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Meeting of the Parliament (Hybrid)

Tuesday 23 March 2021

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Tuesday 23 March 2021

CONTENTS

	Col.
TIME FOR REFLECTION	1
BUSINESS MOTION	3
<i>Motion moved—[Graeme Dey]—and agreed to.</i>	
COVID-19 (REFLECTIONS AND NEXT STEPS)	4
<i>Statement—[First Minister].</i>	
The First Minister (Nicola Sturgeon).....	4
TOPICAL QUESTION TIME	25
College Staff (Industrial Action).....	25
Mossmorran Ethylene Plant (Independent Review).....	27
MOTION OF NO CONFIDENCE	31
<i>Motion moved—[Ruth Davidson]—and disagreed to.</i>	
Ruth Davidson (Edinburgh Central) (Con).....	31
The First Minister (Nicola Sturgeon).....	33
Anas Sarwar (Glasgow) (Lab).....	36
Willie Rennie (North East Fife) (LD).....	37
Patrick Harvie (Glasgow) (Green).....	39
Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP).....	40
Jackie Baillie (Dumbarton) (Lab).....	42
The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney).....	43
Liz Smith (Mid Scotland and Fife) (Con).....	45
EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT (INCORPORATION) (SCOTLAND) BILL: STAGE 3	51
EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT (INCORPORATION) (SCOTLAND) BILL	58
<i>Motion moved—[Andy Wightman].</i>	
Andy Wightman (Lothian) (Ind).....	58
The Cabinet Secretary for Communities and Local Government (Aileen Campbell).....	60
Annie Wells (Glasgow) (Con).....	63
Pauline McNeill (Glasgow) (Lab).....	65
Liam McArthur (Orkney Islands) (LD).....	67
Keith Brown (Clackmannanshire and Dunblane) (SNP).....	69
Tom Mason (North East Scotland) (Con).....	71
James Dornan (Glasgow Cathcart) (SNP).....	73
Alex Rowley (Mid Scotland and Fife) (Lab).....	74
Alexander Stewart (Mid Scotland and Fife) (Con).....	76
Aileen Campbell.....	77
Andy Wightman.....	79
BUSINESS MOTION	82
<i>Motion moved—[Graeme Dey]—and agreed to.</i>	
TIED PUBS (SCOTLAND) BILL: STAGE 3	83
TIED PUBS (SCOTLAND) BILL	97
<i>Motion moved—[Neil Bibby].</i>	
Neil Bibby (West Scotland) (Lab).....	97
The Minister for Business, Fair Work and Skills (Jamie Hepburn).....	99
Graham Simpson (Central Scotland) (Con).....	101
Alex Rowley (Mid Scotland and Fife) (Lab).....	103
Willie Rennie (North East Fife) (LD).....	104
Patrick Harvie (Glasgow) (Green).....	106
Willie Coffey (Kilmarnock and Irvine Valley) (SNP).....	107
Sarah Boyack (Lothian) (Lab).....	108
Colin Beattie (Midlothian North and Musselburgh) (SNP).....	109
James Kelly (Glasgow) (Lab).....	110
Margaret Mitchell (Central Scotland) (Con).....	111
Jamie Hepburn.....	114
Neil Bibby.....	115

PARLIAMENTARY BUREAU MOTION	118
<i>Motion moved—[Graeme Dey].</i>	
MOTION WITHOUT NOTICE	119
<i>Motion moved—[Graeme Dey]—and agreed to.</i>	
DECISION TIME	120
CHURCHES (SUPPORT DURING LOCKDOWN)	125
<i>Motion debated—[Jeremy Balfour].</i>	
Jeremy Balfour (Lothian) (Con)	125
John Mason (Glasgow Shettleston) (SNP).....	127
Maurice Corry (West Scotland) (Con)	128
Pauline McNeill (Glasgow) (Lab).....	131
Kenneth Gibson (Cunninghame North) (SNP)	132
Murdo Fraser (Mid Scotland and Fife) (Con).....	135
The Cabinet Secretary for Communities and Local Government (Aileen Campbell).....	136

Scottish Parliament

Tuesday 23 March 2021

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

Time for Reflection

The Presiding Officer (Ken Macintosh): Good afternoon. On the anniversary of the lockdown and on our national day of reflection, I am very pleased to say that our time for reflection leader is Dr Richard Holloway.

Dr Richard Holloway: Presiding Officer, thank you for inviting me to share a reflection with you and your colleagues in the Scottish Parliament today.

This may seem a strange theme for the anniversary of the day that Covid-19 hit us, with all the losses that followed, but I think that our mood today should be one of gratitude. During the shutdown, I remembered the time when another virus hit Scotland, in the late 1980s. That was the human immunodeficiency virus—or HIV—and Edinburgh was dubbed the AIDS capital of Europe. During that struggle, a doctor whom I knew quoted from a famous novel called “The Plague”, by the French-Algerian writer Albert Camus. These were his words:

“to state quite simply what we learn in times of pestilence: that there are more things to admire in us than to despise. The story could not be one of final victory. It could only be the record of what had had to be done and what assuredly would have to be done again by all who, while unable to be saints but refusing to bow to pestilences, strive their utmost to be healers.”

That has been the story of this year—the story of how doctors, nurses, scientists and care workers and the people who deliver the mail, empty the bins and serve us in shops refused to bow to Covid-19 and strove their utmost to be healers. That is why today, as light glimmers again on the horizon, our hearts should be filled with gratitude for those who helped to guide us through the darkest days.

I want to extend that gratitude to the Scottish Parliament itself, because another virus—the virus of political authoritarianism—has ravaged the world this year. We have watched regime after regime fall to dictators who killed the life of freedom. The philosopher Isaiah Berlin said that the main challenge that faced the human community was that our disagreements were rarely between an obvious good and an obvious evil; they were usually between rival versions of the good. Democracy was hard, because it was built not on the suppression of disagreement but on allowing it to flourish. You keep that principle

alive and well in the Scottish Parliament. Your passionately argued disagreements keep us free. For that, we should also be grateful—so thank you.

Business Motion

14:03

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-24452, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out changes to this week's business.

Motion moved,

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

(a) Tuesday 23 March 2021—

after

followed by Topical Questions

insert

followed by Motion of No Confidence

delete

followed by Ministerial Statement: Implications of the administration of Greensill Capital UK for Businesses in Scotland

(b) Wednesday 24 March 2021—

after

2.30 pm Portfolio Questions

insert

followed by Ministerial Statement: Implications of the Administration of Greensill Capital UK for Businesses in Scotland

delete

6.20 pm Decision Time

insert

5.45 pm Decision Time—[*Graeme Dey*]

Motion agreed to.

The Presiding Officer: I will take the vote on the motion of no confidence immediately after the debate. There will be a five-minute suspension when I call the vote. That will be around 5 minutes past 4 this afternoon.

Covid-19 (Reflections and Next Steps)

The Presiding Officer (Ken Macintosh): The next item of business is a statement by the First Minister, Nicola Sturgeon, on Covid-19 reflections and next steps.

14:04

The First Minister (Nicola Sturgeon): This will be my final full parliamentary statement on Covid before Parliament rises for the election.

As Richard Holloway noted in his thoughtful and moving remarks, today marks exactly one year since the country first entered lockdown. A year ago today, we all felt scared and uncertain. We did not know exactly what lay ahead or how long it might last, but we knew that we had to come together to save lives. I know that I will never be able to adequately express the depth of my gratitude for all the sacrifices that have been made by so many over the past year.

Today, I want to reflect on the anxiety, isolation, loss and grief that have marked the past 12 months, but I also want to acknowledge the compassion, solidarity and love that has brought hope and light to these darkest of times.

Before I do any of that, I will, as usual, give an update on today's figures. The total number of positive cases reported yesterday was 495. That is 3.6 per cent of all the tests carried out, and takes the total number of cases to 214,383. As of this morning, 2,214,672 people had received a first dose of the vaccine. That is almost half of the whole adult population of Scotland, so we are approaching an important milestone. We remain on course to offer first doses to the nine priority Joint Committee on Vaccination and Immunisation groups, which is everyone over 50, all unpaid carers, and all adults with particular underlying health conditions, by mid-April.

I can also report that 341 people are now in hospital, which is 12 fewer than yesterday, and 28 people are receiving intensive care, which is five fewer than yesterday.

However, I regret to report that in the past 24 hours, a further seven deaths have been registered of patients who first tested positive during the previous 28 days. The total number of deaths under that measurement is now 7,559. Tomorrow, however, National Records of Scotland will publish its weekly update, which uses a wider definition. That will show that almost 10,000 people in Scotland have now died of Covid.

Every single one of those deaths is a tragedy. Each one has left a gaping hole in the lives of the

people who loved them. Yet again today, I want to pass on my condolences to all those who are grieving.

Yesterday, I met representatives of families who have been bereaved as a result of Covid, and I pay tribute to their strength and resolve. In that discussion, I acknowledged, as I have done before, that the Scottish Government did not get everything right in our response to the pandemic; I do not think that any Government did. It is vital that we reflect on that and learn lessons, which is why I also confirmed that establishing a statutory public inquiry will be a priority for this Government if we are returned at the election.

Returning to this sad anniversary, today has been designated a national day of reflection, and I know that many people will be thinking about those whom we have lost during the past year, whatever the cause of their death. Earlier today, I stood with others to observe a minute's silence, which was, I know, observed by many thousands across the country. Later this evening, Scottish Government premises and many other public buildings will be lit up in yellow.

The Scottish Government is also helping to fund the creation of a national memorial garden in Pollok park in Glasgow as part of an initiative led by *The Herald* newspaper. We have also confirmed today that we will support Covid community memorial projects in locations across the country. Artists from Greenspace Scotland will work with community groups, faith groups and those hit hardest by the pandemic to develop projects such as commemorative gardens, memorials and public artworks.

Those acts of collective remembrance are especially important because one of the cruellest aspects of the pandemic has been its impact on our ability to grieve. When someone whom we loves dies, it is a natural human response to gather with others to mourn our loss and to celebrate their life. The fact that this shared ritual has not been possible has, I know, been an additional source of grief for many during this most difficult of years. I hope that today's day of reflection and the memorials that communities will plan will help. They are a way in which we can begin to pay those whom we have lost the tribute that they deserve.

Of course, today is also a time to mark the sacrifices that so many people have made during the past 12 months. Many of us, I know, will be thinking especially about our health and care workers. We have been reminded once again just how much we owe to their dedication, expertise and compassion. I am acutely aware that no words of thanks can ever be sufficient for the service that has been given over the past year, but I am sure that I speak for everyone in the

Parliament and across the country in stressing once again how deeply grateful we are for everything that they have done and, indeed, continue to do.

Other public servants have also played a crucial role. Our police officers and their support staff have enforced tough restrictions proportionately and sensitively. Our teachers and all those who work in schools have done an outstanding job in difficult and regularly changing circumstances. Other local authority staff, too, have provided vital help and support to those who most need it and in some cases—for example, in the speed with which they helped to protect homeless people—they have provided us with valuable lessons for the future.

I also pay tribute to Scotland's diverse business community. Many companies have met specific needs relating to the pandemic. At the start of the pandemic, for example, some distilleries started making hand sanitiser. We have also been able to develop a personal protective equipment supply chain in Scotland, which did not exist before the start of the pandemic.

Virtually all companies have made immense efforts to create safe conditions for staff and customers. They have supported home working for employees, complied with regulations that have often stopped them from trading normally and shown a sense of social responsibility through all the concerns that they have faced about their own businesses. The Scottish Government has done everything that we can to support the business sector and we will continue to do that, but I know that this has been the most difficult year that many employers and their workforce have ever faced. Again, I am immensely grateful for all of those efforts.

I am also grateful to Scotland's faith groups, which have helped their communities and have found new ways of reaching out to their followers. I am pleased to confirm that, from Friday, collective worship will again be permitted in groups of up to 50, if the premises can support such a gathering with appropriate physical distancing. That is an important change and I hope that it will be especially welcome as we head towards important religious festivals over the next few weeks.

Community groups and third sector organisations have also rallied round, helped by the support of hundreds of thousands of people across the country. In fact, the great outpouring of community spirit that we have seen has been a source of light in an otherwise dark year. Last March, when we launched the Scotland cares website to help find roles for people who wanted to volunteer, it received more than 80,000 sign-ups. There are many more people who might never have registered formally as volunteers, but have

gone out of their way to support others by helping out with shopping, calling on friends and neighbours who needed company and providing essential care for those in need.

All of us have really struggled in the past year with the paradox that the virus has created. We have had to stay physically apart from each other—from those we love most—at a time when we have never needed each other more. None of us should be surprised that this year has been filled with difficulty, anxiety and, for too many people, grief, but we can and should also take some heart from the extent to which it has been filled with compassion and love.

That is true, also, of one of the most important ways in which we have all tried to look after each other. By sticking to incredibly tough rules and restrictions, all of us have helped to save lives. We have helped to keep the virus under control and to create the situation that we are now in, where we can start to plan our route out of lockdown.

The final point that I want to make today about our collective efforts during the past year is directed towards our young people. To children—if any children are watching this, which I doubt—I say that I know how difficult it has been for you to spend time out of school and to have strict restrictions placed on how and when you can see your friends. You have been truly magnificent during these strange and worrying times. You have stuck to the rules, done your home schooling—I am sure, most of the time—and helped out your parents and carers. Everybody across the country is incredibly proud of you. Thank you for everything that you have done.

I also acknowledge the impact of the past year on young adults. Many young people have been furloughed; many have lost their jobs. Anyone who has been studying at college or university has had significant restrictions placed on how they study, and in some cases on where they live, at one of the most formative times in any young person's life. Although the restrictions on socialising are difficult for all of us, they are especially tough for people in their late teens and early 20s. By sticking to the rules, as the vast majority have done, you have protected yourselves, but you have also helped to protect older adults. I hugely appreciate that, as does the entire country.

For all those reasons, one of my overwhelming emotions on looking back over the past year—which is why Richard Holloway's remarks resonated so strongly—is gratitude. I will never be able to thank people enough for the sacrifices made and everything that they have endured over the past 12 months.

In addition to gratitude, all of us—perhaps politicians in particular—should feel a sense of

resolve. As we recover from the pandemic, as we will, we must create a better and fairer country for everyone. The way in which people have responded to the pandemic has been defined by solidarity, compassion, love and sacrifice, but the way in which people have been affected has been defined by the inequalities that still scar our society. Inequality has massively affected people's quality of life during lockdown, and deprivation has significantly increased some people's chances of getting Covid and of dying from it. None of us can be satisfied by the idea of returning to life exactly as it was before.

That is why, for example, the Scottish young persons guarantee makes it clear that our young people must not pay the price of the pandemic throughout their lives. All of them must get a fair shot at education, employment or training as they start out in life.

It is also why we are working to establish a new national care service. The past year has powerfully reminded us of the importance of care and of the dedication of our care workers, but the death toll in care homes has been a national tragedy. We must consider, reconsider and reimagine how we support our care workers and look after our older citizens.

We must learn other lessons from this pandemic, too. That includes reflecting on our mistakes: the timing of the first lockdown and the decision to ease travel restrictions last summer. It also includes ensuring that we are prepared for future public health emergencies.

More generally, there is a lesson for all of us in never seeing any change that we want to make as unthinkable or unachievable. The past 12 months have shown us that, when it is necessary, human beings can achieve quite incredible and extraordinary things. Scientists across the globe have developed vaccines at record speeds. Testing infrastructures have been established from scratch. People have changed their behaviour and their way of life at a moment's notice to protect and care for each other.

The conditions that the Scottish Parliament will face in the next session will, I hope, be nothing like the ones that we have encountered and endured over the past year, but the Parliament in the next session will have an even greater responsibility than in this and previous sessions to tackle inequality, support economic recovery and achieve a just transition to a net zero society. I hope that, if we can all summon just some of the urgency, resolve and solidarity that we have shown in the face of the virus and bring that to bear in tackling those big issues and others, we will not simply return to normal, but instead will create a better and fairer normality for the future.

Those choices will, of course, be for the Parliament in the next session and for the next Government. For today, the focus for everyone is on remembrance and reflection but, given that this is the last time that I will speak about Covid in the chamber before the election, I want to say a few words about the weeks ahead. Covid updates will obviously be much less regular during the pre-election period, but the Government will still be monitoring the pandemic constantly. I will be doing so on a daily basis, taking and announcing decisions as required. That is vital because, although we can now see a route out of lockdown, difficult judgments still lie ahead.

In the past three months we have significantly reduced the number of Covid cases in Scotland. We know that the vaccination programme is now reducing deaths, and recent research gives us confidence that vaccination will reduce transmission rates. That opens up the fantastic prospect that we can come out of lockdown on a sustainable basis.

Indeed, I can confirm that, from 6 pm tomorrow, the Western Isles will move from level 4 restrictions to level 3—the level that currently applies to Orkney, Shetland and some of Scotland's other islands. That reflects their success in reducing transmission in recent weeks.

Across the country, we hope to reopen parts of the economy during April, with more retail services reopening on 5 April, and a full reopening of shops on the 26th. We hope that hospitality will start to reopen on 26 April as well, and that travel restrictions in mainland Scotland will come to an end on the same date. Above all, we hope to see all children back in school after the Easter holidays. We also look forward to it becoming easier for all of us to meet up with each other again, particularly loved ones, initially in outdoor settings but then, we hope, indoors as well.

As vaccination proceeds and we go further into spring, life should feel a bit less restricted and a bit more hopeful than it has done for some time. As a higher and higher proportion of the population gets their first dose of vaccine, we hope to be able to relax restrictions even more.

As I indicated last week, we have real hope that, later this year, gigs can be allowed again; nightclubs can reopen; social gatherings can be permitted; and family reunions can take place so that we can all enjoy simple pleasures such as hugging our loved ones—pleasures that I am sure none of us will ever take quite as much for granted again.

However, although that point may be in sight, the end is not quite here yet. Hundreds of people in Scotland are still getting the virus every day; it is still highly infectious and dangerous, including for

many younger people; and many countries across Europe now appear to be on the brink of a third wave. All that should remind us of the need to be careful and cautious.

As we emerge from lockdown, we must do so steadily and surely, in a way that does not allow the virus to run out of control. We must keep in place other measures—for example, travel restrictions—for as long as they are needed. In order to lift restrictions in the future, we need to keep suppressing the virus now. I say to everyone across the country: please continue to stay within the rules, for your own safety and the safety of everyone else. Stay at home for now, except for specific purposes; please do not meet people from other households indoors; and remember to follow the FACTS advice when you are out and about.

By doing that for the past 12 months, we have all helped each other to get through what has been, for all of us—certainly the majority of us—the most difficult, challenging and exhausting year of our lives. By continuing to do all that in the coming weeks, we can and will continue to look after each other. We can also start to look ahead to the future, not just in hope, but in increasing expectation of the better and brighter days that lie ahead.

I offer my sincere thanks to everyone across the country for all the sacrifices of the past 12 months.

The Presiding Officer: Thank you, First Minister. We move to questions, starting with Ruth Davidson.

Ruth Davidson (Edinburgh Central) (Con): Presiding Officer, I was proud to join you and the other party leaders for the day of reflection and the minute's silence at noon today, as we remembered all those who have lost their life to Covid. However, I was struck beforehand when I read of a man who wanted his son remembered today too. Ross McCarthy was 31 when he took his own life during the restrictions, and his family are raising money for the CALM—Campaign Against Living Miserably—charity. Today, of all days, we remember that Covid, while it has taken far too many lives, has also taken a huge toll even on those who have not contracted the condition. I echo the words of Dr Richard Holloway in expressing gratitude to all those doctors and nurses, bin collectors and shop workers who have kept us going over the past year.

We support the continuing efforts of the vaccination teams across the country, and delivering 2.2 million first doses is a real achievement. However, a newspaper report today revealed that, last week, one in seven vaccine appointments were missed because of delays in delivering the letters. The delay impacted around 60,000 people, and for that reason the central

vaccine target was missed. A Scottish Government spokesman said that the “issue was later resolved”, and added that the Government was still establishing whether it was

“a localised issue or more widespread”.

We are pleased to note that the vaccine roll-out is still powering ahead, but I ask the First Minister to clarify a few points. Was the issue localised, or was it countrywide? Have those people who missed appointments been contacted again, and when can they expect a new date for their jab? If anybody is, understandably, worried that they have missed their chance, where can they go for information and reassurance?

The First Minister: First, I say, as I have done already today, that I think not only of those who have lost their lives to Covid in the past year, and their grieving families, but of everyone who has lost their life over the past year, and those who are missing and grieving them. The past year, with all the difficulties and challenges that it has thrown up, has affected people in a multitude of ways, and it is important that we remember, and reflect on, that today.

The vaccination programme is progressing extremely well. If I cast my mind back to the turn of this year, I recall that I was optimistic about the speed and scale of the roll-out of vaccination, but I think that I would have been sceptical if anyone had told me then that we would have reached quite as many people as we have now. I put on record today my thanks to everybody in the central team and all the vaccinators and teams across the country who are responsible for that success.

When we implement a programme of this scale, and at this speed, it is inevitable that there will be glitches and things that do not go as well as we want. That is true of the scheduling, printing and posting of letters that are associated with the programme. We are aware of issues with the delivery of appointment letters in the early part of last week. With NHS National Services Scotland and Royal Mail, we are still trying to understand all the details of that issue, but I have been given an assurance that it has been resolved. Around 60,000 appointments were not attended last week and I apologise to anybody who has been affected.

We closely monitor day-to-day uptake versus projections and try to understand the reasons why people might not be attending appointments. This past week, that undoubtedly would have been partly down to the issue with letters, but there are other issues as well. Although these concerns have not materialised, we were concerned last week about the impact that the publicity around the Astra-Zeneca vaccine might have. We are working on those issues all the time to ensure that

people are coming forward for appointments and are supported to do so.

The process to rebook any appointments that were not attended last week is under way and that will be done as quickly as possible. People are able to telephone the helpline on 0800 030 8013 if they have any issues on which they wish advice or support.

Anas Sarwar (Glasgow) (Lab): A year since Scotland went into the first lockdown, almost 10,000 of our fellow Scots have lost their lives, and my thoughts are with all their families. This past year has been tough for us all. We have been distant from loved ones, unable to share good moments and—hardest of all—unable to grieve together. We are all indebted to the heroes on the front line who have helped to save lives and to those who kept our country running. There is finally some hope, and we will get through this. I join both Ruth Davidson and the First Minister in sending gratitude to all our citizens across the country for their sacrifices. We cannot return to normal after this pandemic; I hope that we are all united on that point.

Although there is optimism and hope again, there is a creeping rise in cases in some parts of Scotland. We must avoid a potential third wave, and our test and protect system will be crucial to that. Does the First Minister have confidence that test and protect is finally robust enough to enable us to avoid another lockdown?

The First Minister: Test and protect is robust and has been so since it was established. It has played a vital role in trying to break chains of transmission and minimise the spread of the virus. It will undoubtedly have helped to save a large number of people from contracting the virus and it will have saved lives as part of that. I am grateful to everybody who is working across that system. Test and protect is a vital part of our defence and of our response but, as I have said all along, it is not our first line of defence against the virus. The first line of defence is still all of us taking the precautions and mitigations that we are asked to take. Increasingly, the most important line of defence is the vaccination programme.

Test and protect is there; it does, and will do, a good job and we will support it with the resources that it needs to operate at the level that is required. All of us will help test and protect if, for the time being, we continue to abide by all the rules and restrictions and play our part in keeping the virus under control, as everybody has done so well over the past 12 months. Every day over the past 12 months, this has been a collective effort above all else. We all have our part to play, and each one of us must continue to play that part as we steer our way through and out of this—hopefully soon.

Nobody wants to go backwards, but we should look across to Europe now with concern at what is happening there. Vaccination rates are higher across the United Kingdom than in many other European countries. Nevertheless, a third wave looks to be starting and we cannot be complacent about that here. This remains an infectious virus, so we have to be cautious and take all the precautions. If we continue to do that, I remain hopeful that we might be on the final straight back to normality. The worst thing that we could do is entertain any complacency about the situation, and I hope, and expect, that nobody will do so.

Willie Rennie (North East Fife) (LD): It is the little things—the things that we took for granted—that I think we now miss most, such as hugging our mums, walking in the mountains and coffee mornings. My wife has certainly missed her Zumba classes.

The fabric of a liberal society has been locked up in a cupboard. There has been pain, too, such as the long-awaited hip operation or the cancer that was not detected until it was too late. The freedom that is provided by our national health service has been rolled back, and there is the tragedy of the thousands of people who are no longer in our lives. Something good must come from these dark days. For years, social care workers have been undervalued, but they did not waver when we needed them most. Does the First Minister agree that it is time to pay our social care workers the wages that they deserve?

The First Minister: Everybody will have lots of things that they miss and are desperate to get back to. Hugging my mum is probably the thing that I miss and look forward to doing most of all.

Over the past year, social care workers have gone above and beyond the call of duty, as have those who work in our national health service. I cannot even begin to imagine how difficult, traumatic and challenging it must have been, on a day-to-day basis, to be caring for older people in one of our care homes at the height of the first wave. We talk about gratitude—I have done so today—and I regularly talk about things for which I cannot find the words. However, in this case, I genuinely cannot find the words. What we asked of our care workers, and what they gave, was truly exceptional.

I do think that it is time to pay care workers what they deserve. In Government, it is not as easy as just saying that we will do so—we have to work out what we mean by that and how we will deliver it through budgets and a policy programme. It is time that we transformed and reformed the way in which the whole social care system works. The national care service is an opportunity to transform the quality of care for our older citizens and the way in which we value and remunerate those who

work in it. Should I be in a position to influence it in the next parliamentary session, that is something that I am determined to drive forward as an absolute priority.

Alison Johnstone (Lothian) (Green): On this national day of reflection, on behalf of the Scottish Green Party, I send my deepest sympathies to all those who have lost a loved one in the most challenging of times, particularly when our ability to grieve together has been so impacted. I give my heartfelt thanks to our health and care workers, teachers, shop and postal staff, bin collectors, delivery drivers and all those on the front line who have kept the country going.

This week, the Prime Minister said that the third wave of coronavirus that has hit mainland Europe will

“wash up on our shores”.

Does the First Minister share his view—his acceptance—that such an outcome is inevitable? What progress has the Scottish Government made in urging the UK Government to tighten border controls?

The First Minister: I will make two points about the prospects of a third wave. First, we cannot guarantee that it will not happen here. It is an infectious virus, and one of the many things that we have learned over the past 12 months is that just wishing away the virus, or hoping or saying that we do not want a further wave or lockdown, does not bring any of those things into reality. We have to act in a way that minimises the chances of a third wave. That involves all of us doing so domestically by being cautious as we come out of lockdown and continuing to comply with the rules and restrictions for as long as is necessary.

The other point is that a third wave washing up on our shores is not inevitable. When I look back, one of my regrets about last year is that, because we suppressed the virus so hard and so successfully in Scotland, we perhaps opened up international travel too much and too quickly. The reasons for doing so were not wrong—the industry was in dire straits and people wanted to be able to travel again. However, in retrospect and on reflection, I do not think that that was the right thing to do, and I am determined that we will not do it again.

