licensing scheme and suggested how that might be done. The views and evidence from our consultation and research show broad consensus for some form of regulation.

Everybody wants visitors, hosts, neighbours and local residents to be safe. The consultation highlighted concerns about limited awareness of and compliance with existing safety requirements—for example, around fire safety.

Furthermore, as local authorities do not know where short-term lets are happening, they are unable to monitor compliance. A licensing scheme will facilitate local authorities by allowing them to know and understand what is happening in their area, improve safety and handle complaints effectively.

We want every local authority to ensure that every type of short-term let, whether it involves a whole property or sharing a room in a home, complies with safety rules in their area. That basic safety component of the licensing scheme will be mandatory across Scotland.

Separately, local authorities will have the discretion to put in place further conditions to help to tackle littering or the overcrowding of properties, for example. Local authorities will be able to charge a fee from providers to cover the costs of administering the licensing scheme in their area.

To supplement the licensing regime, under powers in the 2019 act, we will introduce short-term let control areas. The licensing scheme will help to ensure that short-term lets are safe and do not disrupt neighbours and residents. In some areas, there are real concerns about the numbers of short-term lets and whether short-term letting is appropriate at all. Very high concentrations of whole-property lets can affect the availability of residential housing and the character of a neighbourhood. Some types of building are, of course, not well suited to such intensive use.

Our research showed that short-term lets are highly concentrated, with just over half of all Airbnb listings in Scotland located in only 24 of our 354 council wards. Evidence shows indications of a shift by some landlords from the private rented sector into short-term letting. That shift is taking place at the same time as the Government is taking action to increase supply across all tenures. That action includes our record investment of more than £3.3 billion to deliver 50,000 affordable homes.

Local authorities must be empowered to make sure that homes are used to best effect in their areas. They will be able to designate control areas where change of use of whole properties for short-term lets will be subject to planning permission. To be clear, home sharing—which involves someone renting a room in their own home or allowing others to stay in their own home while they are on holiday—does not take homes away from residents or cause the same issues that are caused by whole-property short-term lets, so home sharing will not be affected by control areas.

We want to ensure that short-term lets make an appropriate contribution to local communities and support local services. We will therefore carefully and urgently consider the tax treatment of short-term lets. We want to ensure that any approach that we take to short-term lets complements the transient visitor levy. Later on in this parliamentary session, we will introduce legislation that gives councils a discretionary power to charge the levy.

I believe that those measures will allow us to make progress in this parliamentary session to address a pressing issue for some of our communities, but they will not unduly curtail the many benefits of short-term lets to hosts, visitors and the Scottish economy. We will monitor and evaluate the impact of the changes at every stage to ensure that they are fully effective in meeting our aims and avoiding unintended consequences.

I am willing to come back in the next parliamentary session with primary legislation or other interventions if we continue to see issues.

We now need to develop the detail of the scheme. I look forward to working with parliamentary colleagues and stakeholders on getting that right for communities and businesses across Scotland. We will be consulting widely, with a view to laying statutory instruments in good time for them to come into force in spring 2021.

I thank colleagues across the chamber and stakeholders who contributed to the development of the proposals, which will, if they are approved by Parliament, give local authorities across Scotland new powers to control short-term lets appropriately. I commend the proposals, which take a robust but proportionate and fair approach to the regulation of short-term lets.

The Deputy Presiding Officer: We have about 20 minutes for questions. I ask those members who have a question to press their request-to-speak buttons now. I will try to get through every member, so let them be nice, short questions—except from Graham Simpson and Sarah Boyack, who will get a little longer.

Graham Simpson (Central Scotland) (Con): I will be as brief as I know how, Presiding Officer. *[Interruption.]*

The Deputy Presiding Officer: That has always been the case for front-bench spokespeople. It is no special favour.

Graham Simpson: Indeed, Deputy Presiding Officer, and you know that I am a master of brevity.

I thank the minister for advance sight of his statement. We have been clear that there needs to be regulation of the short-term lets sector. Even those in the sector itself agree with that. The explosion of short-term holiday lets—I use them myself, at home and abroad—can be positive, but it can also have negative effects, as we have seen too often in this city.

The announcement today is welcomed by us, but, as always, the devil is in the detail. I therefore want to ask the minister about the licensing scheme. I know that details are light at the moment and I look forward to working with him to develop those. He says that the scheme will be nationwide, but will it be operated by councils? Will they set the fees? Will the scheme be cost neutral for councils? Irrespective of whether there is planning permission, will councils be able to refuse licences due to overprovision, as with alcohol licences? Will there be an appeal process, and, if so, who will operate that?

Kevin Stewart: That was a number of questions. One of the reasons that I have not gone

into the minutiae of a licensing scheme is that I truly want to get all of the information and the viewpoints of local authorities as we establish the licensing scheme.

As I said in my statement, the safety aspect will be the only mandatory part of the licensing scheme. I am sure that members understand that we must do all that we can to ensure that every short-term let, whether in a shared or a whole property, is safe for the folks who use it. We will allow individual local authorities to add other elements into that licensing scheme. Some may want to address the difficulties in certain places concerning littering and antisocial behaviour. Many may want to build that issue into the licensing terms.

Mr Simpson mentioned Edinburgh, which is somewhat different from other places. As I said, 34 of Scotland's 324 council wards account for over 50 per cent of short-term lets, and Edinburgh has 31 per cent of those short-term lets. A combination of the licensing and the planning proposals that we will introduce will give Edinburgh the ability to better manage and control short-term lets.

I am willing to have discussions with councils on the appeal process that Mr Simpson mentioned and how we deal with that.

I would expect councils to be able to set fees, which should be cost neutral in that they should cover the costs of running the administration not only of the licensing scheme but of ensuring compliance with it. I would expect councils to have the ability to set those fees, to allow them to ensure compliance without suffering loss of money.

The Deputy Presiding Officer: I appreciate that that was a lot of questions to answer and that your answer therefore had to be long, but I would like shorter answers, please.

Sarah Boyack (Lothian) (Lab): I agree with the minister that we urgently need action. Platforms such as Airbnb enable owners to make use of their properties and visitors and tourists to have additional options, but the lack of regulation can lead to antisocial and disruptive behaviour and the loss of much-needed homes. As the minister said, Edinburgh has a big issue that has spiralled out of control, with more than 13,000 Airbnb-registered listings. Rents have increased for tenants in the private rented sector and homes have been lost, particularly in the city centre. We urgently need local councils to have the power to regulate locally to address the challenges across the country that the minister has mentioned.

In welcoming the new licensing powers, I raise concerns about the proposed control areas. They sound very much like rent pressure zones, which

have failed. Can the minister clarify that local authorities will have the power to control the scale and density of short-term lets and, in particular, to cap the number in their areas?

The issue of fair taxation has been mentioned, but there are no details. I agree that we need to think through the implications of a tourism levy, but will owners who rent out multiple properties, for example, be required to pay tax, and will that tax go to the relevant local authority?

Finally, it would be good to get clarity on the definition of a short-term let, given that there will be different licensing controls and we will need appropriate planning controls as well.

Kevin Stewart: In Sarah Boyack's interview with the *Edinburgh Evening News* a while back, she said that, as a capital city, Edinburgh has a tourism industry and the issue is not about choosing between short-term letting, tourism and ensuring that we have the right housing for people but about getting the right balance between them. That is what this approach will do.

Sarah Boyack asked about local authorities' control. They will have control over setting the areas, because they are the ones that are in the know about what is going on in their places.

Beyond that, Sarah Boyack asked about taxation. I will not go on at length about that aspect, because, as I have said, we will carry out a comprehensive review urgently to get this absolutely right and to make sure that what we put in place marries with other things that are proposed.

With regard to her question about where any taxation would go, I made it clear in my statement that any moneys raised in this way would go to local authorities, to provide services in local communities that may be affected by short-term lets.

The Deputy Presiding Officer: Thank you. Ten members still wish to ask questions. It will be a tough push to get them all in, but we will try.

Andy Wightman (Lothian) (Green): I welcome the statement—particularly the commitment to have licensing enforced by spring 2021. With regard to planning, all proposals to change the use of residential properties to short-term lets are a potential change of use and there must therefore be an application for planning consent. In my view, no licence should be granted where no planning permission is in place.

On 3 January, Historic Environment Scotland advertised for an agency to manage three short-term lets in Holyrood park. The properties are owned by the Scottish ministers but no application for planning consent has been made. Setting aside whether those properties would be better

used for affordable accommodation, can the minister confirm that he will not be joining the thousands of unlawful short-term lets across Edinburgh but will be applying for planning consent?

Kevin Stewart: Parliament will be well aware that the opinions of Mr Wightman and the Government on planning permission in that area are somewhat different. Although we have tried to explain the situation to Mr Wightman over the piece, he sticks to his viewpoint and he is entitled to do that. The three properties in Holyrood park that he spoke about are not residential homes and have been lying empty for years. Their letting will therefore not reduce the availability of existing residential buildings. They should be used to their best effect, and we welcome measures to bring underutilised buildings back into use. It is greatly preferable for them to be used as holiday accommodation for the benefit of tourists and visitors as opposed to lying empty, derelict and unused.

Willie Rennie (North East Fife) (LD): Of course, those properties could be used for local homes for local people, but let us put that to one side.

Through the control areas, will there be an opportunity for retrospective action to cut the existing number of short-term lets? The current numbers are too high in areas such as the east neuk, Elie and Crail, in my constituency, and preserving those high numbers would not be a satisfactory outcome of the process. Will there be retrospective action as part of having the control areas?

Kevin Stewart: That is part of the discussions that we will have with local authorities around how we set up the regime. Obviously, we want to tackle not only future difficulties but existing difficulties, and I imagine that we will have very proactive discussions with local authorities about dealing with some of the existing difficulties in certain parts of the country.

Alexander Stewart (Mid Scotland and Fife) (Con): In his statement, the minister talked about the tax treatment of short-term lets, to ensure that they

"make an appropriate contribution to local communities and support local services."

However, he did not specify what form the tax will take. Will the minister clarify the Government's intentions and outline the proposals, which would see legislation give councils the ability to charge a levy, and will he confirm that the tax is separate from the transient visitor levy?

The Deputy Presiding Officer: That was two questions, but there we are.

Kevin Stewart: I confirm that the tax will be separate from the transient visitor levy; I thought that I had explained that in my statement. I am not going to go into the specifics of what the tax will be, because, as I said, we need to look very carefully at what is going on with non-domestic rates. We heard from the finance secretary about the difficulty with some of the amendments to the Non-Domestic Rates (Scotland) Bill, which would have unintended consequences. We will look very carefully at what form the taxation will take, but it will be separate from the transient visitor levy and the money will be retained by the local authorities.

Sandra White (Glasgow Kelvin) (SNP): Why is the minister proposing licensing for all short-term lets, given that most of the problems, certainly in my Glasgow Kelvin constituency, are with the whole-property listings?

Kevin Stewart: Our research shows that collaborative models of short-term lets—that is, the sharing and swapping of properties—do not cause the same level of concern as secondary lettings in respect of which the host is not present, and Ms White is right to point that out. However, the crucial exception relates to safety standards. The Government is clear that effective processes need to be in place for monitoring compliance with safety standards in all short-term let accommodation, regardless of whether the host is present. That is why we are introducing the mandatory licensing scheme for all short-term lets in Scotland when it comes to the safety aspect.

As I mentioned, local authorities will have the discretion to impose additional conditions in response to local circumstances.

Daniel Johnson (Edinburgh Southern) (Lab): One criticism of the house in multiple occupation regime is that, once granted, the licence is seldom withdrawn. Will the minister confirm that the control areas will give local authorities the ability to withdraw licences once granted? Ultimately, if we are to control the number and density, the licences must be capable of being withdrawn.

Kevin Stewart: By mentioning control areas, I think that Mr Johnson is mixing up the licensing and the planning aspects. On the licensing aspect, having been a local councillor for many years, I think that councils should have the ability to withdraw licences if folk are not doing what they were asked to do in order to get the licence in the first place. My expectation is that if folk are not complying with the conditions of the licence and not fulfilling the obligations that they signed up to, local authorities will withdraw the licence from them.

Stuart McMillan (Greenock and Inverclyde) (SNP): Does the minister agree that it is absolutely necessary to balance protecting communities from

any issues that short-term lets can cause with the economic benefits that they can provide, to avoid disadvantaging areas in which short-term lets are not as great a concern and in which the economic benefits may outweigh any other issues?

Kevin Stewart: Yes, I agree with Mr McMillan. It is important that local authorities have the choice of whether or not to introduce short-term let control areas for all or part of their council areas. Similarly, local authorities will be given discretion to impose those additional conditions beyond the mandatory safety requirements, as part of the licensing schemes. I am sure that local authorities will use that discretion wisely and in line with the needs of their communities.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): There is no doubt that in some areas any prospect of community cohesion has been threatened by a predominance of short-term lets, never mind the damage to communal areas and the burdens on local councils due to increased refuse and other issues, so I welcome the minister's statement. As the Scottish Government reviews short-term lets taxation, is there any scope to consider the level of council tax that is being paid by different types of owners, such as those who use their property for short-term lets as opposed to owner-occupiers?

Kevin Stewart: I thank Ms Watt for her question; I know that she has been active on the issue, as many have been. The points that Ms Watt raised echo some of the responses to our consultation. As I said in my statement, I am pleased to confirm that we will carefully and urgently consider the tax treatment of short-term lets, taking on board the comments made by Ms Watt and many others during the consultation.

Jeremy Balfour (Lothian) (Con): I seek clarification from the minister. Would someone with a short-term let be liable for a licence fee, a new tax and the possibility of a tax on tourists set by the local council? Will that work in areas where there is not an abundance of short-term lets, such as in rural areas?

Kevin Stewart: As I said to Graham Simpson and others previously, we are providing flexibility to allow those places where there are real pressures to be able to deal with those pressures through planning, and those areas will decide themselves what licensing they will have, apart from the mandatory safety scenario. In Edinburgh, I imagine that the council will look to an expanded licensing regime to deal with the difficulties that are faced here. That may not be the case in other local authorities that do not have those same pressures.

I have said clearly that taxation will be brought in here. We will review urgently how we will do that

and how those moneys will remain locally, so that they can be spent on local services to counter some of the difficulties that communities have faced with some of the short-term lets. Finally, as I have said a number of times now, it will be separate from the transient visitor levy. We need to look at all of this and marry it all up, to get it absolutely right.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): In parts of my constituency, particularly those that are becoming popular for holiday homes, there is a clear need for further regulation to ensure that some of those communities survive as communities. What will be done to ensure that local authorities have powers to tackle the issues in varying ways on a village-by-village basis?

Kevin Stewart: Our research shows that there is great regional variation, including within local authority areas. That is why giving local authorities the power to supplement the mandatory licensing scheme with the additional requirements and conditions can help address local concerns. Local authorities will also have powers to introduce those short-term let control areas for all or part of their areas. In those control areas, a change of use of whole properties to short-term lets will always require planning permission. We are giving local authorities many more powers to deal with some of the issues that Dr Allan has mentioned and to allow for localised solutions in smaller places.

The Deputy Presiding Officer: I apologise to Gil Paterson, but I am unable to squeeze him in, as we are right on the button.

European Union (Withdrawal Agreement) Bill

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-20318, in the name of Michael Russell, on the European Union (Withdrawal Agreement) Bill. I inform members that time is tight in this debate and I do not have the capacity to give extra time to people who take interventions.

15:11

The Cabinet Secretary for Government Business and Constitutional Relations (Michael Russell): I thank the Finance and Constitution Committee and the Delegated Powers and Law Reform Committee for their speedy work on the legislative consent motion, which has been necessitated by the timetable set at Westminster and the Scottish Government's desire to ensure that the House of Commons is aware of the Scottish Parliament's view of the bill prior to the conclusion of its stages in that chamber.

I note the report from the Finance and Constitution Committee, which has just come to hand, and its conclusion that the committee recommends that the Scottish Parliament does not consent to the European Union (Withdrawal Agreement) Bill—a conclusion that was dissented from by Adam Tomkins, Murdo Fraser and Alexander Burnett.