The importation of cases and new variants of the virus is one of the biggest risks that we face. We continue to have rules in place for managed quarantine of people who come directly into Scotland, but the rules are not as restrictive in the rest of the UK. I have tried hard to persuade the UK Government to emulate our policy, but the UK Government does not wish to do so—that is its decision and I cannot force the policy on it.

However, it leaves us with a greater vulnerability to importation than I would like us to have.

As we approach the mid-May point, which is when the UK Government has said that it may allow international travel again—we have said that it will certainly not be allowed before that—we must be very cautious. I was heartened to hear Michael Gove say on a call last week that it is by no means certain that international travel will be reopened in mid-May. We will try to be very cautious on a four-nations basis, and we will take whatever decisions we can take here to protect the public as much as possible.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): As we mark the anniversary of lockdown, I am sure that the First Minister will wish to join me in paying tribute to people in Scotland's islands, many of whom have gone so long without seeing family and friends who live elsewhere. The news that the Western Isles are moving into level 3 is very welcome. Will the First Minister say when decisions will be taken on what that means for travel advice on movement to and from the islands?

The First Minister: As I said last week, over the next few weeks, we will have discussions with island authorities in order to come to a view on whether, as the rest of the country goes down to level 3 at the end of April—as I hope it will—our island communities will stay at level 3 or go down to level 2, which the data will probably justify. The reason why that decision is not as straightforward as it might appear is that, if our islands were at a significantly lower level of restrictions, with hospitality more open, we would need to protect them from the possible importation of cases. There might therefore be merit in their staying at a similar level of restrictions, to allow people to travel to see loved ones, for example. We will have those discussions and will come to a conclusion over the next few weeks, and we will report back on that when we announce the decision about whether we are moving forward—as I hope we will be—with the easing of restrictions that I set out to Parliament last week.

I pay tribute to people in our island communities. Lockdown has been tough for everyone, but I guess that it has been tougher for those who live in more remote communities, where long distances already made it difficult to see loved ones. Lockdown has undoubtedly exacerbated that already difficult situation.

Maurice Golden (West Scotland) (Con): I have been contacted by a 65-year-old constituent with an underlying health condition who still has not had the vaccine. The options on the helpline do not allow for someone who is not on the list; rather, they are for rescheduling and missed appointments. My constituent has been going

round in circles, and I have contacted the health board. Will the First Minister agree to look into the matter?

The First Minister: If Maurice Golden sends me his constituent's details, I will, of course, look into the matter. I have made it clear that, if people are not getting answers from the routes from which they should be getting answers—their general practitioner or the helpline—they should contact my office. If Maurice Golden sends me the details, I will have that looked into.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): As we mark a year since the start of lockdown restrictions, it is impossible to ignore the toll on people's mental health and the subsequent demand for mental health services. Will the First Minister outline the Scottish Government's plans to respond to the increase in demand for those services?

The First Minister: The mental health recovery plan has already been set out by the Minister for Mental Health. We have announced increases in funding for and investment in mental health, and we will continue to respond appropriately to the increased demand that will undoubtedly exist for some time. Mental health support is one of the many ways in which the legacy of the pandemic will live with us for some time, and there is an obligation on the Government to respond appropriately. It is a priority that we acknowledge and are determined to take extremely seriously.

If this is Maureen Watt's final contribution in the Parliament, which it might be, I take the opportunity to wish her well in her retirement. Maureen is a longstanding friend and colleague of mine who has made an outstanding contribution to the Scottish Parliament. She will be greatly missed by us all.

Jackie Baillie (Dumbarton) (Lab): Businesses in my community have struggled during the pandemic, and they have been grateful for rates relief. Many members across the chamber asked for and welcomed the extension of rates relief for the financial year 2021-22. However, I am told that businesses have until 31 March to apply or the relief may well be lost in the new financial year. The window for applications is, in effect, one week. Will the First Minister recognise that that is too short a timeframe and allow some flexibility—at least a month—in the application period so that businesses do not lose out?

The First Minister: We should all encourage businesses to apply timeously—as most do, for obvious reasons—for the support that is available, so that it can be got to them as quickly as possible. We have tried to be as flexible as possible with all those support schemes over the course of the pandemic. I will raise the point with

the Cabinet Secretary for Finance, who, I am sure, will reply in more detail.

Bruce Crawford (Stirling) (SNP): Travel restrictions have been a vital component in controlling the spread of Covid-19. I was therefore very concerned, over the past weekend, when constituents contacted me in alarm about the number of day visitors, motorcyclists and motorhomes appearing in places such as Callander. I also know that there will come a time, hopefully not far off, when visitors will be welcomed back to my fabulous Stirling constituency. However, in the meantime, a stay-at-home order remains in place, and only from 2 April does the requirement become to stay local. What more can be done to strengthen the crucial messages about travel restrictions in order to allay the fears of my constituents and stop the spread of Covid?

The First Minister: That is a really important point. I think that all of us are frustrated by the inability to travel across local authority boundaries to see loved ones. I know that I feel that, and I think that everybody does. We look forward to the point at which we can start to ease those travel restrictions across mainland Scotland. However, right now, the restrictions are in place for a purpose and it is incumbent on all of us to articulate that message and urge people to abide by those restrictions. Right now, we are asking that no one travel for any reason other than essential purposes and that people stay in their own local authority area.

As Bruce Crawford said, we hope to lift the current stay-at-home rule on 2 April. Initially, though—although we hope for no more than three weeks—stay at home will be replaced by guidance to stay local, and the continued legal requirement in level 4 areas for people not to travel outside their own local authority area unless it is for an allowed reason will remain in place. We will ensure that our marketing and messaging emphasise that message, particularly over the forthcoming Easter holiday period, but it is important that we all take the opportunity to reinforce that.

In what may become a theme today, I suspect that this is Bruce Crawford's last contribution to the Parliament before he retires. Bruce, too, has been a valued colleague and a great friend of mine since I was a wean, so I am going to miss him dearly. It is hard to imagine the Parliament without Bruce Crawford. I wish him all good wishes for his retirement and I look forward to seeing him on some campaign trail, somewhere or other, very soon.

Annie Wells (Glasgow) (Con): On this day of reflection, one year since the first lockdown, I join

others in remembering all who have lost loved ones to Covid-19.

I have been in contact with a concerned constituent, who has informed me that they and their spouse, despite being over 65, have not yet received an appointment for their first dose of the vaccine. After contacting NHS Inform, they were told that they were not on the central register, so they were not invited for an appointment.

That situation is obviously unacceptable, given that it has caused unnecessary anxiety. Although the majority of over-65-year-olds have received their first dose, will the First Minister explain what action the Government is taking to ensure that no further vulnerable people fall through the cracks?

The First Minister: Nobody is going to fall through the cracks. I ask Annie Wells to recognise that people are working really hard and are delivering exceptional success in the vaccination programme. If people are waiting for appointments, that is not deliberate; it is not because people have wanted them to fall through the cracks.

In cases that have been sent to me directly—this is not an attempt to say that it is anybody's fault—there have often been administrative problems. For example, somebody who has recently changed general practitioner might not have had their address updated, and there is an explanation. When we are made aware of such cases, we take the necessary steps to fix them. That will be the case. Nobody is going to be left behind in the vaccination programme.

Again, I say to people across the country who believe that they should have had their vaccination appointment and who have not yet had it that they should call the helpline, call their own GP or, in extremis—if they are not getting the answers that they want—contact my office and we will try to resolve things. I say to members across the chamber, particularly given that Parliament will rise for the election shortly, that they should contact the Government if such issues are being raised, and we will do everything to resolve them as quickly as possible.

Annabelle Ewing (Cowdenbeath) (SNP): Many of my Cowdenbeath constituents—and indeed people across Scotland—have relied on the First Minister leading us through the coronavirus pandemic and are very grateful to her for her unstinting work, seven days a week, week in and week out, for more than 12 months. Notwithstanding the election campaign, can she reassure them that, in the run-up to polling day, she will continue to take charge of the daily management of the pandemic and will be able to provide regular updates?

The First Minister: Yes, I can give that assurance. Notwithstanding the election campaign, all the requirements of which I will respect and observe—it is important that there is a level playing field—I have a duty, as First Minister during a crisis, to make sure that I continue to oversee and manage the response to the pandemic, because we are in a crisis and direction is required. That will have my daily attention.

I will ensure that updates are given—by me or by appropriate personnel—and that decisions are communicated clearly to the public. An important part of our response over the past 12 months has been very clear communication about what we are asking people to do, and that will continue to be important over the next few weeks.

Alex Rowley (Mid Scotland and Fife) (Lab): Will the First Minister get the Government to look at local authority business funding? Categories of business such as dog kennels, laundry services, commercial cleaners and driving instructors have been able to take advantage of the local authority discretionary fund that the Government put in place, and Fife Council told me this morning that there is incredible pressure on the fund and that it is likely to run out. Will the Government consider whether additional funding can be put in place?

The First Minister: We keep all those things under review. The local authority discretionary fund has been increased since we first established it. Obviously, money is constrained; the funding that we have is not unlimited. However, we look, on an on-going basis, at where the greatest need is for funding, and some of the categories of business that Alex Rowley set out undoubtedly have need. We will keep the matter under on-going review.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Given the well-publicised issues to do with vaccine supplies, particularly in April, what assurance can the First Minister give to people who are awaiting their second dose that they will receive it within 12 weeks of their first dose?

The First Minister: I can give an assurance that people will receive their second dose within the 12-week window. As I said last week, because we will have, over the next four weeks, around 500,000 fewer doses than we had anticipated, there will be a period, as we go into April, when we predominantly focus on second doses. The number of first doses is likely to reduce as a result, to ensure that people get their second dose on time, but—this is an important assurance—we still expect to be able to offer first doses to everyone in JCVI categories 1 to 9 by mid-April, as we anticipated.

Graham Simpson (Central Scotland) (Con): Yesterday, I talked to members of Unite the union who represent the taxi trade. Some taxi drivers have had help during the pandemic, but in no way has that covered their costs and many drivers are desperate. Forty per cent have had little or no support. Unite is asking for two things: first, a scheme to help operators; and secondly, something to help all taxi drivers, such as an extra grant from what is left of the £57 million that was announced in January. Will the First Minister agree to look at those requests, to ensure that we get a fair deal for cabbies?

The First Minister: We always look at requests from trade unions or other organisations, so I am sure that we are already doing that—if not, we will do it.

The support that we have made available, whether it has been for taxi drivers or any other affected part of the economy, is not and was never going to be able to compensate for all losses. We are seeking to do as much as possible, and that will continue to be the case for as long as is necessary.

Kenneth Gibson (Cunninghame North) (SNP): I listened to the First Minister's response to Alasdair Allan regarding island authorities. I have been contacted by Arran businesses that are keen, for community and economic reasons, for the island to stay within mainland Scotland's rules and guidelines. Current messaging regarding the timetable for easing restrictions states that

"travel within mainland Scotland is not allowed".

Can the First Minister confirm that, from 2 April, non-essential travel within local authorities will apply to Arran, that Caledonian MacBrayne will be informed that there are no travel restrictions within North Ayrshire and that, from 26 April, all conditions related to mainland Scotland will apply to Arran? The tourism economy depends on it.

The First Minister: Yes, I understand and appreciate Kenny Gibson's point, and we certainly take that issue very seriously.

As I said to Alasdair Allan, we have given a commitment to have discussions with our island communities about how best we ensure that the restrictions keep them safe from the virus and allow maximum benefit as we open up the economy. I absolutely appreciate the point that has been made about making sure that Arran is on the same level of restrictions, so that there can be that freedom of movement and travel. If that is the view of communities such as Arran, that is certainly the view that we will take as we come out of lockdown.

Colin Smyth (South Scotland) (Lab): The Scottish Government's strategic framework is

silent, in its timetable for easing restrictions—as was the First Minister today—on the important issue for my South Scotland constituents of cross-border travel. Can the First Minister give my border constituents an assurance that the criteria that she will use to decide whether cross-border travel can resume from 26 April will be the same criteria that she has been using to determine that cross-Scotland travel is likely to be allowed from that date? There would be understandable anger if politicians can travel the length of Scotland next month for an election but families in Gretna cannot travel a mile to safely visit a loved one in Cumbria, even outside, unless there is a very good reason for that.

The First Minister: First, I would hope that all politicians are really responsible in what they choose to do over the next few weeks.

I point out to the member that I have not been silent about cross-border travel. I stood here last week and said that we hoped to ease the restrictions on cross-border travel on 26 April but that, because of the different factors that we have to take into account, we would finally confirm that during April. I said that if we did not ease those restrictions on 26 April, we would do it as soon as possible after that. Obviously—or, at least, I think that it is obvious—although those decisions depend on prevalence and incidence of the virus in Scotland, they have to take account of prevalence and incidence of the virus in other parts of the UK, too.

These are not straightforward decisions. If they were straightforward decisions, we would just take them and be done with it. We are trying to keep people as safe as possible from a virus. I have no interest in stopping people, without good reason, travelling to see their loved ones in Scotland or other parts of the UK. This is about trying to continue to suppress the virus, as we vaccinate more people, so that we do not have—to the extent that we can avoid it—more and more people dying from the virus, as we had over the past 12 months. I would ask everybody to remember that and to be as patient as possible, and I would ask politicians to continue to lead by example.

Clare Adamson (Motherwell and Wishaw) (SNP): Many of my constituents in Motherwell and Wishaw will be carrying out vital roles as unpaid carers, supporting vulnerable friends, neighbours and family members. Is the Scottish Government promoting information on vaccines for unpaid carers, so that people who may not have realised that they are eligible are encouraged to come forward? Also—[Inaudible]—those who may not have identified as unpaid carers—[Inaudible]—as they may also be eligible to come forward for a vaccine.

The Presiding Officer: First Minister, did you get enough of that to answer?

The First Minister: We will see whether I got enough of it to answer when we determine whether the answer bears any relationship to the question.

Clare Adamson asked about unpaid carers and their access to vaccination, and what we are doing to try to promote take-up. On 15 March, I think, we launched the system for unpaid carers to register to receive the vaccine, and we are currently running a national marketing campaign, mainly via digital channels, press and radio, to make sure that unpaid carers are aware of the system and what they need to do.

All carers in touch with local carer services have also been contacted to encourage them to register, and national carer organisations have contacted carers on their lists. Carers are able to self-register, either online or through the national helpline. Carers identified through general practitioner and social security data have already received a letter with their vaccination appointment, but others can access the helpline.

I hope that that answers Clare Adamson's question, but if there were any parts of the question that I did not hear and have not answered, she can write to me later and I will make sure that an answer is provided.

John Scott (Ayr) (Con): The First Minister is aware of the continuing anxieties and tensions in our communities resulting from vaccination anxiety, the worry about appointments for other illnesses being delayed and the lack of contact with friends and loved ones. Mental health issues are emerging and will inevitably continue to grow for some time. Social work services and other third sector agencies will be at the front line of dealing with that growing problem. Does the First Minister have any plans or, more important, budgets to further support the growing workload of those agencies? If so, what are her plans?

The First Minister: With the greatest of respect, I say to John Scott that the Conservatives did not vote for the budget that we passed in the Parliament just a couple of weeks ago, but if he cares to go and read it, he will see that there are plans to continue to support, through budgetary provision, organisations that are working on the front line. Support will also be applied in a whole range of other ways. That is important from a monetary point of view, but all of us owe those organisations a great debt of gratitude for the ways in which they have supported communities across the country every day of the past 12 months, and this Government will continue to do everything that we can to support them in every possible way.

Stuart McMillan (Greenock and Inverclyde) (SNP): Access to the internet and digital services has been critical for keeping family, friends and colleagues connected over the past year, but the introduction of the crucial measures to control the spread of the virus shone a light on the digital divide. The Scottish Government's investment in digital inclusion was therefore welcome. Will the First Minister provide an update on the support that the connecting Scotland programme has provided to date and the plans that the Scottish Government has to enable more people to get online?

The First Minister: The connecting Scotland programme was set up specifically in response to the pandemic. It was intended to provide digital devices, data, training and support to those who need it most to get online, and we initially planned to provide 9,000 people at clinical risk from Covid with a device and a connection to get online. However, those plans have significantly scaled up since then and I am pleased to say that, over the past year, we have delivered more than 35,000 devices to people at clinical risk of Covid, families with children and isolated older and disabled people. The third stage of the programme has started; it is backed by more than £48 million and is intended to support 60,000 households to get online by the end of the year.

Mark Ruskell (Mid Scotland and Fife) (Green): Some people will have been faced with impossible choices during the pandemic, such as deciding whether to go to work to earn enough money to eat or to stay at home and self-isolate. Can the First Minister ensure that any gaps in the safety net, which some will have inevitably slipped through over the past 12 months, will be looked at and that we emerge from the pandemic with the strongest level of wraparound support for all people in Scotland?

The First Minister: I appreciate and agree with the sentiment behind the question, but it is quite a generic question to ask. I hesitate to give a guarantee that nobody will slip through the cracks. As far as we can within our resources, we are trying to make sure that people are not in the position of having to make invidious choices between going to work or self-isolating and protecting others. We have established and extended eligibility for the self-isolation support grant, but Mark Ruskell has rightly raised a legitimate question about whether we can go further. We have taken a number of other steps to get money into the pockets of those who need it most, so a huge amount has been done. We will continue to do that work, but I readily acknowledge that we have work still to do to protect people from the immediate impacts of the virus. We also have work to do as we come out of the pandemic to reorder and redesign how we provide support to

the most vulnerable so that we lift people out of poverty and avoid the invidious choices of the kind that Mark Ruskell outlined.

Miles Briggs (Lothian) (Con): I have raised this issue with the First Minister a number of times, but I will raise it again. It concerns one of the most depressing things that has happened during the pandemic: families finding out that their power of attorney has been overruled or loved ones finding that the do not resuscitate form has not been given consent. What investigation into that issue has taken place during the pandemic? Will the First Minister, having met families yesterday, agree to an independent investigation so that we can see what has happened?

The First Minister: I will certainly consider any investigation that is considered necessary if aspects of our response to the pandemic need to be looked at. We might want to pursue discrete areas of investigation, but the best way to proceed overall is through the statutory public inquiry that we have committed to.

I have addressed the important issue of DNR orders on many occasions in the chamber. Through our clinical advisers, we have taken steps to reiterate the guidance and messages to front-line clinicians. Nobody and no family should be under any pressure to sign a DNR authority that they have not fully understood or with which they do not absolutely agree. Clinicians do not want to be in such a position. Any member who has concerns raised with them should convey those concerns to us so that, if we need to address issues, we can do so—we are keen and willing to do that.

The Presiding Officer: That concludes the statement on Covid-19 reflections and next steps. I ask members who need to leave or come into the chamber to please follow the one-way systems, wear their masks and follow the social distancing rules.

Topical Question Time

15:01

College Staff (Industrial Action)

1. **Iain Gray (East Lothian) (Lab):** To ask the Scottish Government what discussions it has had regarding planned industrial action by college staff this week. (S5T-02721)

The Minister for Further Education, Higher Education and Science (Richard Lochhead): My most recent discussions were with Colleges Scotland yesterday and were about the latest round of negotiations, which is taking place as we speak. My officials have been in regular contact with Colleges Scotland to keep me up to date with all the negotiations.

I understand that, as part of the discussions, the EIS further education lecturers association has accepted that there is no national plan to replace lecturers with tutors, assessors or instructor roles or any other support staff roles. I encourage the employers and unions to continue the current negotiations in an attempt to resolve the situation without the need for industrial action, which is absolutely not in our learners' best interests, especially against the backdrop of the pandemic.

Iain Gray: Given that students are trying to maintain their studies in spite of the pandemic, strike action in colleges is undesirable and in this case unnecessary. Equally, this is no time to attack the terms and conditions of college staff.

More than a week ago, the national joint negotiating committee agreed the principle that there is no national plan to replace lecturers with instructor-type posts to do the same job. The trade union EIS-FELA ratified that agreement in its national executive and suspended action, but Colleges Scotland refused to ratify the agreement, even though the agreement was based on an employer-side proposal. That seems to be a matter of bad faith. Will the minister intervene now to ask Colleges Scotland to stand by its words, ratify the agreement that it made and stop the need for strike action?

Richard Lochhead: As Iain Gray knows, the matter is to be resolved between the employers and the trade unions. Much progress has been made in the past few weeks and months with the joint statement, of which I am sure Iain Gray is aware. It was agreed that there is no national plan to replace lecturers with other roles, as I said earlier, but there was disagreement over a separate part of the statement that relates to the responsibilities that make up the definition of a lecturer.

As the negotiations are on-going, I hope that constructive progress will be made today that leads to an agreement and to the strike that is planned for later this week being called off. As we all agree, and as Iain Gray agrees, a strike is unnecessary and would not be in learners' interests against the backdrop of the pandemic.

Iain Gray: I appreciate the minister's desire for strike action to be avoided, but an agreement on all points was reached in the negotiating committee. The trade union side ratified that agreement, but the employer side has reneged on it and refused to ratify it. Does the minister think that he really should speak to Colleges Scotland, ensure that it ratifies the agreement that it made, end college staff's fear of an attack on terms and conditions and remove the need to strike?

Richard Lochhead: As I explained to Iain Gray, I spoke to Colleges Scotland yesterday evening. I encouraged Colleges Scotland—just as I encouraged the trade union—to reach an agreement to prevent the strike action. It is a staffing matter between the employer and the representatives of the employees. As Iain Gray says, the employer did not ratify the joint statement. I hope that the two parties can settle their differences in the negotiations that began this morning, were adjourned and have reconvened this afternoon, in order that we can avoid strike action, which is in no one's interests, least of all those of our learners.

Jamie Greene (West Scotland) (Con): Although we all want to avoid industrial action, we cannot ignore the fact that the sector has seen real terms funding cuts of £80 million since 2008, which has forced colleges to consider restructuring as a cost-saving exercise. Does the minister accept that those cuts have put tremendous pressure on our colleges and that we must do everything that we can to support them in the vital role that they will play in a post-Covid recovery?

Richard Lochhead: The colleges budget has increased by 30 per cent since the SNP Government came to office in 2007. Indeed, the most recent budget settlement was welcomed by stakeholders, as was the one-off Covid consequential payment.

Things are tough for further and higher education at the moment, largely as a result of the pandemic—as Jamie Greene is aware. That is another reason why I hope that both sides of the dispute can reach an agreement today and call off strike action that has been planned for later this week. I am sure that both sides want that to happen and I hope that they stay in the negotiating room until they reach a settlement.

Ross Greer (West Scotland) (Green): I suggest that strike action is in the interests of

college lecturers if it saves their jobs. Of course, no one wants it to come to that.

In a sense this has become an annual event: the union representing lecturers believes that an agreement has been reached in good faith, only for management to go back on that and for the situation to escalate to industrial action or the threat thereof. Does the fact that that happens on an annual cycle not raise serious questions about college management's ability to negotiate in good faith?

Richard Lochhead: Ross Greer may be interested in the statistics that were published today that show that the number of full-time permanent college teaching staff with a recognised teaching qualification in Scots colleges increased by 2.1 percentage points in the last year for which the figures are available. There has been an increase in the number of staff with those qualifications in our colleges.

I want both sides to reach an agreement today. That is in the interests of our colleges, employees and, most of all, our learners. We are talking about a particular dispute between one trade union and the college employers—although depending on the outcome of today's negotiations, it could affect other unions, too. I accept that we have to pay close attention to the issue. However, it is the responsibility of the employers and employees to reach agreement today.

Mossmorran Ethylene Plant (Independent Review)

2. Mark Ruskell (Mid Scotland and Fife) (Green): To ask the Scottish Government how the regulation of Mossmorran ethylene plant will change following the independent review. (S5T-02719)

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): As the member is aware, the Scottish Environment Protection Agency published the outcome of the Irish Environmental Protection Agency's peer review of its regulatory approach at Mossmorran on Friday 19 March. SEPA and the Scottish Government are clear that compliance with Scotland's environmental laws is non-negotiable.

SEPA has published a detailed response to all 20 recommendations made by the review, which cover technical site recommendations, regulatory approach, community liaison, communications, monitoring and modelling. Key recommendations that will be taken forward by SEPA include extending the environmental monitoring programme with community participation in its design, enhanced visibility of regulatory monitoring results, and investment in a refreshed online

community information hub. SEPA already has specialist staff involved in work at Mossmorran. In response to the peer review, it has committed to strengthening further regulation and monitoring across the forthcoming investment at the site.

Mark Ruskell: After five years of highlighting the misery of communities living in the shadow of Mossmorran, I welcome the progress that has been made and pay tribute to local campaigners who kept the pressure on SEPA and the plant operators. Many of the 1,500 people who complained to SEPA last year did so because they could not sleep for days on end due to noise pollution. Will the cabinet secretary urge SEPA to set revised noise limits as part of the operator's permit and to expand noise monitoring in the community?

Roseanna Cunningham: I am glad that Mark Ruskell considers that there has been progress—I believe that a great deal of progress has been made. I pointed to the 20 recommendations of the independent evaluation. SEPA has accepted eight of those recommendations, nine more are currently under way, one will be considered and two are not being taken forward.

Specialist monitoring, compliance and enforcement support staff are already involved in all work at Mossmorran. As I indicated, in response to the peer review, SEPA has committed to further strengthening regulation and monitoring throughout the investment period. The issue that Mark Ruskell has raised will be part of that consideration.

Mark Ruskell: I welcome that response. Although the regulatory improvements are welcome, Mossmorran remains Scotland's third largest climate polluter, and it will be impossible for us to meet climate targets without serious and urgent action being taken at the plant. Will the Scottish Government take the word of ExxonMobil—an organisation that is responsible for climate change denial—when it comes to future plans at Mossmorran, or will it lead the discussion with the operators and the community on what a just transition for the plant should look like?

Roseanna Cunningham: There is constant discussion within Government and between the Government and a variety of partners in different sectors of the economy on how we go forward. We are tasking individual companies with looking very carefully at their proposals with respect to a just transition. The same task is being suggested to ExxonMobil, with which I have had recent correspondence, as Mark Ruskell is aware.

Ensuring a just transition is a vital part of the work that we need to do over the next 10 years to meet our interim targets, and Mossmorran will be

very much a part of the discussion about that just transition.

Annabelle Ewing (Cowdenbeath) (SNP): The Irish EPA's recommendations on enhanced air quality monitoring and wider community engagement are very welcome. Indeed, I have been calling for such action to be taken for many years. Will the cabinet secretary confirm that the recommendations will be implemented at pace? Will she also confirm that the Scottish Government will make it clear to the operators of the site that the flaring that will apparently result from the need to shut down the plant in the weeks ahead so that upgrade work can go ahead will be kept to the bare minimum, to ensure that the least disruption to affected communities is caused?

Roseanna Cunningham: I know that Annabelle Ewing has been closely involved in the matter for some time, and I value her constructive engagement on it. As I have indicated, work on nine of the 20 recommendations from the peer review is already under way, and SEPA has accepted a further eight of those recommendations. Recommendations that have already been taken forward include those relating specifically to air quality monitoring and community engagement. SEPA is finalising a project plan to take forward implementation of the other recommendations, including work on communications, monitoring of volatile organic compounds and modelling.

SEPA has been clear that the flaring was unacceptable and that such flaring must become the exception, rather than the routine. The Scottish Government will continue to impress upon the operators the need to minimise disruptive flaring during the forthcoming shutdown and restart process. The forthcoming £140 million investment in the site should improve reliability. Unplanned elevated flaring, with its associated impact on the local community, should become a less frequent occurrence and, when flaring is required, its impact should be reduced. That is the basis on which we are having conversations with ExxonMobil.

Alexander Stewart (Mid Scotland and Fife) (Con): SEPA has indicated that the plant now has a clear pathway to compliance, but the community is still sceptical, after years of disruption and misery that have been caused by failures and flaring. What assurances can the cabinet secretary give to local residents, given that SEPA has rejected proposals to install a suitably qualified and experienced expert at the site to ensure compliance and to monitor progress on the day-to-day installation of the new low-noise flare tip?

Roseanna Cunningham: I think that Alexander Stewart is referring to the recommendation on having a dedicated site agent, which is one of the

two recommendations that SEPA is not taking forward. The fact is that SEPA already dedicates significant resources to Mossmorran—more than it does to any other single regulated site in Scotland. SEPA also gains additional expertise by working with partners, including the Health and Safety Executive, and by bringing in specialist technical expertise when needed.

The site agent recommendation is not being pursued. Although SEPA can see that there might be benefit in deploying a site agent at other sites, it does not consider that a site agent would add value at Mossmorran. SEPA currently reviews permits in line with the process that is set out in the Pollution Prevention and Control (Scotland) Regulations 2012. SEPA will assess its supporting guidance to ensure that it is clear what criteria are used to decide when a permit review is required. However, at this point, SEPA does not consider that a dedicated site agent is a necessary or appropriate response.

The Presiding Officer: That concludes topical questions. Before we move on to the next item of business, I remind all members that, if you are coming in and out of the chamber, the guidance is to use the same seat. If you change seats, please use the wipes that are available to wipe down the desk and chair beforehand.

Motion of No Confidence

The Presiding Officer (Ken Macintosh): The next item of business is a debate on motion S5M-24292, in the name of Ruth Davidson, on a motion of no confidence. Members should note that I will put the question on the motion immediately following the conclusion of the debate.

15:15

Ruth Davidson (Edinburgh Central) (Con): We are here today because a former First Minister was accused of sexually harassing members of staff in a Government that he was there not only to lead but to serve. We are here because the hastily changed policy that was designed to protect staff from such actions was not fit for purpose and was implemented in an unfair and unlawful way. We are here because the Scottish Government, when subject to judicial review of the clusterboorach that had occurred, sought to frustrate the court, embarrassed its own lawyers and attempted to defend the indefensible, costing the taxpayer more than £0.5 million in the process. Nobody comes out of this well, apart from the original complainants and the external counsel to the Scottish Government, and nobody has taken responsibility for the multiple failings, at every level, that occurred.

Getting to today has been a process years in the making. Let us remember the promises that were made. We were told:

“I now intend—fully, as the First Minister—to respect the work of the various investigations that have been established.”

Those were the words of Nicola Sturgeon, spoken on 17 January 2019 from the place in which she is now sitting, and I took her at her word. A committee of the Scottish Parliament had been established to consider and report on the actions of the First Minister, Government officials and special advisers over the botched investigation. That committee would take evidence, deliberate and deliver a judgment. Indeed, the First Minister demanded of members of the Parliament the same high standards as she claimed for herself. She said:

“it strikes me that people cannot call for inquiries and then refuse to respect the work of those inquiries. I will respect the work of those inquiries; the question is, will others across the chamber?”—[*Official Report*, 17 January 2019; c 10, 11.]

That was a fundamental question to which at the time there seemed a pretty self-evident answer. What member of the Parliament would not respect and accept the verdict of a committee of the Parliament that had been established to investigate such serious matters? Now the verdict is in and we have our answer to that fundamental

question, and those who have traduced the committee, who have rubbished its work, who have thrown mud at its members, who have made baseless claims regarding its outcomes and who have disrespected its conclusions—[*Interruption.*]

The Presiding Officer: Order.

Ruth Davidson: They are the members who are sitting behind the First Minister and who are now catcalling from a sedentary position. [*Interruption.*]

The Presiding Officer: Order, please.

Ruth Davidson: Yesterday, we publicly accepted the Hamilton report. For days, others have rejected the committee’s report. We note that Hamilton was crystal clear that the basis of the vote of no confidence, which is whether the First Minister misled the Parliament, is a decision for the Parliament and not for him.

Let us look at the committee’s conclusions. In its 192 pages, the report directly concludes that the First Minister misled the parliamentary committee regarding her initial meeting with Alex Salmond in her house in April 2018. We already know that her original statement that the meeting was the first time that she had heard of any such complaints was also misleading and that, months after she falsely stated that to Parliament, she was forced to correct the record. The committee also concluded that the catastrophic failure to disclose documents through the judicial review process was the reason for the high awarding of costs and the wasting of taxpayers’ money, and said:

“those responsible should be held accountable.”

Similarly to the judicial review, the committee was directly thwarted in its attempts to gather evidence, and its verdict was scalding. It said:

“This is an unacceptable position for a parliamentary committee to find itself in when trying to scrutinise the Scottish Government, particularly when both the First Minister and the Permanent Secretary stated there would be full co-operation with the inquiry.”

How hollow that full co-operation pledge now looks.

The part of the report that is most difficult for all of us to read—and I expect for the First Minister, too—is the evidence of the original complainers, who were badly let down. They talked of working in a culture where bad behaviour was endemic and where such behaviour was permitted and a blind eye was turned to it. That charge was substantiated by the civil service union the FDA, which said that its members who worked for the Scottish Government operated in a culture of fear and that the issues are not historical but current. No matter what our political colours are, it should shame us all that working for our country’s Government, which should be a matter of pride, is

actually a test of strength because of unacceptable behaviour and blind eyes being turned.

On the subject of behaviour, I put on record that I believe that the leaking last week of the report's findings was both damaging and wrong. I, along with my party, will support any investigation into that wrongdoing.

The First Minister proclaimed her respect for the work of this Parliament's committee of inquiry, right up to the moment when it became clear that the outcome would not suit her and her respect for it vanished. I do not doubt that, if the committee report had cleared her of wrongdoing, it would be held up as being the will of Parliament. A report that found that she misled Parliament is instead denounced as an unprincipled hatchet job.

I have already said that I respect the Hamilton report's conclusions, but Mr Hamilton publicly and specifically handed the question of whether the First Minister misled this Parliament back to the Parliament itself. Let us be clear about what a committee of this Parliament found in its inquiry. After spending months gathering evidence from dozens of witnesses, including eight hours of testimony by the First Minister, and after deliberation, the committee found that Nicola Sturgeon had misled Parliament. Nothing can erase that fact, however inconvenient it is to the First Minister and to her supporters.

Let us remember that, by misleading the Scottish Parliament, the First Minister also misled the people of Scotland. No First Minister who truly wanted to live up to the ideals of this Parliament should feel able to continue in post after being judged guilty of misleading it. How can Parliament have confidence in the words of a First Minister whose words have been found to be false? The honourable thing would be to resign. Whether the First Minister has that sense of honour is now between herself and her conscience.

I move,

That the Parliament has no confidence in the First Minister, in light of confirmation that the Scottish Government ignored legal advice on its prospects of success in Alex Salmond's judicial review case, and multiple credible witnesses indicating that the First Minister misled the Parliament.

15:22

The First Minister (Nicola Sturgeon): Wisdom, justice, compassion and integrity—those are the values inscribed on our mace and each and every one of us has a duty to uphold them. Before I address my position, I say that there are some in this chamber who decided before a single word of evidence had been heard that I was guilty in relation to the handling of complaints against the

former First Minister. The only question was what they would choose to find me guilty of. In recent months I have faced accusations of conspiracy against, collusion with and cover-up on behalf of Alex Salmond. None of that is supported by evidence because none of it is true.

For some—as the Tory motion makes clear—getting to the facts, learning lessons and helping to ensure that women are not let down in the future were always secondary considerations to the desperate attempt to claim my political scalp.

Nevertheless, the committee's work was important and I give an assurance that the Government will study the report closely and will take its recommendations seriously. The mistake made by the Government in the investigation of the complaints against Alex Salmond—albeit a mistake made in the course of trying to do the right thing—was serious, as were its consequences. Once again, I apologise unreservedly to the women who were let down as a result of that.

It will be a priority for me, for as long as I am First Minister, to ensure that lessons are learned and that trust is re-established so that anyone who considers in the future that they have suffered sexual harassment has the confidence to come forward and knows that their concerns will be listened to and addressed.

Turning to my own position, as I said in evidence to the committee, I may not have got everything right in my handling of the situation. The situation that I was confronted with was extremely difficult, certainly politically but also personally. I accept and respect that some people faced with the same situation might have made different decisions, but I am clear in my mind that I acted appropriately and that I made the right overall judgments and I entirely reject any suggestion of misleading this Parliament.

Being at peace with my own conscience on those matters, as I am, is a necessary condition for my being able to continue as First Minister, but I know that that is not sufficient. No politician can be her own judge and jury. The public deserved independent verification that I had not breached the standards that I am expected to uphold. Yesterday, they got that assurance from James Hamilton's report.

Mr Hamilton considered all the issues that were alleged to amount to a breach of the ministerial code, including the question whether I misled Parliament. He concluded:

"I am of the opinion that the First Minister did not breach the provisions of the Ministerial Code in respect of any of these matters."

In advance of yesterday's report, all parties spoke of the need to respect Mr Hamilton's conclusions. Indeed, the committee's report says:

“James Hamilton’s report is the most appropriate place to address the question of whether or not the First Minister has breached the Scottish Ministerial Code.”

Let me be clear. Had Mr Hamilton’s report gone the other way, I would have accepted it. Had he found that I had breached the code in anything other than the most technical and immaterial of ways, I would have been standing here right now tendering my resignation, because the integrity of the office that I am so privileged to hold really matters to me. The office of First Minister is more important than any temporary incumbent of it.

However, given that I have been cleared by the independent report of any breach of the ministerial code, my message to all those—especially the Conservatives, despite Ruth Davidson’s protestations—who now refuse to accept Mr Hamilton’s conclusions is this: if they think that they can bully me out of office, they are mistaken and they misjudge me. If they want to remove me as First Minister, they should do it in an election. Of course, if today’s desperate political stunt proves anything it is that they have no confidence whatsoever in their ability to do so, because they have nothing positive to offer the Scottish people.

The past year has been exhausting for everyone. My experience of it is as nothing compared with those who have lost loved ones, suffered illness or watched businesses go to the wall. However, I have given my all every single day, trying to lead us through this ordeal. I do not mind admitting that the intensity and gravity of decision making has taken its toll.

The Alex Salmond saga, and the assault on my character that it has entailed, has certainly not helped. However, this country needs strong, experienced and positive leadership as we continue to navigate our way through and out of this crisis, and that is what I offer.

That takes me to my final and most fundamental point. Tomorrow, this parliamentary session reaches its conclusion—perhaps not a moment too soon. The toxic atmosphere that has infected the chamber in recent months will give way—I hope—to the fresh air of an election. I hope that the fresh air will bring with it a rigorous and positive debate not just about personalities but about the kind of country that we want to be, and about how we rebuild from the pandemic and create a fairer, more prosperous Scotland. It is now time for the country to decide.

The confidence of this Parliament matters—of course it does. However, it is the confidence of the people of Scotland that matters most, and that is what I will seek to demonstrate, and seek to win, in the weeks that lie ahead.

15:28

Anas Sarwar (Glasgow) (Lab): Earlier today, we held a minute’s silence on the steps outside the chamber to remember all those who have lost their lives over the past year and all those grieving the loss of a loved one. On this, the penultimate day before the Parliament reaches the end of its five-year session, I would much rather that we were reflecting on the impact of this dreadful pandemic and debating what we need to do to ensure that our country recovers in the years ahead. Instead, we are confronted by a litany of Government failings, which led to two women being so badly let down, and by a Tory party that cares not about the principles but about the politics.

The harassment policy failed and two women were let down. That has shaken trust in the system and risked discouraging victims from coming forwards. The situation has called into question the integrity of Government, it has undermined the principles of transparency and accountability, and it has seen a misuse of public money. There are huge failures and big questions to be answered.

There are no winners in this debate. The Scottish National Party is not a winner in it. The spectacle of using a harassment inquiry as a recruiting tool was grotesque.

In the face of all those failures, the Tories have played politics and have been interested only in getting a scalp. They announced that they would bring forward a vote of no confidence before the First Minister had even given evidence to the committee. They lodged the motion on 4 March, before the Hamilton inquiry or the committee inquiry had concluded. Seriously?

On one side, there is a litany of failings from a Government that let down two women; on the other, there is an Opposition that is guilty of playing grubby party politics with an issue as serious as sexual harassment. This is a day of shame for our Parliament. Scotland deserves a better Government and a better Opposition.

From the outset, I have made it clear that we would not prejudge the outcome of the inquiries and that we would remove party and personality. I accept the conclusion of the report that was published yesterday, but I also accept the conclusions of the cross-party report that was published today by a committee of the Parliament, which highlights a catalogue of errors. However, still nobody has taken responsibility for the catastrophic failings of the Government. There are still serious questions for the permanent secretary and for the First Minister, because the buck ultimately stops with her.

It cheapens the Parliament to have the Government attacking the work of the committee. The SNP's tactics risk calling into question all the verdicts of every committee of the Parliament ever. Members have spent months scrutinising and investigating in an attempt to get to the truth, often in the face of obstruction from the Government.

There are huge challenges ahead for our country, and we cannot come back to such a Parliament after 6 May. We cannot use the chamber as a game that is designed to divide our country further.

Earlier today, I lodged an amendment to the motion that recognised the gravity of the Government's failures, demanded that someone take responsibility and called out the shameless game playing by the Conservatives. I regret that that amendment was rejected. As happens far too often in Scottish politics, we are left with a binary choice once again.

Do I have confidence in the way that the First Minister, her team and senior members of the Government have handled the matter? Do I have confidence in the Government's record—we need only see today the report on the attainment gap; the First Minister said that we should judge her record on that—and its ability to focus on coming through a national recovery as we come through Covid? No, I do not. However, on what I hope is the Tory party's second-last day as Scotland's main Opposition party, I have no confidence in a Tory party that seeks to use an awful episode in our country's history in the futile and vain pursuit of a cheap political scalp, and contradicts what it says here by what it says in a different Parliament elsewhere.

We cannot support a motion that is designed not to deliver the strong opposition that the Tory party promised but purely to divide our country and our politics still further. There is a failing Government on one hand and a game-playing Opposition on the other. Our politics must be better than that, and our people deserve better than that.

For the sake of the people of Scotland, who are coming through Covid, and with the huge challenge and task that faces us, we cannot come back to this. Scotland deserves a better Government, and it deserves a better Opposition.

15:34

Willie Rennie (North East Fife) (LD): Scottish politics today does not look pretty, with talk of lynching and assassination; the leaking of the private evidence of complainants; the lodging of motions of no confidence even before all the evidence has been heard; the attacking of a committee because it does not agree with the First

Minister; the lauding of the performance of Nicola Sturgeon because she talked to a committee for eight hours—as if the show is more important than the facts; and the boasting about recruiting new members on the back of this tragedy. No one wins from this ugly episode—not the First Minister, not Douglas Ross and certainly not Alex Salmond, who has been exposed for what he really is.

We know who has been failed: the women who complained. When they stepped up, we were not there for them. In the committee's report, which was published today, one woman tells how she and her fellow complainer were dropped by the Scottish Government and left to swim.

There are unresolved issues that I wish to explore today, so we would have voted for the amendment in the name of Anas Sarwar, if it had been selected.

The Conservatives have shown themselves to be interested only in removing Nicola Sturgeon from office rather than in the facts of this terrible series of events. They have undermined the integrity of the independent investigator. However, even the most ardent SNP supporter must recognise that the women who complained were let down by the Government and that £500,000 was wasted on defending the indefensible in court.

We know that the Government will win today, because it has the unconditional support of the Green Party, but this debate and vote cannot be the end of the matter. In his summing up, therefore, I would like the Deputy First Minister to tell us where this goes from here.

First, how does he explain why James Hamilton was unable to conclude whether the First Minister misled Parliament over whether she offered to help Alex Salmond when they met in her home? James Hamilton says that it is up to the Parliament to determine whether it was misled on that issue. We need an adequate explanation from the Deputy First Minister.

Secondly, on the transfer of the name of a complainant to Alex Salmond's former chief of staff, James Hamilton believes that that did happen, and he says that that version of events is credible. That is a terrible breach of confidentiality. Not only was the complainant left to swim, but their identity was passed to the person about whom they were complaining. What is now to happen to the person who was responsible?

Thirdly, the Government made a serious error in defending the indefensible in a court case that cost £500,000 and more. That was a colossal error, but apparently no individual was responsible for it. What will happen next?

Finally, confidence in the Government's complaints process is now at rock bottom. No one

has complained in the past three years. What will the Government do to convince Parliament and women that the process will change?

The SNP is divided and has a terrible record of delivery over 14 years in Government, and there are serious questions about how women were treated by this Government. I contest that it should no longer be in office.

Even as the Government wins today, the voters will have their say in seven weeks' time. The country deserves a positive, progressive alternative that will put recovery first. How we vote today will be determined by the answers that we receive from the Deputy First Minister when he sums up.

15:38

Patrick Harvie (Glasgow) (Green): This situation began with an extremely serious issue: the mishandling of an investigation into sexual harassment allegations. I honestly wish that everyone's focus had remained on that issue.

What we have seen since then has been the deliberate, systematic and entirely cynical exploitation of that issue to suit motives that are all too apparent today. The media in Scotland and throughout the UK are awash with speculation about the Sturgeon-Salmond psychodrama. The coverage of it is dominated by one question: what does it mean for the independence cause, when we should be asking what it means for the treatment of harassment or the position of those who want to call it out. Sadly, we already know the answer to that question. Since the original committee leaks months ago, through multiple instances of MSPs on that committee prejudging the evidence and announcing their political motivations to the world, and then to the disgraceful betrayal of trust of the original complainants during the past weekend, what should have been a serious inquiry has descended into farce.

I believe that that has been the deliberate choice of those who have nothing to offer the people of Scotland. They looked at the devolved institutions, saw a high level of public trust in them and could not bear it, so they set about trying to drag everything down to their level. They will fail, but, as a direct result of their actions, the women who complained about sexual harassment in the first place had to put out a statement via Rape Crisis Scotland to complain about the violation of their trust.

So, here we are: in one hand, we have an independent report by someone with enough professionalism not to go hawking quotes to the press in advance, which clears the First Minister of any breach of the ministerial code; in the other

hand, we have a report by a committee of the Parliament whose members have prejudged the evidence, called for resignations before listening to it, betrayed the original complainants in the sexual harassment case and leaked their conclusions to the media. Their actions are a betrayal of the trust that we all placed in them when we appointed that committee.

Calling out that behaviour does not, as Anas Sarwar suggests, reflect on the rest of our Parliament—our Parliament is better than that—but they have clearly destroyed the credibility of their own work and advertised their partisan motivations for all to see. Far worse than that, they have sent a chilling message to anyone else who is considering complaining about harassment by powerful men that, if they do so, their lives can be turned into tawdry political theatre for months or even years.

The only resignations that I have any interest in debating today are those of the committee members who have so systematically broken our rules, abused the trust of witnesses and played childish games with the serious issue that they were asked to examine. They are the ones who should be resigning, and any political party that wants to come out of the episode with a shred of credibility will do whatever it takes to identify the culprits and ensure that they are not able to stand for re-election in six weeks' time. They have shown contempt for the serious issue of sexual harassment, for their witnesses and for the rules of the Parliament. Having failed in their attempt to drag Scottish politics down to their level, they should just go.

15:42

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): James Hamilton's independent investigation has finally reported. It has unambiguously cleared the First Minister of all charges that she breached the ministerial code. Those very accusations were, of course, what today's flimsy motion of no confidence was seemingly built on, and, judging by what I have heard so far, they are the dead horse that the Tories look determined to flog.

It is worth collectively reminding ourselves that the whole unhappy story is not ultimately about politics. It is not about the conspiracy theories that gripped the political and media worlds and that, at one fevered point, encompassed everyone in Scotland from the First Minister to SNP staff, the complainants, the civil service, prosecutors and even, improbably enough, the Lord Advocate. In case we forget, it is, ultimately, the much simpler and sadder story of two women—two real human beings—who made complaints. The Scottish Government's complaints procedures, as we all

now know, completely failed. So, too, it gives me no pleasure to say, did some of the officials who were tasked with operating those procedures.

For my many sins, I have served for the past two years on Parliament's committee of inquiry into the handling of those complaints. Like a number of other committee members, I decided many months ago not to give a breathless running commentary to the media about our evidence and private deliberations. To say that our committee leaked like the Titanic would be to do a considerable injustice to Harland and Wolff: the Titanic leaked only once.

I can genuinely say that the low point in my 14 years in this place was when I found out that someone on our committee had gone so far as to leak sensitive material purporting to be the accounts of the two women—accounts that had, in fact, not been authorised by them for release. That was in flagrant breach of every assurance that the women had been given about the trust that they could place in us.

Some have said that such behaviour represents a challenge to the credibility of the Parliament. Like Patrick Harvie, I profoundly disagree with that assessment. I think that it is simply a challenge to the credibility of some members. I am afraid, however, that it speaks to the deep reserves of disfiguring political hatred that some people in this place apparently have for the First Minister—a hatred born, no doubt, of long political frustration, which brings them to their no confidence motion today.

There were, of course, many things in the committee's report on which we all agreed, and I hope that those findings will be useful in preventing people from being failed again in the future. The unevidenced insinuations about the First Minister that were tacked on to the end of our report in the last day or two of our meetings do not, I am afraid, fall into that category.

In any case, Mr Hamilton's report demolishes the very basis for today's motion. The idea that the ministerial code was breached through failure to record meetings and the allegations that the First Minister may have attempted to influence the conduct of the investigation, misled Parliament or failed to comply with the law are all rejected.

As this parliamentary session draws to a close and the motion runs into the sand, what are Opposition members left with—their loathing aside? They are left facing an election that, it seems, they have decided to make all about character. After this week, I wish them good luck with that one.

15:46

Jackie Baillie (Dumbarton) (Lab): I am proud to have been a member of the Scottish Parliament since its inception, just like the Presiding Officer and the First Minister—a member of the class of '99. However, never in my 22 years here have I seen or imagined anything quite like this. The fallout between the former First Minister and the current First Minister has laid bare the deep divisions in the SNP and the blurring of lines between the party and the Government, and it has exposed the need for the Scottish Parliament—in my view—to have more powers to hold the Government to account.

I will focus my comments on the committee's report, but I will first say that the result of the vote of no confidence is a foregone conclusion. I must question the motivation of the Tories to schedule a vote of no confidence before James Hamilton had even reported and before they had seen the outcome of the committee's inquiry. That was deeply irresponsible.

The committee report that was published this morning details the catastrophic failings of the Scottish Government on a matter of the utmost seriousness and sensitivity. Despite the obstruction of the Scottish Government—and that obstruction was significant—the committee has managed to get beyond the veil of Government secrecy.

We must never forget the two female civil servants who complained about harassment and who have been comprehensively failed by the Scottish Government. I welcome the First Minister's acknowledgement of that and her apology for it but, three years on, no one has taken responsibility for it. There have been no resignations and no sackings, yet we all acknowledge that the failure was catastrophic.

The harassment policy was rushed through without any specialist advice or input. The handling of complaints was fundamentally flawed, with the appointment of an investigating officer that was not independent from the process. The person who had oversight of all of that, and who was involved in every aspect of the procedure, was the permanent secretary, and she must bear much of the responsibility.

The Scottish Government still does not have a functioning harassment policy, so it is essential that the recommendations of the Laura Dunlop report are carried through urgently, and it is essential that the recommendations of the committee, the majority of which were unanimous, are carried forward, too.

The committee felt that the Scottish Government's determination to plough on, defending its position in the Court of Session when

the prospects of success were minimal, was irresponsible, and it cost the taxpayer in excess of £500,000.

A majority on the committee believed that the First Minister misled the committee about whether she offered to intervene during her meeting with Alex Salmond on 2 April 2018. I know that that has been painted as a partisan decision, but let me say this: one independent member, one Labour member, two Tories and one Lib Dem agreed after hearing the evidence—that is not partisan. However, the four SNP members who voted together were never, despite what they may have heard, going to vote to criticise the First Minister.

There remain many serious questions that need to be answered about the First Minister's judgment and the Scottish Government's handling of harassment complaints. Above all, we need to ensure that women who come forward to complain about harassment are not let down by the Scottish Government ever again.

15:51

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): It is my privilege to close the debate for the Government, and to encourage Parliament to reject this baseless motion from the Conservatives. At the heart of the debate, as many members have said, are two women who had the bravery and the courage to complain about behaviour that was unacceptable.

I say to Parliament honestly that they were let down by the Government. That has been acknowledged by the First Minister and by me on countless occasions; we accept that criticism and we have apologised for it. However, as Dr Alasdair Allan has just said, those women were also very badly let down by somebody who was a member of the committee leaking a misrepresentation of their evidence to a Sunday newspaper. That has added trauma upon trauma to those complainants, and whoever was responsible for it should consider the issues that Patrick Harvie raised in his contribution, because they are unfit to be a member of this Parliament.

The Government accepts that mistakes were made; we apologise for them and we will remedy them. There is much of substance in the committee report, which was published this morning, that presents a strong challenge to the Government's procedures and processes, and the Government must accept that. Good work has been done there, and—as Jackie Baillie just said—the overwhelming majority of the report was delivered unanimously. I have indicated publicly that the Government will take forward the Laura Dunlop report, which was passed to us last week,

along with the harassment committee inquiry report and the report by Mr Hamilton, in order to ensure that action is taken speedily to address the issues that need to be addressed. That will enable us to ensure that we have in place a policy framework that is fit for purpose to enable anyone who has the need to complain to be able to do so with confidence. Those will be the Government's actions, and it will be for incoming ministers to take that work forward after 6 May.

I turn to the substance of the motion, and whether it is an appropriate motion for the Parliament to consider. On 2 March, Douglas Ross MP said:

“There is no longer any doubt that Nicola Sturgeon lied to the Scottish Parliament and broke the Ministerial Code on numerous counts.”

That was the day before the First Minister gave eight hours of testimony—before she had said a word to the parliamentary committee.

On the same day, Adam Tomkins, who is a member of this Parliament, tweeted:

“Sturgeon lied. We know that now. That's why she must resign. She lied.”