I also note the other issues raised, including a request by the committee that the United Kingdom Government and the Scottish Government give their views on the changes that are required to the Sewel convention. I am happy to do so, and I have done so repeatedly to UK ministers, but they have never come back to me on those matters. It would be illuminating to know whether the UK Government has such a view, and how it could be taken forward.

I also note the observations of the Delegated Powers and Law Reform Committee with regard to the issues of scrutiny, the exercise of joint powers, the programming of secondary and other Brexit legislation, the ability of UK ministers to legislate in devolved areas and the use of the affirmative procedure. I will respond to each of those issues in more detail in writing, but I am in broad agreement with the committee on all those matters, and am keen to work with it to ensure that there is effective scrutiny. To that end, discussions are under way about a new protocol between the Scottish Government and the Scottish Parliament, and I hope that the UK Government—even at this late stage—will recognise the need to be part of that process.

Last month, Boris Johnson and his Conservative Party suffered a heavy defeat in Scotland. The Tories lost more than half their MPs and now have barely 10 per cent of Scottish Westminster seats. Their Brexit plans were roundly rejected by the people of Scotland. Indeed, around 75 per cent of voters in Scotland supported parties that either want to remain in the EU or support a second EU referendum. Moreover, that result followed the EU referendum in 2016, the UK election in 2017 and the European election last year, all of which sent the unambiguous message that Scotland wants to remain in the European Union. That message has been relayed time and time again. That message to the Prime Minister is as clear today as it was yesterday and will be tomorrow. Let me put it this way: Prime Minister, we said no to Brexit, and we mean it. *[Interruption.]* However, the Prime Minister is not listening to the Scottish people, just as his party—as we can hear—is not listening, because, in three weeks' time, it is virtually certain that Scotland will be taken out of the European Union against our will, and each of us will be forcibly stripped of our European citizenship against our specific wishes. That is an intolerable position, and this Parliament, as the voice of Scotland, must say so. Therefore, at the outset of today's debate, I urge this Parliament—all of this Parliament—to refuse consent to the bill and, in so doing, to say that we do not consent to being forced out of the EU.

The European Union is founded on values: democracy, equality, human dignity and respect for human rights and the rule of law. It has rolled back barriers to travel, work, study and trade across our continent. It has eased the movement of goods and workers, allowed the integration of supply chains and set standards of protection for the environment and workers' rights. Perhaps above all, it has been the guarantor of peace and prosperity across Europe for more than five decades. Why should we consent to a process that removes Scotland from that project, strips people in Scotland of their rights and will cost jobs and living standards, all against our will?

This is a sad moment in the history of Scotland and the United Kingdom—a moment at odds with the outward-looking and internationalist values that so many of us, right across the UK, hold dear. The withdrawal agreement bill is a vehicle for implementing this disastrous process in domestic law. The withdrawal agreement that is contained in and amplified by the bill is deeply damaging to the UK, as the Scottish Government has set out in detail before. It is particularly bad for Scotland, as all the evidence shows, and it is uniquely offensive to Scottish democracy. England and Wales voted to leave and are leaving. Northern Ireland will have its own arrangements for closer alignment and the right to decide its own future. Scotland,

alone of the four nations, voted remain but is being forced to leave with no special arrangements or say over its future relationship with the European Union. It is therefore axiomatic that any Scottish Government must recommend to any Scottish Parliament that it refuse consent for something of such massive significance and consequence to be done to us, which the Scottish people, to whom we report, have clearly, consistently and specifically rejected.

I believe that that argument on its own should be enough for all of us to refuse consent to the withdrawal agreement bill this afternoon. However, there are other strong reasons for doing so. The bill is in its third iteration. A first version was developed to implement the May deal, it was redrafted to implement the Johnson deal and it was revised to reflect the manifesto upon which the Tories stood in December—a manifesto that was rejected by Scotland. In each iteration, the withdrawal agreement bill has weakened parliamentary and devolved Administrations' scrutiny and involvement, further undermined the rights of citizens and society and strengthened an already overbearing Executive.

In addition, the bill puts a no-deal Brexit firmly back on the table through the reckless and irresponsible determination of the UK Government to legislate to prohibit itself from seeking any extension to the implementation period. During the bill's second reading in the House of Commons, Keir Starmer referred to the UK Government's prohibition on extending the implementation period as "reckless and ridiculous", and I echo that sentiment.

It is no secret that, like Scotland, the Scottish Government is opposed to Brexit. If it is to happen, however, we must do everything to limit the damage. That should mean the UK remaining in the single market and the customs union. We first argued that case in "Scotland's Place in Europe" more than three years ago, and we have developed it further since that time. However, the UK Government has contemptuously ignored those proposals while bringing forward a close variant of them for Northern Ireland, and it is now adding insult to injury by imposing a hard Brexit process and outcome, with a completely arbitrary end date for necessary discussion and negotiation.

Negotiating a free trade agreement is extremely complex. Attempting to secure a deal between a former member and the EU will be a unique activity. As the President of the Commission has said today in London, doing so in under a year is unrealistic, especially if the UK is attempting at the same time to negotiate trade arrangements with the United States and other non-EU countries. It is undoubtedly true that only the narrowest and most

superficial free trade arrangement could be agreed by the end of 2020. Any deal that avoids that risk so as to minimise the damage of Brexit would definitely need an extension beyond 2020. Therefore, legislating to rule out an extension does nothing but vastly increase the risk and likelihood of a no-deal exit.

The bill removes previous provisions safeguarding workers' rights, which are to be replaced by a potential new separate bill—although it has only been promised and has never been seen by anyone. The same weak undertaking is attached to the removal of environmental protections. The Scottish Government has no confidence that the UK Government will maintain existing protections in any area, let alone strengthen them. Why would we believe that people who have spent their entire political lives decrying the high standards agreed in Europe would now lift a finger to maintain them? Of course they will not do that. They want them gone—and it is usually because they can profit by their removal.

In addition, the proposals on the removal of employment protections cut right across the Scottish Government's commitment to fair work: a commitment that is central to the Scottish Government's economic strategy and that is good for workers, good for business and good for Scotland. That decision by the UK Government leaves Scottish workers highly vulnerable to a deterioration in their conditions.

Amazingly, there is another group of people whom the bill has treated even more appallingly: unaccompanied children seeking asylum. They are among the most vulnerable people in the world: children who have been separated from their parents or any other adult familiar to them and who have witnessed horrors that we cannot fathom. It is therefore extraordinary—and almost inexplicable in its inhumanity—that the UK Government plans to remove from the European Union (Withdrawal) Act 2018 the provision on negotiating arrangements to conform with the Dublin III regulation. That would mean that the UK Government would no longer be bound to negotiate appropriate agreements with the EU on unifying families and supporting vulnerable children. Instead, it will merely make a statement of its policy towards such children within two months. That is not a commitment of any sort, and it will not help a single child or stop a single tragedy. How can that be defended by any elected member in this chamber or any other?

As I conclude, I will touch briefly on wider migration issues. Scotland's Parliament has a duty to protect the rights and wellbeing of EU citizens who have chosen to make Scotland their home. In addition, it is in our interests to continue to attract

people from across the EU to visit, study, work and live here in the future. Freedom of movement is not a burden for Scotland; it is a boon. Its ending is something that we should not celebrate but condemn.

As the Scottish Parliament has already agreed, the UK Government should not be making EU citizens apply to maintain rights that they already have. Instead, it should implement in UK law—without precondition or unnecessary bureaucracy—the commitment made to protect EU citizens' rights in the UK that was set out in the withdrawal agreement. There is no reason to tie that to agreement to the rest of the deal. Although we recognise that there is no guarantee that the EU would similarly ring fence UK citizens' rights from the withdrawal agreement, that should not prevent the UK Government from doing the right thing here and now.

Nonetheless, I strongly urge EU nationals to apply for and obtain settled status. I dislike the scheme as much as they do. I am angry that the UK Government has implemented it and that last night in the House of Commons it would not even accept its many flaws. I want to do more to protect EU nationals who live here, and encourage more to come here, but at present, the Scottish Government can do so only by ensuring that the law is observed. The first step is therefore to ensure that each citizen has the right to be here according to the law as it now is. We will stand alongside every EU national who has done so and who has that status, and we will protect them in every way that we are currently able to while seeking more powers to do so, as a regular nation would do.

The withdrawal agreement bill is one of the most important pieces of legislation ever considered by the UK Parliament, the Scottish Parliament and the National Assembly for Wales. It will involve a fundamental adjustment to the constitution and will have far-reaching implications for everyone—not only on these islands, but across our continent. We cannot approve it, because it goes contrary to the wishes of the majority of the people of Scotland. We cannot approve it, because there has been no attempt by the UK to involve us in any sort of mutually agreeable Brexit process. Indeed, the reverse has been the case for the past three and a half years. We cannot approve it, because it alters and diminishes the basic rights of so many, including some of our most vulnerable fellow human beings.

The views of everyone in Scotland are equally valid—both those who voted to remain and those who voted to leave. However, we have a duty to respect the clear and consistent majority opposition in Scotland to leaving the European Union. The decision to leave was a bad decision,

but we did not take it. This is a bad bill, and we should not approve it. Many of us now recognise that we live under a bad constitutional settlement, which the people of Scotland—and no one else—have the right to change.

However, no matter what members' views on that might be, today this Parliament has a clear duty to express its opposition to both Brexit and the approach that the bill takes to Brexit. The Scottish Government therefore has no hesitation in recommending that the Parliament explicitly rejects the request for its consent to the European Union (Withdrawal Agreement) Bill.

I move,

That the Parliament notes the legislative consent memorandum on the European Union (Withdrawal Agreement) Bill lodged by the Scottish Government on 20 December 2019; further notes that people in Scotland voted remain and for remain parties, most recently at the UK General Election on 12 December 2019; considers that the Withdrawal Agreement negotiated by the UK Government would cause damage to Scotland's environment, economic and social interests; regrets that the European Union (Withdrawal Agreement) Bill has been amended to remove important protections from workers' rights and asylum-seeking children, and to prohibit an extension of the implementation period to negotiate the future relationship with the EU; regrets that the European Union (Withdrawal Agreement) Bill is to proceed through the UK Parliament with minimal scrutiny, failing to respect the significance of the decision to be taken by, or the role of, the Scottish Parliament in scrutinising legislation requiring its legislative consent; is determined to respect and uphold the views of the people of Scotland on this crucial issue to the future of the nation, and therefore does not support the Withdrawal Agreement and Political Declaration negotiated by the UK Government, and does not consent to the European Union (Withdrawal Agreement) Bill that would implement that agreement.

The Deputy Presiding Officer: I call Adam Tomkins to speak to and move amendment S5M-20318.1. You have up to eight minutes, Mr Tomkins.

15:24

Adam Tomkins (Glasgow) (Con): Thank you, Presiding Officer, and happy new year.

Here we are again, enduring yet another Scottish National Party debate about Brexit. It is all so last decade, don't you think? The last decade ended with something of a triumph, did it not? I am referring not to the old firm match—magnificent though that was—but to the general election that was held last month, which resulted in a Conservative majority of 80 in the House of Commons.

Each and every one of our 365 Conservative MPs is pledged to support the Prime Minister's withdrawal agreement and the European Union (Withdrawal Agreement) Bill that will give effect to it. The bill will pass, the withdrawal agreement will

take effect and this United Kingdom will, at last, leave the European Union at the end of this month. Finally, it will all be over. Brexit will be sorted because a majority Conservative Government—that sounds good, does it not?—will deliver and give effect to the decision that the British people made more than three long years ago that we should leave. Those are the facts and all the rest is just noise.

In his opening remarks, Mr Russell made a lot of noise about the content of the withdrawal agreement and the bill, but none of that matters. His objection is not to what the withdrawal agreement and the bill say, but to their very being—their very existence. It would not matter what the terms of exit are, he would still invent a grievance and object to them. He gives the game away in his legislative consent memorandum, paragraph 5 of which says:

“There is no democratic mandate for withdrawal from the EU in Scotland and therefore the Scottish Government cannot support a Bill that implements the exit of Scotland, as part of the UK, from the EU.”

There we have it. [*Interruption.*] Indeed, well done—mind what you wish for! No legislation of any sort—regardless of what it said, irrespective of its contents and whatever the actual terms of Brexit—could ever be supported by this nationalist Administration because it just does not like it. It does not like it because it knows that it will make its already threadbare and rejected case for independence all the more unattractive once we are out of the European Union.

Independence, once we are out of the European Union, will mean customs checks at Gretna and a border at Berwick. Compliance with the Maastricht convergence criteria will mean austerity on steroids, fiscal controls imposed by the Germans, spending cuts that would make even the Greeks' eyes water and a legal requirement to take steps to join the euro—unsellable!

Worse, the Scottish ministers have the audacity to dress up their belligerent opposition to Brexit in the garb of a “democratic mandate”. Let us explore that idea for a few moments, shall we? We are leaving the European Union for one reason and one reason only: the British people decided that we should leave in a lawful referendum in 2016—the biggest single democratic act in the United Kingdom's history.

That referendum took place under the authority of an act of the United Kingdom Parliament that was passed the previous year, which was supported in the House of Commons by Opposition and Government alike. Why did it apply to Scotland as well as to the rest of the United Kingdom? It applied because in 2014, the year before that, more than 2 million Scots had voted against the SNP's ruinous fantasy of

independence economics and to continue as part of the United Kingdom. That, too, was a decision taken in a referendum triggered by legislation that had enjoyed strong cross-party support. *[Interruption.]*

The Deputy Presiding Officer: Hold on a moment, please, Mr Tomkins. We have had enough shouting and noise. Can we just let Mr Tomkins get on with it?

Adam Tomkins: That is a democratic mandate—a lawful, fair and democratic decision to leave, which binds Scotland every bit as much as it binds every other part of the United Kingdom because of two referendums supported by two acts of two different Parliaments, and yet, the SNP has sought to deny and undermine that democratic mandate every single day since June 2016.

We have also heard a lot of noise from Mr Russell about Westminster somehow ignoring the will of the Scottish Parliament, in breach of the Sewel convention and other misunderstood rules of the UK constitution. Quite frankly, I think we have all had more than enough of that nonsense. The legislation before us today concerns the UK's international relationship with the European Union before, during and after the Brexit process. That is a reserved matter under the Scotland Act 1998 and is for Westminster to determine.

The legislation that is before us today concerns issues such as citizens' rights. Once again, matters of citizenship, immigration, border controls and the like are, under our devolution settlement, for the Westminster Parliament to determine, and not for us. The SNP likes to talk in a high-handed manner about respecting the devolution settlement, and we should do that, but it has never accepted that that means respecting what is properly reserved as well as what is devolved.

I do not want there to be any doubt about this. I am all in favour of the Sewel convention. Westminster should not and does not legislate on devolved matters such as health and education in Scotland without our express consent. However, the legislation that we are discussing is not about devolved matters such as health and education in Scotland. It is about Britain's international relations with Europe, citizenship and border controls, and constitutional law. All of those are properly matters for Westminster.

We also heard noise from Mr Russell today about how the legislation is somehow being rushed so that Parliament has no time to scrutinise it properly. That is not only preposterous; it is also breathtaking hypocrisy. It is preposterous because, last year, the SNP complained that Westminster does nothing other than debate Brexit. It was right then, but it is wrong now—we

have had too much debate on Brexit, and not too little. It is breathtaking hypocrisy because Mr Russell is trying to airbrush out of history his embarrassing and illegal emergency legislation—the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill. I am not surprised that he wants to forget the whole sorry episode, but he is the last person in the chamber to have any right to complain that others are rushing legislation.

I want to make a final point. I hope that even my staunchest political opponents would concede that I have never supported a no-deal Brexit. Indeed, I have expressed my opposition to a no-deal Brexit even when that has caused me some local difficulties in my party. I agree with others who have said that a no-deal Brexit is in neither Scotland's nor the UK's economic interests. However, if we want to avoid a no-deal Brexit rather than just make a lot of noise about it, we have to support a deal at some point, and that is what the legislation does. The withdrawal agreement is that deal, and the bill that we are considering today gives legal effect to that agreement.

However, at every step of the way, the SNP has withheld its support not only for the deal, but for any deal that has been agreed between the United Kingdom and our European partners. That just will not wash. In the end, one has to choose. One cannot be opposed to a no-deal Brexit and, at the same time, opposed to any and every available deal that would avoid a no-deal Brexit.