Ruth Davidson talked about high standards. I have to say that I find that tweet the lowest standard I have ever seen in my Parliamentary life. My dear friend the First Minister talked about a toxic culture. If there was a toxic culture anywhere, Adam Tomkins, with a remark of that type, emptied a gallon of petrol on it.

Jackie Baillie talked a moment ago about how the committee arrived at a dispassionate conclusion with the votes of two Conservatives, one Labour member, one Liberal member and one independent member. On 12 October 2020, Murdo Fraser tweeted again that the FM had lied. How on earth can we be expected to take seriously the conclusions that were arrived at by five votes to four, at the last gasp of the committee process, when the committee had already agreed to these words:

“For all these reasons, the Committee believes that James Hamilton's report is the most appropriate place to address the question of whether or not the First Minister has breached the Scottish Ministerial Code”?

Yesterday, Mr Hamilton gave his verdict:

“I am of the opinion that the First Minister did not breach the provisions of the Ministerial Code in respect of any of these matters.”

Mr Hamilton exonerated the First Minister yesterday on the committee's test and I am delighted that that has been the case.

The First Minister and I have sat in close quarters for many years, as colleagues who have sometimes been in active disagreement about priorities, most of which, I seem to remember—I

say this respectfully to the First Minister—have been about money. Throughout all my days of dealing with the First Minister, I have always known that I was dealing with an individual of integrity, character, responsibility and devotion to serving the people of this country. She has given every ounce of her energy to protect the people of this country over these past trying 12 months of Covid. She has done everything that she can to protect the public, and the last thing that she deserves is this grubby motion from the Conservatives. I invite Parliament to chuck it out at the first available opportunity.

15:56

Liz Smith (Mid Scotland and Fife) (Con): Tomorrow, every seat in the Parliament becomes vacant again. All business in the chamber comes to an end, after which we await the verdict of the voters on 6 May, which is just six weeks away. As the First Minister said, that is as it should be. I hope that the newly elected members on 6 May will learn some important lessons about what this whole sorry saga has meant for Scottish politics. I also hope that every single politician, irrespective of his or her political views or seniority, will learn those lessons, starting with the fact that the serious flaws in the Scottish Government's handling of the complaints process utterly failed the female complainants in this case.

That is not all, however. The fallout from both James Hamilton's report and the report of the parliamentary committee that investigated the Scottish Government's handling of the complaints process is significant and certain to have long-term ramifications. The First Minister has been cleared of breaking the ministerial code, but she has not been cleared of showing a serious lack of judgment, of presiding over a dysfunctional Government and, crucially, of misleading the committee, most especially when it comes to her account of when she first heard about the concerns of Alex Salmond.

Neither should we ignore the fact that James Hamilton makes it clear that he was frustrated by the fact that legal constraints prevented him from publishing all the relevant details without redaction, so that the necessary evidence could be examined in the appropriate context—*[Interruption.]*

The Presiding Officer: Order, please.

John Swinney: Will the member give way?

Liz Smith: I will not. When political commentaries are written these days, it is often said that politicians have sunk low in people's esteem; that there is a diminished level of integrity in politics and therefore a diminished level of trust between the voter and the body politic. I agree

with that, and for me that is what has happened in this case, which is symptomatic of the problem.

At times, there has been a complete disregard for the will of Parliament. How many times in recent months have we seen the Scottish Government completely ignore the outcome of votes in the chamber? We have seen a Government that is determined to override the democratic process, believing that it knows better than Parliament. That is indeed the main difference that I see in my 14 years in Holyrood—Government is now dominant over Parliament rather than the other way around, which is not healthy for democracy—*[Interruption.]*

The Presiding Officer: Please, Mr Swinney.

Liz Smith: If Mr Swinney is going to make comments, I would be grateful if he could just listen to the next point.

I hope that the First Minister will reflect on the findings of James Hamilton, who said:

"Although I accept the First Minister's statement that her motivation for agreeing to the meeting was personal and political, and she may have sought to underscore this by hosting it in her private home with no permanent civil servant present and no expenditure of public money, it could not in my opinion be characterised as a party meeting."

That quote speaks volumes about the difference between party and Government, and about how we should operate.

In a further section in his report, James Hamilton raises concerns that the claim that one of the First Minister's officials leaked the name of the complainer is credible. That must also ring alarm bells. There is then the vast sum of taxpayers' money that was spent on a legal case that the First Minister knew was fundamentally flawed.

The whole issue has principally raised questions about the operations of the First Minister and the Scottish Government, but it has also raised questions about the effectiveness of Holyrood. To those ministers who, in recent weeks, have been trying to pretend that this Parliament is above reproach, I say, "No, it is not."

I do not subscribe to the view that Holyrood is broken, but if it is to restore its reputation, it has a lot to think about in the next parliamentary session, led by the next Presiding Officer, whoever he or she might be. It needs to address the concerns about the in-built political bias of the committee system; the relationship between Government and other important bodies, including the Crown; the absence of parliamentary privilege; and the need for post-legislative scrutiny given the absence of a revising chamber. Therefore, we fully accept the committee's recommendation that there should be

“a commission to review the relationship between the executive and the legislature and make recommendations for change.”

I return to my earlier remark that this is all about women who were failed by the Scottish Government. However, it is also about the failed workings of Government, the First Minister and her senior officials, and the weakened scrutiny of Parliament, which resulted from obfuscation, a lack of transparency and incomplete information provided by the Scottish Government.

I suggest that no one comes out of the situation well, but it is principally the First Minister who does not. Although she is cleared of breaking the ministerial code, she has been found guilty of so many other failings, which have undermined the integrity of the whole political process.

A person out there in the real world can see that staff have been bullied, evidence has been withheld, stories do not add up and women complainants have been badly let down. When the political history of 2021 comes to be written, people will rightly ask, “Why has no one resigned?”

The Presiding Officer: That concludes the debate on a motion of no confidence, and we will go straight to the vote.

The question is, that motion S5M-24292, in the name of Ruth Davidson, on a motion of no confidence, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. We will suspend for five minutes to allow members in both the chamber and the virtual chamber to access the voting app.

16:02

Meeting suspended.

16:08

On resuming—

The Presiding Officer: We are back in session and we will move straight to the vote.

The question is, that motion S5M-24292, in the name of Ruth Davidson, on a motion of no confidence, be agreed to. Members should cast their votes now. It will be a one-minute division.

The vote is now closed. Please let me know if you were unable to vote.

Gil Paterson (Clydebank and Milngavie) (SNP): On a point of order, Presiding Officer. I was unable to access the app. I would have voted no.

The Presiding Officer: Thank you, Mr Paterson. Your vote will be added to the vote roll.

For

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Reform)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (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)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rumbles, Mike (North East Scotland) (LD)
 Scott, John (Ayr) (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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)

Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division on motion S5M-24292, in the name of Ruth Davidson, on a motion of no confidence, is: For 31, Against 65, Abstentions 27.

Motion disagreed to.

The Presiding Officer: We will move to the next item of business. I remind all members who need to leave the chamber at this stage to follow the one-way systems, to wear their masks, to make sure that they observe social distancing rules and, if they are having to change desks, to make sure that those are wiped down.

European Charter of Local Self-Government (Incorporation) (Scotland) Bill: Stage 3

16:11

The Presiding Officer (Ken Macintosh): The next item of business is stage 3 proceedings on the European Charter of Local Self-Government (Incorporation) (Scotland) Bill.

In dealing with the amendments, members should have before them the bill as amended at stage 2, the marshalled list and the groupings of amendments. I remind members that the division bell will sound and proceedings will be suspended for five minutes for the first division, and that the period of voting for each division will be one minute. If a member wishes to speak on any group, they should press their request-to-speak button as soon as I call that group.

Section 1—The Charter Articles

The Presiding Officer: Group 1 is on the meaning and interpretation of the charter articles. Amendment 1, in the name of Andy Wightman, is grouped with amendments 2 to 5. I remind members that, if amendment 2 is agreed to, I will not be able to call amendment 3, as it will have been pre-empted.

Andy Wightman (Lothian) (Ind): I should say in advance that I will take a little time in speaking to the amendments in group 1 because, although they are relatively minor in certain ways, they embody some fairly important principles about how Parliament operates.

The purpose of the bill is to incorporate into Scots law the main provisions of an international treaty. It does that by creating as direct a link as possible between the law in Scotland, including the duties of ministers and the rights of those who may wish to challenge their actions and decisions, and the text of the charter itself.

Section 1(3) of the bill allows ministers, subject to oversight by Parliament, to update the act through regulations to reflect any

“amending or additional protocols”

that may have been

“signed by the United Kingdom”.

The key point is that control remains in Scotland. It would be up to the Scottish Government and, ultimately, the Parliament to decide whether to further amend Scots law to keep pace with any changes that are made by the Council of Europe or that the UK has signed up to. Scotland could

take its lead from the UK Government or decide to leave things as they are. It would be our choice.

Section 1(2A) of the bill, which was added at stage 2 by a Government amendment, sits uneasily, in my view, with the pre-existing provisions in section 1. Subsection (2A) might be described as an automatic keeping pace provision that requires the courts to read all the main provisions of the bill through the lens of whatever reservations, declarations and so on the UK Government makes at any time. The effect is that if the UK Government changes its approach to the charter formally, by means of an international legal instrument, Scots law will change automatically, regardless of whether the Scottish Government of the day—or the Parliament—thinks that that is a good idea.

I did not get much notice of the Government's stage 2 amendment that added subsection (2A), but I have reflected on it carefully since then. I recognise the benefit of including in the bill mechanisms to allow the resulting act to keep pace not just with changes at Council of Europe level, such as the adoption of new protocols, but with changes in the UK's position that are expressed through a legal instrument such as a declaration or denunciation. However, I continue to believe that keeping pace should be done manually rather than automatically, so that it is always the result of decisions that are taken here in Scotland.

16:15

That is why I lodged amendment 5, which would extend section 1(3) to enable the regulation-making power to be used to reflect not just amending or additional protocols but UK legal instruments, such as declarations, which are the recognised means by which a state party can fine-tune its adherence to international treaties that it has signed and ratified. If the manual keeping pace mechanism in section 1(3) is extended, it will no longer be necessary to retain the alternative, automatic keeping pace mechanism that was added at stage 2—that is, section 1(2A)—so my amendment 2 is consequential to amendment 5 and would remove subsection (2A).

Amendment 3, in the name of the cabinet secretary, adjusts the wording in subsection (2A) so that it reflects the language of the charter in describing the ways in which signatory states can fine-tune their adherence to the charter, as well as the language of the Vienna Convention on the Law of Treaties, which specifies how states can fine-tune their adherence to treaties more generally. If I had not lodged amendment 5, which provides an alternative to subsection (2A), I would have no objection to amendment 3. However, it is

unnecessary, given that the same language is included in my amendment 5.

At stage 2, the cabinet secretary gave two reasons for adding subsection (2A). The first was that it takes account of two declarations that the UK made when it ratified the charter in 1998. I agree that the two declarations are important. One makes it clear that the UK considers itself to be bound by all the articles that make up part 1 of the charter. That is significant, because under article 12 member states may choose to be bound by only some of part 1. The articles that the UK has said that it will be bound by are articles 2 to 11—the articles that are being given effect by the bill. The other declaration defines the application of the charter in the various countries of the UK and in particular makes it clear that in Scotland it applies to the 32 local authorities that are constituted under section 2 of the Local Government etc (Scotland) Act 1994.

I agree that there is a case for taking account, in the bill, of those two UK declarations, so I propose that we write them into the definition of “the Charter Articles”. That would be the effect of amendment 1.

The cabinet secretary’s second reason for adding subsection (2A) was to avoid the risk of the bill being challenged, either under section 35 of the Scotland Act 1998 or on the ground of legislative competence. I do not agree with the Scottish Government’s assessment of the risks. No Scottish Parliament bill has ever been challenged under section 35 of the Scotland Act, which gives the secretary of state the power to block a bill from being submitted for royal assent, and I have seen no indication that the UK Government is contemplating using that power in this instance or indeed that the UK Government has expressed concerns about the bill’s compatibility with

“international obligations or the interests of defence or national security”.

I, along with the people who have assisted me, have thoroughly reviewed subsection (2A), and we do not consider that it is needed from a legislative competence perspective. I note that the Presiding Officer assessed the bill’s provisions as being within the Parliament’s legislative competence when it was introduced.

Even if there were a theoretical risk of challenge to the bill, such a risk would be better managed through the manual keeping pace provisions that I propose rather than through the automatic mechanism that the Government prefers. My proposed approach would enable necessary adjustments to the legislation to be made, should the need arise, while keeping the decision making here in Scotland, where it should be.

Having said all that, I have had discussions with the Government in recent days, and I am conscious that it takes a different view. I fully expect the cabinet secretary to set out that view, so I will listen carefully to what she says before I decide whether to press amendment 1 and move the other amendments in my name in this group.

I move amendment 1.

The Cabinet Secretary for Communities and Local Government (Aileen Campbell):

Amendment 3, in my name, is necessary to clarify the effect of section 1(2A). It will extend subsection (2A) to require the charter articles to be read subject not only to any

“reservations, objections or interpretative declarations”,

but to any

“undertakings, notifications or denunciations”

by the UK as may be in force.

I am afraid that the Government cannot support amendments 1, 2, 4 and 5, in the name of Andy Wightman. I have a lot of sympathy with the policy intention behind the amendments, and particularly with Mr Wightman’s point about wanting Scotland to take decisions that impact on Scotland but, unfortunately, there are issues that prevent the Government from agreeing with his proposed approach.

For the bill to be accurately described as an incorporation bill, it requires to mirror the UK’s international obligations in relation to the charter. That includes any declarations, reservations, undertakings, denunciations, interpretative declarations and the like that are made by the UK under the charter articles and general international law, now and in the future.

The effect of Mr Wightman’s amendments is essentially to provide for a manual mechanism, as he said, for keeping pace with any changes that are made to the UK’s international obligations, instead of the automatic mechanism, as provided for under the current section 1(2A). In order to remain aligned with the charter as it applies to UK and international law, it would be necessary to operate that manual mechanism every time the UK made a declaration or any other change. The Scottish ministers are committed to upholding international law and could not deliberately decline to reflect the accurate international legal position in a bill such as this one.

Mr Wightman’s amendments would also mean that there could still be a potential disconnect between the charter as incorporated by the bill and the charter as it—

The Presiding Officer: Cabinet secretary, I am very sorry to do this, but I am afraid that we have lost the virtual chamber. It is not your doing at all—

it is a technical fault. The same thing happened recently. However, because half the chamber can no longer hear what is happening, I am going to have to suspend proceedings for a few moments, until we work out what is happening.

16:20

Meeting suspended.

16:35

On resuming—

The Presiding Officer: I apologise for the technical problem—broadcasting is now back. As we lost the broadcast only for 30 seconds, I ask the cabinet secretary to pick up from where she left off.

Aileen Campbell: I hope that I am at the right bit.

Mr Wightman's amendments would also mean that there would still be a potential disconnect between the charter as incorporated by the bill and the charter as it exists as an international treaty and a set of international obligations to which Scotland, as part of the UK, is subject. Under Mr Wightman's proposals, Scotland would potentially remain subject to both the charter as incorporated by the bill and the charter as it exists as an international treaty, although only the charter as incorporated by the bill would be legally enforceable at domestic level. That could cause confusion for ministers, local authorities and the courts. It is important to ensure that the legislation is clear and that there is no confusion as to how it might be used and interpreted in the future. Behind all of that, there is still a risk that the secretary of state could deploy his power under section 35 of the Scotland Act 1998 to prevent the bill from being submitted for royal assent.

Section 1(2A), as amended by amendment 3, is also consistent with the position adopted in the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill and other pieces of legislation. I am aware that Andy Wightman does not agree with our assessment of the position. I reassure him that such was our sympathy with his amendments that we fully explored the possibilities. However, we cannot see a way to support the purpose of his amendments without legal risk. Therefore, I ask members to agree to amendment 3, in my name, and not to agree to amendments 1, 2, 4 and 5, in the name of Andy Wightman.

Andy Wightman: Those were helpful comments from the cabinet secretary. The issue arises as a consequence of the two bills before Parliament—the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill,

which was passed last week, and my bill. I think that they are the first two Scottish Parliament bills to incorporate international treaties. The policy intention of my bill is that, if Scotland wishes to be bound by the charter as it currently exists and as ratified by the UK, even if the UK decided in five years' time to renounce articles 5, 6 and 7, Scotland would still be bound by those articles—they would remain part of Scots law and would be judiciable. That same argument applies to the UNCRC bill and would apply to any other bill that sought to incorporate international instruments.

It is a devolution issue—although that is perhaps a technical term—whereby there is an inherent risk if the Scottish Parliament decides to incorporate treaties and not have an automatic keeping pace power. That is not a good situation to be in, but I accept the cabinet secretary's assessment of the risk, although I take a different view. The matter needs to be considered and clarified, and, if necessary, the devolution arrangements need to be modified to better enable the Scottish Parliament to decide by which international treaties and their parts it wishes to be bound.

I seek to withdraw amendment 1.

Amendment 1, by agreement, withdrawn.

Amendment 2 not moved.

Amendment 3 moved—[Aileen Campbell]—and agreed to.

Amendments 4 and 5 not moved.

Section 6A—Enhanced scrutiny of regulations under section 6(1)

The Presiding Officer: Group 2 is on scrutiny of regulations under section 6(1). Amendment 6, in the name of Andy Wightman, is the only amendment in the group.

Andy Wightman: Amendment 6 does two things. First, it refines the wording of section 6A(6), which is one of two subsections to section 6A that were added by Scottish Government amendments at stage 2. The amendment will ensure consistency of language between subsections (5) and (6) and will mean that both refer to compliance and/or non-compliance, rather than the current situation in which subsection (5) refers to

“Failure to comply with the requirement”

and subsection (6) refers to “breach of the requirement”.

The second change relates to the mechanism that was added by a Scottish Government amendment at stage 2 to enable the Scottish ministers to dispense with the additional 60-day pre-laying period that will normally be required for

regulations that are made under section 6(1). New subsection (6) will enable ministers to do that so long as they provide an explanation to the Presiding Officer. The new subsection appears to have been modelled on section 31(3) of the Interpretation and Legislative Reform (Scotland) Act 2010. My amendment 6 requires that the explanation that is provided

“must be given in writing as soon as practicable after the instrument is laid”.

In doing so, it replicates the next subsection in the 2010 act—section 31(4)—and is a worthwhile addition to the mechanism that was added by the Government at stage 2.

I move amendment 6.

Aileen Campbell: Amendment 6 is a technical amendment that will improve the language that is used in section 6A(6). The amendment also makes it clear that, if the Scottish ministers lay a draft Scottish statutory instrument before the expiry of the additional 60-day laying period, as is required by section 6A(3), the explanation that they give to the Presiding Officer must be “in writing” and given “as soon as practicable” after the draft SSI is laid. Therefore, the Government wishes to indicate its support for amendment 6.

The Presiding Officer: Does Mr Wightman wish to make any further comments?

Andy Wightman: I have nothing to add, Presiding Officer.

Amendment 6 agreed to.

The Presiding Officer: That ends consideration of amendments.

As members will be aware, at this stage in proceedings, I am required under the standing orders to decide whether, in my view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system or the franchise for Scottish Parliament elections. In my view, it does not, so the bill does not require a supermajority to be passed at stage 3.

I suspend proceedings for a minute before we move to the debate on the motion to pass the bill.

16:42

Meeting suspended.

16:43

On resuming—

European Charter of Local Self-Government (Incorporation) (Scotland) Bill

The Deputy Presiding Officer (Christine Grahame): The next item of business is a debate on motion S5M-24238, in the name of Andy Wightman, on the European Charter of Local Self-Government (Incorporation) (Scotland) Bill at stage 3.

16:44

Andy Wightman (Lothian) (Ind): I am delighted to open the stage 3 debate on the European Charter of Local Self-Government (Incorporation) (Scotland) Bill. First, I thank all those who have contributed to the legislative process, including those who provided evidence on my draft proposal back in 2018; those who gave evidence at stage 1; the Local Government and Communities Committee, for its scrutiny of the bill; and the clerks and staff of the non-government bills unit, who provided a highly professional, impartial and very supportive role throughout the process. I also thank Christine O’Neill QC, who expertly drafted the bill.

I thank the cabinet secretary for her enthusiastic and constructive engagement during the legislative process. We have had our honest disagreements over aspects of the bill but, by working together, we have improved and clarified aspects of it.

The bill deals with some tricky legal issues. Of course, it is one of two bills that we have considered recently that incorporate international treaties into domestic law, the other being the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, which was passed last week, so the Government comes to the issue with some experience. I thank the Government for introducing the UNCRC bill, which of course I enthusiastically voted for and which helped to map out some of the complexities that were present in the drafting of my bill.

The fundamental purpose of my bill is to strengthen the standing of local government in the democratic governance of Scotland. It achieves that by incorporating into Scots law the substantive articles of the European Charter of Local Self-Government. The charter will thus become justiciable in the Scottish courts, and it will be possible to challenge any alleged violation of the charter by ministers. If a challenge is upheld, a declaration of incompatibility can be made by the Court of Session.

The charter is an international treaty of the Council of Europe. It was opened for signature on 15 October 1985, and its articles set out in international law a range of basic freedoms for local government across the 47 member states of the Council of Europe. The treaty was signed by the newly elected Labour Government in 1997 but, critically, it has no force in domestic law until it is incorporated, which is what the bill does. Scotland is in fact one of the very few countries that has not incorporated the charter. If the bill is passed this evening, I look forward to England and Wales following Scotland's example.

Incorporation of the charter fulfils a long-standing call from the Convention of Scottish Local Authorities and civic Scotland. COSLA worked in the Council of Europe's Congress of Local and Regional Authorities to develop the charter in the 1980s, and has been calling ever since for its adoption and incorporation. Civic Scotland highlighted the importance of the charter in the report of the Scottish Constitutional Convention in 1998, which set the parameters for the Scottish Parliament. It was clear that the principles contained in the charter should be, in its words, "embodied" and in particular that councils should have a power of general competence. That is guaranteed by article 4.2 of the charter, but is as yet unimplemented.

As far back as 1972, Jimmy Reid, in his famous rectorial address, argued:

"The power of Parliament has undoubtedly been eroded over past decades, with more and more authority being invested in the Executive. The power of local authorities has been and is being systematically undermined."

Of course, when Jimmy Reid spoke those words in 1972, we were in the process of abolishing 196 very local town councils.

Unlike most European countries, our local democratic institutions have suffered from ad hoc reform, systematic disempowerment and neglect. We have one of the weakest systems of local government in Europe. We have so-called local councils in which, for example, Ballachulish and Wick are considered to be in the same local area.

Back in 1999 at the dawn of this Parliament, the McIntosh commission on local government observed:

"It could be said that Scotland today simply does not have a system of local government in the sense in which many other countries still do. The 32 councils now existing are, in effect, what in other countries are called county councils or provinces".

As recently as 2013, COSLA argued:

"Scotland is one of the most centralised countries in Europe. It is no coincidence that our European neighbours are often more successful at improving outcomes, and have much greater turn out at elections."

Those debates remain very much alive and are for another day. However, I hope that the bill is an opportunity to reset the important relationship between central and local government and to provide the local state with fundamental guarantees as to the scope of its powers and the opportunity for redress when national Government overreaches into the affairs of the local.

During stage 1, it was often observed that, in and of itself, the bill delivers modest practical change. That is correct. I am afraid to say that the voters of Scotland will struggle to relate to the bill. They may not even notice its passing, on today of all days. However, like incorporation of human rights, the bill embeds a set of new rules governing the relationship with the state, violation of which can lead to sanctions.

It is thus an enabler and promoter of a new awareness and culture of and a respect for the freedoms and powers of local government. I hope that it will not only encourage a culture shift, but that it will, in the future, curtail the potential excessive interference in the affairs of local government—from rate capping to council tax freezes—that has happened from time to time over the decades. I close on that controversial point.

I move,

That the Parliament agrees that the European Charter of Local Self-Government (Incorporation) (Scotland) Bill be passed.

16:50

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): It is a great privilege to speak on behalf of the Government in the concluding moments of the process that I hope will see us pass this important bill.

This will be the final piece of legislation that I am directly involved with as Cabinet Secretary for Communities and Local Government and as a member. It is a privilege to be elected to the Parliament. We are entrusted with making life better for the people and communities that we are here to represent. The bill will make significant and positive improvements for governance in Scotland because it sends a strong signal about the value that we place on local government.

Incorporating the European Charter of Local Self-Government into Scots law is of prime importance to COSLA, for which it has been a long-held objective. Tonight, we have the opportunity to realise that ambition. The member in charge of the bill has brought us to this stage and I commend Andy Wightman for his tenacity in pursuing the bill and for his long-held passion for local government.

At stage 1, I highlighted that there were some drafting issues that could be improved by technical amendments. I committed to engaging positively with Andy Wightman and his team to discuss what that might involve. I believe that we have accomplished that and that the collaborative approach to amendments has delivered the best and most effective legislation possible. I again thank Andy Wightman and his team for working closely with me and my officials to ensure that today is the day when the Parliament will, I hope unanimously, pass the bill.

I thank the Local Government and Communities Committee convener and members for their work in scrutinising the legislation and getting us to this stage. I also thank the committee clerks and the parliamentary staff who have helped steer the bill during a pandemic. Of course, I extend my thanks and appreciation to my bill team and private office staff who have worked tirelessly and so incredibly hard throughout the process on some very technical issues and amendments. They are a brilliant team and deserve this praise for keeping me right on the bill.

Although the bill is of obvious domestic importance, it will also align the standing of local government in Scotland with that in many other countries by securing a strong legal foundation for local government's right to self-government. The bill places duties on the Scottish ministers to act compatibly with the charter articles and to promote local self-government. That is as it should be.

When I was appointed as cabinet secretary for local government almost three years ago, I had no doubt about the importance of subsidiarity and of local government. I have sought to ensure that our relationship is as strong as it can be. That is because, when that relationship is right, it is the people of Scotland who gain the most. That determination has always been shared by my valued colleague, the COSLA president Councillor Alison Evison.

That meaningful approach to partnership working has, by and large, been achieved and has been successful. Whether we have "Councillor" before our name or "MSP" after it, we are bound by the aims and vision to make our country fairer and more equal and to see our communities flourish.

That ambition drove COSLA, representing all 32 local authorities, and the Scottish Government to work in partnership to agree our national performance framework. It sets out the sort of country that we want Scotland to be: one that has wellbeing, kindness and dignity at its heart and which—regardless of which sphere of Government we come from—pursues those shared priorities to achieve the best possible outcomes for the people of Scotland.

Local and central government also share a commitment to subsidiarity and local democracy through the joint work of the local governance review. Last week saw the publication of the "Democracy Matters" materials, which will offer people a clearer sense of how their aspirations for local democracy could be realised.

Through the work of the review, we now also have proposals from councils across Scotland who have come forward to share ideas that can strengthen our local democracy and promote a shift of power that benefits our communities. An exploration of those ideas, involving all relevant public service partners, will offer the next Scottish Government a platform for dialogue with COSLA following the Scottish parliamentary elections.

Local and national Government also share the ambition to ensure that our children have the best possible start, and the work that we are doing together to expand the hours of flexible, high-quality child care provision is significant. That is driven by local and national Government working hand in glove, united by a focus on the positive impact that that will have on our youngest children and families.

The expansion, originally intended for August 2020, was paused last April to give local authorities the flexibility to focus on responding to the Covid-19 pandemic. However, from August 2021, all eligible children will benefit from at least 1,140 hours of funded early learning and childcare.

The pandemic has shown us once again the importance of collaboration, with local and national Government working together to respond to local circumstances in order to keep the most vulnerable in our society safe and essential services available.

Councils have played—and will continue to play—a central part in our response to the pandemic. From delivering critical childcare to supporting the vulnerable and paying lifeline business grants to help local businesses survive, the heroic efforts of the local government workforce have been remarkable.

As we move forward at pace with the vaccination roll out, we will see the balance shift from dealing with the immediate health crisis of Covid-19 to dealing with its enormous social and economic impact and its long-term effect on people's wellbeing.

The journey of recovery and adaptation will be a central purpose for local government over the coming years. In that respect, local government, and Alison Evison in particular, has played a key part in the social renewal advisory board whose report set out actions to help guide that recovery. As part of our response to that, we will need to

build on the incredible work that councils have done and embed the positive changes to ensure that our services best meet the ever-evolving needs of our people and communities.

I have set out how we have always sought to work in partnership with local government and how, when we do, the outcomes are positive. The bill will strengthen and build on that relationship, although the bill is not the end of the story, but the start of building something better. I believe that it can act as the catalyst to not only strengthen relationships but open up opportunities to discuss what kind of future we want and what more transformative policies we can introduce to improve the lives of the people of Scotland.

I hope that all members across the chamber will support the bill this evening and I underline my thanks to Andy Wightman for steering it to this stage.

16:57

Annie Wells (Glasgow) (Con): I wish Aileen Campbell all the best in her future endeavours. We have definitely had a good relationship in the Parliament, particularly when we have seen eye to eye.

I am grateful to be given the opportunity to speak in today's debate. I, too, thank Andy Wightman and others for their hard work and efforts on the bill.

The Scottish Conservatives support the overarching aims of the bill in seeking to strengthen protections for local government in Scotland.

With much of the day-to-day political focus on stories about the capitals of Europe, including London and Edinburgh, we often fail to recognise the important role that councils play in delivering for the Scottish people. Scotland's councils are responsible for educating our children, maintaining our roads and looking after our elderly. They are an essential part of government and, as such, they deserve to be emboldened and safeguarded against there being excessive power in Edinburgh.

Part 1 of the European Charter of Local Self-Government is clear that public responsibilities should be carried out by the authorities that are closest to citizens. I whole-heartedly agree with the spirit of the charter in that respect. I also agree with Andy Wightman's assessment that power in Scotland has become far too centralised.

The Scottish Conservatives have always said that the devolution of powers from London to Edinburgh should not stop at Holyrood. Power and decision making should continue to flow downwards to Scotland's councils. They should not be centralised in Holyrood and Bute house, as

has happened consistently during the past 14 years.

For example, hundreds of local planning decisions made by Scottish councils are overturned by the Scottish ministers each year, with ministers riding roughshod over community objections in many cases. In 2019, in four out of every 10 planning and development decisions that were appealed to Scottish National Party ministers, the original council decision was overturned. That power grab is clearly at odds with the spirit of the articles of the charter, which are, at their heart, designed to promote local democracy, independence and accountability.

It is in that context that the Scottish Conservatives have proposed a new law to prevent the Scottish ministers from overturning council decisions on planning applications, which would force Governments in Edinburgh to fully respect councils' independence. Scotland's councils, not Government ministers in Edinburgh, know best what the needs and priorities of their residents are, and what projects will bring benefits to their communities.

Across Scotland, our communities have a diverse range of needs. Many of the day-to-day issues that Orcadians face are completely different from those that Glaswegians face. It is therefore right that as many decisions as possible are taken by the people who are most likely to be directly affected by them.

Today marks one year on from our first national lockdown. Most important is that it presents a unique opportunity for us to mark today as a day of reflection about those who, tragically, lost their lives to the virus. It also gives us a chance to reflect on the unprecedented and profound effect the lockdown restrictions have had on our society and our economy.

As we aim to rebuild Scotland following the pandemic, which has turned our way of life upside down, I firmly believe that local government should play a key role in rebuilding our communities. Scotland's councils will be at the forefront of addressing the many challenges and grasping the opportunities that will arise in communities throughout the country as we look to emerge stronger from the pandemic.

To be clear, to play that leading role, councils must be equipped with the appropriate financial resources and given the tools and freedom to deliver for Scotland's communities. Although the Conservatives offer the bill our broad support, it is clear that there are other positive and practical measures that the Parliament can take to embolden Scotland's councils further.

The Scottish Conservatives have already pledged that we would enshrine a new fair funding

deal in law. Organisations such as COSLA have highlighted serious concerns about funding, and it is well known that Scotland's councils have been cash strapped for years. The pandemic has compounded the problem. Our proposed financial framework for local government in Scotland would mean that councils would automatically receive a set percentage of the Scottish Government budget each year. That would give Scotland's local authorities the much-sought guarantee that they would be not only financially independent but supported to the hilt to provide the best services for residents.

In the spirit of the charter articles, investing in local councils is at the heart of our vision to rebuild Scotland's communities following the pandemic.

To reiterate, we broadly support the bill, as it will elevate the standing and importance of local government in Scotland. However, we believe that the Parliament can go further and can be much more ambitious in supporting local councils in Scotland with practical measures to deliver for residents across the country.

The Deputy Presiding Officer: I do not want to interrupt members' speeches, but everybody is going over their time, and we cannot have that. I ask members to keep to their time from now on, please.

I call Pauline McNeill to open for Labour. You have four minutes, Ms McNeill.

17:03

Pauline McNeill (Glasgow) (Lab): I congratulate Andy Wightman on his member's bill reaching stage 3. It is a good bill to end the parliamentary session with. Andy Wightman has made a dry subject energetic and meaningful.

I, too, thank Aileen Campbell for all her service. I have seen her make several final speeches—perhaps today will be the final one. I wish her all the best.

The European Charter of Local Self-Government (Incorporation) (Scotland) Bill will incorporate the European Charter of Local Self-Government into Scots law. The charter sets out 10 principles to protect the power of local authorities to be politically, administratively and financially independent, and it was ratified by the United Kingdom Government in November 1997.

The bill provides that the executive actions of the Scottish ministers acting within devolved competence and legislation that is within the legislative competence of the Scottish Parliament must be compatible with the charter. The bill creates the basis on which action can be taken in the courts to challenge any such action by the Scottish ministers or any such legislation that may

not be compatible with the charter. It requires the courts to interpret legislation as compatible with the charter if it is possible to do so, and it provides the courts with remedies in cases of incompatibility. Therefore, there are some really key elements to the bill.

The bill is important because it places a duty on the Scottish Government to act compatibly with the charter and to promote local self-government.

If enacted, the bill should—and, I hope, will—protect councils from centralisation and unfair cuts, and from central control over their finances. The bill is long overdue, as can be seen from the damage that has been done to local government finance over the past decade or so.

It is essential that the role of local authorities as a layer of government is respected, and the Scottish Parliament must invest in that approach. We cannot have strong, sustainable and fair economic recovery without well-resourced local government. Local government has a central role in supporting and growing local economies through direct and indirect job creation, with local investment regenerating areas and reducing inequality.

We must trust local authorities with more powers, we must trust them to spread prosperity to their communities, and we must trust them to reach local decisions. If we continue to centralise funding decisions at every turn, with continually increasing ring fencing of funding, we will make local authorities nothing more than central Government administrators. I do not think that that is where any of us want to be.

Local people will have decision-making closer to them and, whether there is agreement or disagreement, local people will feel that they have a stronger effect on change when local authorities make those decisions. Local authorities need consistent and adequate funding so that they can pay for the vital community services that they provide. The chipping away at local government funding and at councils' ability to make strong decisions for their communities in recent times is having a huge impact on the ground. It is an attack on local democracy. As Andy Wightman says, that discussion is for another day, but we will need to come back to it.

Scottish Labour agrees that local government should have a fiscal framework so that it can do long-term financial planning, and the detail of that framework should be determined in discussion between the Scottish Government and local authorities.

In introducing the bill, Andy Wightman has aimed to create parity of esteem between the Scottish Government and local government,

ensuring that decisions that impact on local people are made locally.

This is a really important bill. I hope that, as it is enacted in the next parliamentary session, it makes a huge difference to our local communities through local authorities making the right decisions at the right time for local people. We are happy to support the bill.

The Deputy Presiding Officer: I now call Liam McArthur to open for the Liberal Democrats.

We do not have Mr McArthur at the moment, so I call on Patrick Harvie to open for the Green Party.

Patrick Harvie (Glasgow) (Green): Presiding Officer, I had not requested to speak in this debate and was not expecting to.

The Deputy Presiding Officer: That is breaking news. You are relieved of that, Mr Harvie. Do we now have Mr McArthur?

17:08

Liam McArthur (Orkney Islands) (LD): Thank you, Presiding Officer.

The Deputy Presiding Officer: Are you supposed to be speaking?

Liam McArthur: I certainly am.

The Deputy Presiding Officer: That is good. That is breaking good news. Off you go, Mr McArthur.

Liam McArthur: I start by wishing Aileen Campbell all the very best. We both came into Parliament in 2007 and she has been good company and an effective minister since then. I wish her all the best.

I congratulate Andy Wightman and thank him for all his work on the bill. It is a fitting tribute to the contribution that Andy Wightman has made to the current parliamentary session, and the Scottish Liberal Democrats strongly support the bill. Indeed, in 2015, my former colleague Tavish Scott sought amendments to the Community Empowerment (Scotland) Bill to place the charter on a statutory footing. He will be sad not to be here in person and contributing to the debate but I am sure that he will raise a glass of something in honour of this moment.

Tavish Scott recognised, as many of us recognise, that devolution was always supposed to be about more than the transfer of powers to Scotland—it was about the transfer of powers within Scotland. Two decades since the establishment of the Parliament, that remains unfinished business. Indeed, if anything, despite all the fanfare about the Community Empowerment (Scotland) Act 2015 and the

Islands (Scotland) Act 2018, we have gone backwards in some respects. Local authorities and local communities feel more powerless, and less able to influence the decisions that most directly affect them. Whether it is neutering them through prolonged council tax freezes or the centralisation of services, the effect is the same.

Democratically elected local authorities should be given the power to act in the best interests of the communities that they serve. That should be self-evident, regardless of which party or parties are in power at national level. Embedding the principles of the charter in Scots law seems a very good way of moving us in that direction.

We hope that doing that will help to ensure that decisions about how local services are shaped and delivered are decided at a more local level. It may not offer any guarantees, but it increases the likelihood that those decisions will be informed by people with the clearest understanding of local needs and circumstances, thus improving services or, at the very least, improving accountability for those services.

Scottish Liberal Democrats are committed to that—it is in our DNA. However, as Andy Wightman will, I am sure, testify, that is not a truth universally held. My hope is that by enshrining the charter in Scots law there will be more opportunity to push back at the relentless agenda of centralisation that we have seen from some quarters. Indeed, I can draw on recent examples.

The islands impact assessment of the proposed centralisation of air traffic services away from the islands to a remote tower in Inverness shows how important it is to have a legal ability to challenge. The assessment showed beyond doubt that the plans were not being progressed in the interests of island communities such as the ones that I represent. Despite SNP ministers defending the policy to the hilt, the assessment revealed only negative and significantly negative impacts for both Orkney and Shetland, from the direct loss of well-paying and highly skilled jobs to ripple effects on the local economy. The policy is being driven through with no real concern for the communities that will be most directly affected.

The compelling case for much-needed investment in the modernisation of air traffic services in each of our island groups has been used as an excuse to rip them out and relocate them. It is like dealing with a headache by prescribing decapitation. Today, Orkney Islands Council will debate a motion on the subject. Shetland and Western Isles Councils have already taken firm stands against what is being proposed. I hope that, with Andy Wightman's bill passing, those island authorities will stand a better chance of having their voices heard on that and similar issues, because in a range of policy areas, from

policing to health and economic development to transport, decisions are too often made that ignore the needs of rural and island communities.

The duty for Scottish ministers to act compatibly with the charter, and the requirement for courts to read legislation in a way that is compliant, will be another valuable tool. The principles of the charter received unanimous endorsement from the Council of Europe in 1998. I hope that the Scottish Parliament will be just as emphatic in supporting the bill at decision time today.

Once again, I thank and congratulate my friend Andy Wightman on his achievement in piloting this worthwhile legislation through Parliament.

The Deputy Presiding Officer: We move to the open debate, with three minute speeches. Keith Brown is to be followed by Tom Mason, although the three minutes does not apply to Mr Mason. He is special because this is his last speech.

17:12

Keith Brown (Clackmannanshire and Dunblane) (SNP): Andy Wightman introduced the bill to Parliament less than a year ago and I, too, congratulate him on bringing it to this important and historic stage. However, in truth, it has been a very long journey to get to this stage, in a process that started well before the Parliament had even come into being. I feel as though I have travelled much of that journey alongside it.

As a former council officer, councillor, council leader, member of the European Union's European Committee of the Regions and now a member of the bill committee, I have some insight into both the need for the bill and its passage into law. I utterly disagree with the previous speakers on what they believe is the retrenchment towards centralisation since 2007. Perhaps they are not as aware as I am of the history of local government before that period.

The European Charter of Local Self-Government came into being on 15 October 1985 and was signed by all 47 member states of the Council of Europe, with the United Kingdom ratifying it in 1998. Before any Brexit types in the Conservative seats start to get all anxious, that is the Council of Europe, one of the few European institutions of which the UK still retains membership. Job done, then, you might think. Why are we still discussing it some 35 years down the road? We are doing that because, as Andy Wightman said, ratification is not the same as incorporation.

It is all very well to say that we agree with a set of principles and then not do anything about it, but what has actual meaning is to say that we agree with the principles and will abide by them. To

demonstrate that commitment, and to ensure that we will indeed follow the principles, we must make them part of our legal corpus. The Law Society of Scotland pointed out in its submission to the committee, and the explanatory notes to the bill make it clear, that in the legal systems of the UK

“domestic and international law are distinct and separate from one another. We agree ... that to give public international law the same legal authority as domestic law it must be incorporated into domestic law.”

That is what we are doing today. We are incorporating the charter into Scots law and doing something that I recall supporting at the Convention of Scottish Local Authorities more than 20 years ago as a council leader.

I think that Annie Wells, with her litany of attacks on the SNP, does not understand the history of local government. She talks about local authorities being cash strapped, but the idea that that is distinct from the austerity measures of the Government that she supports is laughable.

The Congress of Local and Regional Authorities of the Council of Europe has responsibility for ensuring the proper application of the European Charter of Local Self-Government, and it is worth reading from the congress's most recent monitoring report on the UK's compliance, which was published in 2014, although I suspect that it is more applicable than ever. The report

“expresses satisfaction that the UK is, in general, in compliance with the obligations taken under the Charter and that, compared to 1998, the situation has improved, notably through the devolution process”—

a process that, in contradistinction to what Annie Wells was saying, the UK Government has not observed. We should look at its attacks on this institution.

On consultation procedures, the report welcomes the successful “partnership approach” that was adopted in Scotland, Wales and Northern Ireland. It notes that there are some “areas of concern”, particularly regarding

“The financial resources available to local authorities, their limited taxing powers and their dependence on government grants”.

It also underlines that

“there are ‘ambiguities’ that need to be addressed in areas such as the ‘lack of recognition’ of the constitutional right to local self-government in the law beyond the general powers granted by the Localism Act 2011.”

Not having incorporated the charter long ago, the UK is, as on so many other matters, very much an outlier. We have the opportunity today to steer Scotland, at least, back towards the mainstream, perhaps providing an example for the rest of the UK to follow. Most importantly, the bill will strengthen local government in Scotland, and I am pleased to support it.

The Deputy Presiding Officer: I now call Tom Mason, to be followed by James Dornan. This is Mr Mason's final speech in the Parliament.

17:16

Tom Mason (North East Scotland) (Con): I remind colleagues for the last time that I am a councillor of Aberdeen City.

Before re-entering active politics in 2016, I spent many years lecturing on the MBA programme at the Aberdeen business school. A regular guest lecturer was the chief executive of Aberdeen City Council. After one talk, a Chinese student declared that she was confused. Why, she asked, did Chinese local government, under the centralised command economy of communist China, have more freedoms and discretion than local authorities in Scotland and in so-called liberal western democracies? It was a good question.

The local government charter is wide ranging, containing some 11 articles. The financial article, article 9, is the one that I find most interesting. It includes the right for local government to be fully consulted and to decide on local taxation and its rate—and to keep it—the right to a fair distribution of resources, the right not to have financial support ring fenced and the right to use its funds how it wishes.

If we consider that, since 2013-14, local government has had a budget cut of 2.4 per cent against a Government real-terms increase of 3.1 per cent, and that, according to COSLA, there are more than 30 ring-fenced projects in existence, we can see that the bill that we are passing today requires a step change in the relationship between the Scottish Government and local authorities. In short, the message to this SNP centralising Government is, "Get your central controlling tank off our local authority lawn."

The bill, which incorporates the European Charter of Local Self-Government, is not before its time, and I will certainly be supporting it tonight.

Since this is my last contribution in the chamber, I will record a few thanks. First, I thank my team: David Hill in Edinburgh, Michele Binnie and Rami Jerrow in Aberdeen and the various other people who have assisted me during my period as an MSP. I also thank my wife Kate and my family, who have never failed to give their support. I particularly thank them for accommodating the increasing onset and influence of Parkinson's, which, although well medicated, has destroyed my ability to write and, over recent months, has limited my contributions. To that end, I thank the parliamentary authorities for allowing me additional resources to assist me with the problem. Without exception, the parliamentary support staff and administration, the clerks and information

technology staff have been commendable. I thank you all.

I first campaigned on behalf of my mother for chairmanship of Bishop's Stortford Council as long ago as 1960. I was a Grampian regional councillor long before this Assembly was conceived. In 2017, after 20 years as a justice of the peace, I became a councillor again in Aberdeen. In the same year, I arrived—unexpectedly at my age—as an MSP. I was not the oldest, as Gil Paterson pipped me for that honour, although I did become a committee convener, albeit for only two minutes.

I have retained my local government connections throughout—indeed, on leaving this place, I will continue to serve as a councillor in Aberdeen. It is for others to judge my contribution over the past few years, but I will always remember falling out with the First Minister over Aberdeen art gallery, and even ending up as an advocate for croquet during the pandemic—a wry joke, but with a serious point about the value of sport for physical and mental health. It has been an honour and a privilege to serve North East Scotland, even if I never understood a word from some of my Doric-speaking constituents.

My long career in politics has given me great expectations for this Parliament. I believe that its creators all wanted it to be creative, inclusive, collaborative, transparent, proportional and family friendly, and in some ways it has achieved that. The Public Petitions Committee, on which I sit, has opened up an amazing range of issues, and if they have not been resolved, they have certainly been explored. The friendliness of the building, and the respectful nature of the staff and MSPs of all parties, provide continual encouragement. I have attended debates in which members have demonstrated extensive knowledge, understanding and compassion.

However, the Parliament's ambition to be proportional and family friendly deprives it of its organic and creative characteristics. Members look to their party bosses for their continued inclusion, and not to the electorate. The parliamentary arithmetic drives the number and length of questions, the number of speakers and the number of minutes for each speech, regardless of content. On many occasions, time has driven out knowledgeable and meaningful contributions, allowing poorly constructed bills on to the statute book. It is a case of "Never mind the quality—feel the width." At least we all get home for tea at 6. There is no real sign of collaboration, and in the end sizeable minorities have been abandoned, to the benefit of very small vested interests.

In ending, I will tell members a short salutary tale. Some time ago, before the earth was round, or at least before Facebook and Twitter were

invented, there was a radio programme for younger listeners called “4D Special”. It had a competition to compose a mini saga of not more than 50 words. This was the winning entry.

Three pigs in a bed. The big pig said, “Roll over,” the next pig said, “Roll over,” and the little pig on the end said, “Don’t roll over, I will fall out of bed and die.” They voted. So the big pig rolled over, the next pig rolled over, the little pig on the end rolled over and fell out of bed, and died! Democracy!

The Deputy Presiding Officer: I do not know what to say about the three little pigs, but there we are.

17:22

James Dornan (Glasgow Cathcart) (SNP): I wish—[Inaudible]—for the future, and hope that the three pigs story was not about something that he saw somewhere up in the north of Scotland. Before I start—

The Deputy Presiding Officer: Just a wee minute, Mr Dornan. Can you get a wee bit closer to your microphone, so that we can hear your dulcet tones?

James Dornan: I cannot believe that you would want to miss them, Presiding Officer. Can you hear me all right?

The Deputy Presiding Officer: That is better—thank you.

James Dornan: I wished Tom Mason all the best, and I do the same for the cabinet secretary. Aileen Campbell and I go back to the good old days of the SNP Glasgow regional association; recent events have been nothing in comparison with what we had to put up with in those days, and that was only among a few of us. She has been a great friend and colleague for a long time, and she has been an absolute pleasure to work with as cabinet secretary while I have been convener of the Local Government and Communities Committee.

I am delighted to speak on the bill today. As committee convener, I pledged our support at stage 1, and I am pleased to see that the cabinet secretary and the member who introduced the bill, Andy Wightman, have worked so collaboratively to iron out most of the—mainly technical—amendments that were required.

At first, the Scottish Government adopted a neutral stance on the bill to allow the opportunity for officials to carry out due diligence and an analysis of its potential implications. As convener, I welcomed the officials’ on-going work and support through the stages of the legislative process.

There was, and probably still is, some slight concern that the charter might be used to bring frivolous or politically motivated court cases against the Government of the day; we do not have to go too far back in time to see how that could possibly happen. However, we were convinced by the witnesses that that has not been the case in other countries that have the charter in place and have safeguards that would make that difficult.

The committee supported the bill for a number of reasons, including the fact that it brings Scotland in line with European jurisdictions, and the fact that we back the principle of increased devolution of decision making to local government. I agree with my colleague Keith Brown that that has been the direction of travel since 2007, when we came into power.

We agree, however, that there is room for levelling up the relationship between Holyrood and the local government sector. As we have seen through the pandemic, increased co-operation between national Government and local government has better supported people in our communities, and we want to ensure that that continues. We often take it for granted, but local authorities deliver such a wide range of services that are part of our daily lives.

The aim of the bill is to strengthen local democracy by increasing the autonomy of local authorities and enshrining support for local government into law. I know that the Scottish Government is fully committed to subsidiarity and to empowering local authorities and communities, which has been clear through policies such as the Community Empowerment (Scotland) Act 2015 and participatory budgeting. Greater community engagement and participation leads to the delivery of better and more responsive services and better outcomes for communities. The bill will help to increase the involvement of local people in shaping the communities in which they live, which can only be a positive thing.

I pay tribute to Andy Wightman, committee members and their excellent clerks, and the Scottish Government for reaching this stage. Once passed, the legislation will bring Scotland into line with some of our European partners and, more importantly, help create the conditions for further, more ambitious changes to how Scotland is governed.

17:26

Alex Rowley (Mid Scotland and Fife) (Lab): First, I acknowledge and congratulate Andy Wightman on introducing this member’s bill and getting it to this stage. I hope that it will be passed today. I also acknowledge the role of the cabinet

secretary and the Government in working with Mr Wightman. I know that the Government has worked with the members on the two members' bills that we are considering today to ensure that we get the legislation through, which is good.

The bill is important, because it places a duty on the Scottish Government to act compatibly with the charter and to promote local self-government. If enacted, it should protect councils from centralisation and unfair cuts or central control over their finances. I listened to Keith Brown earlier, and I think that he needs to come out of denial. The fact is that we have seen a centralisation under different political parties since the establishment of the Parliament, which is not right. We need to consider how to get power further down, rather than centralising it. Mr Brown should wake up to the fact that every party that has had power here has tended to centralise local government.

Scottish Labour fully supports the bill. Power has been centralised in Edinburgh for far too long and the incorporation of the charter will lead to a reinvigoration of the role of local government in Scottish public life. I also noticed the comments from Annie Wells, and the example that she gave about the centralisation of planning was a poor one. With the Planning (Scotland) Bill, the Tories had the opportunity to give more power to the people and they voted against it, so there is no point in their coming here today and pretending that they are suddenly interested in giving communities planning powers or a greater say in planning.

There has been a creeping dilution of the power of local authorities over the past half century, which means that decisions on services that affect people's daily lives—on things such as housing, planning, economic development, education, caring for people, water and sewage, and environmental protection—are taken further and further away from locally elected people. Councils have become administrators of central Government policy rather than drivers of local initiatives. I was lucky enough and proud to be elected as a local councillor, and I know from my years of experience in local government that that is the area in which you can make such a big difference, when you have the resources and engage with local communities. That is true across Scotland's 32 local authorities—you can find good and best practice in every one.

If we want to tackle poverty and some of the social ills in our community, we will not do so simply by bringing in policy here; we will do so by empowering local authorities to do their job and by encouraging local officials in councils to be innovative, consider the issues on the ground and come up with local solutions to local problems. If

we are serious about tackling the big issues in communities across Scotland, we cannot do it from this Parliament alone, but we can do so by empowering local government. Labour will support the bill, which is a welcome step on the way to empowering local authorities.

17:30

Alexander Stewart (Mid Scotland and Fife) (Con): I am delighted to close the debate on the European Charter of Local Self-Government (Incorporation) (Scotland) Bill for the Conservatives.

Local democracy is fundamentally important to our society. Councillors the length and breadth of Scotland are at the coal face of daily life. They understand the challenges that their constituents face and the aspirations of their communities, and they are best placed to identify solutions and opportunities. We need to trust our local communities and local people to make decisions on the policies that most directly affect them. As I have said before, that is why I welcome the bill and the incorporation of the European Charter of Local Self-Government into Scots law. I pay tribute to Andy Wightman for introducing the bill.

We all know that Scotland's local communities are not trusted to make decisions themselves. Sometimes, it is difficult to say that our councils are truly local government. A better description might be that they are an extension, or an arm's-length body, of the Scottish Government. That is certainly how they have been treated. In recent years, the growing number of diktats and bits of guidance from Holyrood has shown that to be the case, and councils have had less and less control over their budgets.

Formal and informal ring fencing has reduced the discretionary spend that councils have and therefore reduced the scope for local decision making. For that reason, the axe has had to fall even harder on many essential services in local communities. It cannot be said that the current Scottish Government is compliant with the principles of the charter. Therefore, we welcome the Government's support of the bill.