However, none of that matters any more. The only thing that matters is that, in a few days' time, at the end of this month, we will leave the European Union as one United Kingdom. We will do so with a deal that was successfully negotiated and delivered by a Conservative Prime Minister, and we will do so because, at last, we have a majority Conservative Government that is determined finally to get Brexit sorted so that we can all move on. Amen to that.

I move amendment S5M-20318.1, to leave out from "people in Scotland" to end and insert:

"the legislative consent memorandum indicates that the Scottish Ministers would have recommended that the Parliament withhold consent from any legislation providing for EU exit, irrespective of its content; recalls that the decision to leave the EU was taken by a clear majority of those voting in the 2016 referendum; believes that the results of referendums should be respected and implemented, rather than ignored; welcomes that the UK will be leaving the EU later this month with a Withdrawal Agreement; recalls that all parties in the Scottish Parliament have called for such an agreement to be in place before EU exit and therefore supports the Withdrawal Agreement, and consents to the European Union (Withdrawal Agreement) Bill, which will implement this agreement."

The Deputy Presiding Officer: I call Bruce Crawford to speak on behalf of the Finance and Constitution Committee.

15:33

Bruce Crawford (Stirling) (SNP): The Finance and Constitution Committee took evidence this morning from the Cabinet Secretary for Government Business and Constitutional Relations on the LCM, and has received briefings on the LCM from our adviser, Professor Tom Mullen.

I draw members' attention to the committee's letter to the UK and Scottish Governments, which we have published following our meeting this morning. It sets out our views on the LCM. Inevitably, my contribution today, as convener of the committee, will concentrate on the procedural and technical aspects of the LCM and the European Union (Withdrawal Agreement) Bill. I will leave others to deal with the wider political considerations.

The committee is disappointed that no UK minister was available to give evidence on the bill. We have therefore sought assurances from the UK Government that its default position in relation to all future LCMs will be that a UK minister will ordinarily be available to appear before the relevant Scottish Parliament committee.

The legislative timetable at Westminster has meant that the committee's scrutiny of the LCM has been truncated. However, I am glad to say that we have been able to draw on our previous scrutiny work on the LCMs for the European Union (Withdrawal) Bill and the Trade Bill. Some of the issues relating to legislative consent that arise from the withdrawal agreement bill are similar to those that the committee expressed concern about in our reports on the European Union (Withdrawal) Bill and Trade Bill LCMs.

The bill includes powers in a number of devolved areas on which UK ministers could legislate without there being a formal role for the devolved institutions. They include aspects of the withdrawal agreement relating to, among other things, recognition of professional qualifications and co-ordination of social security systems. The delegated powers memorandum states that the bill

"adopts a broadly consistent approach to corresponding powers involving the devolved authorities to those powers already taken by the EU (Withdrawal) Act 2018."

The memorandum also states that

"the UK Government will not normally use"

those powers to amend domestic legislation

"in areas of devolved competence without the agreement of the"

devolved Administrations. However, as the committee noted in relation to the EU (Withdrawal) Bill and the Trade Bill, and as we note again today in relation to the withdrawal agreement bill, there is no statutory requirement to seek such consent.

In our report on the supplementary LCM for the EU (Withdrawal) Bill, the committee stated that we were

"deeply concerned about the lack of any statutory provision within the Bill for UK Ministers to seek the consent of Scottish Ministers or the Scottish Parliament to legislate in devolved areas",

and that that

"cuts across the devolution settlement."

The committee reaffirmed that view about similar provisions in the Trade Bill. The committee remains of the view, in relation to the withdrawal agreement bill, that providing UK ministers with powers to make secondary legislation in devolved areas without there being a statutory provision that they must seek the consent of the Scottish Government and the Scottish Parliament, cuts across the devolution settlement.

The explanatory notes to the withdrawal agreement bill specify the particular provisions where legislative consent is being sought. The Scottish Government agrees that consent is required for those provisions, but it considers that further clauses also require the Scottish Parliament's consent—specifically, clauses 25, 26 and 36. The committee's adviser's view is that clause 25 will alter the executive competence of Scottish ministers in relation to their existing powers to fix legislative deficiencies. Our adviser also takes the view that, to some extent, clause 26 makes provisions on matters that are within the legislative competence of the Scottish Parliament.

Clause 36 will remove an existing power in the EU (Withdrawal) Act 2018 to implement the withdrawal agreement before exit day. The Scottish Government's view is that clause 36 is due to be commenced as soon as the bill is passed, which is expected to be before exit day, and that clause 36 therefore alters the executive competence of Scottish ministers. The committee welcomes the UK Government's recognition that implementation of international agreements, where they would otherwise fall within devolved competence, is devolved. In its letter, the committee therefore invites the UK Government to explain why clauses 25, 26 and 36 have not been included in the list of the bill's provisions that will require legislative consent.

Part 3 and schedule 2 of the bill will establish an independent monitoring authority to monitor implementation and application of the EU-UK citizens' rights agreements. That provision includes that one member of the IMA should know

about the relevant conditions in Scotland. The bill proposes that before making that appointment, UK ministers must tell the Scottish ministers whom they propose to appoint and why. The Scottish Government's view is that the consent of the Scottish ministers should be required for the appointment of the IMA member who it is intended should know about relevant conditions in Scotland.

The committee previously considered a similar disagreement between the UK Government and the Scottish Government in relation to membership of the trade remedies authority, as part of our consideration of the Trade Bill LCM. The committee therefore recommends that the UK Government and the devolved Governments work together to develop and agree a set of principles and criteria that should ensure that devolved interests are reflected in the establishment of bodies such as the IMA and the TRA, following Brexit.

The LCM states that the

"UK Government has demonstrated that it is prepared to proceed with legislation relating to the UK's withdrawal from the EU without the consent of the Scottish Parliament, even where that consent is required and sought."

The committee has previously considered the operation of the Sewel convention. As the committee has said previously, the impasse between the Scottish Government and the UK Government in relation to the Sewel convention needs to be addressed as a matter of urgency. We have reiterated that view in relation to the European Union (Withdrawal Agreement) Bill and its associated LCM, and have requested responses from the UK Government and the Scottish Government on how that impasse can be resolved.

The committee notes the view of the Scottish Government, as stated in the LCM, that

"the Scottish Parliament should not agree legislative consent to the Bill, but should take a firm stance against withdrawal, against the Withdrawal Agreement, and against the bill."

In conclusion, the European Union (Withdrawal Agreement) Bill, as with the European Union (Withdrawal) Act 2018 and the Trade Bill, provides UK ministers with powers to make secondary legislation in devolved areas without a statutory requirement to seek the consent of the Scottish Government and the Scottish Parliament: the bill provides UK Ministers with powers to legislate in devolved areas without seeking this Parliament's consent. That cuts across the devolution settlement.

When combined with our other concerns, that means that a majority of the committee recommends that the Scottish Parliament should

not consent to the European Union (Withdrawal Agreement) Bill.

15:41

Alex Rowley (Mid Scotland and Fife) (Lab): In opening for Labour, I state that we will support the motion that has been lodged today by the Scottish Government.

It is important to give a clear overview of the situation that we now find ourselves in as a country—especially given the complexity of Brexit and the sheer volume of rhetoric surrounding it. It is now clear that, as a result of last month's UK general election, and the fact that we do not have a Labour Government, the UK will be leaving the European Union under the terms of the Johnson Government.

That is made more evident from the revised withdrawal agreement. I believe in all sincerity that the revised agreement will damage Scotland's environment, as well as our economic and social interests. It must surely be of concern to most people that the Johnson Government has removed important protections for workers' rights and asylum-seeking children, as well as having restricted extension of the implementation period to negotiate the future relationship with the EU. That means that there is the very real prospect of us crashing out at the end of the year; it is now certain that we are, as a minimum, heading for a hard and damaging Brexit deal.

The Law Society of Scotland has also set out major concerns about the revised withdrawal agreement. They include concern about the time that is to be allowed in the UK Parliament for debate and about there being inadequate time for scrutiny, which adversely impacts on the quality of legislation, and concern about use of wide subordinate legislation powers, which applies to UK and Scottish ministers. It is concerned about the provisions in clause 26 on lower courts being able to interpret retained EU law and how that fits with consistency of interpretation, and it is concerned about the need to ensure the independence from Government of the independent monitoring authority. For all those reasons, we cannot support the Tories' revised withdrawal agreement.

We also have to be honest and make it clear that, although Brexit will now happen, it will not be over with for a very long time. The people who voted for the Tory party based on the premise that it will "get Brexit done" have been sold a mistruth. I note that this week the European Commissioner for Trade, Phil Hogan, warned that the Johnson Government is swapping a Rolls-Royce trade deal "for a second-hand saloon", and added that the consequences of Johnson's policy are

“still not fully understood in the United Kingdom”.

“Get Brexit done” might well have fooled many people, but it is clear that Brexit and its consequences will impact on working people in a negative way for many years and decades to come.

Stuart McMillan (Greenock and Inverclyde) (SNP): Does Alex Rowley agree that the effects of Brexit will not be short-term but will be with us for decades to come, and for long after we have all left the Scottish Parliament?

Alex Rowley: Yes—I agree absolutely.

Only today, we have heard from Boris Johnston that, in his plan for a fast-track trade deal with the EU, Britain must have the right to diverge from EU rules. That move has been criticised by British industry, because it would introduce new friction and costs at the border, and it is seen in Brussels as an act of economic self-harm. Even Tory ministers have privately acknowledged that it will cause friction at the UK border, although they seem to be content to carry on regardless of the damage that will be done to our economy.

On top of that, we know that the Tory party has a strong desire to seek a trade deal with Donald Trump. Such a trade deal could include the prospects of our national health service being opened up to US markets, and of substandard food flooding the UK. The Trump Administration has stated that it does not want climate change to be mentioned in any UK-US deal. A deal that threatens our national institutions and puts profit ahead of protecting our environment is really not the kind of deal that people want.

It is for those reasons, and more, that Scotland must be at the table as an equal partner in negotiations about future arrangements that will impact on Scotland post Brexit.

As the motion that we are debating today states, it is regrettable

“that the European Union (Withdrawal Agreement) Bill is to proceed through the UK Parliament with minimal scrutiny, failing to respect the significance of the decision to be taken by, or the role of, the Scottish Parliament in scrutinising legislation requiring its legislative consent”.

That is why we must be clear that, on such a crucial issue as the future of our nation and its relationships with Europe and the rest of the world, Scotland’s Parliament and Government must have key roles in the negotiating process. That will not happen under the bill, which is why we will support the Scottish Government’s position at decision time.

15:47

Patrick Harvie (Glasgow) (Green): When the history of this dismal period of UK history is

written, the Brexit saga will no doubt be described as a tragedy in which a combination of the hard right and political spivs and opportunists who believe in nothing but their own entitlement to power managed to hack the democratic process to suit their own short-term interests at the expense of the whole United Kingdom and the European Union. There is nothing to like about the process and those who have simply fallen into line and become apologists for it will not deserve to be forgiven. Alone, that position would be enough to reject the withdrawal agreement and the bill that seeks to implement it.

However, on top of that, we have the clear democratic view of the people of Scotland—expressed not only in 2016 but in 2017 and 2019—who saw through the Brexit project and rejected it. The members of this Parliament have a responsibility to respect that choice, as well as to safeguard the interests of Scotland, which will be done great harm by Brexit. Even before an assessment of the detail of the withdrawal agreement, that position would also be enough on its own to reject the agreement and the bill that seeks to implement it.

However, today’s debate needs to address the detail of the agreement and the bill. It needs to address every aspect and, in particular, the state in which they leave the position of the Scottish Parliament and the governance of Scotland, the sovereignty of whose people is expressly denied by the bill.

The changes in the withdrawal agreement and the bill from their previous versions are all for the worse. We have heard of the watering down of the rights of and protections for child refugees, who are some of the most vulnerable people in our society, and about the block to an extension to the transition period, which again raises the spectre of pushing the country over the cliff edge at the end of the year. Moving the level playing field provisions from the withdrawal agreement into the non-binding political declaration undermines workers’ rights and environmental standards, and means that the alignment with the European Union is removed. A few words in the Queen’s speech are no substitute for the binding provisions that were in the earlier versions of the withdrawal agreement.

The bill removes the requirement for the future agreement with the EU to be consistent with the political declaration. That is a direct threat to environmental standards, which is all the more serious in the context of the many statements from members of the current UK Government over the years that indicate their desire for a race-to-the-bottom agenda of deregulation and free market extremism.

Let us be mindful that many of the people who are now in control of the UK Government see people such as Trump, Orbán and Bolsonaro not as far-right threats but as an ideological model to follow. Most disturbingly, the new bill deletes the scrutiny arrangements for negotiations on the future relationship with the EU. It implies that the UK Government alone—without any form of democratic scrutiny or accountability—will decide unilaterally what its negotiating objectives will be, keep draft texts that are being negotiated secret and sign off any agreement on the say-so of ministers alone. Not only MPs but we, as members of Scotland's Parliament, will be cut out of the process, leaving a Government that was elected on 43 per cent of the vote and which lost most of its seats in Scotland able to impose its will, regardless of the wishes and interests of the country.

As for the impact on devolution, Scotland's Parliament and the governance of Scotland, the country that we represent, the Secretary of State for Scotland indicated in the House of Commons today—in words that were echoed by Adam Tomkins's speech—that this legislation will be imposed on us regardless of our consent decision. We have had this debate about the meaning of the consent provisions before. If the principle of consent is to be meaningful, it has to be freely given or withheld, it has to be revocable and, most fundamentally, it has to be respected.

The UK Government has already legislated in devolved areas without this Parliament's—and, therefore, without Scotland's—consent. It is poised to do so again with this bill. In short, it is willing to go through the motions of seeking consent but it does not give a damn whether it gets it. There is no basis on which we can trust that it will not do so again whenever it sees fit, whether on future controversial legislation; with the powers that it is taking as a result of Brexit; or, indeed, by constraining the freedom of the Scottish Parliament by way of trade agreements that cut through swathes of our devolved powers—it knows that that will be consistent with the ideological bedfellows that it has in the Trump regime and the trade agreement that it wants to achieve with him. The intention to exercise power without scrutiny that is shown in this bill will no doubt be replicated in the Trade Bill when it returns.

Scotland no longer has the devolved Parliament that it voted for 20 years ago, because the principle of consent has been turned into a meaningless sham. We are being asked for consent under a clear threat that we will be utterly ignored. For this Parliament to give its consent in these circumstances would be supine, pathetic and entirely lacking in self-respect. We should

oppose the amendment, oppose the bill and support the motion.

15:53

Willie Rennie (North East Fife) (LD): The Liberal Democrats will vote for the Scottish Government's motion this evening. We do not support the EU withdrawal agreement bill and we do not support Brexit. That is what we said in the election, and it is how we will act now. I am disappointed that we were unable to persuade more people across the United Kingdom in that election. I accept their judgment, even if I do not like it. However, it does not stop me believing, and I will continue to make the case that we should make Brexit stop. I have an obligation to the people who supported our candidates in the recent election to continue to make that case. There is now an important role, which my colleagues and I will take up, to challenge, cajole and question the UK Government throughout the process.

Brexit is a Conservative project, and the Conservatives must own it now. Brexit has already divided our country, damaged our economy and diminished our place in the world. The Conservatives have an enormous responsibility to ensure that their Brexit does not damage our economy further, divide our country more and diminish our place in the world further. They also have a responsibility to ensure that their Brexit does not undermine the integrity of the United Kingdom. We do not want another border down the Irish Sea, just as we do not want a border between Scotland and England.

Our place in the world is important. Let us consider the current crisis over Iran. I am pleased that the Prime Minister is speaking with a united voice with Angela Merkel and Emmanuel Macron in appealing for calm and de-escalation following the death of Qasem Soleimani. That shows the value of partnership with our friends in Europe and the value of working closely with them rather than leaving ourselves at the sole mercy of a volatile United States President. However, the idea that we can be a valuable bridge between the US and Europe is seriously challenged by the decision on Brexit. The Prime Minister has the difficult task of ensuring that the UK maintains its strength in soft power and influence. Brexit runs the risk that we will walk away from our friends in Europe and end up as Donald Trump's poodle instead.