As we said in the stage 1 debate, the purpose of the bill is to ensure that the Scottish Government changes its approach to councils. I ask the Government when the policy diktats will stop and when the ring fencing of budgets will stop. I think that we all know the answer to those questions: they will not.

Although I welcome the ambition of the bill, I still have reservations about how it will work in practice. I still doubt that councils will have the risk appetite or the funds to challenge the Scottish Government in court and to engage in the process

to ensure that their local democracy rights are protected. It is simply a case of waiting to see how it will work in practice.

That said, I welcome some of the stage 2 amendments that improved the bill. In particular, I welcome the amendment to ensure that the Scottish ministers have a duty to consult local authority representatives. I also welcome the additional checks and balances in relation to action that is taken by the Scottish ministers. It is vital that the Parliament has proper oversight of any regulations that are made by the Scottish ministers under section 6 of the bill.

Before I conclude, I will highlight some points that were made in the debate. Andy Wightman talked about strengthening the standing of local authorities, and how COSLA has asked for the adoption of the charter in the past. The bill will involve modest changes that will make a difference across the country.

The cabinet secretary spoke about the positive changes of the bill, and the positive approach that has got us to stage 3. Annie Wells talked about the role of local government, and what it can do with its powers. As she identified, there is no doubt that things have been centralised.

We in the Scottish Conservatives welcome the bill to enshrine the European Charter of Local Self-Government in Scots law, which will bring Scotland in line with other European countries. Devolution should not stop at Edinburgh but, over the current Government's term in office, powers have been sucked into the centre, and local government in Scotland has been fundamentally undermined, both politically and financially. The bill is undoubtedly a step in the right direction, but we need to change the powers of local councils in the future.

17:34

Aileen Campbell: This is not my final speech in Parliament, but I really appreciate the messages that I have had from members during the course of the debate. I have a members' business debate later and portfolio question time tomorrow, so it is a long goodbye from me in my final week in Parliament. However, I appreciate members' remarks.

The Scottish Parliament is taking an important step today to reinforce the autonomy of Scottish councils and, by doing so, to strengthen the status and standing of local government. I thank members for their excellent contributions to the debate and the passion that they have shown for local government and local democracy. It is clear that every member in the chamber values the unique and important role that our councils play in our lives.

The consistent message throughout each stage of the bill from key stakeholders has been that passing it will strengthen local democracy by ensuring parity of esteem between the spheres of government. That is why I said in my opening speech that we must not view the bill as the end or as a blunt instrument, but as a means to strengthen the relationship between those spheres, and as an opportunity to continue along the path towards making Scotland a fairer country.

Scotland has never needed its spheres of government to work together more than it needs it now. During the passage of the bill, we have had hybrid and virtual meetings, and members have contributed fully to debates via BlueJeans. That is a reminder, if one was needed, of how much life in Parliament, and in general, has changed. An even more stark reminder of what the country has been through is that today marks one year since lockdown began; we have collectively paid our respects to those who have lost their lives to this nasty virus. A milestone such as that gives us cause to reflect on what has happened, what worked and what comes next.

I thank our local authorities for all that they have done over the past year, because despite the obvious trauma and suffering that Covid has brought to so many people during the pandemic, there have been countless acts of kindness, solidarity and compassion as communities and the third sector, supported by our local government partners, have stepped up to look after everyone.

Although there has been a flourishing of good practice and community endeavour, Covid has brought into sharp relief the persistent inequalities that exist in Scotland, despite our best efforts. As the bill prompts us to think about how we want governance to move forward, Covid prompts us to think about the type of country that, along with our local government partners, we want to create.

We want to ensure that decisions are taken as close as possible to the people whom they will affect the most. We want a vibrant and inclusive democracy that supports local self-determination. Andy Wightman's member's bill is welcome; we hope that it will create the conditions for more ambitious changes to Scotland and how it is governed. Through the bill, the work of the social renewal advisory board and the desire and momentum to empower our communities, we will trust and support communities to make the changes that we all want in order to ensure that, in the recovery, things do not revert back to what was normal, because that normality failed too many people for too long.

On governance, how the country is structured and how decisions are made reminds me why I want independence for Scotland. I have never believed that Scotland is better than other

countries, but I believe that it is as good as any other country and that we can make a success of independence. However, that should never be about bringing powers from Westminster to the Scottish Parliament. Instead, there should be full consideration of further devolution of powers to our councils and communities.

I am pleased to support the bill in its passage through Parliament. We want to ensure that decisions are taken locally. We want to ensure that the Parliament is responsive to the clear desire of our communities and councils to work in partnership to create the better country that we all know can be created. We want also to ensure that we create fairness in that process.

The bill prompts us to consider and think through how we work together with our local authority partners to ensure that Scotland is a success. As we seek to recover from the pandemic, we have never before needed so much to work in closer partnership with our councils.

Many people have played a part in getting us to this point. In particular, I acknowledge the role of COSLA, MSPs from across the Parliament and, of course, Andy Wightman himself, who has led us here. He and his team should be rightly proud of their achievement; I thank them for their collaborative working. I hope that the bill serves as a platform from which we can build a better and fairer Scotland.

17:39

Andy Wightman: I thank all members who have spoken in the debate. I echo the cabinet secretary's thanks to COSLA, which, as I said in my opening remarks, has been championing the bill for a long time. The COSLA team and staff and its president, Alison Evison, have been extremely supportive throughout the process.

I also thank my staff—Gillian, Ciaran and Charlotte—for keeping everything on the road. Given everything that is going on around us right now, it is quite refreshing to be in Parliament, engaged in a serious debate about a bill that seeks to deliver for the people of Scotland. As I said in my opening remarks, I do not expect the bill to set the heather alight; however, it is like much of what we do here—we are the architects of power relations, whether in respect of freedom of information, criminal justice reform or the powers of local government. That is because democratic institutions need constant attention and the rights and freedoms of the citizens need to be protected. Power must be distributed equitably and be exercised accountably.

In one of my favourite quotes, Tony Benn would famously ask five questions of people who were in positions of economic, social and political power:

“What power have you got? Where did you get it from? In whose interests do you use it? To whom are you accountable?”

He said that anyone who cannot answer the last question does not, arguably, live in a democratic system. The question was:

“How do we get rid of you?”

That is what we are doing today, albeit in a very modest way. We are strengthening our democracy; in particular, we are strengthening the institution of our system of government that lies closest to the people—albeit that it is not close enough—so that it might serve them better and more effectively and be more responsive to the wishes of local communities, rather than the political imperatives in Edinburgh.

I thank members. Annie Wells said that local councils are an important and essential part of government. She highlighted, correctly, the role that they have played in responding to the pandemic.

Pauline McNeill mentioned financial resources, which are encompassed by article 9 of the charter. Both the Faculty of Advocates and Professor Chris Himsworth had interesting things to say about that. It might well be a key area of discussion and debate in the years ahead.

Liam McArthur spoke from Orkney. That is a local authority area with a population of 22,000; which demonstrates that we can do local government locally. I welcome Keith Brown's long-standing commitment to local government and his involvement in European co-operation.

Tom Mason made an interesting comparison with communist China. I am not sure whether he was talking about the provinces, the autonomous regions, the municipalities, the special administrative regions, the prefectures, the counties, the townships or the villages, but I will no doubt find out. I wish Tom well.

James Dornan spoke of the Local Government and Communities Committee's work. I thank it again; in particular, for its bespoke consultation with the Faculty of Advocates, which added valuable legal perspectives to the bill.

The bill delivers on a long-standing aspiration, as I said in my opening remarks. I am proud to have been the member in charge of it, and I thank everyone for their support and encouragement. This year the Council of Europe will, I understand, be undertaking a monitoring mission to the United Kingdom, as it has done on occasions in the past, to look at compliance with the charter. I very much look forward to engaging with that mission, if possible, and I look forward to the conclusions that it reaches—including, I hope, a welcome to the incorporation of the charter.

I conclude my remarks by wishing the Cabinet Secretary for Communities and Local Government well, as she concludes her term of office as a minister and as an MSP. Throughout this session of Parliament, she has displayed common sense, good humour and a straightforward and human approach to politics. She has also, which is important, shown kindness and empathy to all who have dealt with her. Would that that were the case with everyone here. However, there will be more about that on another day.

Depending, of course, on the outcome of my own political project, I might or might not be back after 6 May. If I am, there will be another members' bill that I will want to deliver.

The Deputy Presiding Officer: We have been warned, Mr Wightman. That concludes the debate on the European Charter of Local Self-Government (Incorporation) (Scotland) Bill. It is time to move on to the next item of business. There will be a short pause.

Business Motion

17:45

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-24441, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a stage 2 timetable.

The Minister for Parliamentary Business and Veterans (Graeme Dey): It is a stage 3 timetable, Presiding Officer.

The Presiding Officer: I beg your pardon. I did not mean to worry you, minister.

Motion moved,

That the Parliament agrees that, during stage 3 of the Tied Pubs (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated, those time limits being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 to 3: 40 minutes

Group 4 to 6: 1 hour and 15 minutes—
[Graeme Dey]

Motion agreed to.

Tied Pubs (Scotland) Bill: Stage 3

17:45

The Presiding Officer (Ken Macintosh): We move to stage 3 proceedings on the Tied Pubs (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, the marshalled list of amendments and the groupings of amendments. As usual, I will sound the division bell and suspend proceedings for five minutes for the first vote. Each vote will last for one minute.

Section 14—Adjudicator’s duty to arbitrate or appoint arbitrator

The Presiding Officer: Group 1 is on the application of the Arbitration (Scotland) Act 2010 in relation to section 14. Amendment 2, in the name of Andy Wightman, is the only amendment in the group. I just heard Andy Wightman giving his valedictory remarks, but I call on him now to speak to and move amendment 2.

Andy Wightman (Lothian) (Ind): Amendment 2 aims to ensure the operation of an effective statutory arbitration scheme. I am concerned that the scheme as proposed in the bill is not governed by the Arbitration (Scotland) Act 2010. As the bill stands, the scheme allows for the arbitration rules of any institution to be adopted and for arbitrations to be seated in England or elsewhere. There is also no appeals mechanism in respect of an arbitration, which seems unfair.

I take the view that any statutory arbitration scheme in Scotland should follow the Scottish arbitration system and rules, be seated in Scotland and have the proportionate appeal processes within that system. Parties should not be deprived of the benefit of the procedures that are set out in the 2010 act.

The 2010 act was designed to augment and enhance statutory arbitration, and section 16 has the effect that the act’s substantive provisions and the Scottish arbitration rules, which are set out in schedule 1, govern any arbitration that is carried out under a legislative provision. The rules set out a scheme that allows an arbitration to proceed from the appointment of an arbitrator to the final and binding determination of the dispute, including appeals to the court. All that is needed to attract the 2010 act is that legislation says that a dispute is to be resolved by arbitration, or words to that effect.

Almost 11 years on from royal assent, section 16 of the 2010 act is still not in force. That is a matter of regret, and I urge the Scottish Government to bring it into force as soon as possible.

Despite the delay in bringing that important statutory provision into force, drafting tools have been used by the Scottish Government and the United Kingdom Government to ensure that that approach to statutory arbitration can apply to new statutory schemes. Therefore, there is precedent elsewhere for the approach in amendment 2—for example, in the Food Safety Act 1990 as amended by the Food (Scotland) Act 2015. That illustrates that the Scottish Government has considered the approach important in new arbitration schemes in the context of previous bills.

I understand that the Scottish Government shares my concern about the approach to arbitration in the bill but has indicated that the issue can be fixed by subordinate legislation. I do not consider that to be an appropriate approach to the development of primary legislation, and my view is shared by Brandon Malone, the chair of the Scottish Arbitration Centre, and Lord Glennie, a recently retired judge of the Court of Session who is vice-chairman of the board of the Scottish Arbitration Centre.

Amendment 2 would ensure that the arbitration scheme in the bill was, rightly, governed by the Scottish arbitration system, including that system’s fair appeals mechanism.

I move amendment 2.

The Minister for Business, Fair Work and Skills (Jamie Hepburn): Let me briefly say how far we have come with the bill. At stage 2, more than 300 amendments were lodged, whereas at stage 3 we have 13 amendments to consider—I am sure that I am not alone in welcoming that.

The issue that amendment 2 seeks to address did not come up at stage 2. As Andy Wightman said—he is well informed—the Government does not support amendment 2. As we heard, it would apply the arbitration scheme as set out in the provisions of the Arbitration (Scotland) Act 2010 as if those provisions were in force. In the Government’s view, and in my view, having discussed the matter with Neil Bibby, the member in charge of the bill, amendment 2 is not necessary and would create rather than resolve issues when it came to conducting arbitrations under the bill.

One difficulty with amendment 2 is that it would apply the arbitration rules in the 2010 act without resolving potential clashes between provisions in the bill, such as those at sections 16 and 17 on fees and expenses, and provisions in the rules on that. Some of that may be resolved by section 16(3) of the 2010 act, which provides generally that the bill’s provisions trump the rules in some cases, but that sort of clash is what the power to modify legislation in section 17 of the 2010 act was designed to sort out.

The delegated powers in the bill and in the 2010 act will allow ministers to consider how the Scottish arbitration rules regime should most appropriately be applied in the context of the bill. That is in tandem with the process of drafting and consulting on the Scottish pubs code, which is where the detailed regulatory provisions will lie.

Appropriate arbitration is important for business and, as the Minister for Business, Fair Work and Skills, I recognise arbitration as a cost-effective, fast and flexible way of resolving disputes outside the courts. I am keen, therefore, that we get this right. I reassure members and any stakeholders who are watching, including the Scottish Arbitration Centre, that any issues can be worked through properly through consultation and engagement. That engagement will, of course, include the Scottish Arbitration Centre, whose knowledge and input is valued. The time for such engagement, though, is when the code is being developed and not when the overarching legislation is being discussed. I therefore call on members not to support amendment 2.

Neil Bibby (West Scotland) (Lab): I refer members to my entry in the register of members' interests and the support that I have received in relation to the Tied Pubs (Scotland) Bill. At the outset, I thank Andy Wightman for his interest in the bill and his contribution as a member of the Economy, Energy and Fair Work Committee. I congratulate him on progressing his own bill to stage 3 today.

Section 14(2) of the bill confirms that arbitration proceedings under the bill must be conducted in line with the rules of the Chartered Institute of Arbitrators or any other dispute resolution body nominated by the arbitrator. The purpose is to ensure that arbitrations are conducted in accordance with recognised sectoral rules and guidelines. However, amendment 2 would leave out that subsection entirely and would instead provide that, until the Arbitration (Scotland) Act 2010 is in force for any arbitration being carried out under section 14(1), the act is to be treated as applying as though it were in force for that arbitration.

I have concerns about the construction of the amendment. For example, it would leave out all of section 14(2) instead of seeking to add a further provision to those already included. I also think that there is a risk in seeking to put what the amendment proposes into the bill when ministers have up to two years in which to make the code and appoint an adjudicator. Could we be sure that what was agreed now would be fit for purpose by the time the code and adjudicator were in place? The 2010 act's statutory arbitration provisions might be in force by the time the bill became

operational law, in a couple of years, leaving the approach in amendment 2 unnecessary.

Like the minister, I think that it would be better not to agree to the amendment today. If, when the time comes, the Scottish Government feels that the bill needs to be linked to the 2010 act more effectively, it can use the power that is already in the bill to make ancillary regulations. I therefore ask Andy Wightman not to press amendment 2.

Andy Wightman: I thank the minister and the member in charge of the bill for their comments, and I note the points that they have raised. I acknowledge that perhaps the issue could have been raised earlier. I also welcome the minister's acknowledgement of the Scottish Arbitration Centre's expertise—indeed, it assisted me with the amendment.

In the light of the fact that, as I understand it, the Scottish National Party and Labour groups oppose amendment 2, I shall allow members to remain in their offices for a little longer by not pressing the amendment.

Amendment 2, by agreement, withdrawn.

After section 19

The Presiding Officer: Group 2 is on investigation into changes to pub leasing arrangements before the act is fully in force. Amendment 3, in the name of Neil Bibby, is grouped with amendment 10.

Neil Bibby: I have lodged these amendments to allow the adjudicator to tackle an issue that has been of concern to the industry and to me for some time, which has taken on new significance following amendments made to the bill at stage 2. The bill was amended at stage 2 so that the Government now has a maximum of two years—extended from the one year originally in the bill—in which to make the code and appoint an adjudicator. I have said before that I understand the very fair and legitimate reasons why the Government would wish that to be the case, not least because of the impact of Brexit and the Covid pandemic.

I thank the minister for his constructive engagement with me on this issue and on the bill more generally. I am also grateful for the minister's confirmation that the two-year timeframe is not a target and that the code and adjudicator may well be in place sooner than two years after the bill is passed.

However, there are already concerns among tenants and representative organisations that some pub-owning businesses may use the period between the bill passing and the code and adjudicator coming into effect to take steps to avoid the code by creating agreements by other

means that could take them out of the scope of the code and adjudicator. Those could include short-term agreements, self-employed management agreements and other forms of bogus self-employment. If that was to happen, it could have a significant impact on tenants' rights, pubs and consumers.

I therefore lodged amendment 3 to require the adjudicator to start an investigation in the first year of their appointment into any changes that were made to contractual terms in the period between the bill receiving royal assent and section 7 of the bill coming into force, which relates to the unenforceable contract terms, if those changes resulted in agreements not being covered by the code. The amendment requires the report, which would include an explanation of the adjudicator's findings, to be published and laid before the Parliament, which would allow for committees to scrutinise the report and ministers to give it full consideration.

Amendment 10 is a consequential amendment that allows the adjudicator to require a person on pain of prosecution to provide information in relation to that avoidance investigation by adding the investigation to the list of reasons for such information gathering that is set out in paragraph 4 of schedule 2.

I respect the right of businesses to manage and structure their business as they see fit, if that is done fairly and with good intent. However, most of us would agree that deliberately seeking to undermine the code before it is enforced is not desirable. For various reasons, it would not be possible for the bill to directly provide for such avoidance attempts, but I ask members to consider the amendment in my name and give the adjudicator the power to investigate such behaviour.

I move amendment 3.

Jamie Hepburn: I recognise and understand Mr Bibby's worries about possible avoidance behaviour by pub-owning companies in the period before the code comes into effect. That issue has also been raised with me by the Scottish Licensed Trade Association. I reiterate my observation that it is inherently difficult to avoid a code that is not yet written, but I understand that the concerns are primarily about the timescale for the implementation of the code. I emphasise Neil Bibby's point that the two years is very much a backstop; it is not, as he rightly said, a target and we are committed to putting the code in place as soon as possible with the appropriate consultation.

It is an area that is worthy of debate and discussion, so in that sense I am glad that Neil Bibby has lodged amendments 3 and 10 to give us the opportunity to debate them. As he laid out, the

amendments place a duty on the adjudicator when first in office to begin an investigation into activities of pub companies in the period before the code comes into force. In the first instance, I am somewhat concerned that that might mean that the adjudicator would be diverted from their fundamental and important task of implementing the code as it applies to tied pubs in Scotland.

Moreover, I am concerned that the process of investigation that is required by amendment 3 could undermine the establishment of productive relationships between the adjudicator and the pub sector at their inception. We also need to establish a relationship of trust with all parties and, in that regard, I worry about the signal that that would send. Mr Bibby will recall that I have made that point directly to him.

I acknowledge the intentions behind amendments 3 and 10 and I thank Mr Bibby for talking them through with me, but I do not think that they are required, for the reasons that I have outlined. The amendment that I lodged at stage 2 that provided for the code to specify circumstances where a market-rent-only lease need not be offered and the proposals that we will shortly debate in group 4 are a better way to reassure pub-owning companies and encourage them to retain tied pubs. That is the fundamental concern that this set of amendments drives at.

The Government is committed to ensuring that the bill and the market-rent-only provisions are fair for landlords and tenants. I have been clear that the code will be subject to the fullest consultation, but it will also be informed by the behaviour of all parties in the intervening period before it comes into effect. I urge all stakeholders to recognise that and to continue to work constructively with one another and with the Scottish Government. On that basis, I ask Mr Bibby to consider withdrawing amendment 3.

18:00

Neil Bibby: After lodging my proposal for the bill, I received numerous reports that pub companies would seek to avoid a statutory code by adjusting their operating model. Whenever Parliament chooses to regulate an industry, that industry will—invariably—react. However, the only reason for pub companies to seek to avoid fair and proportionate regulation would be if they knew that at least some of their business practices were incompatible with the principles that underpinned such regulation.

Pub companies in England and Wales made similar threats, many of which turned out to be exaggerated. The tied model continues to be a feature of the sector there, albeit that tenants are now empowered to seek a better deal.

I am concerned about the possibility of so-called Uberisation in tied pubs. That might attract other regulators' attention, but the Parliament and any adjudicator that we create should be aware of the impact of the gig economy's extension into the sector, particularly between royal assent and commencement.

The coming months will shine a light on pub companies' conduct. Will they be willing to engage with fair and proportionate regulation or will they disadvantage some of their tenants in a deliberate attempt to avoid it?

I have listened to the arguments and particularly to the points that the minister made. I thank him for his reassurances, particularly about timescales. I accept that we must proceed as far as possible on the basis of good faith, so I will not press amendment 3. I will watch developments closely.

Amendment 3, by agreement, withdrawn.

Schedule 1—The Scottish Pubs Code

The Presiding Officer: Group 3 is on the Scottish pubs code and a requirement to offer a guest beer agreement provided that the beer is produced by a small brewery. Amendment 4, in the name of Graham Simpson, is grouped with amendments 5 and 6.

Graham Simpson (Central Scotland) (Con): These amendments would ensure that the guest beer provision could be used only by a small brewer and not by a larger multinational brewer, which would already have routes to market. The bill allows any brewer, regardless of its size or location, to take advantage of the provision. Amendment 4 is aimed at preventing a race to the bottom on price, which would result only in smaller domestic brewers being priced out.

At stage 2, Neil Bibby helpfully mentioned Strathaven Ales. Strathaven is near where I live, in East Kilbride, and I can attest to the fine produce of Strathaven Ales. I am applying the Strathaven Ales test to ensure that smaller breweries get a fair slice of the cake.

Without my amendments, far from encouraging more domestically produced beer into our pubs, we would have fewer opportunities for smaller brewers to access pubs, because pub-owning companies would need to compete in their own premises with larger brewers. Far from encouraging the provision of more Scottish beers in Scottish pubs, the bill without amendment would result in fewer domestic brands from smaller producers appearing in tied pubs. It would fail the Strathaven Ales test.

The bill could be seen to prevent the setting of further parameters on guest beers in the code because of the words:

“regardless of who produces it”.

Amendment 4 addresses that by stipulating that the beer would be

“provided ... by a small brewery”.

Amendment 6 would grant the power to define a small brewery in the code. The amendments are all aimed at ensuring that the bill would do what I believe Neil Bibby intended when he introduced it.

I move amendment 4.

Jamie Hepburn: The guest beer provisions were the subject of considerable discussion at stage 2, when a number of similar amendments were lodged, voted on and defeated. I made it clear then and reiterate now that the Scottish Government is keen to encourage the supply of local craft beers in pubs, for the benefit of producers and consumers. In that sense, I am not unsympathetic to Mr Simpson's aims and I recognise his good intentions with the amendments. I say to him that I have not yet had the good fortune to sample any ale from Strathaven Ales, but I look forward to doing so in due course.

As I said at stage 2, I am considering how the guest beer arrangements under the code might be shaped through the existing provisions in the bill.

My view was and remains that the details on the matter would be best laid out in the code, rather than in the bill, which could cause difficulties in implementation. As I have already said today, the detail of the code will be subject to wide consultation and, in that context, consideration will be given to how we support small breweries. That is the correct approach, in contrast to being prescriptive in primary legislation. On that basis, I urge members to reject the amendments.

Neil Bibby: The amendments in the group seek to restrict the guest beer right to beers from small breweries only, with the definition of “a small brewery” to be set out in the code. They would remove the freedom and flexibility as to the producer and provider of the guest beer as currently provided for in the bill.

As I made clear at stage 2 when various amendments were debated that sought to restrict the terms of the guest beer right, I have sympathy with the principle of looking to support and encourage small brewers and businesses in getting more Scottish pubs to stock local craft beers. However, I fundamentally support tenants being able to choose which guest beer to sell depending on their circumstances and customer preferences. That was the underlying principle on which I based the guest beer right as set out in the bill and that is why I oppose amendments that seek to limit which beers can be chosen as a guest beer.

The bill requires the code to specify the circumstances in which the offer must be made. That is appropriate: the consultation process and the code, rather than the bill, are the best places to consider such matters.

As it stands, the bill, including the market-rent-only provision, will benefit Scotland's brewers and will protect Scotland's small brewers. It will enhance opportunities for tied publicans to stock Scotland-brewed products, across the tied estate. The bill is a game changer in that regard. I urge members to reject amendments 4 to 6.

Graham Simpson: I have nothing further to add. On the basis of what has been said, I will not press amendment 4.

Amendment 4, by agreement, withdrawn.

Amendments 5 and 6 not moved.

The Presiding Officer: Group 4 is on the Scottish pubs code and the requirement to offer a market-rent-only lease. Amendment 12, in the name of Graham Simpson, is grouped with amendments 13, 8 and 9. If amendment 8 is agreed to, it will pre-empt amendment 9.

Graham Simpson: My amendments 12, 13 and 8 aim to provide clarity for pub-owning businesses and tied pub tenants, who have all raised concerns about the impact on investment in their businesses due to the current wording of the bill. My amendments would ensure that some parameters are set in the detail of the pubs code that will give a limited degree of confidence that investments in sites can continue at this crucial point in the sector's recovery. As the bill is currently drafted, there can be no protections contained in the code and, crucially, no foresight, beyond the comments of the current minister.

That will create significant problems for pub companies in identifying funding and in conversations with lenders. Both landlords and tenants have said that they have real concerns about the impact on future investment, even if amendments 12, 13 and 8 are agreed to. A degree of uncertainty and investment risk in tied pubs is now inevitable, which is a real shame. At the very least, the amendments will ensure that there must be—not may be—some provisions to enable a return in investment made, without the risk of an MRO being triggered during that time. That is the only difference to the Government's amendment 9, although the difference is critical.

Since the introduction of the code in England and Wales in 2016, Scottish pubs' share of Great Britain-wide spend has doubled. If the amendments are not agreed to, that trend could be reversed, putting the Scottish tied-pubs sector at a competitive disadvantage in comparison to the rest of the UK.

As members well know, the whole hospitality sector is currently on its knees and investment will be crucial to aiding its recovery. My amendments seek to give the sector a limited degree of confidence at this time.

I move amendment 12.

Jamie Hepburn: I welcome the amendments in this group, which concern a part of the bill that is crucial to landlords and tenants. It is clear that that remains the case from the discussions that I have had with stakeholders since stage 2, so it is right that we are able to debate the issue this evening.

It is important that the market-rent-only provisions are fair for both landlords and tenants. That is why I lodged amendments at stage 2 to allow the Scottish ministers to set out in the code the circumstances in which a market-rent-only lease may not be offered. The development of the code will, of course, be subject to consultation but, as I have said, my strong inclination is that investment should be one of those circumstances. I want to reassure pub-owning companies that Scotland is open for business and welcomes investment in Scottish tied pubs. I want pub-owning companies to have confidence and to continue to invest in this important sector.

My amendment 9 will provide assurance to the sector that the Scottish Government is committed to protecting the position of pub companies with regard to investment. The amendment strengthens my stage 2 amendments on MRO leases and reflects the conversations that I have had with stakeholders—landlords, tenants and, of course, Mr Bibby—about this element of the bill. I believe that amendment 9 has strong support and will improve the balance of the bill.

My stage 2 amendment deliberately included the word "may", before specifying the circumstances in which an MRO lease may not be offered. It provides flexibility in relation to when an MRO lease has to be offered. The default position remains that a pub-owning business will be required to offer an MRO lease.

Amendment 13 would make it a requirement for the code to set out the circumstances in which an MRO lease need not be offered. In my view, that would go too far and would remove the flexibility that the Economy, Energy and Fair Work Committee endorsed by supporting my stage 2 amendment. Although I welcome the fact that Mr Simpson has acknowledged and incorporated the wording of amendment 9 in relation to investment, I do not think that amendment 13 is necessary. Amendments 8 and 12 are consequential to amendment 13.

I do not support Mr Simpson's amendments. I ask members to support my amendment 9.

Neil Bibby: Under the bill as introduced, the code required pub-owning businesses to offer a market-rent-only lease to a tenant who requested such a lease—there were no exceptions. As the minister has said, as a result of the amendments that he moved at stage 2 it is now possible for the code to specify the circumstances in which a market-rent-only offer need not be made by a pub-owning business.

Amendment 13 would go further by making it a requirement, rather than a possibility, that the code sets out circumstances in which an MRO offer need not be made. It also includes the example that an agreed investment may be a reason for an MRO offer not to be made. The investment example is also the subject of the minister's amendment 9, which I will come to in a moment.

I remain satisfied that the minister's amendments at stage 2 strike the right balance, so I will not support Graham Simpson's amendments in the group. I therefore ask members not to support amendments 13 and 8. Amendment 12 is a consequential amendment, which will not be required if amendment 13 is not agreed to, so I will not support amendment 12 either.

As I have explained, the minister's stage 2 amendment means that paragraph 5(3)(aa) of schedule 1 to the bill allows, but does not oblige, the code to specify

"circumstances in which a pub-owning business need not offer to enter into a market rent only lease with a ... tenant".

Amendment 9 adds to that the example of circumstances

"where an agreement to invest in a tied pub has been entered into".

The amendment does not change the scope or legal effect of the bill, and it might be helpful in providing an indication of the sort of circumstances that may be consulted on and considered for inclusion in the code. The amendment might also help to improve relations between tenants and pub companies. Such a measure could be beneficial for all involved—tenants and pub-owning businesses—so I will support amendment 9 for that reason.

The Presiding Officer: Mr Simpson, do you wish to press or to withdraw amendment 12?

Graham Simpson: I wish to withdraw it.

Amendment 12, by agreement, withdrawn.

Amendments 13 and 8 not moved.

Amendment 9 moved—[Jamie Hepburn]—and agreed to.

Schedule 2—Scottish Pubs Code Adjudicator

The Presiding Officer: Group 5 is on the Scottish pubs code adjudicator and the power to require information. Amendment 1, in the name of Neil Bibby, is the only amendment in the group.

Neil Bibby: Amendment 1 is a minor and technical amendment. Paragraph 4 of schedule 2 deals with the adjudicator's powers to require information, and paragraph 4(2) lists the purposes for which the adjudicator may require information. Unfortunately, there is an error in paragraph 4(2)(b), which currently refers to a subsection of the bill that does not exist and also is not worded accurately. Amendment 1 corrects that error without changing the intention behind the provision. The amendment will ensure that the adjudicator can require information for the purposes of monitoring whether the requirement to comply with a direction given under section 9(2)(a) has been fulfilled, which has always been the policy intention.

I move amendment 1.

18:15

The Presiding Officer: Minister, do you wish to add anything?

Jamie Hepburn: I will briefly commend Mr Bibby's eagle-eyed nature and urge members to support the amendment.

Amendment 1 agreed to.

Amendment 10 not moved.

The Presiding Officer: Group 6 is on the Scottish pubs code adjudicator and assistance from the Scottish ministers. Amendment 11, in the name of Andy Wightman, is the only amendment in the group.

Andy Wightman: Amendment 11 relates to the staffing of the new adjudicator. It would allow for the Scottish ministers to "ensure the provision of" staff in respect of the adjudicator, allowing greater flexibility in the approach to staffing and supporting the adjudicator. I am concerned that the provisions on staffing are restricted to ministers directly providing staff or the adjudicator seconding staff from other bodies. My amendment would ensure that ministers can work with the adjudicator on the appropriate mechanism for staffing, which might include a contract for service with another body.

The wording in the amendment is used in the Schools Consultation (Scotland) Act 2010, as amended by the Children and Young People (Scotland) Act 2014. That allows ministers to work with the convener of the school closure review panels to ensure that there is a contract for service in place to administer that body and support the panels. I consider that amendment 11 will provide

ministers and the adjudicator with wider scope for staffing and supporting the work of the adjudicator.

I move amendment 11.

Jamie Hepburn: The amendment concerns the powers for the Scottish ministers to provide assistance to the adjudicator, including for staff, services or facilities, with or without charge. I do not think that the amendment is necessary, particularly as the levels of assistance that will be required are expected to be low. For example, we do not expect the adjudicator to need many staff, and any assistance from the Scottish ministers in that regard is likely to be provided directly by the secondment of Scottish Government staff, which is already explicitly provided for in the bill. Moreover, the bill already contains sufficient powers for the adjudicator to enter into contracts with other parties or for the Scottish ministers to enter into contracts on the adjudicator's behalf.

Simply put, the concerns that Mr Wightman has raised are already accounted for in the bill. Consequently, I ask members not to support amendment 11.

Neil Bibby: Amendment 11 seems to be aimed at ensuring that the Scottish ministers can help to contract services with other bodies to provide support to the adjudicator. The amendment is no doubt well intentioned, but it seems to be misconceived and would serve no practical purpose. There is no need for the words "may provide" to be supplemented by

"or ensure the provision of".

If the adjudicator wants to contract with others for staff, for example, it already has powers to do that under paragraph 24 of schedule 2. Paragraph 11 of schedule 2 is a provision to empower ministers, not the adjudicator. Should the adjudicator want the sort of support with contracting that the amendment seems aimed at, ministers can already provide that, given the flexibility for them under paragraph 11 to provide "other assistance". I therefore do not support amendment 11 and I ask Mr Wightman to consider seeking to withdraw it.

Andy Wightman: I note the comments from the minister and Mr Bibby and I will not press the amendment.

Amendment 11, by agreement, withdrawn.

The Presiding Officer: That ends consideration of amendments. As members may know, at this stage in proceedings, I am required under standing orders to decide whether in my view any provision of the bill relates to a protected subject matter; that is, whether it modifies the electoral system or franchise for Scottish parliamentary elections. The bill does no such thing, and

therefore it does not require a supermajority to be passed at stage 3.

Tied Pubs (Scotland) Bill

The Presiding Officer (Ken Macintosh): The next item of business is a debate on motion S5M-24271, in the name of Neil Bibby, on the Tied Pubs (Scotland) Bill at stage 3.

18:19

Neil Bibby (West Scotland) (Lab): It gives me great pleasure to open today's stage 3 debate on the Tied Pubs (Scotland) Bill. I lodged the draft proposal for this member's bill more than four years ago and, if the bill is passed today, it will be the result of an entire session's worth of work. I thank all those who have played such a vital part in getting the bill to this stage.

I thank the Scottish Licensed Trade Association, which has consistently championed the rights of leased and tenanted publicans and small businesses in the licensed trade, and the Campaign for Real Ale, which represents many pub lovers and has campaigned for more choice for consumers. I thank our trade unions, particularly the GMB and the Scottish Trades Union Congress, which represent workers in the brewing sector. I thank Greg Mulholland MP, who was instrumental in ensuring cross-party support for tied pub reform in England and Wales. I also thank campaigners such as Chris Wright and the wider and powerfully persuasive coalition formed by the Scottish Co-operative Party, Tennent Caledonian, the Federation of Small Businesses Scotland, the Society of Independent Brewers and many more, which has supported tied pub reform.

I also recognise the work of Nick Hawthorne, Neil Ross and Kate Blackman and all at the non-government bills unit, and that of other parliamentary staff and Scottish Government officials. I thank my own staff, Joe Fagan and Emma Hyndman, for their invaluable support and their work in the past few years.

In particular, I thank the minister for his interest and engagement and for his role in ensuring that the bill has proceeded with Government support. Jamie Hepburn has shown leadership that will be recognised by the licensed trade and pub tenants. I recognise that his work today and over the past few months has made the progress of the bill possible.

Tied pubs have been around for a long time. The basic idea is sound: a pub is owned by a business and leased to a tenant to manage. That tenant will pay below the going market rent for the pub but, in turn, must buy alcohol from the business at a higher rate than would be the case on the open market. The business is expected to provide other support and assistance to the tenant, although, as the committee heard, that

support is not always specified in the tied agreement.

Over the years, that basic model has eroded. Rents have increased, as have the mark-ups on alcohol, and many tied tenants have found themselves locked into unfair contracts. That has resulted in far too many tenants barely earning a living, despite often working long hours in a demanding job. According to a survey last month by the SLTA, 60 per cent of tenants earn less than the minimum wage when the hours that they work are taken into account. It has become clear that the sector cannot regulate itself fairly and that action is needed.

In 2015, the United Kingdom Parliament passed the Small Business, Enterprise and Employment Act, which created a tied pubs code and adjudicator for England and Wales. Thousands of tied tenants there now benefit as a result of that legislation. It is true that not everything in the 2015 act has worked as well as was hoped, due in no small part to some of the pubco-backed amendments that tied down the code and the adjudicator.

The bill does not replicate the UK legislation; it improves on it, simplifying it where possible. It may have taken six years, but I am delighted that, should the bill be passed, tied tenants in Scotland can look forward to having a Scottish code and statute, and a Scottish adjudicator to govern and enforce the code. The code and the adjudicator will give companies that own tied pubs in Scotland and their tenants a clear, fair and proportionate framework to operate in and abide by—a framework that will allow the sector to flourish.

I thank the minister and his team for the collaborative approach that they have taken since stage 1 in working with me on the bill. That approach led to the lodging of 18 amendments at stage 2—I lodged some and the minister lodged others—that we both supported. The amendments introduced a number of provisions. One allows a longer period for the Government to create the code and appoint an adjudicator. Another allows longer review periods, so that the impact and effectiveness of the code can be properly assessed. Another ensures that investigations into alleged breaches of the code take account of tenants' behaviour. Another includes time limits. Perhaps the most significant amendment allows the code to set out the circumstances in which a market-rent-only offer need not be made by a pub-owning business.

The MRO option remains a central part of the bill. I watched with frustration as the MRO option in England and Wales became bogged down in a morass of complicated rules and barriers. The MRO provision in the bill is simpler and clearer. However, to encourage positive relationships, it is

right that the code can set out situations in which the MRO option is not open, such as when a pub-owning business has made a significant investment in a tied property.

The aims of the bill remain those that are set out in the three principles found in section 3: fair and lawful dealing; tenants no worse off because of the tie; and tied deals that provide a fair share of risk and reward. Passing the bill will realise those aims.

Although I hope that today will be the end of the bill's long journey, it is only the start of a new chapter for the sector. In the next session of Parliament, the Scottish Government will consult fully, meaningfully and thoroughly on a draft code. It will be vital for the future of the sector to get that code right.

The regulations that will contain the final code must gain parliamentary approval, so there will be an opportunity for detailed scrutiny by the committee and the wider Parliament. The selection of the first adjudicator, which is an appointment that the Parliament must approve, will also take place next session.

It is my hope that, after today, pub-owning businesses and tenants, and their representative bodies, will put aside any differences and work together, collaboratively and constructively, to ensure the success of the code, which will benefit many people in Scotland.

I move,

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

18:25

The Minister for Business, Fair Work and Skills (Jamie Hepburn): I am very pleased to be speaking on behalf of the Government in this final debate on the Tied Pubs (Scotland) Bill. Of course, as I have been at pains to emphasise throughout the process, it is not a Government bill; nonetheless, I thank my officials for their efforts in supporting me through the process.

I commend Neil Bibby for reaching this stage today. It is not easy to progress any bill in any circumstances, but that is particularly the case without the full support and assistance of the civil service. I congratulate him on getting his bill to this stage.

As we have heard, the bill will promote fair and equitable treatment in commercial agreements. It will also rebalance the relationship between pub-owning companies and tied pub tenants. The bill is an important step forward for the tied pub sector in Scotland and, as we have heard, it is the culmination of many years of work by Mr Bibby, who first proposed the bill towards the start of the

parliamentary session. As we come to the end of the session, it seems fitting that we are considering whether to pass his bill.

I would like to thank Mr Bibby and his team for working closely with me and my officials, and for his on-going dialogue and openness. I would also like to thank the Economy, Energy and Fair Work Committee for its comprehensive consideration of the bill at stages 1 and 2.

I arrived at a different conclusion from the committee at stage 1, after giving a great deal of thought to the merits of the bill. Nonetheless, I appreciated the committee's clear and thorough report and examination of the evidence and views at both stages 1 and 2, which helped to influence the Government's approach to the bill.

Whether we would support the bill's progress was a balanced decision, but engagement—fairly late in the day—from a number of tied pub tenants led me to conclude that, if we were to follow the committee's recommendations and undertake more investigative work, we would have concluded, in all probability, that we would need to introduce similar legislation.

Having mentioned that engagement, I would like to thank the sector, their representatives and the tenants who took the time to meet me during the bill process. Their approach has helped to influence our approach, too. In so far as I will be involved, I am keen for that spirit of co-operation between interested parties to continue into the bill's implementation, should the Parliament pass it at decision time.

I have had an open-door policy because I have been keen to understand the issues across the industry as I considered Mr Bibby's bill. I have listened carefully to all views and concerns. I hope that all parties see that approach reflected today in the amendments that have been agreed to. I have sought to ensure that the bill is fair and balanced for both landlords and tenants, for example through the amendments on MRO leases. Those not only preserve the tenant's right to request an MRO lease but provide safeguards for pub companies, particularly in relation to investment. That balance for landlords and tenants is crucial for the bill and for the sector.

I understand that this is an extremely challenging time for everyone involved in the pub sector, which has been particularly hard hit by the pandemic. I have heard about the support provided to many tenants by their pub companies during this time. That clearly shows that the tied pubs model has tremendous value and an important place in the pub landscape. It also provides a low-cost entry point for people who are looking to take that first step into business. However, although I have heard both those points

from tied pub tenants, the picture across the sector is not uniform. I have also heard from some tenants that they have not had that level of support and believe that change is required.

I want to preserve the benefits of the tied pubs system, which I recognise is an important model of tenure. I also want to ensure that there is a better balance in landlord-tenant relationships, and a proportionate approach.

If the bill is passed, the code will require to be implemented by whoever forms the Government after the election. The current Government is certainly committed to full and meaningful engagement if development of the code falls to us. The code will govern the relationship between pub-owning businesses and their tied tenants, and it will need to be created within two years. If that work falls to us, we will look to do it as soon as possible.

I would like to continue to work closely with stakeholders to ensure that the code works well for the whole sector. I want to see the sector recover and flourish; I hope that we all approach the bill in that spirit.

Once again, I congratulate Mr Bibby on reaching this stage.

The Deputy Presiding Officer (Lewis Macdonald): I remind members at the back of the chamber that their voices carry.

18:30

Graham Simpson (Central Scotland) (Con): We are near the end of the parliamentary session—we have only a day to go—and all of us have been clearing out our offices to get them ready for the next occupant. Those of us who are standing again and are lucky enough to return may end up back in the same room, or we may not.

I am not a great hoarder, but, while I was clearing my office, I came across an unopened bottle of beer with a label that urged me to support the tied pubs bill. Goodness knows how it stayed unopened and forgotten about, but it did. It was dated February 2018. That shows how long it can take for a member to get a bill through the legislative process, if they are lucky.

I had my own abortive attempt at a member's bill on the protection of buyers of new homes, and I found that immensely frustrating. I had come from the fast-paced newspaper industry, and I realised that I needed to show a little more patience.

I commend anyone who gets to the stage that Neil Bibby has arrived at, and I say well done to him. He has been along a rocky road, but he got

there in the end. He put in a fair shift prior to stage 1 in trying to drum up support. It then all went quiet for a bit. Some of us thought that he had dropped the whole thing, but he got to stage 1. When the committee, which I was not on at the time, reported, it did not look good for Mr Bibby and his bill. The committee was divided, but the majority did not support its general principles.

Members of my party and the Scottish National Party members thought that, on balance, the bill should go no further. However, there is a lesson for all those who get to that point: do not give up, because funny things can happen. That happened with Monica Lennon's Period Products (Free Provision) (Scotland) Bill. I see that Monica Lennon is here. We and the SNP were against that bill, and it looked sunk. My party's stance then suddenly changed and the SNP's stance did, too. A hurdle was crossed, and the bill went on to its ultimate conclusion.

The same has happened with the Tied Pubs (Scotland) Bill. We have changed our stance, and the SNP has fallen into line, too. Funny things happen. Mr Bibby has made it, and I say well done to him.

I have never had strong feelings about the Tied Pubs (Scotland) Bill one way or the other. It could be argued both ways—the committee's stage 1 report reflected that. We are prepared to support the bill, but I have to admit to having some reservations about it. I wonder what will happen to the hospitality trade, which has been hollowed out by lockdown. I fear that the good intentions behind the bill may—I stress "may"—lead to some pub companies deciding that it is not worth investing in Scotland, or they could change their business models and remove the tied option, which can be a route into the licensed trade for some. Mr Bibby mentioned that earlier. That would be a shame, but it could happen. It could easily be argued that the time is not right for the bill, if it ever was. I know that a number of colleagues share those concerns, and there must be some SNP members who share them.

Emma McClarkin, who is the chief executive of the British Beer & Pub Association, said that the bill

"poses a real danger to future investment in the sector, entrepreneurship opportunities"

and

"threatens jobs".

That said, similar legislation was enacted by the Conservative Government in 2015 in England, although the tied pub sector there is much larger. That created a pubs code and an adjudicator that would govern the relationships between some tied pubs' tenants and their pub-owning company landlords. Mr Bibby's bill aims to ensure that

Scottish tied pub tenants have at least the same protections and opportunities as those covered by the 2015 act. The bill is in a better position than it was, thanks to some sensible amendments and, as I have said, we will back it, albeit with some reservations.

Before I sit down, I should say that my colleague Margaret Mitchell, who also got a member's bill through, will close for us. It will be Margaret's final speech as an MSP, so I do not expect her to say much of anything about the bill. She has served the constituents of Central region with distinction since 2003. Until 2016, she was the only Conservative representing the region. It has been a pleasure to work alongside her for the past five years, and I wish her and Henry a happy and healthy retirement.

18:35

Alex Rowley (Mid Scotland and Fife) (Lab): I congratulate Neil Bibby and his team for the tremendous amount of work that they have done to get the bill to this stage. I hope that the bill will be passed this evening. I also thank the minister for the positive approach that he has taken, which was evident at stage 2, when the bill came to the committee.

I will focus on the letter that the Scottish Licensed Trade Association sent to all MSPs today. It makes the following points, which are worth restating.

"For too long, large pub-owning companies have taken more than their fair share from publicans. Too often they have held their tied tenants back, restricted consumer choice and failed to properly regulate themselves and keep their house in order. They have put their own profits before the sustainability of local pubs and fairness for tied pub tenants. It cannot go on."

It continues:

"The Tied Pubs Bill delivers a fairer deal for tied publicans, with a new statutory Pubs Code. It would rebalance tied agreements, shifting power from the large pubcos to the local pubs who desperately need your help. It allows tenants to opt-out of tied deals that aren't working. It will give publicans more choice over the drinks they stock to help meet consumer demand, promote Scottish products and sustain their business. The Tied Pubs Bill will also be very positive for Scotland's small brewers, who at the moment are restricted from access to pubs owned by the big brewers and pubcos operating the tie.

The fact that global brewers and pubcos are so desperate to stop this Bill exposes the fact that they take too much from pub profits. The reality is that the Market Rent Only option is just that, an option and if they want to keep publicans tied, they need to offer much better deals, lower prices and lower rents. That's all the Bill calls for – fairness and a fair split of pub profits, which all MSPs must surely agree with."

The letter also makes the point that,

"In England, pubcos have continued to invest in pubs, despite the Pubs Code and if they want to continue to own and operate pubs, they will do the same in Scotland."

I will also refer to the survey that the SLTA carried out, as the key data points in that survey are quite stark. They show that 50 per cent of tied pub tenants report earning less than £20,000 a year, with 34 per cent earning less than £15,000 a year. In many cases, those amounts are for a couple, not for an individual. A shocking 58 per cent of tied pub tenants reported earning less than the minimum wage, with just 13 per cent earning more than the minimum wage. The average price paid for a keg of standard lager by tied pubs is a staggering 61 per cent higher than the open market price, with some paying as much as 107 per cent more than would be paid on the open market. It is also reported that 81 per cent say that the information that was provided to them when they entered the lease was inaccurate or misleading.

That demonstrates why there was a need for the bill. I congratulate Neil Bibby once again on bringing the bill to Parliament, and I hope that everyone will support it at decision time.

18:40

Willie Rennie (North East Fife) (LD): Probably more than ever before, we know through the pandemic the value of pubs as community assets that play a social role and as major employers that showcase world-class Scottish products. The bill will help to rebalance the pub sector in Scotland in the way that the sector has been helped in England. However, there is much more to be done beyond the bill, because of the impact of the pandemic on the sector. This cannot be the end of the story. We need to look again at what support we can provide to pubs to ensure that they continue to play that essential role in our communities.

Neil Bibby was generous in his praise of Greg Mulholland, the former Liberal Democrat member of Parliament who championed the sector for many years. Through his hard work and diligence, the landscape of the sector in England and Wales has changed markedly. I like the fact that Graham Simpson tried to claim the legislation there as a Conservative achievement in government, when in fact it was Liberal Democrat ministers who drove it through the Department for Business, Innovation and Skills. I do not often refer to, praise or boast about the coalition years, but that is one thing that I am prepared to recognise.

One Conservative contribution that is missing from this debate is that of Maurice Golden. His contribution last time was remarkable and I would have enjoyed hearing him participate in the debate again today. Alas, he is nowhere to be seen.

The pubs code and the adjudicator are assets to be lauded. They have governed the relationship between the large pub-owning companies and their tied tenants in England and Wales, and it think that that has changed the landscape there for the better.

Neil Bibby deserves huge credit for his determination and single-mindedness. Lesser politicians would have buckled by now, but he withstood the pressure from all sides and persuaded—perhaps even charmed—others to his way of thinking. That obviously had some effect on the minister, who was a reluctant supporter at the beginning; in fact, he was opposed to the bill. The charm obviously worked on the minister, but it has also worked on the rest of the sector because, as the minister said—

Jamie Hepburn: Will the member take an intervention?

Willie Rennie: If the minister is going to deny that he was charmed, I want to hear from him.

Jamie Hepburn: I will leave others to consider the charm or otherwise of Mr Bibby. I put on the record that at no stage did I state any opposition to the legislation.

Willie Rennie: He was charmed even before he knew he was! That is an incredible admission. Neil Bibby's powers know no bounds.

It is true that the profile of the sector in Scotland is different. There are fewer tied pubs. The tie may provide a way for new tenants in the sector to hone their skills and knowledge and to climb the ladder to having their own pubs. That has to be recognised and we should try to hold on to it where it is of benefit to the sector.

However, the support that the bill has received from a range of trade organisations and trade unions is an indication that there is a significant problem and cannot be ignored. The fact that many in the sector came to the minister and tried to make it a workable bill, as far as they were concerned, was recognition from them, too, that change is required. Neil Bibby's powerful evidence has been persuasive all round.

Giving tenants more freedom to grow and develop their businesses with creativity must be encouraged. Sometimes the sign of a good law is that it is not often used. I hope that that is the case in this circumstance. Neil Bibby has already achieved changes in the sector before the legislation is introduced. Let us hope that that continues and that our pub sector recognises that it has to change for the better to make sure that it thrives for many years to come.

18:44

Patrick Harvie (Glasgow) (Green): I add my sincere congratulations to Neil Bibby, not just on introducing the bill and steering it through but on doing the work of building consensus to get the bill to the point of being passed—and it will certainly pass with the support of the Green group of MSPs.

I declare, from my entry in the register of members' interests, not only my membership of the cross-party group on beer and pubs, which has no collective view on the bill, but my membership of CAMRA, the Campaign for Real Ale. Neil Bibby is one of a relatively select few MSPs I have had the pleasure of bumping into at CAMRA beer festivals from time to time over the years.

As CAMRA's evidence states, the pub companies take a share of profit from tied tenants that is more than fair and more than sustainable, and that often leaves tenants unable to earn a decent living. The way in which tenants are being expected to pay over the odds for the beer that they sell is clearly unfair. Even if some of them find the tied-pub model agreeable and might choose to stick with it, they should have the choice, and the bill will give them that choice.

Over the years, I have been privileged to host a number of events in Parliament with CAMRA and others in the Scottish brewing community. This is an important opportunity to say that although, when we debate alcohol, we often debate the social and health harm—issues that do not need to be downplayed at all—we should also find opportunities to celebrate what is positive about a more diverse, decentralised model of pubs and brewing. The domination of a small number of giant companies is itself unhealthy, and it is a model that compounds the public health harm that comes from alcohol. A more diverse brewing sector and a more diverse pub sector, with a greater number of smaller independent companies, would offer a healthier way forward, in my view, and the bill will be one measure that helps to achieve that.

Over the past year, as I have spoken both in Parliament and at other meetings from this little corner of my living room, I have occasionally been teased about the fact that I keep my refreshments close at hand. In a few parliamentary debates, that has been necessary. Today, I have made a slight change, so that members can all see that my taste covers the grain as well as the grape. If I regret anything about today's debate, it is that I will not have the opportunity to buy Neil Bibby a pint in the Parliament bar after the end, to celebrate our passing his bill. If I could think of nothing better, I would give him a chance to try Hoptimistic Future, which was specially brewed for the Green yes campaign back in 2014. After a few years,

however, it is probably not safe to open this bottle here, but perhaps I will get the chance to buy Neil a beer when we all return.