The Liberal Democrats have repeatedly warned of all those dangers. We have been dismissed as "doomsters and gloomsters" by the Prime Minister, who has promised a new age of opportunity, growth, jobs and wealth. The fishermen have been promised "a sea of opportunity". Manufacturers have been promised a "golden age". Those are big promises and, after all the turmoil and division,

people are expecting them to be delivered. The millions of people who put their hopes in Boris Johnson are waiting, but I suspect that they will wait for a very long time.

Let me turn briefly to the lessons of Brexit for Scotland. The parallels between the Conservatives' Brexit plans and the Scottish National Party's plans for independence are striking. Any act of separation—whether between Scotland and the rest of the UK or between the UK and the EU—creates a reaction from those whom we seek to distance ourselves from. We have seen that with EU citizens who feel rejected in the UK. Mr Russell must accept that many English, Welsh and Northern Irish people could feel exactly the same way with independence. He may not seek that, but rejecting a partnership could have that effect.

I am sure that Mr Russell will have seen studies that show the effect of the border between Canada and the United States of America on trade. He has rightly pointed to the effect on trade of erecting a border with the EU, so he must accept that separating Scotland from the rest of the United Kingdom could have a similar effect. Logic dictates that the effect would be even greater, because the trade between Scotland and the rest of the UK is much more valuable than the trade with the EU, even though that is incredibly valuable, too.

John Mason (Glasgow Shettleston) (SNP): Will the member give way?

Willie Rennie: Not just now.

The common systems, regulations, controls and laws that have evolved and developed over 300 years would, of course, be abandoned with the split. What would the purpose of a split be if it were not to do things differently? However, that is what Mr Russell and I have decried about the Brexit project, which seeks to abandon the common systems, regulations, controls and laws that have evolved and developed over 40 years. We rightly point out the potential catastrophe that could come from breaking from a union of 40 years. Just imagine how difficult breaking up something that has lasted for 300 years would be.

Brexit is not a justification for independence; it is a warning that we need to learn lessons, not repeat them.

The Deputy Presiding Officer: We move to the open debate. Speeches should be no longer than six minutes, please.

15:59

Tom Arthur (Renfrewshire South) (SNP): Since I was elected as the first ever SNP member of the Scottish Parliament for Renfrewshire South in May 2016, there has not been a single day

when I have not felt honoured by the opportunity to serve my constituents and humbled by the responsibility that that entails.

I sit in this place, as we all do, as a representative. We are each expected by our fellow citizens to listen, consult and engage, but ultimately to exercise our own judgment on each issue that comes before us and in setting the course for our nation's future.

That this place, our national Parliament, is the centre of Scottish civic and political life is beyond dispute. It is undoubtedly the case that both this Parliament and the Scottish Government as an institution command greater trust, respect and a sense of relevance from the people of Scotland than Whitehall and Westminster do.

Opinion polling suggests both that there is majority support across Scotland for this Parliament to take on additional responsibilities and that support for independence has increased since 2014.

That is the context in which we meet here this afternoon, to decide whether to express our consent to legislation made in another place that would end Scotland's membership of the European Union. How each member votes at decision time will be a statement on the esteem in which they hold this Parliament. It will be a declaration of the regard in which they hold the devolution process. It will also be each member's answer to the democratically expressed views of the people of Scotland.

Let us consider what those views are. In May 2016, the people of Scotland returned a Parliament that was overwhelmingly opposed to the principle of leaving the EU. At that time, although it would be easy to forget it, that principle was shared by the vast majority of Conservative MSPs. Indeed, ahead of the EU referendum, nearly all MSPs voted in this chamber to support the principle of remaining a member of the European Union.

That view was confirmed on 23 June 2016, when the people of Scotland voted 62 to 38 per cent in favour of remaining a member of the European Union, with each of Scotland's 32 local authorities backing staying in the EU. At the general election of June 2017 and the European elections of May 2019, the SNP took the largest share of the vote on a platform that was opposed to the UK Government's Brexit. At last month's general election, the SNP won by a landslide on a pledge to do all that we can to stop Brexit. We even put those words on the side of a bus.

The only major party to stand on a commitment to "get Brexit done" was the Scottish Conservative Party. It lost tens of thousands of votes and more than half of its Westminster seats, including East

Renfrewshire, part of which falls within my Renfrewshire South Scottish Parliament constituency. The remainder falls within the Scottish Parliament constituency of Eastwood, whose current MSP is Scottish Tory interim leader and former remainer—now Brexiteer—Jackson Carlaw. Elsewhere in my constituency, both Mhairi Black and Gavin Newlands were re-elected in 2017. They were returned again last month, with five-figure majorities for the first time.

I do not highlight those specific results to indulge in vain talk of my party's electoral success—far from it. In recent years, we have all witnessed seemingly impregnable majorities crumble to dust and political upset follow political upset. Any party that takes voters for granted will quickly find itself out of office and relegated to irrelevance. The reason why I point to those results is that the ballot box remains the most direct, forceful and consequential way in which people can express their political views at a given time, and at each opportunity over the past four years, my constituents in Renfrewshire South have rejected Brexit and supported the SNP in opposing Brexit.

In Barrhead, where I was brought up; in Johnstone, where I live; and from Linwood to Lochwinnoch and in every other village that I am privileged to represent, my constituents have made it clear to me, and by majority at the ballot box, that they do not want to leave the European Union. Faced with that clear set of instructions from people in Renfrewshire South, there is no way that I can possibly support or give any form of consent to Scotland being forcibly removed from the European Union.

It seems likely that, at decision time, this Parliament will vote overwhelmingly to reject giving consent to the European Union (Withdrawal Agreement) Bill. It seems almost certain that the Tory UK Government will again ignore the will of this Parliament, just as it has ignored the democratically expressed will of the people of Scotland. In doing so, the UK Government will be making a statement of how it views Scotland's place in the United Kingdom. Gone is the talk of an equal partnership and of leading the UK. In its place is blunt power and disregard for devolution.

That poses a question to each of us in this place and to the people of Scotland. It is a question that cannot be avoided, that will not be denied and that needs to be answered.

This will be a bitter time for those of us who value our place as a European nation, but I hope that it will be a time when, as a Parliament and across parties, we can come together and chart a course for our country that puts Scotland's future in Scotland's hands.

16:05

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

The background to this debate is that we, the United Kingdom, are leaving the EU. That was not my choice; I voted remain in the 2016 referendum, but I am a democrat and accept that the majority of the UK population voted in that 2016 referendum and voted to leave. That gives the UK Government both a mandate to deliver Brexit and an obligation to deliver on the outcome of that referendum.

For the avoidance of doubt, that UK Government mandate derives not just from the result of the general election in December, but, crucially, from the outcome of that referendum in 2016, which was—let us remember—a UK-wide vote to leave the EU. It was not a vote in Scotland alone, and there was never any suggestion that the votes of the constituent parts of the United Kingdom should be treated on an individualised basis.

Scotland voted in 2014 to be a part of the United Kingdom, and the United Kingdom voted in 2016 to leave the EU. That is that, and it is time that the Scottish Government accepted that Brexit is happening and got on with the job of trying to make it work, rather than trying to throw obstacles in its way.

Clare Adamson (Motherwell and Wishaw) (SNP): Will the member take an intervention?

Murdo Fraser: I will give way.

Clare Adamson: Can the member explain why Northern Ireland's post-Brexit relationship with Europe will be different from Scotland's?

Murdo Fraser: I am sure that the member well knows that Northern Ireland shares a land border with the EU and that its troubled history means that we have to find different solutions to deal with it. She will recognise that there is a strong historical legacy in Northern Ireland that means that we have to treat it differently.

At every turn, the SNP has got it wrong on Brexit. It spent much of last year scaremongering about the prospect of a no-deal Brexit, when it was clear that that was never going to happen. It opposed the deal agreed by the former Prime Minister Theresa May; then it said that that was the best deal on offer and could not be improved upon. It said that Boris Johnson could not possibly get another deal, and indeed, the Cabinet Secretary for Government Business and the Constitution told us, time and again, that the Prime Minister and his Government were not even serious about another deal and that the UK would be crashing out of the EU without a deal at the end of October last year.

On every single one of those points, the SNP got it wrong. Boris Johnson did get a different deal from the EU: an improved deal that protects the rights of EU citizens, that avoided a no-deal Brexit and that delivers on the outcome of the 2016 referendum. The contrast between a UK Conservative Government that is delivering on its promises and its commitment to respect the 2016 referendum and the SNP Government here that is getting it wrong on Brexit at every turn could not be clearer.

We have already heard today from the Cabinet Secretary for Government Business and the Constitution, who, with breathtaking irony, warned of the economic risks of Brexit. This comes from a cabinet secretary who represents a Government whose overriding purpose is taking Scotland out of the United Kingdom, a separation project that would do untold damage to the Scottish economy—far worse than the most pessimistic projections of the impact of Brexit.

I need hardly remind the chamber that Scottish trade with the rest of the UK is worth three times as much to our economy as our trade with the EU single market, and yet it is our trade with the rest of the UK that the SNP would put at risk with their plans for separation.

It should not surprise any of us that the Scottish Government opposes the legislative consent memorandum before us. As Adam Tomkins reminded us, back in June 2018, Michael Russell said that the SNP Government would oppose any Brexit legislation and would vote out any legislative consent motions about Brexit because the Scottish Government was opposed in principle to Brexit happening. He reiterated that position to the Finance and Constitution Committee this very morning.

It does not matter what the terms of the withdrawal agreement, the bill or the legislative consent memorandum are. The Scottish Government had already made up its mind 18 months ago. It will vote against the LCM and the withdrawal agreement, whatever those documents say, and we have known that since June 2018. The motion is simply grandstanding on the Scottish Government's part, and it has come from a minister who has made grandstanding an art form. It is a political stunt and has nothing to do with the good governance of Scotland.

To illustrate that point, I will give an example of a provision in the withdrawal agreement bill that is causing the Scottish Government difficulty—or so it says. The bill establishes an independent monitoring authority, which is an important body that is being set up to monitor the rights of EU citizens post-Brexit. One of the members of that new UK-wide body will have expertise on relevant conditions in Scotland. The UK Government has

proposed that the person on that UK body should be appointed in consultation with Scottish Government ministers, who will be entitled to make their views on the suitability of that person known. On any objective basis, that is a fair and balanced way for the UK Government to proceed in relation to a UK-wide body. However, for the Scottish Government, that does not go far enough. It demands a right of veto over the appointment of that individual to the independent monitoring authority and, without that right of veto, it will vote against the legislative consent memorandum tonight. That is not a matter of high principle, nor does it go to the heart of the devolution settlement. That is finding grievance for grievance's sake, no more and no less.

There are many predictable things in life. It is predictable that in a Scottish winter the weather will be miserable; that the SNP Government will find a grievance with anything that the UK Government does; and that in a debate like this Michael Russell will go red in the face and the level of hysterical rhetoric from him will reach fever pitch. None of that takes away from the fact that we are leaving the EU at the end of this month and entering a transition period. The Scottish Government should be getting on with dealing with the consequences of that and not indulging in yet more grandstanding.

16:11

Gordon MacDonald (Edinburgh Pentlands) (SNP): In Scotland, there is no democratic mandate for withdrawal from the EU. In the 2016 referendum, 62 per cent of people in Scotland and 74 per cent of people in its capital city voted to remain. The people of Scotland are sovereign. That is the Scottish constitutional tradition, and it was confirmed in 1989 through the signing of the claim of right at the General Assembly hall by the vast majority of members of Parliament, members of the European Parliament, local authorities, churches and civic Scotland. It is time that everyone in the Scottish Parliament listened to the people of Scotland.

This is the third iteration of the withdrawal agreement bill, and each version has been another step closer to a hard Brexit and the removal of democratic scrutiny. I cannot understand how any member can argue that the bill could be good for Scotland or for the people they are supposed to represent. To put it simply, this is a bad deal and a bad bill. The bill as drafted does not respect the devolution settlement. In the Scottish Parliament information centre's words, it will

“allow UK Ministers, acting alone, to make provision in devolved policy areas”.

Since this Parliament was established, in 1999, it has operated under a reserved powers model, which means that everything that is not specifically reserved to Westminster is assumed to be devolved to the Scottish Parliament. Section 2 of the Scotland Act 2016 put the Sewel convention, which stated that the UK Parliament will not normally legislate in devolved areas without the consent of the local legislature, into statutory form. If the UK Government could do that in 2016, why will it not put the same statutory commitment into this bill if it does not plan to interfere in the devolution settlement?

The withdrawal agreement bill seeks to make a fundamental change to the constitution of our nations. It is one of the most important pieces of legislation ever to be considered by the UK and Scottish Parliaments. Therefore, if the Scottish Parliament does not give its consent today, it would be outrageous for that to be ignored.

The bill also puts Scotland at a competitive disadvantage. Scotland is being singled out for unfair treatment: we are the only UK country to be being taken out of the EU against our will and with no say over our future. England and Wales voted to leave and they will get to leave. Northern Ireland voted to remain and is getting a special deal with frictionless access to the single market while maintaining its place in the UK customs territory and the right to decide its own future.

Scotland, which voted to remain more decisively than any other UK country, is now the only UK country that is being forced to leave with no say over our future relationship with the European Union. That is nothing short of antidemocratic. We are a net exporter and depend on that trade to support our economy, with more than £15 billion of sales to the EU every year. Yet, the UK has still to negotiate a trade deal with the EU to ensure that UK goods and services are not subject to tariffs after the transition period ends, on 31 December this year.

Scotland has also benefited from the 40 trade deals covering more than 70 countries that were negotiated by the EU. However, according to recent reports, the UK Government has managed to sign or roll over only 20 continuity deals to date, thereby putting at risk some of the £18 billion of exports that Scotland makes to the rest of the world.

The BBC reported that any trade deal with Japan will not be ready by the end of this year. We sell more than £500 million of goods, including whisky and salmon, to Japan, and that is all being put at risk over the Conservative Party's obsession with Brexit.

Make no mistake: this is a hard Brexit deal that will hit jobs and living standards and take us out of

the European single market, which is eight times the size of the UK alone. By 2030, Scotland's gross domestic product could be around 6 per cent, or £9 billion, lower than if we had stayed in the EU, which is the equivalent of £1,600 per person in Scotland. That is the result of an increase in non-tariff barriers, the removal of free movement and a reduction in investment outside the single market.

Fundamentally, it is about devolution and respecting the right of the people of Scotland to choose their own future, especially when they have made it abundantly clear that they do not want Brexit in any form. At a time when the clear view of the Scottish electorate is that more decisions should be made here at Holyrood, we cannot allow Westminster to plough ahead with an undemocratic power grab.

Back in May 2018, we rejected the Westminster Brexit bill when we voted 93 to 30 to refuse consent. Let us reconfirm that commitment to devolution tonight.

16:17

Claire Baker (Mid Scotland and Fife) (Lab):

The new President of the European Commission, Ursula von der Leyen, met Boris Johnson at Downing Street this morning, with the Prime Minister expected to use the meeting to stress the importance of reaching a trade deal by the end of 2020 and to express his confidence of doing so. However, the new President has already warned of the "extremely challenging" timetable that the UK Government is insisting on, and she has now said that it would be "impossible" to conclude a comprehensive trade deal by the end of 2020.

The reality is that the EU will not agree its mandate until the end of February, so trade talks and other discussions with the European Commission will not begin until March. At the end of the process, it will take around three months to ratify the agreement, so we will actually have only around six or seven months in which to reach an agreement. I do not believe that doing so is possible or sensible. There is no need to go through the process under unnecessary pressure or in a curtailed timescale. By refusing to extend the transition period, the UK Government is creating a timescale that makes long-term decision making very difficult.

The UK Government's intransigence in ruling out any extension to the transition period is disappointing and ignores the reality of difficult negotiations and the need to put the interests of the country first. Parliament must resist the stubbornness of the Government and push for any extension that is necessary. The purpose of the transition period is to negotiate the future

relationship between the UK and the EU in areas such as trade, fishing and security. It must not be unnecessarily rushed.

The clause in the withdrawal agreement bill that makes it illegal to agree a longer transition seems to exist as a means of leaving with no deal, which must be avoided at all costs. We must ensure that protections are in place for Scotland and the rest of the UK to avoid a worst-case exit, as there is simply no need for that to happen. The fact that the bill rules out extending the transition period beyond the end of 2020, even in the absence of a free trade deal having been agreed, seems extreme and unnecessary.

The withdrawal agreement will have implications for Scotland's economic and social interests and for the environment. The removal of the protections for child refugees that were previously secured by Lord Dubs is a real concern. The UK Government will no longer be legally obliged to seek agreement with the EU; instead, it will just have to "make a statement" on the issue. The removal of a right for unaccompanied minors to be reunited with family in the UK in order to improve the negotiating position, as the Home Office has said, should sit uneasily with us all.

The Conservative manifesto promised that the future relationship with the EU would allow the UK to raise standards in areas such as workers' rights, agriculture and the environment, but the current intention is to introduce separate legislation to protect workers' rights and environmental protections, and those promises have been removed in the revised bill.

The EU's environmental legislation is arguably one of its greatest achievements. The EU has developed world-leading legislation in areas such as pollution, protected species, water quality, genetically modified crops and the use of dangerous chemicals. Market access is unlikely to be granted by the EU without retention of some environmental regulation, and we should ensure that the issue remains a focus. If the UK Government insists on setting environmental standards at Westminster, we must ensure that they are stringent and will be adhered to.

It will be difficult to pursue a free trade agreement without alignment with EU rules. The EU is unlikely to allow access to the internal market without the application of some regulation, notably on labour and environmental standards. It is fanciful to approach negotiations with the view that the UK can pick and choose entirely on the basis of the Government's wishes. The Culture, Tourism, Europe and External Affairs Committee has heard evidence from trade organisations and trade negotiators, who raised concerns relating to capacity and experience in the UK Government

when it comes to negotiations with the EU. Those concerns must be heeded.

The bill contains a part on citizens' rights. The Scottish Parliament has previously raised concerns about the settled status scheme. Behind the debate over the withdrawal agreement bill, sovereignty, devolved competences and repatriated powers—all of which are fairly abstract notions for those who are not involved in parliamentary scrutiny—there are real people whose lives have already been impacted by the decision to leave the EU. They are individuals and families who have chosen to come here and contribute to our society, invest in our economy and enrich our culture. The settled status scheme is still not fit for purpose. Changes must be made if we are to protect the rights of EU citizens and prevent a repeat of the terrible treatment of the Windrush generation.

During the 2016 campaign, EU citizens were promised automatic indefinite leave to remain in the UK, but we are now some way from that. The bill will establish an independent monitoring authority to monitor the implementation and application of citizens' rights agreements in the UK. The Law Society of Scotland has highlighted that it is important that people have access to legal advice if they are to have confidence in the IMA.

The IMA has the potential to be an important body, so it must have accountability, credibility and authority in Scotland. The membership of the IMA must meaningfully reflect Scotland, so I understand the Scottish Government's push for consent over its membership. I have concerns over the establishment of an IMA if it will then be open to having its powers transferred for the purpose of improving "efficiency, effectiveness and economy". Surely those factors should be demonstrable by the IMA as established.

The papers for this morning's Finance and Constitution Committee meeting show that the Scottish Government recognises that some previous requests to change the bill have been accommodated. Although I endorse the decision not to support an LCM, I hope that every effort will continue to be made to engage with the process, to raise concerns and to push for them to be addressed as the bill progresses through Westminster and throughout the forthcoming implementation period.

16:23

Angela Constance (Almond Valley) (SNP): Who would have thought it possible that the current version of the Tories' Brexit bill would actually be worse than its predecessor? It is completely mythical to suggest that it removes the risk of a no-deal Brexit, and we have seen the

downgrading of concrete commitments, which have been replaced with blank sheets that raise even more questions. There is deep suspicion about the removal of clauses and commitments on human rights, environmental standards and safeguards to workers, which have been replaced by vague commitments to future policy statements and as yet unpublished bills.

In the cabinet secretary's evidence to the Finance and Constitution Committee this morning, he reflected on why the UK Government would remove those basic rights if it was not intent on interfering with them. An old saying that remains true today is, "You just can't trust the Tories."

Why on earth would it be acceptable for EU citizens who have spent years contributing to our economy and the very fabric of our country to experience the indignity of having to apply for the rights that they already have? It is both stupid and wrong, and, in the context of a hostile immigration environment, it is a dangerous example of othering. Further, if Iain Duncan Smith can be given a gong—an honour—is it any wonder that the Scottish Government is concerned about being frozen out of the selection of individuals who are meant to represent our needs in the rather Orwellian-sounding independent monitoring authority for citizens' rights agreements?

The harsh reality is that, when it comes to this bill, the unelected House of Lords will have more of a say on Scotland's future than this Parliament. We have seen the analysis from SPICe that found that the withdrawal agreement bill will allow UK ministers, acting alone, to make provisions in devolved policy areas. Indeed, in the report that it published today, the Finance and Constitution Committee identified no fewer than 10 clauses that permit the UK Government to act in such a way—or, in other words, to interfere.

There are many reasons to withhold our consent, but at the top of my list is the removal of obligations on the UK Government to negotiate with the EU regarding child refugees or families seeking to be reunited, and the risk of the Tories walking away from Dublin III regulations and removing the rights of unaccompanied children to be reunited with their families in either the UK or Europe. Unaccompanied child refugees are the most disadvantaged and vulnerable group of children and young people in the world. I know that those matters have always been reserved to the UK and remain so—for the time being, anyway—but we should not let it do that in our name.

Of course, the Tories, with their trademark lack of humility and compassion, come to this Parliament and lodge an amendment that

"welcomes that the UK will be leaving the EU later this month".

Well, we do not welcome Brexit, as there is no mandate—in Scotland—for Scotland to be dragged out of Europe against her will. The democratic deficit in this country is unsustainable and it is incomprehensible that the UK Government was not prepared to compromise with the highest remain-voting part of the UK.

Given the views of the people of Scotland, as expressed electorally—with 88 per cent of seats in Scotland being won at the general election by remain candidates—I cannot imagine how a remain-supporting SNP Scottish Government could ever become a bunch of Brexiteers. However, it is always possible for two people, two parties or two Governments to stick to their diametrically opposed points of view and principles and still find compromise and common ground—that is, after all, what grown-ups do. However, when it comes to all matters Brexit, the UK Government has remained resolute in its intransigence. It is either its way or the highway. Aye—indeed, it is time to choose; and I will always opt for the highway to independence. However, the point is that the Brexit boorach did not need to be this way. There could have been an accommodation for Scotland, given the efforts that were made, for good reason, in relation to Northern Ireland. The UK Government's standing—as well as democracy across the UK—is all the poorer because of its disrespect for devolution.

I do not expect for a minute that Westminster will start to listen to or respect the views of this Parliament, but we should continue to have the very highest of expectations, on behalf of the people of Scotland, and demand that it do so.

16:29

Jamie Greene (West Scotland) (Con): Presiding Officer, I will start my contribution in a positive manner by wishing you and all members a happy new year.

Members: Aw.

Jamie Greene: I mean it; I do.

It might have been wishful thinking on my part, but I had hoped that, in our first week back, we might have been discussing important devolved matters that are fully under the control of the Scottish Government. However, given the bad news that it snuck out during recess, it is no huge surprise that Mr Russell wants to talk about Brexit instead. Not only that, but we are being asked to prematurely reject, in principle, a bill that has not yet completed its passage through Westminster. That sums up Mr Russell's position and the position that his Government has taken since the

day that we decided to leave the EU. The people who are now shouting, “Reject the bill” were shouting “Reject the bill” before they had even read it.

Before I came to the chamber today, I was watching the BBC Parliament channel, where I saw members from all parts of the political spectrum debating—as they are this very second—the withdrawal agreement bill, arguing for and against amendments to it, in sensible, academic discussion and debate. People may disagree hugely on various constituent parts of the bill but, to their credit, they are arguing over its substance.

What are we doing instead? We are debating a motion penned by the Scottish Government that is as factually vacuous as it is predictable. Our precious chamber is spending hours today discussing not a technical LCM of substance but a motion of repetitive spin, from a Government that refuses to concede that Brexit is actually happening after all. The motion before us is full of opinion, not fact. It is full of points of view, unsubstantiated claims, ludicrous assumptions and well-rehearsed mantras from a party that is outraged that the UK Government is honouring both the outcome of the referendum and its own manifesto—something that may seem alien to SNP members, I admit. The motion before us bears all the hallmarks of a frustrated Government that has failed miserably in its mission to overturn the referendums of 2014 and 2016.

Let us be clear: we are not having this debate because the SNP has a problem with the withdrawal agreement; we are here because the SNP has a problem with Brexit per se. We have spent far too many hours in this chamber pandering to the cabinet secretary’s only *raison d’être*, with his constant faux outrage over a withdrawal agreement that delivers all the very things that his Government has been asking for all along. The cabinet secretary wanted a transition period, and the agreement delivers that. He wanted to secure EU citizens’ rights, and the agreement does that. He did not want a hard border on the island of Ireland, and the agreement gives a guarantee on that. He wanted a deal that was as acceptable to Europe as it is to us and—guess what?—the agreement provides that.

The reality is that there is no deal that the SNP would support, and today’s debate proves that point. SNP members rallied calls against no deal, but the SNP’s MPs at Westminster voted for a no-deal outcome not once, not twice but three times. We would not even be having this debate today if we had moved into transition when we were supposed to. The people who are arguing that the new withdrawal agreement has been watered

down are the same people who voted against the previous version of it.

We could, and arguably should, have been spending that valuable time discussing the important matter of the future relationship between the EU and the UK. We have lost valuable time when we could have been negotiating a new trading relationship or formalising a new security partnership. However, we are where we are. Thank goodness, however, that the endless stalemate at Westminster is finally resolved.

To members of parties other than the SNP, I say that supporting the Government today will send a simple message to the electorate that those members are still in denial and are not willing to accept that Brexit is happening. However, it is happening in a few short weeks. If they would prefer to make the point that they do not want it to happen, that is fair enough, but wishing it would stop is not the same as trying to make it work. It was clear from the opening speeches that members, rather than working constructively with the reality that faces us as a country, still have their heads buried in the sand. Members are ignoring the fact that we are leaving, they are ignoring the fact that 1 million of their fellow Scots voted to leave, and they are ignoring the fact that Scotland chose overwhelmingly to take that decision as a United Kingdom. How this Parliament can keep up the pretence that it is proportionately representative of the Scottish electorate when it comes to Brexit is simply beyond me.

Let me also say to members, especially those who claim to be democrats and who want to have a sensible debate about our future relationship with Europe, that pandering to the motion simply gives credence to Mr Russell’s desire to pitch Parliament against Parliament and Government against Government. How is that in anyone’s interest? How is that respectful of devolution? How is that respectful of the results of the referendum?

Members should not give in to the cabinet secretary for constitutional grievance, because the truth is that we all know what really lies behind his endeavours over Brexit. The word is never far from his lips. It starts with an I—and I will leave the rest to him.

16:35

Pauline McNeill (Glasgow) (Lab): It is a sad day for democracy if we say that it extends only to one vote on one day in 2016, but not to democratic scrutiny of the withdrawal deal itself. That is a very narrow view of democracy, and there are extremely objectionable aspects to it.

Labour will not support the legislative consent motion, and we will not let Boris Johnson ride

roughshod over this devolved Parliament. We are not trying to overturn the democracy of the people's decision on Brexit, but we will have a say in the manner of our leaving the European Union. To answer Jamie Greene's question, our message to the electorate is that Labour will defend the devolution settlement that we fought for, and we will have our say.

The Scottish Tories say that the only thing that matters is that we are leaving, but that is not the only thing that matters. How we leave and the terms under which we leave matter a great deal to the people of Scotland. It is a mistake for the Tories to argue that because matters including immigration are reserved, it is not for us to demand at least a say and a seat at the table in order to work towards a sensible solution, given the known damage that leaving Europe will do to the Scottish workforce, which relies on immigration.

I know that previously there were certainly remainers on the other side of the chamber, but today they seem to be doing an awful lot of cheerleading for the Brexit ideologues in their party.

As Alex Rowley outlined, the Labour position is that we cannot agree to the LCM because we do not have a say.

It is clear that we are leaving the European Union, but there is a rushed endeavour to force through an amended withdrawal agreement that is significantly worse than the previous one, in an attempt to show Brexiteers that we are on our way out of Europe.

On removal of the backstop arrangement, which other members have referred to, the backstop least gave some measure of protection for Northern Ireland and the island of Ireland. They now face unknown and unclear trade checks at their borders. The convoluted arrangement was arrived at not to help Northern Ireland or Ireland, but to keep the hard Brexiteers happy. That is the only reason why it has been changed. Why would we support that in the withdrawal agreement?

The Law Society of Scotland points out in its briefing that legislation that is made in haste is problematic. We should all know from experience that haste can lead to unclear and unworkable legislation.

The recent Supreme Court judgment in *Cherry and others v Advocate General for Scotland* shows the importance of parliamentary scrutiny, and of the accountability of the Executive to legislators during the process of European Union exit. That decision seems to have been overridden.

Scrutiny of the bill by the devolved Administrations' legislators is a legislative act. Since the UK Government requires our consent to the changes, what is the point of having any say if we cannot have a say in its outcome?

The Johnson Government has made dangerous choices and is playing fast and loose with a large majority by fast-tracking an agreement that includes unacceptable changes. It seems that some Tory rebels remain: some MPs will defy the Government in a vote to restore a commitment to family reunion for child refugees in the Brexit legislation. Alf Dubs, whose amendment to the previous withdrawal bill has been removed, has written with other parties a letter to Boris Johnson, in which they say that although Boris Johnson has won a majority in Parliament, he did not win the moral argument to absolve himself of responsibility for some of the most vulnerable people in the world.

I know about the plight of lone refugee children, because I tried to locate the family of a young boy whom I found in the Calais jungle, as it is called, when he was only eight years old. He had been separated from his family for almost a year. He suffered trauma during that time, and it is thanks to pro bono lawyers that he found his family. Is that the Britain out of Europe that even the moderate Tories want—a heartless “No refugees here” approach in the new nationhood for Britain out of Europe? I want to fight against that.

Brexit is not just being done; it is being done in a Boris Johnson way that is highly political and highly economically damaging, and which does not have the interests of working people at heart, as has been shown by the removal of clauses that pledged alignment with the EU on workers' rights. The EU has, for the most part, been the only thing that has protected the rights of workers in the past. We only have protection of low-paid workers' entitlement to four weeks' paid holiday because of Europe. Do members need any more convincing than that?

We accept that we are leaving Europe, but we want a say in how we will go about it. The UK Government has asked this Parliament for our consent. It is supposed to have a relationship with the devolved Parliaments, but it is not demonstrating any respect for them, at all. The UK Tories have been warned time and again to respect the role of the Scottish Parliament, but it seems that they will not give it time, or respect the rights in the Scotland Act 1998, to have a say in withdrawal.

We demand the return of powers to the Scottish Parliament if we are leaving Europe, because respecting the settled will of the Scottish people means respecting the devolution settlement. We demand that powers be repatriated to Scotland,

where they should be. Boris Johnson and his style of government is the biggest threat to the union. The first test for him of whether he respects this nation is how he involves us and gives us a say, as we leave Europe.

We cannot support the legislative consent motion. We will continue to fight for Scotland's interests to be considered in what is a very damaging process, and we will support the Government in the vote tonight.

16:41

Donald Cameron (Highlands and Islands) (Con): In preparation for the debate, I had a brief look over the many speeches that I have made on Brexit over the past three and a half years. Some common themes have emerged in the points that I have made in the chamber. The first is that we should respect the result of the Brexit referendum, regardless of how we voted in it. The second is that a negotiated exit remains the best way to deliver that result, so that we leave with a deal.

The third is that the SNP has time and again voted against any deal that seeks to implement the result of the 2016 referendum. I was struck by something that Jamie Greene picked up on: the SNP and others now hold up the deal that was reached by Theresa May's Administration as a better deal than the one that is before us now, but they voted against it three times in the House of Commons.

I could go on, but after three and a half years of debate on Brexit it seems that we are finally making progress: the end is in sight. The European Union (Withdrawal Agreement) Bill passed its second reading overwhelmingly, and will complete its passage through the UK Parliament with relative ease. We will be leaving the EU on 31 January, as promised, and nothing that is said this afternoon will change that. Whatever one's view, Brexit is happening: that is an incontrovertible political fact.

Therefore, there is a reality facing the SNP Government and other parties in Parliament, and with that reality comes a choice for the Scottish Government. It is a simple one, which is brought firmly into focus by this debate. Will the Scottish Government engage constructively with the UK Government over Brexit, or not? *[Interruption.]* Put another way, does the Scottish Government want to make Brexit work for Scotland and the people whom we represent, or would it rather carry on with a campaign of attrition—rejecting every overture, agitating at every perceived slight and thereby continuing with years of tumult and division such as we have already witnessed?

Following the bill, there will be others. There will be a trade bill, an agriculture bill, a fisheries bill

and more, and there will be subordinate legislation. Each piece of legislation will be highly important in its own way for Scottish industries, businesses and individuals, and Scotland will be watching the Government to see whether it finally clammers out of the trenches and joins in a common endeavour.

It will not be easy; there are many challenges. I am not someone who thinks that Brexit will bring about unbridled opportunities all the way. The next few years will have difficult moments. Trade negotiations are, by their nature, tough, but how will the SNP maintaining its current position help? How could that possibly be it acting in Scotland's interests?

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Can Donald Cameron quote any words whatsoever, from any reply that the UK Government provided to the December 2016 compromise that was offered by this Government, on how to exit the EU?

Donald Cameron: I will come to that in a moment. *[Interruption.]* Let me answer.

The UK Government, for its part, has accommodated many of the concerns that have been raised by the devolved administrations during the process. When last we debated a legislative consent motion in May 2018, we noted the concessions that had been made by the UK Government on clause 11, and the broad agreement that it was met with by, for instance, the Welsh Government.

Let me give Stewart Stevenson a more specific recent example that was mentioned by Murdo Fraser. In the December letter that he sent to the cabinet secretary, Steve Barclay stated that extensive engagement between the two Governments had

“resulted in the UK government making significant changes ... including giving devolved ministers a strong role in relevant appointments”

to the proposed independent monitoring authority. As Murdo Fraser said, that was a reasonable position in respect of a UK-wide body. That example is a far cry from the picture that the SNP regularly likes to paint, which is that it is being ignored and disrespected throughout the process.

The cabinet secretary knows fine well that the previous Deputy Prime Minister, David Lidington, engaged with him here and at Westminster. As many of us have said time and again, the deal meets many of the SNP's demands. As SNP MP Alan Brown has noted, he called on the UK Government to

“do a lot more”,

to

“explore options, and”

to

“work hard to secure a deal”.—[*Official Report, House of Commons*, 19 July 2018; Vol 645, c574.]

We have a deal.

The cabinet secretary said in 2018 to the committee that I sit on:

“we hope that there will be a transition period”—[*Official Report, Culture, Tourism, Europe and External Relations Committee*, 6 September 2018; c 15.]

There will be a transition period.

The First Minister has rightly argued that every EU citizen who lives and works here should be guaranteed the right to stay where they belong, here in Scotland. The deal will ensure that.

However, none of that is good enough for the SNP. It is expert at moving the goal posts. Where others have taken tough decisions and have compromised, the SNP continues to drag its heels and refuses to accept the reality of the situation. That is what is truly holding Scotland back and creating increased uncertainty for our economy.

Let me take the whisky industry, which is of particular importance to the Highlands and Islands. In October, the Scotch Whisky Association said that a deal being rejected will only add to the uncertainty that the industry has been subjected to over the past three years. We now have an end in sight.

In the minute that I have left, I will turn to a few remarks that have been made by others across the chamber. Adam Tomkins and Murdo Fraser said that the cabinet secretary would vote against any deal, regardless of what the bill said. The Scottish Government made up its mind 18 months ago that it would vote against the deal. Jamie Greene said something very important towards the end of his speech. He said:

“wishing it would stop is not the same as trying to make it work.”

The bill has overwhelming support in the House of Commons, but it also has the support of the European Union. Ursula von der Leyen, who is the President of the EU Commission, has been in London today. Among many contributions, she had a message for younger people and students. She said that

“Brexit does not only mark the end of something. It also marks a new phase in an enduring partnership and friendship.”

All the significant players want Brexit to happen now and there is an overwhelming public desire to put the past three years behind us. Voting against consent merely signals that this Parliament

refuses to accept the reality that Brexit is happening. Fundamentally, this is now a time to look forward, not backward, and to address the future and not the past. For all those reasons, I support Adam Tomkins’s amendment and urge others to do so.

16:49

Michael Russell: Let me start by addressing some factual errors that have been made in this debate, before I come on to the position of the Conservatives and the extraordinary parallel universe in which they are presently operating. I say to Jamie Greene—I note that he is not here—that it is extraordinary not to define workers’ rights, human rights, environmental protections and the alleviation of the suffering of young children separated from their parents as important matters.

That those are not important matters is the most extraordinary thing that I have heard in the chamber in a very long time. I simply cannot understand that and if Jamie Greene had an explanation for it, I would take it.

Neil Findlay (Lothian) (Lab): Will the member take an intervention on that point?

Michael Russell: No. I am sorry, but Mr Findlay did not participate in the debate and I have too much to do in my speech

I want to stand very firmly on the allegation that, in some sense, the SNP is not democratic. Scotland is not, as we might have noticed, independent today. Therefore, we must have accepted the result of the 2014 referendum, and we did. What changed, of course, was what happened in 2016. However, even then, we made every possible effort to secure a compromise, but that was not accepted. We have therefore rigorously respected the result of the referenda, but the trouble is that the Scottish Conservatives have not; they wish to make sure that the voice of the Scottish people is not heard or, rather, that it is selectively heard, which is not acceptable.

Finally, the EU (Withdrawal Agreement) Bill does not get Brexit done. That is a very simple fact that must be known to Mr Tomkins, who made the allegation that it did so. There is no end in sight, as Mr Cameron said there was. The bill is the end of what was meant to be the simple part of the process—I think that David Davis called it that. The complicated part of the process is just about to start, and already the UK Government has hobbled itself by limiting the time for that to the end of this year. However, the bill is not the end of the process.

Before I start on the position of the Tories, I will make a point on the issue of the independent monitoring authority, which a couple of Labour

members and Murdo Fraser raised. There are three issues with regard to the IMA that need to be considered. The first is the fact that there can be a veto from the UK Government on appointments to the IMA, but no veto from the Scottish Government. That is an inadequate position, but that is where we are. Both Governments should be given a veto or neither should be given one, but a veto should not be given to only one side. However, there is no need for a veto for either side, because we can work together.

Murdo Fraser: Will Mr Russell take an intervention?

Michael Russell: No. I am not going to, because I have to address the errors of fact from Murdo Fraser.

There is absolutely no reason why there should not be the opportunity for the Scottish Government to nominate or to accept or refuse a nomination—that opportunity would be normal. However, Murdo Fraser's argument is particularly strange, because what it says is that the test of whether a matter is devolved is up to the UK Government; it is not to do with the Scotland Act 1998 but is to do with the UK Government. The UK Government can therefore decide what the person nominated to the IMA is to do and how they are to do it; and if that person has been involved in devolved actions, it is up to the UK Government to decide whether to appoint them. That is a very slippery slope for devolution and Murdo Fraser knows it.

Murdo Fraser: Will Mr Russell give way?

Michael Russell: I am sorry, but I am not giving way to Mr Fraser at all. It would be best if he did not waste his time and mine.

On the issue of appointments to the IMA and its functions, it is important to recognise, as I think that Mr Rowley recognised, that the body's powers can be taken away and given to another body without any consultation. Those are all a serious set of circumstances.

I turn now to the Tories in this debate. I actually want to congratulate Adam Tomkins on his tour de force performance. I have a rule of thumb in these matters: I always assess how closely Mr Tomkins believes in what the Tories are doing by his performance. Usually, if he is calm and reasoned, I think that he is in agreement with the Tory position and that therefore there can be a constructive debate. However, the more hysterical he becomes, the less I think that he is in sympathy with the Tory position. And, boy, what a performance there was today! I have to say that it was completely off the scale.

About halfway through it, what suddenly came into my mind was Richard Hannay in "The Thirty-Nine Steps" appearing—as members might

remember—at a free trade meeting held somewhere, with a Union Jack in the background. I had to look it up while Mr Tomkins was talking and found a fantastic quote from Mr Hannay. Mr Tomkins was doing what Mr Hannay was doing: he had to make it up as he went along and he got angrier and angrier. In the book, Hannay says that he did not do

"so badly when it came to my turn ... I started ... to tell them the kind of glorious business I thought could be made out of the Empire if we really put our backs into it."

That is exactly what we heard from Mr Tomkins. There is also another parallel, because "The Thirty-Nine Steps" is of course a book about a man on the run, and the performance of Mr Tomkins and his party shows a man on the run and a party on the run.

What a contrast with the calm and measured analysis from Bruce Crawford, who made every point that the committee agreed clearly and, in so doing, rebutted every point that Mr Tomkins made. The bill does cut across the devolved settlement, as the committee says. The bill does raise questions about the rights of the devolved Administrations to be involved in the implementation of international agreements, as the committee recognises. The bill does not resolve the dispute about appointments to the IMA, and it ignores the Sewel convention, just as the committee has concluded. The bill should not have the support of Parliament, as the committee recommends—with the exception of Mr Tomkins, Mr Fraser and Mr Burnett.

What lies behind Brexit? What lies behind the Brexit process? We should ask that question, given the seriousness of the choice that Scotland has to make. What lies behind the hoarding of power at Westminster? It is undoubtedly a distaste for devolution. It is the promotion of an image of the UK that is a century out of date, which brings us back to "The Thirty-Nine Steps", which was published as a series in 1915. It is that out-of-date view of the reality of the world today that Brexit epitomises.

However, we on this side of the chamber should welcome the way in which the Tories have treated today's debate. I notice that somebody on Twitter said they were "gloating" and that is what it was; the four Tory speeches were gloating speeches. According to Murdo Fraser, the SNP has got it wrong. What he meant to say was that the voters of Scotland got it wrong, because it was the voters of Scotland who said, not just last December but at every possible opportunity, that they do not want to leave the EU. That is the key issue; the Tories have got it wrong. Scotland is turning its face from the Tories.

I was listening to Mr Tomkins and thinking, "Nobody believes this any more." Nobody believes

the dire warnings, the manufactured attacks on the SNP in Government, the lauding of ministers and management in another place, the Tories' support of each and every diminution and erosion of devolution, and the Tories' grievance-driven agenda. Do we know what the Tory grievance is? Scotland no longer supports them. That is their grievance.

Scotland has had enough of the Tories. It has had enough of Adam Tomkins pretending to take a position that he does not hold. It has had enough of the ludicrous performance of Murdo Fraser. It has had enough of Jamie Greene, who does not even understand the parliamentary process. It has had enough of Scotland being told that we are too wee, too poor and too stupid to be a nation within Europe. It has had enough of being spoken for and spoken over, as we can hear happening now from the Tory members. It has had enough of Brexit, and we should say that loud and clear as a Parliament and a country today.

I am grateful that the Liberal Democrats, the Greens and the Labour Party are supporting our position. No matter what other positions we might take, the truth of the matter is that Scotland has rejected Brexit and those who espouse Brexit are also being rejected. I ask members to support my motion.

Business Motions

16:59

The Presiding Officer (Ken Macintosh): The next item is consideration of business motion S5M-20326, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 14 January 2020

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Debate: Improving the Lives of Gypsy/Travellers

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 15 January 2020

1.15 pm Parliamentary Bureau Motions

1.15 pm Members' Business

2.00 pm Portfolio Questions:
Rural Economy;
Transport, Infrastructure and
Connectivity

followed by Scottish Conservative and Unionist
Party Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 16 January 2020

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions:
Justice and the Law Officers

followed by Stage 1 Debate: Disclosure (Scotland)
Bill

followed by Financial Resolution: Disclosure
(Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time *Motion agreed to.*

Tuesday 21 January 2020

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Stage 3 Proceedings: Scottish National Investment Bank Bill

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 22 January 2020

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:
Government Business and
Constitutional Relations;
Culture, Tourism and External Affairs

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 23 January 2020

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions:
Education and Skills

followed by Stage 1 Debate: Consumer Scotland Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 13 January 2020, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[*Graeme Dey*]

Motion agreed to.

The Presiding Officer: The next item is consideration of business motion S5M-20327, also in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on the stage 1 timetable for a bill.

Motion moved,

That the Parliament agrees that consideration of the Children (Scotland) Bill at stage 1 be completed by 27 March 2020.—[*Graeme Dey*]

Decision Time

17:00

The Presiding Officer (Ken Macintosh): The first question is, that amendment S5M-20318.1, in the name of Adam Tomkins, which seeks to amend motion S5M-20318, in the name of Michael Russell, on the European Union (Withdrawal Agreement) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)

Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

Wightman, Andy (Lothian) (Green)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 29, Against 92, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The question is, that motion S5M-20318, in the name of Michael Russell, on the European Union (Withdrawal Agreement) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)

MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)

Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 92, Against 29, Abstentions 0.

Motion agreed to,

That the Parliament notes the legislative consent memorandum on the European Union (Withdrawal Agreement) Bill lodged by the Scottish Government on 20 December 2019; further notes that people in Scotland voted remain and for remain parties, most recently at the UK General Election on 12 December 2019; considers that the Withdrawal Agreement negotiated by the UK Government would cause damage to Scotland's environment, economic and social interests; regrets that the European Union (Withdrawal Agreement) Bill has been amended to remove important protections from workers' rights and asylum-seeking children, and to prohibit an extension of the implementation period to negotiate the future relationship with the EU; regrets that the European Union (Withdrawal Agreement) Bill is to proceed through the UK Parliament with minimal scrutiny, failing to respect the significance of the decision to be taken by, or the role of, the Scottish Parliament in scrutinising legislation requiring its legislative consent; is determined to respect and uphold the views of the people of Scotland on this crucial issue to the future of the nation, and therefore does not support the Withdrawal Agreement and Political Declaration negotiated by the UK Government, and does not consent to the European Union (Withdrawal Agreement) Bill that would implement that agreement.

The Presiding Officer: Members might wish to note that when the Scottish Parliament has previously voted to withhold consent when the United Kingdom Parliament has wished to legislate on devolved issues, I have written to my counterparts in the other UK legislatures. I intend to do so in this case, following tonight's vote.

Women, Peace and Security

The Deputy Presiding Officer (Christine Grahame): The final item of business is a members' business debate on motion S5M-19517, in the name of Emma Harper, on women, peace and security. The debate will be concluded without any question being put.

Motion debated,

That the Parliament acknowledges the unanimous passing of UN Security Council Resolution 1325 (SCR1325) on 31 October 2000 on Women, Peace and Security; notes that it was the first resolution to specifically address the impact of war on women and women's important contribution to peace; acknowledges that it commits all UN member states to valuing, understanding and including women in the promotion of international peace, security and conflict resolution, including through the provision of secure spaces and sanctuary for women affected by conflict, involving women in international decision making and noting the abilities of women in resolving international and national conflicts; understands that some nations have developed action plans to implement the resolution, which has three principle aims, preventing gender-based violence, promoting the role of women in international peace building and implementing women-specific gender-based policies to protect women from conflict; considers that Scotland is already making significant progress in achieving these aims, including through it having a gender-balanced cabinet, its establishment of national advisory groups on human rights and women's and girls' issues and the adoption of policies of peace and the promotion of women internationally; acknowledges the view that more must still be done by governments both in the UK and around the world to achieve all of SCR1325's goals, and welcomes opportunities to discuss how best to reach these objectives.

17:05

Emma Harper (South Scotland) (SNP): I am pleased to bring forward an important and timely debate on United Nations Security Council resolution 1325, on women, peace and security. I thank MSP colleagues who have signed my motion, allowing us to discuss the progress that we have made towards achieving the aims of resolution 1325, to raise awareness of what it means, and to present the importance of security to our country of Scotland and our population.

I also put on record my thanks to Janet Fenton and the team from the Scottish Campaign for Nuclear Disarmament; I am also grateful for the leaflet "Peace Through Inclusion: Scotland". Janet and her team have been hugely important voices for peace and must be commended for their continued work. I welcome Janet and others to the gallery today.

It is important to outline that, when we talk about security, we are not just referring to physical borders and conflict but talking about the security of our population in relation to poverty, about freedom from persecution, about the protection of

women from conflict and about the promotion of human rights. We need to demilitarise the language of security and not just use it to talk about ceasefires and defence. Security is about access to a just and fair legal system, and about our responsibility as a Parliament to ensure the wellbeing of the people whom we represent and of the wider international community.

The debate provides us with an opportunity to stress the importance of peace and security, both in Scotland and around the world, particularly at a time of rising international tensions, the break-up of political unions and strained relationships.

Twenty years ago, on 31 October 2000, the UN Security Council unanimously passed resolution 1325. It is a different type of resolution and is the first of its kind, with an aim of specifically addressing the impact of war on women and the value of women in conflict resolution and international peace.

Women can promote international peace, security and inclusion. While most resolutions talk about combatants and set rules for engagement and conflict resolution, SCR 1325 specifically highlights how women and girls are affected by armed conflict and by the sexual violence that occurs during conflict situations; it also talks about how women are treated by combatants.

SCR 1325 aims to achieve the protection of women and girls, and promote the importance of women in conflict resolution. It sets out four key demands that all member states have agreed to implement. First, member states must ensure the eradication and prevention of gender-based violence. Secondly, they must ensure that measures are put in place for the relief and recovery of women affected by armed conflict. Thirdly, they must ensure that the human rights—as set out by the United Nations—of women and girls are protected during armed conflict. The fourth and final demand is that member states must enact measures to promote women and girls into positions that allow for peace building and conflict resolution.

The question now is: what progress has been made since the resolution was passed 20 years ago, and what steps have been taken, in Scotland and the rest of the United Kingdom, to work towards the aims of the resolution?

In 2010, the UK joined 36 other UN member states in adopting a national action plan. The UK plan commits the Ministry of Defence, the Foreign and Commonwealth Office and the UK's defence forces to a range of activities to integrate women, peace and security issues into the UK's conflict policy. The national action plan is the UK's highest-level strategy on women's protection and the promotion of women in conflict resolution.

The plan has been successful to a certain extent, and has led to several successful campaigns, such as the no girl left behind initiative. That initiative is helping girls from priority countries to access good-quality sanitation, education and other experiences that they would otherwise not be able to access.

The plan has also been the catalyst for a culture change within the UK Government on the importance of women serving on our international and humanitarian peacekeeping missions. It has led to an understanding that women bring a different perspective to the table that often focuses more on humanity—on healthcare, education and sanitation—and not just on ceasefire talks.

Although there is much to welcome, a review that was carried out in 2019 identified several areas that must still be improved if the UK Government is to achieve the themes of the resolution. In contrast, I want to focus on how the Scottish Government, despite its not having control over foreign policy or international policy, is working towards the values that are set out in resolution 1325.

In Scotland, we have already introduced trailblazing policies for the incorporation of women into positions of power and for women to play their part in mediation and conflict resolution. Under the First Minister, we have introduced policies to help vulnerable women and girls around the world to flee war and conflict and come to Scotland, where their rights are enshrined in law. We have introduced policies such as “Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls”. At the heart of the equally safe strategy is the principle that all women and girls, regardless of their background, race, religion or sexual orientation, should feel safe in our communities and be without fear of violence and abuse.

Internationally, Scotland, working in partnership with the UN, has pledged practical and financial support for Syrian women and girls to learn peace-building and conflict resolution skills. In a programme that runs over three days and consists of talks, seminars and lessons, women and girls have access to international peace-keeping experts and female role models in positions of power, and they can learn from one other about the fundamentals of peace keeping. The programme has already proved to have a lasting and positive impact on individuals who have taken part in it. It aims to play a part in delivering a fair and lasting peace settlement for Syria that is shaped by women as well as by men.

Our First Minister was the first world leader to address the United Nations General Assembly on the importance of women playing our part internationally. She spoke of the importance of

societies and countries having a focus on welfare, and of peace promotion.

I will name a few of the other ways in which Scotland is meeting the targets that are set out in the resolution. We have a gender-balanced Cabinet and equal gender representation on our public boards; all residents who live in Scotland will have the right to vote in Scottish elections and to stand for the Parliament; and, most important, we have a dedicated minister for equalities and a commitment to upholding women's rights. I urge the UK Government to appoint an equalities minister as soon as possible.

The incorporation into Scots law of the United Nations Convention on the Rights of the Child is another measure that means that girls who move to Scotland, particularly from countries that are affected by conflict, will be supported and will have their rights set in statute.

Much progress has been made but, obviously, there is still more to make.

I am proud of our record in Scotland. It shows what more could be done should the Parliament have powers over foreign affairs or, better still, all the powers of a normal independent country.

Current political situations, such as the rising tensions that have been caused by President Trump's Administration in the middle east, or Brexit and the repositioning of the UK on the international stage, are causing much uncertainty and concern. Those political situations leave Scotland in a difficult diplomatic situation, and the UK must cultivate good relationships in order to broker trade agreements. More than ever, it is important to build peace, ensure security and, in particular, ensure that we look out for women and girls.

I look forward to hearing the contributions of other members, and to progress and actions on the resolution until November 2020 and beyond.

17:13

Rona Mackay (Strathkelvin and Bearsden) (SNP): I thank my colleague Emma Harper for bringing this important and timely debate to the chamber.

The words "women, peace and security" suggest a very positive and comforting image, yet we have just witnessed a very frightening start to the decade. The ordering of the assassination of Iran's Qasem Soleimani by the President of the United States has made the world an infinitely more dangerous place, in which peace and security are ever more threatened. That is why the UN Security Council's resolution on women, peace and security, which was passed two decades ago, is more relevant than ever. It specifically

addresses the impact of war on women and, as Emma Harper's motion says, highlights the important contribution that women have made to the peace movement over the decades.

"The United States National Action Plan on Women, Peace, and Security" was adopted when President Barack Obama signed an executive order in December 2011, some 11 years after the Security Council adopted resolution 1325 on women, peace and security. Its goal is simple and profound. It is

"to empower half the world's population as equal partners in preventing conflict and building peace in countries threatened and affected by war, violence, and insecurity."

Surely, that is the world that we strive for, not one in which there is warmongering and macho territorial power play.

Women must become equal partners in order to avoid more deadly conflicts, in which innocent civilians—far too many of whom are women and children—become victims. Women's voices must be heard, and children must be protected from military violence. We know that countries are more peaceful and prosperous when women are accorded full and equal rights and opportunities. When those rights and opportunities are denied, countries and their citizens suffer.

The UK's national action plan on women, peace and security sets out a five-year strategy, from 2018 to 2022, with the aim of achieving gender equality while building more stable and non-confrontational societies for all.

Of course there is more to do, but Scotland is achieving much already, with a gender-balanced Cabinet in Government, a minister for equalities, increased representation of women in public life, the equally safe strategy—which Emma Harper mentioned—and many other initiatives that are unfortunately not measured, because we do not sit on the Security Council. Notwithstanding that anomaly, I am confident that Scotland will continue to lead the way in gender equality and will recognise women as the peacemakers in our country and in global society.

It has long been recognised that women are the peacemakers. No fewer than 50 women peace campaigners and pacifists in the UK are listed on Wikipedia, many of whom are Scots. With some exceptions, we do not want war and confrontation. I and the party that I represent want to rid Scotland and the world of nuclear weapons.

However, it is not just about military action; it is about humanity, as Emma Harper said. Women want a world in which our children can grow up safely and happily—understanding one another's differences and respecting them. For me, never has the phrase "bairns, not bombs" had more meaning than it has in 2020.

17:17

Maurice Corry (West Scotland) (Con): I am glad to join members in welcoming the debate, and I thank Emma Harper for lodging her motion.

Across every country, whether it has suffered conflict or not, women and girls deserve not just protection but a concerted effort to promote their skills and their contribution towards peacekeeping. The UN resolution 1325 embodies that sentiment entirely.

Unanimously adopted in 2000, the resolution marked the first time that the unique impact of war and conflict on women and girls was taken into serious consideration. Not only that, it addressed the need for greater fervour in actively encouraging the role of women in peacekeeping and conflict resolution.

We need to realise that women's experience of conflict is distinct in and of itself, and the UNSCR 1325 recognises that. It is a sobering fact that women and girls are more at risk of gender-based violence in situations of conflict, and such violence remains one of the most notable human rights violations worldwide. Gender-based violence is often linked with poverty and is founded in the power inequalities that are evident between men and women. However, evidence has shown that, with improved equality, a state is much more likely to enjoy peace.

For that to happen, states need to endorse the resolution's pillar of protection. There must be protection not just amid war but in the face of its consequences, such as poverty and refugee crises. Through its pillar of participation, the UN resolution embodies the view that women are key agents in the peace process, particularly in making peace as long-lasting and sustainable as possible. Indeed, research has shown that women's involvement at key levels of decision making can bring immense benefits. For instance, an International Peace Institute study in 2011 found that, when women are included in the peace process, there is a 35 per cent increase in the probability that the peace agreement will be kept for 15 years or more.

In general, for more peaceful ends to conflict, inclusivity that is born from a grassroots level is vital. The affirmation that the UN resolution provides encourages the equal participation and involvement of men and women of any ethnicity, at a local or a national level.

It is vital that Scotland is at the forefront of promoting women, peace and security. In 2006, the UK adopted its national action plan in support of that movement, and many other UN member states have since done the same. In early 2019, nine member states committed to developing their

first-ever national action plans in advance of October 2020.

Of course, although there has been some improvement in recent years, there is still much more work to be done. For instance, only 43 per cent of UN member states have adopted the national action plans, not all which are as far-reaching as they could be. Most fail to reference disarmament policy, and many do not include an allocated budget for implementing their plan.

Scotland has long charted its path towards active encouragement and protection of women in the face of conflict. For instance, Scotland's women in conflict fellowship allows women to build on fundamental communication and negotiation skills that are designed to resolve conflict, which has been effective in training female peace mediators from Syria. Such steps contribute to a significant breaking down of barriers.

I hope that today brings a renewed motivation for our Parliament to advocate for women's protection worldwide and to promote their much-needed role in peace-keeping efforts.

17:20

Annabelle Ewing (Cowdenbeath) (SNP): I am pleased to be called to speak, and I congratulate my colleague Emma Harper on securing this debate on women, peace and security.

As we have heard, the debate focuses on UN Security Council resolution 1325, which was passed unanimously nearly 20 years ago, on 31 October 2000. In passing that historic resolution, the UN reaffirmed the important role that women play in conflict prevention, conflict resolution and peace building.

The UN also recognised that the protection of women and girls and their participation in peace processes is important to the goal of international peace and security itself.

As far as the operational elements of resolution 1325 are concerned, the UN member states are called upon, *inter alia*, to prevent sexual and gender-based violence in armed conflict; to protect women and girls in refugee settings, which is very apposite in today's world; to support women's local peace initiatives—I am pleased to welcome Janet Fenton and her CND colleagues to the gallery; and to increase women's political participation at all levels of decision making in national, regional and international institutions.

It is interesting to note that, in the background to this historic UN resolution, there was a considerable degree of non-governmental organisation and civil society involvement in its drafting, and that the two-day debate on the resolution by the UN Security Council was the first

time that it had dedicated a discussion to women. Perhaps, if such debates had been more frequent, the world would be a different place today.

In 2009, a further resolution fleshed out how matters were to be taken forward with the so-called four pillars of implementation: prevention, protection, participation and relief and recovery. UN member states are required to implement those tenets through national action plans. It should be noted that progress on that has been patchy in that, as of September of last year, only 77 countries had adopted such national action plans. Moreover, there has been little evidence of impact in conflict-affected counties, albeit that it is recognised that more data is needed to track results more comprehensively.

However, at the same time, we can see positive outcomes in the way in which the debate is now framed, with increased attention on the issue of women and conflict within the United Nations and its member states.

It is pleasing to note that, in Scotland, significant progress has been made within the broad parameters of the goals that are sought by the UN resolution. We have seen the securing of a gender-balanced Cabinet, the establishment of the national advisory council on women and girls, the funding of work to tackle violence against women and girls and new legislation on female genital mutilation and forced marriages, as well as proposed legislation to provide a clear statutory basis for health boards to deliver forensic medical examinations—which is a key issue.

I was very pleased to have been at the opening of the new forensic suite at the Queen Margaret hospital in Dunfermline, which also serves my constituency of Cowdenbeath. That suite was established as a result of work by dedicated local volunteers and the medical staff, so very well done to them.

Much has been achieved, but, within the overarching objective and international goal of women, peace and security, much more needs to be done. It is apt to close by quoting the late, great Ivor Cutler, whose famous song “Women of the World” was recently recorded by the fabulous Karine Polwart in her “Scottish Songbook” album. He wrote:

“Women of the world take over
because if you don’t, the world will come to an end
—and we haven’t got long.”

17:25

Johann Lamont (Glasgow) (Lab): I am happy to participate in this challenging debate and I thank Emma Harper for securing the time for it. I am pleased to add my few comments in an important opportunity to underline specific

experiences of women in war and the role of women in securing peace.

In a world in which women experience male violence daily—in their homes, workplaces and communities; we have seen so many more examples of that in the past few weeks—there is no doubt that there is as great a need as ever to emphasise the sex-based causes of violence and trauma in all too many women’s lives. Those are the experiences of women across the world, regardless of the constitutional arrangements in which they live, and the issue is about understanding the causes.

The debate highlights the way in which women in war do not just experience the horror that war brings but are victims of rape and sexual violence and abuse, when rape becomes a strategic weapon of war, not just as an individual atrocity but as a purposely planned means to subjugate whole communities.

In the brief time that I have, I will highlight the experience of women in Bosnia in the conflict and genocide in the 1990s. I should mention my entry in the register of members’ interests that I am proud to be a board member of Remembering Srebrenica Scotland, which is a charity alongside other groups across the United Kingdom that are dedicated to ensuring a greater understanding of that conflict and the steps that led to genocide and to supporting those in Bosnia who seek to educate us all on how we might ensure that such genocide is prevented in future anywhere in the world.

In Bosnia, thousands of men and boys were massacred and left in mass graves. The fact that men and boys were victims allowed the Serbs to deny genocide by claiming that the men and boys—some as young as 11—were of fighting age. However, those massacres were not the only atrocities. The sex-based violence that was visited on the people of Bosnia was its most obvious in the systematic use of rape as a weapon of war. Thousands of women were subjected to sexual violence during the war, and for a long time their stories went untold through shame, stigma and the challenge to survivors to rebuild their lives sufficiently to speak out.

In recent years, that has changed. Women have broken the silence; led by an inspirational woman, Bakira Hasečić, the Association of Women Victims of War has sought to find a way to unify women survivors to ensure that what happened to them—their experiences and lives—were known to the rest of us. If genocide seeks to destroy people, it also destroys family life. Sexual violence and rape in public is used to humiliate, degrade and destroy—it is cynical, planned and brutal in its purpose.

We need to understand the threat to women as well as the power of women such as Bakira in speaking out; we need to find ways to support women who have suffered in war in that way. We also need to understand male violence—unleashed in its most horrific form as an act of war—in order to change the attitudes that create the possibility of its happening at all. In supporting women, in challenging the conditioning of men and in understanding the reality of male violence, we can play a part in building peace in our communities and across the world. That is an aspiration that this resolution represents and it is something that we can do now here and with the support of others right across the world.

17:28

Alison Johnstone (Lothian) (Green): I thank Emma Harper for bringing the debate to the chamber. The issue of women, peace and security is close to many women's hearts. I am sure that we are agreed that all in society should ensure that, in the arena of conflict and violence, women should not only have a voice but be encouraged to be active participants in seeking resolution, mediation and compromise.

There are very few societies in the world that we can call truly peaceful, and sometimes our view that Scotland is a peaceful society and that violence and conflict only happen overseas can blind us to a lack of peace on our own soil. Can there be true peace for the girl who witnesses domestic violence or drug or alcohol abuse at home, for the girl who has learned to hate herself so much that she cuts herself and pulls out her hair or for the young woman who experiences sexual harassment?

I believe that it is important that Scotland takes its place on the world stage and advocates for an end to armed conflict and for an end to rape as a weapon of war. It is important that Scotland takes responsibility for the contribution that it has made to violence and death around the globe by supporting the arms industry with public money. At the same time, we need to ask whether we are really doing our best to create a society in which women and girls are not silently bearing the burden of violence and inequality in their physical and mental health.

I am sure that everyone in the chamber recognises that violence is not always achieved with knives or guns: violence can be soft and quiet. It can be being spat at in the street for wearing the hijab, it can be the wholly disproportionate impact of austerity on women and children, or it can be the trafficking and sexual exploitation of women. I could go on, and the list of ways in which women experience violence can appear to be an insurmountable thing to tackle,

both at home and abroad, but there is impactful work to be done. Violence against women is a cause and consequence of gender inequality: 49 countries do not have laws that protect women from domestic violence; we continue to fight against the gender pay gap here; and in 18 countries women need their husband's permission simply to go to work.

It may seem small in comparison with global conflict, but work such as equipping women from an early age with skills such as peer mediation, so that they can negotiate tricky problems that they might face at school, at further education or in the world of work, is important. It is also important to make sure that young women have adequate access to mental health support and that they see being healthy as more than just being thin. Supporting initiatives such as the Parliament Project, which encourages women of any age or political persuasion to run for office and get their voice heard across the UK, is important.

We have to work hard to give a voice to some of the most marginalised women, such as those who seek asylum in Scotland from conflicts, to make sure that they feel not only that they can take part equally in the civil society of their new adopted country but that they are valued in it. Would it not be a fine thing to one day see elected in the chamber a woman of colour; indeed, that is long overdue. We need to see women in the chamber who have sought and been given refuge here—women who contribute to Scotland and help to raise all our perceptions about Scotland's place and responsibilities in the world, and Scotland's responsibility in helping women achieve peace, whether it is personal, communal, national or international.

There are valuable lessons that we can learn from women around the world. Rwanda has a cohort of formidable and inspiring women who, after the genocide there, became politicians and activists and worked hard to achieve peace in the aftermath of atrocity. They have learned hard lessons; they now have an equal number of girls to boys in education and increased participation of women in the country's democratic processes and conflict handling. Those lessons from other countries can be ones from which we learn. They can inspire us and show us new ways of doing and being.

I thank the Greenham Common women, who protested against NATO's decision to site American cruise missiles at the Berkshire site. Margaret Thatcher, believe it or not, called them "an eccentricity". They are truly essential, and they are wholly admirable. I thank Angie Zelter and the Trident three, who were jointly awarded the Right Livelihood award. I thank Trident ploughshares and the Campaign for Nuclear Disarmament, and I

thank Janet Fenton, who is the vice-chair of Scottish CND, for her relentless pursuit of peace. I thank the Women's International League for Peace and Freedom, which addresses the root causes of violence through a feminist lens.

17:33

Beatrice Wishart (Shetland Islands) (LD): I, too, congratulate Emma Harper on securing this important debate—it is timely.

The year has started with a worrying escalation in tensions between the US and Iran, as others have highlighted, and there is an urgent need to de-escalate the situation. Civilians in the area have already suffered through years of turbulence, violence and upheaval. By adding fresh fuel to those fires, the prospect of calm again seems distant. The human cost of that should never be sidelined in favour of politics.

Conflict dynamics are complex: various factors, such as economic inequality, political oppression, ethnic tensions, climate change and many more, combine to lead to conflict.

Women and girls are raped and kidnapped and are forced to flee bombing raids with their children, deal with the impact of financial sanctions on the home, bury husbands, brothers and sons and they never see any justice. Too often, women bear the brunt of conflict while having little influence or control over the circumstances that led to the conflict in the first place, or its resolution.

In highlighting the need to ensure that women are fully involved in peace-building processes, it is important to avoid falling into the trap of essentialising. For centuries, women have been stereotyped as naturally peaceful and caring, but at the same time irrational, disqualifying them from the pressures of high office. Men, correspondingly, have been typecast as aggressive—or decisive natural leaders. We know how damaging those assumptions can be to men and women.

The point is not that, had the President of the United States and Iranian military leaders been female, escalation would never have happened. Rather, ensuring that a range of views and perspectives are expressed in decision-making processes means that those making decisions are at least representative of the people that those decisions ultimately affect. Sometimes, that might even lead to a different outcome.

That means practising a foreign policy agenda with gender equality at its heart. It means transforming the position of women through economic inclusion, education and training, and working to extend rights and responsibilities. It is stating the obvious to say that plans or interventions made without the input and

experiences of 50 per cent of the population are unlikely to generate change. As Alison Johnstone highlighted, the effect that women had at Greenham Common in the 1980s is a prime example. Women I know stood up for what they believed in—peace—and managed to effect real change.

It is nearly 20 years since I became president of the local rotary club, an organisation that is often considered “pale, male and stale”, but through it I became aware of the Rotary International programme of peace fellowships, which brought people from across the globe together to use their skills for peace and for conflict prevention and resolution.

I was delighted to become the first woman to represent the Shetland constituency. I know that others in the Parliament feel similarly for their seats, too.

If there is any silver lining to be taken from the recent general election result it is that a record number of female MPs are now in Westminster. The number now stands at 220 compared to 208 in 2017, but that headway feels fragile. Imbalance remains, and in 2020 there can be no reason for such disparity. Making decisions is not just a man's job. As we enter a new decade, surely it is time for a change.

I support the motion and its objectives.

17:37

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I congratulate Emma Harper on providing us with the opportunity to debate this important subject.

The debate is anchored on resolution 1325, which does not, of course, stand alone in Security Council resolutions. There have been significant numbers on this subject since then, culminating in resolution 2493, which was passed last year. Twenty years have passed and the United Nations Security Council continues to make resolutions on this subject. That illustrates something important: fine words in the Security Council and fine words in this Parliament are of limited value. They set examples and frameworks, but they do not solve the problem.

We know that there are women out there who are leaders in the fight for peace and who are examples to us. Mother Theresa is a great example as a humanitarian; Mary Robinson is a great example as a champion in tackling climate change, particularly its effects on women; and of course 17-year-old Greta Thunberg is leading the way in persuading people of all genders across the world of the importance of creating a safe and secure world in which we can all live.

We know, if we look at our prisons, that the overwhelming majority of people who are in prison are men, not women. We know that, in practice, men are relatively likely to be predisposed to violent and extra-social—against social norms—behaviours that lead to their being convicted and put in prison. We should not pretend that there are not women out there who espouse violence—Boudicca, the Amazonian women perhaps, and Golda Meir as well. Women can get engaged in violence, but they are very much the exception, not the rule.

The 2011 Nobel peace prize was won by three women. That was a first, although I hope that it will not by any means be the last time that women win that prize.

Women's achievements are manifold across many parts of our society. I am not a great fan of honours, but I look at them for what they are, and I note that 60 per cent of the awards that were given to Scottish people on the recently published new year's honours list were given to women, which tells us about the enormous contribution of women to our society.

There are a couple of important things that we might focus on. In the debate, we have primarily talked about the role of women in making peace after violence and war. However, women play an equally or perhaps even more important role in preventing war in the first place. That is why it is important that, around the world, an increasing number of women are becoming prime ministers and presidents and are undertaking leadership roles in places in which they might be more likely to prevent violence. Prevention is much better than cure, particularly in this area of activity.

We must think also about what is going on in the minds of people who espouse violence—I am thinking in particular of men, who, as I exemplified earlier, are perhaps more likely to be disposed towards violence. There are three things that we can look at in that regard: first, men can be trained to respond to particular situations in this domain as in others; secondly, men can acquire skills and knowledge that help us to reason a way through problems in a way that we have not previously considered or thought about; and, thirdly, actions can be taken in relation to the autonomic response—the important automatic response that happens unthinkingly—in order to programme men of future generations to respond in a way that is more appropriate to the needs of the world with regard to peace.

Finally, let us not imagine that women perpetually have to be victims. Women are the answer, not the problem.

17:42

The Minister for Older People and Equalities (Christina McKelvie): This has been a fantastic and fascinating debate. Like others, I congratulate Emma Harper on bringing it to the chamber. The motion raises key issues about the importance of equality, highlighting the role of women in promoting international peace and security.

I welcome to the gallery Janet Fenton, who I have followed for many years. When I was a teenager in the 1970s and 1980s, I watched what she and the other women at Greenham Common were doing. She was a real inspiration. I also welcome Gari Donn, who is the executive director of UN House Scotland—our very own UN House, located in Edinburgh.

I share the concerns of Beatrice Wishart and Rona Mackay about the events of the start of this year—the macho conflict approach that some people have been taking, and the disproportionate impact on women of such events. Almost 20 years on from the unanimous adoption of Security Council resolution 1325, there is still work to do to increase the understanding of the specific and disproportionate impact of war and conflict on women and girls. We have heard about that from many members today, including Stewart Stevenson, Johann Lamont and Alison Johnstone. Stewart Stevenson noted that there continue to be more resolutions, which reminds us that there is more work to do.

In October, in New York, at the UN Security Council open debate on women, peace and security, UN under-secretary-general and executive director of UN Women, Phumzile Mlambo-Ngcuka—I think that I pronounced that properly—said:

“The loud and common message is: progress is too slow, political will is not strong enough, and pushback against the needs and interests of women is threatening the progress we have made and pushing further away those who need the resolve and support most.”

I could not agree with her more. That is one of the reasons why it is important that the Scottish Parliament affirms its commitment to do what it can, within its powers, to raise awareness of the issues that the resolution addresses.

Beatrice Wishart reminded us in her speech of the damage that is done by assumptions and stereotypes, and mentioned her work in the Rotary Club and that organisation's peace fellowships. I will talk a bit about the Scottish Government's peace fellowships, too, so she will see that there is some common ground there.

Emma Harper asked what steps we are taking in Scotland. We have taken a number of practical steps to increase protection for women and girls and to promote gender equality. Since 2007 we

have strengthened the law on violence against women and girls, introducing the Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011 and the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.

With our partners at the Convention of Scottish Local Authorities, we published “Equally Safe: Scotland’s strategy for preventing and eradicating violence against women and girls” in 2018. Emma Harper referred to such policies as “trailblazing”, and she is correct, but we know that there is still work to do. Rona Mackay told us that our progress is not measured because we do not currently have a seat on the UN Security Council—something that we wish to remedy in the near future.

We have invested in services for women and children who have experienced or are experiencing violence, including those to support the Scottish Women’s Aid and Rape Crisis Scotland networks—that is an incredible part of the work that we do here.

We have demonstrated our commitment to women’s representation in senior positions by appointing a gender-balanced Cabinet, as we have heard—it is one of only a few across the world—and by establishing the partnership for change 50/50 by 2020 pledge. That commitment was given global recognition last year, when the First Minister was appointed by UN Women as an inaugural global advocate for the UN’s HeForShe campaign.

Alison Johnstone reminded us about the work of this place and the Parliament Project. That has been a wonderful experience. I was here at the most recent event, when the chamber was filled with women. I would quite like to see that in 2020. That is not to say that our glorious men in the chamber should be pushed out, but we would like to have more women here. Thinking of intersectionality, it is also about having refugee women here and having black and ethnic minority women represented in this place, taking into account the work that was done post conflict in Rwanda and considering how that was used to build for peace. I will use what Beatrice Wishart said as a quote, and I might do so again:

“Making decisions is not just a man’s job.”

She is absolutely right.

More recently, we have established a national advisory council on women and girls, which provides the First Minister with strategic advice about where the Scottish Government needs to take greater action to end gender inequality; we published “A fairer Scotland for women: gender pay gap action plan” in March 2019, taking an intersectional approach to tackling women’s inequality in the labour market; we invested significantly in a transformational expansion of

childcare provision; and we committed to deliver a women’s health plan in 2020.

Within the past two years, the Parliament passed the Gender Representation on Public Boards (Scotland) Act 2018 to improve women’s representation on the boards of listed public authorities. We gave those bodies a couple of years to do that, but they have done it two years ahead of schedule, and there is now 50:50 representation across all those organisations.

Annabelle Ewing added a few things to the list, with the update to FGM legislation—the Female Genital Mutilation (Protection and Guidance) (Scotland) Bill—now going through Parliament and the very important measures on forensic medical examination. She paid tribute to the dedicated work of local volunteers—she was absolutely right to do so—and I support her on that.

The other recent piece of legislation in this area is the Domestic Abuse (Scotland) Act 2018. It covered a specific offence of domestic abuse, which covers not just physical abuse but other forms of psychological abuse and coercive and controlling behaviour.

Johann Lamont reminded us of the conflict in Bosnia and the use of rape as a weapon of war. I pay tribute to her and to Bakira for her work and her bravery in telling a story that is hard to hear, but which we must hear in order to learn the lessons.

Members might ask what we are doing internationally. We are promoting equality and enhancing the prospects for peace. Scotland is dedicated to being a good global citizen, working with organisations, initiatives and projects in countries around the globe to ensure that everyone benefits from a safer world. One such example is the women in conflict fellowship, inspired by Security Council resolution 1325, which was put in place to train women from areas of conflict around the world so that they can play an integral role in peace processes. Alison Johnstone and Stewart Stevenson reminded us that prevention is an important aspect of that work—and it surely is. That Scottish Government initiative started back in 2015. Since then, there have been some great successes. Each year, along with our partners, Beyond Borders Scotland, we have welcomed at least 50 women from countries affected by conflict to take part in our fellowship programme. Together, we ensure that they have the skills and confidence to maximise their contribution to building a safer world. In 2017 we doubled down on that commitment by announcing a total of £1.2 million for the fellowship over its four-year lifespan.

Alison Johnstone asked whether there can be real peace, here in Scotland and internationally. I

would hope that some of the work that is being done answers that question. I believe that the fellowship enhances and develops Scotland's role as a peace-making hub and as a platform for providing a safe space for parties to come together and engage in fruitful discussion. Scotland's uniquely peaceful history of political settlement and devolution allows constitutional and political experts to be involved and to share their knowledge.

As I have explained, the benefits of our fellowship are already being seen. Three women who were trained through it are now actively engaged in the Yemeni peace process, as members of the UN special envoy's women's advisory board.

Furthermore, the Scottish Government is funding two additional workshops for women in conflict 1325 fellowship alumni, which will take place in January and February this year. They will provide specialised support to fellows in building on their skills.

The incorporation of the UNCRC in the work of the human rights task force will also build on that work, as Emma Harper's contribution highlighted.

As the First Minister said when she was first approached on Scotland undertaking such work:

"We're proud that the UN asked Scotland to lead on a women's peace-making initiative for Syria. Every year we will fund training and capacity building for at least fifty women from affected countries, ensuring they have the skills and confidence to maximise their contribution to building a safer world."

Maurice Corry's speech gave us wonderful words about what we need to do, how we need to do it and how to realise the benefits of such an approach. That is fantastic, but such words take no account of the present hostile environment. Given yesterday's House of Commons vote to deny families', refugees' and European Union nationals' rights to reunification, we cannot simply say that that speech was wonderful; we need to take account of the current situation, for which we are responsible, and to take action on it now.

We will continue to take action to promote the role of women and girls internationally. We will also continue to encourage the UK Government to use its powers to make progress on this important agenda. At home, gender equality will remain at the heart of the Scottish Government's vision for a fairer Scotland.

In her contribution, Annabelle Ewing quoted the lyrics of Ivor Cutler, who said:

"Women of the world take over".

I agree with that—and we are working on it.

Meeting closed at 17:51.

Correction

Derek Mackay has identified an error in his contribution and provided the following correction.

The Cabinet Secretary for Finance, Economy and Fair Work:

At col 33, paragraph 7—

Original text—

In financial years 2017-18 and 2018-19, ratepayers in Aberdeenshire and Aberdeen received total relief of more than £12.5 million and £14.5 million respectively, due to reliefs that had been set by the Scottish Government through subordinate legislation. The reliefs include the small business bonus scheme, transitional relief and renewable energy relief.

Corrected text—

In financial years 2017-18 and 2018-19, ratepayers in Aberdeenshire and Aberdeen received total relief of more than £23.5 million and £24 million respectively, due to reliefs that had been set by the Scottish Government through subordinate legislation. The reliefs include the small business bonus scheme, transitional relief and renewable energy relief.

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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