18:47

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): To say that the evidence that we heard during consideration of the bill was polarised is putting it mildly, and it is fair to say that committee members were more than a little disappointed with that. At the outset, the bill struggled to gain the support of the whole committee, but Mr Bibby's persistence and his willingness to find a way forward at stage 2 gradually won that support. Of course, the Tories tried to sabotage the bill at stage 2 with hundreds of pointless amendments until they realised the mistake that they were making and gave up their attempt to talk the bill out of parliamentary time altogether.

Although the bill began its journey pre-Covid, it took on new significance as the impact on the tied sector and the wider pub sector became clearer during the pandemic. We can see the continuing impact simply by taking a walk along any of Scotland's high streets. The pubs were the first premises to be closed, and they will probably be the last to reopen. We know that, sadly, many of them may not reopen at all.

Establishing a new pub code will allow the Scottish ministers to set out the circumstances in which a market-rent-only lease is offered. That will ensure that we get a balance between the rights of the pub-owning companies and their tenants, which I hope will be helpful. It will introduce consultation and engagement into the process, meaning that a tenant who is satisfied with their current lease arrangements will be under no obligation to accept market rent only. All of that should, hopefully, make for a stronger and more successful tenanted pub sector in Scotland.

The bill applies to the tied sector, which accounts for around 17 per cent of pubs, or 750 out of a total of about 4,000. The profile of tied pubs in Scotland is very different from that in Wales and England, but the bill offers some protections and increased opportunities for consultation, as the member in charge has continually reminded us.

At an earlier stage of the bill's journey, research that the Government carried out did not appear to back the case for change. There were sufficient voices telling us about problems in the tied sector, principally involving the higher costs of beers and ciders and property maintenance issues. On the plus side, the tied model can offer a cheaper way into pub management for many, with the added benefits of including satellite TV and wi-fi, which

might otherwise be too expensive for new entrants to pay for themselves.

The arrangements under the bill that will permit tenants to introduce a choice of at least one guest beer beyond the tied arrangement will surely be welcomed by everyone. However, I leave it to other members to give us a flavour of that and of other aspects of the bill.

I offer congratulations to Neil Bibby for taking the bill through; to our committee clerks for supporting us; and to the Scottish Government for showing a willingness to listen to the pleas from the sector and, ultimately, for supporting the bill.

18:51

Sarah Boyack (Lothian) (Lab): I, too, congratulate my Labour colleague Neil Bibby on getting the Tied Pubs (Scotland) Bill to stage 3. I recognise all the hard work that he has put in to get it here, as well as the contributions from all the witnesses who gave evidence that was considered by the committee.

As we have heard, the bill is supported by Scotland's trade unions, CAMRA and many pubs across the country. It puts power in the hands of consumers and tenants, rather than multinational pub companies, and it is an important step in bringing tied pubs in Scotland into line with those in England and Wales, which FSB Scotland identified as being important to the sector. As others have said, it is vital that we support the sector, and I am glad that the small pubs in our communities will get the flexibility and new choices that they need.

Hospitality is a key sector in our economy, and, as we build back from the pandemic, I am pleased that the bill will give pubs more choices and more support as they begin to think about opening again. As the Society of Independent Brewers said, it is important to open up opportunities for

"small brewers ... to provide the craft beer that more and more consumers are demanding."

As GMB Scotland said, the bill is also about "creating and safeguarding" jobs in our Scottish breweries. There is much to look forward to when the bill is passed.

The bill requires the Scottish Government to make regulations that will change the relationship between tied pubs and pub-owning businesses to ensure that there is fair and lawful trading; that tied pubs should be no worse off than free-of-tie equivalents; and that tied agreements should provide a fair share of risk and reward. It gets rid of voluntary self-regulation and introduces statutory regulation, which means that there will be a clearer set of rules. I am glad that the bill will bring all of that into play.

In addition, the market-rent-only option allows a publican to opt out of their tied agreement and pay a market rent only for their premises. The evidence from England and Wales shows that MRO rights give tenants leverage to negotiate fairer deals, even if they do not choose to go free of the tie. The bill is about choices and fairness, and I hope that it will support our hospitality sector.

It will also provide for something that I suspect one or two colleagues in the chamber will like. Tied publicans will have the right to stock one beer of their choosing, which will allow them to respond to consumer demand and make their pub more profitable. That provision will also support our Scottish and independent brewers, which has to be good news for Scotland. The bill will change the landscape for tied pub tenants, bringing greater equality to the relationship between tenants and pubcos and opening up a bigger market for Scotland's brewers. I am delighted to support this Labour bill today.

I have been thinking about all the comments from members about the work that Neil Bibby has done and about his negotiating and persuasion skills. I attended a Commonwealth Parliamentary Association conference on getting organised for COP26—the 26th United Nations climate change conference of the parties. The last session was about negotiating skills and how to get the Government to do something that it does not initially agree with. In the future, Neil Bibby will be able to talk to members about how to go from proposing a members' bill that may not work to taking the bill through the legislative process, with a lot of hard work by the lead committee, and getting support from Parliament. The bill is a great example of that, and I hope that all members will support it at decision time.

18:54

Colin Beattie (Midlothian North and Musselburgh) (SNP): I thank Neil Bibby for introducing the bill and for his open engagement throughout the whole process. The bill was not easy for the Economy, Energy and Fair Work Committee to consider, by any means. Listening to the evidence over the months raised many question marks. Effectively, two sides put forward evidence: on the one hand, the tenants; on the other hand, the pub companies or landlords. Frequently, those two sides presented significantly differing evidence, with one side sometimes contradicting the other. Little in the way of independent data was available, and the committee felt concerned at times that it did not have enough information to reach a conclusion—a situation that led to the committee's initial rejection of the bill at stage 1.

We heard forceful arguments from the pub landlords that legislating for a change in relationship between the tenant and the landlord would lead to dramatic drops in investment in tenanted pubs and create uncertainty and slow recovery from the Covid-19 pandemic. Equally, forceful arguments were made that the pubcos take an unfair share of the profits of the tied tenants and that the legislation would make community pubs more sustainable, as well as increasing variety and choice at the bar for customers. It has been difficult to separate out the carefully constructed and presented arguments and get a grip of the best solution. However, we all want a prosperous and well-run pub sector that provides both choice and service to its customers while enabling the tenant to secure a fair income for the work that they commit to the business.

On balance, I accept the probability that tenants are at a disadvantage when negotiating with pub landlords. The decision for the tenant of whether to take up the MRO option is to be made entirely in the light of individual circumstances. When a good and fair relationship exists with the landlord, it seems to me unlikely that the tenant will wish to disturb it. However, when a relationship is sour or perceived as less than fair, the tenant will have the option to change that relationship if they believe that that will be of benefit.

The concerns about choice of products and the stocking of guest beers—specifically local beers—have received considerable attention. It seems fair to think that a tenant might feel that they have more flexibility to stock products that better reflect local tastes if they take the MRO option.

I was in two minds as to whether the bill was needed, but I am now content that, for a few tenants, it might provide a level of protection and the opportunity to reset a relationship that is simply not providing the expected results. I believe that it is important that we put policies in place that support pubs to best recover from the Covid-19 pandemic. If that will benefit some tenants, it is worthwhile.

Once again, I congratulate Mr Bibby on introducing the bill and I commend it to Parliament.

18:57

James Kelly (Glasgow) (Lab): I join other members in congratulating Neil Bibby on securing the passage of his member's bill on tied pubs later this evening. As many have recounted, it has been a long journey for Mr Bibby—a bit of a bumpy ride with regard to getting the bill through the committee and to this stage—and it is a tribute to his persistence that he will achieve that tonight. I remember going into his office earlier in this session of the Parliament: he had a list of MSPs

on the wall, with one of those election battleground maps, which he had used to chart how he would persuade MSPs to support his bill. He has come a long way since then, and it is great to see the success that he has achieved.

The bill will make a difference. Pubs have been closed during the pandemic, which has shown that they play an important role in our communities. They bring people together and are important for their social aspect. They support people, as a trip to the local pub might be the only way anyone who lives on their own can come into contact with people, so it is important that we support them.

The legislation addresses the issue of the balance of power between landlords and tenants. As Sarah Boyack pointed out, it is all about achieving fairness. It is reasonable to say that that balance of power in some relationships has gone too far in support of the big pub businesses, which have sometimes taken decisions that are not to the benefit of the tenant or the local customers. Alex Rowley quoted some vital statistics around wages and prices in local pubs, which shows the advantage that there would be in giving a greater say to tenants.

The legislation sets up the role of an adjudicator and a statutory code, which will ensure that there is a mechanism to achieve fairness and ensure better wages, proper pricing and a better choice of beers on the ground. That is why the bill has achieved such a wide range of support from organisations such as the Scottish Licensed Trade Association, the GMB, and the Federation of Small Businesses. Such support shows that the bill will make a difference to businesses, workers and customers.

Ultimately, the bill will help as we emerge out of Covid, and when the shutters come up as pubs reopen. It will be good to see customers return, but the model will also help to promote pubs, which will be good for jobs and local economies and communities.

I congratulate Neil Bibby on taking the bill through the Parliament to a conclusion. The point of legislation is to make a difference, and I firmly believe that the bill will be to the benefit of pubs, pub owners and customers alike.

The Deputy Presiding Officer: I call Margaret Mitchell, who is making her final speech as a member of the Parliament.

19:02

Margaret Mitchell (Central Scotland) (Con): I know how much work goes into introducing a member's bill, and I congratulate Neil Bibby on the tenacity that he has shown in getting it to this stage.

The Tied Pubs (Scotland) Bill seeks to improve the position of tied pub tenants and their pub-owning businesses, and give Scottish tied pub tenants at least the same protections and opportunities as those in England and Wales have. As others have said, those aims are to be realised through the establishment of a Scottish pubs code and the appointment of a Scottish pubs code adjudicator. Key aspects of the code include the right to sell a guest beer and the right to pay a market rent on a property without having to buy into other products or services.

The bill's overall benefits include prompting owners and tied tenants to work together to ensure that both parties share the profits and risks. Covid has had a massively adverse effect on Scotland's pubs and publicans, which makes it all the more important that owners and tenants work together to aid the industry's recovery. The bill will give tenants greater choices in running their pub, and the opportunity to invest in the business and themselves.

Scotland's pubs are a vital part of our economy, as well as our local communities. Pubs act as a social hub in villages and communities throughout Scotland. When we can meet again, customers will be able to enjoy a wider choice of products, particularly from local independent brewers, at more competitive prices, and Scotland's brewing industry will also see a welcome boost. Therefore, I look forward to voting for the bill at decision time.

After 18 years of having had the privilege and pleasure of representing my constituents in the Central Scotland region, this is my last speech in the Scottish Parliament. The most important and rewarding aspect of being an MSP has been the ability to fight my constituents' corner, help to resolve problems and ensure that their issues and concerns are not brushed aside, but given a fair hearing.

As a list MSP, it has been a frustration that, rather than being held directly accountable to our constituents when seeking re-election, the list ranking of regional MSPs is in the hands of our various parties before the electorate has its say. That is a weakness of the Scottish Parliament's democratic process.

Chamber debates tend to be dominated by party-political speeches. By contrast, MSPs work well together in cross-party groups, such as the CPG on dyslexia. Such groups seek to take forward issues raised by the individuals, voluntary organisations and other stakeholders who are members of the groups. I will return to CPGs in my closing remarks, with suggestions about how we can make chamber business more effective.

The atmosphere in the chamber today has been different from the usual final days of a

parliamentary session as MSPs make their closing speeches. I want to address the Committee on the Scottish Government Handling of Harassment Complaints inquiry report. For me, the most important findings were not those relating to breaches of the ministerial code but the infinitely more worrying revelations about the centralised system of Government in Scotland, in which the Government is all powerful and there is an absence of the necessary checks and balances to prevent abuses and ensure the openness, transparency and accountability that is essential for any Government to establish trust with the electorate.

Those issues will not be easily or quickly resolved. For all of us in the chamber and for the wider public, a good place to start is with the inquiry report, which can be used as a reference document with the minutes of the committee meetings, the *Official Reports* of our evidence sessions and the published submissions, which are listed in the report's annexes.

The report contains the transcript of the balanced and insightful evidence of the two brave complainers, who, having listened to the inquiry evidence, including the final evidence sessions with the former First Minister and the First Minister, insisted on giving evidence to the committee on oath and in person. They did so because those who are anonymous have no voice. It was entirely fitting that the final evidence session was with the complainers and that they had the final word. Abuses of power matter in any democracy and the end does not justify the means. It is a stark reminder that our democratic freedoms are hard won and should never be taken for granted.

I return to the Parliament's CPGs. My first experience of a CPG was in 2003, when Annabel Goldie asked me to attend a meeting of the CPG on adult survivors of childhood sexual abuse. From that day on, I have been full of admiration for individuals whose trust has been betrayed in an unimaginable way, often in a family context by the very people who they should have expected to protect them and keep them safe. The CPG has informed much of the work that I have focused on as an MSP, including the Apologies (Scotland) Bill, which was suggested in a CPG meeting by the former chair of the Scottish Human Rights Commission, Professor Alan Miller. It was something that could give brave women—largely, the victims are women, although men have also suffered dreadful abuse—the important acknowledgement that they seek of the abuse that they have suffered. It provides empathy and—most important for them—it provides a method of ensuring that the same thing does not happen to anyone else.

The survivors' trial process led me to make arguments for independent legal representation for victims of rape and other serious assaults, which has been rejected by the Government in the context of various pieces of legislation but which I hope will go forward in the next Parliament.

On improving chamber time, if the Scottish Parliament cut out the happy-clappy, time-filling debates that we all know exist, and used the time for MSPs to raise informed issues that have come about through their work in cross-party groups, that would allow for suggestions to be put forward at the end of the debate for the minister to consider, with the possibility that they could put in place concrete proposals to address the issues that have been raised.

I thank Kate Wane and Claire Wilson for their hard work and support in what has been an exhausting parliamentary session. I look forward to spending more time with my family—that is usually a euphemism and has other connotations, but I genuinely mean it—my husband, Henry, and westies Jack and Jamie. Henry will be very pleased, if not a little surprised, that I have put them in that order. I also look forward to doing what I want to do, including starting on my ever-increasing bucket list.

I wish remaining MSPs, and those who are standing down, well in the future. I hope that all who seek re-election do well. It has been a pleasure to work with everyone and to be an MSP in the Parliament, and I wish members good fortune for the future.

19:12

Jamie Hepburn: I thank those who have contributed to the debate, which has been something of a revelation. I was interested to see that both Graham Simpson and Patrick Harvie, on receipt of a bottle of beer, decide to hold on to it rather than to drink it. That might be the only thing that unites them. I put it on record that, when I am presented with a bottle of beer, I opt for a different tack.

I had not envisaged that the debate on the Tied Pubs (Scotland) Bill would involve my last speech during this parliamentary session, but I am very glad to have been able to take part. I am not sure whether Margaret Mitchell intended this to be the debate for her last-ever contribution; she certainly took advantage of the opportunity, and I wish her well for the future.

I will try to confine my remarks, because I recognise that we are running later than expected.

I recognise that there remain differences of opinion on the merits of the bill, but the constructive approach that we have taken has

ensured that the bill is more balanced and fairer in representing the interests of tenants and landlords than it was at the outset, while it continues to respect the fundamental precepts that were envisaged by Neil Bibby.

I want a successful tied pub sector in Scotland. I do not think that any member demurs from the point of view that tied pubs are an appropriate model and form of tenure in the pub sector. I want that to continue, and I also want a level playing field for tenants and landlords. I want tenants to be treated fairly and landlords to be able to see a return for their investment. The approach that we have taken through refining and improving the bill will, if it is passed this evening, enable us to reach that point.

I urge Parliament to support the legislation. I congratulate Mr Bibby once again on reaching this stage and I thank him for his constructive approach in working with me towards the position that we have reached.

19:15

Neil Bibby: I thank all members who have participated in the debate.

I pay tribute to Margaret Mitchell, who just made her final speech. She was a particular help to my constituent, the late Michael McClelland. He was grateful for her support when she was convener of the Justice Committee, and I thank her.

I thank the minister, again, for the leadership that he has shown in listening to Scotland's tied publicans throughout the bill process.

I thank Willie Rennie for his warm words—although I am sure that I cannot match his charm. I thank him for his support and that of the Liberal Democrats. Liberal Democrats were instrumental in getting similar legislation passed at Westminster.

I thank Patrick Harvie for his long-standing support. I recognise that the cross-party group does not have a collective view and I welcome his personal commitment to and sustained interest in the issue. I look forward to having that drink with him when the CAMRA festival is allowed to happen again.

I recognise that the views of members, particularly committee members, have evolved during the bill process. I am aware that there continue to be reservations about the bill; Graham Simpson highlighted some of them. I welcome the collaborative approach of the Government and the candid discussions about how the bill could be amended, which have led to a bill that has reassured members. I particularly thank the committee members who supported the bill and

spoke in the debate—I also thank Andy Wightman, who did not speak in the debate, for his support.

I thank Willie Coffey and Colin Beattie for their speeches. They were right to say that the debate about tied pub reform has been described as polarised, with different views on how the model operates in practice. That was a feature of the debate in England and Wales before the UK Parliament chose to act, and it has been a feature of the debates on this bill.

As legislators, we must regularly make decisions about issues on which opinion is divided and about which accounts differ. It is what we are elected to do. However, the fact that opinion is divided does not mean that the weight of opinion or indeed the evidence is divided equally. We have to decide whether to take the global brewing giants at their word—companies such as Heineken, which was fined £2 million for serious and repeated breaches of the pubs code in England and Wales—or to accept the outcome of three parliamentary select committee inquiries, my consultation and the evidence that the Economy, Energy and Fair Work Committee heard, which brought us to this point.

We have to decide whether to accept the evidence that was brought to us by perhaps one of the broadest coalitions ever assembled in support of a member's bill that sought to intervene in a sector of the economy, which included the SLTA, CAMRA, FSB Scotland, GMB Scotland, the Society of Independent Brewers, the British Pub Confederation, the Campaign for Pubs, the Pubs Advisory Service, Tennent Caledonian Breweries, the STUC and many more organisations that backed tied pub reform.

As Greg Mulholland told the committee last year, the number 1 cause of pub closures is tenants not being able to make a living out of their pubs. Sarah Boyack and James Kelly talked about the importance of rebalancing the relationships in the tied pub sector. As Alex Rowley said, the SLTA has circulated survey findings today that show that one in three tied pubs earns less than £15,000 a year in profit, while paying excessive mark-ups for the products that it sells.

I have always accepted that there is a place for the tied pub model. We are not debating the model's merits and whether it should continue. If the tied model was being operated responsibly, as pubcos claim, pubcos would have nothing to fear from the bill. Why would a publican who is getting a fair deal report their landlord to an adjudicator? Why would a publican who is getting a fair deal choose to break the tie and exercise their right to a market-rent-only option? Why would an adjudicator rule against a pubco that is operating in a way that is consistent with the principles on which the bill is based?

If pub companies operate in a manner that is inconsistent with the principles of the bill, publicans will have recourse to a statutory code, which will be consulted on by Government, approved by the Parliament and enforced objectively by an independent adjudicator.

I will say a few words about the challenges that the pub sector faces. The crisis that we are living through has no precedent in modern times and the impact on the sector has been enormous. As members said, businesses have been unable to trade for extended periods, and when trading was permitted, many establishments found that the on-going restrictions made the business unviable. Politicians of all parties have called on the nation to build back better after the pandemic. Those calls give new meaning and purpose to the bill and to the statutory code for which it provides, which can protect Scotland's publicans as they choose to do what is best for their pubs and customers as they emerge from the crisis.

We have an opportunity to secure a fairer deal for Scotland's tied pubs tonight. For the good of the industry, we must seize that opportunity.

Parliamentary Bureau Motion

19:20

The Presiding Officer (Ken Macintosh): The next item of business is consideration of Parliamentary Bureau motion S5M-24453, on approval of a Scottish statutory instrument. Graeme Dey, on behalf of the Parliamentary Bureau will speak to and move the motion.

The Minister for Parliamentary Business and Veterans (Graeme Dey): I am sure that members will miss this decision time highlight as much as I will.

For the final time in this parliamentary session: the regulations remove provisions relating to festive gatherings, as they have now served their purpose. The provisions regarding end-of-term households are adjusted so that they remain fit for purpose. The regulations remove the requirement for child contact centres to close in level 4 areas. They adjust the definition of professional sportsperson and ease the restrictions on libraries to ensure that they can open. Finally, the regulations extend the expiry date of the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) Scotland Regulations 2020 (SSI 2020/344) and the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 (SSI 2020/262) to 30 September 2021. The regulations came into force on 5 March 2021.

I move,

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendments) (Scotland) (No. 2) Regulations 2021 (SSI 2021/117) be approved.

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

Motion Without Notice

19:21

The Presiding Officer (Ken Macintosh): I am minded to accept a motion without notice to bring forward decision time.

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 7.21 pm.—[*Graeme Dey*]

Motion agreed to.

Decision Time

19:21

The Presiding Officer (Ken Macintosh): There are three questions to be put. Before I put the first question, which is on legislation, I will pause to allow members to refresh the voting app. Members do not have to put the PIN in again, but if they press their refresh buttons, it should come back up with the most recent vote that they took part in today. Members who have not already voted today will need to enter the PIN; hopefully, most members have voted already and just need to refresh the app.

The first question is, that motion S5M-24238, in the name of Andy Wightman, on the European Charter of Local Self-Government (Incorporation) (Scotland) Bill at stage 3, be agreed to. As this is legislation, we must all cast a vote. Members should press their voting buttons now. This is a one-minute division.

The vote is now closed. Please let me know if you were not able to vote.

Jamie Greene (West Scotland) (Con): On a point of order, Presiding Officer. Perhaps the office wi-fi has failed us one last time. I would have voted yes.

The Presiding Officer: I am sorry, Mr Greene, I did not catch that. Would you have voted yes?

Jamie Greene: Yes.

The Presiding Officer: Thank you, Mr Greene. I will make sure that your name is added to the voting list.

Beatrice Wishart (Shetland Islands) (LD): On a point of order Presiding Officer. I do not know what happened; there was a hiccup here and I would have voted yes if the system had allowed.

The Presiding Officer: Thank you, Ms Wishart. I will make sure that your yes vote is also added.

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)
 Balfour, Jeremy (Lothian) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)

Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)

Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division on motion S5M-24238, in the name of Andy Wightman, is: For 114, Against 0, Abstentions 0.

The motion is agreed to and the European Charter of Local Self-Government (Incorporation) (Scotland) Bill is therefore passed. *[Applause.]*

Motion agreed to,

That the Parliament agrees that the European Charter of Local Self-Government (Incorporation) (Scotland) Bill be passed.

The Presiding Officer: The next question is, that motion S5M-24271, in the name of Neil Bibby, on the Tied Pubs (Scotland) Bill at stage 3 be agreed to. Members may cast their votes now. This will be a one-minute division.

The vote is now closed. Please let me know if you were not able to vote.

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)
 Balfour, Jeremy (Lothian) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)

Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division on motion S5M-24271, in the name of Neil Bibby, is: For 111, Against 0, Abstentions 0.

The motion is agreed to and the Tied Pubs (Scotland) Bill is passed. [*Applause.*]

Motion agreed to,

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

The Presiding Officer: The final question is, that motion S5M-24453, in the name of Graeme Dey, on approval of an SSI, be agreed to.

Motion agreed to,

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendments) (Scotland) (No. 2) Regulations 2021 (SSI 2021/117) be approved.

The Presiding Officer: That concludes decision time. We will shortly move to members' business in the name of Jeremy Balfour on the "Stories of Hope" report. We will pause for a few moments to allow some members to leave and others to arrive. I remind members who are leaving the chamber to be careful to observe social distancing rules, follow the one-way systems and wear their masks.

Churches (Support During Lockdown)

The Deputy Presiding Officer (Christine Grahame): The final item of business is a members' business debate on motion S5M-23618, in the name of Jeremy Balfour, on the "Stories of Hope" report on Scottish churches providing support in lockdown. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the publication of the report, *Stories of Hope*, produced by the Evangelical Alliance and Serve Scotland, which has calculated that churches across Scotland have provided 212,214 acts of support during lockdown; understands that these acts were delivered by over 3,000 volunteers and impacted over 55,000 beneficiaries; acknowledges that churches in 180 locations across Scotland worked in partnership with key stakeholders, including supermarkets, community councils, NHS boards, food banks, voluntary support groups and charities, to deliver services to support vulnerable groups, including older, homeless and young people; recognises the important role that it considers churches and charities play in communities across Scotland, including in the Lothian region, and praises all those involved in delivering these services during the pandemic.

19:30

Jeremy Balfour (Lothian) (Con): My first speech in the chamber, just under five years ago, was in a members' business debate, so it seems appropriate to finish this session with a members' business debate. I think that it will also be the last time that the Cabinet Secretary for Communities and Local Government addresses the chamber, and I want to wish Aileen Campbell all the best as she spreads her wings and flies to other areas of Scotland. Although we have our political differences, the times that we have worked together on bills and have otherwise engaged have always been very constructive. I wish her well with her family. I also thank people for the cross-party support that the motion has had, which has allowed the debate to take place tonight.

I think that we all agree that the past 12 months has been horrendous for most people in Scotland. Because of lockdown and the pandemic's impact on our health and our families, we have seen so many difficult situations in our country. All of us have received emails and letters from constituents who have suffered because of uncertainty over their jobs, because of a lack of food or for other reasons.

The report that the Evangelical Alliance Scotland has put together and which we are debating tonight gives at least some bright sunshine to enable us to see what has happened in our country in the past 12 months. In the Bible, James says:

"faith without works is dead."

The report brings that verse alive. People's faith has motivated them to go and do good works for their fellow citizens and their local communities.

That has happened across our country. It has happened in small communities and in our cities. There have been large projects here in the Lothians, such as work undertaken by Bethany Christian Trust, of which I used to be a director, to help the homeless. It has made such an impact by taking people off the streets, giving them support in hotels during the worst of the pandemic last year, and making sure that lives that were chaotic were given some kind of structure. It is about the small projects as well. To highlight my own church, Holy Trinity Wester Hailes has been running a food bank over the last period of time. It is also reaching out to the community that it is based in, seeking to bring help. What unites all the projects—whether in the north or south of Scotland, whether large or small—is that they are there to help individuals who need help.

For me, the report highlights something else very important that has happened, and that is partnership working. We talk a lot of about joined-up thinking and joined-up working, but the report highlights it happening in practice across Scotland: the church working with Government, the church working with local authorities, the church working with other faith communities and the church working with the third sector.

If anything can be taken from the report, it is that, whatever happens in the next few years with the pandemic and however things play out, the partnerships that have been made should not be broken and should not go away. In fact, they need to be built on and supported.

It has been my experience in the Parliament and before I came to it that there may have been suspicion of Government among some churches and Government suspicion of churches. I think that that is partly to do with language rather than wanting to achieve. However, the report shows that, when we pull together, it makes a difference and we are stronger with those positives. After all, the church is not a building; it is individuals and people in their local communities seeking to help and develop those communities. I hope that, from the report and the relationships that have been built with local and national Government, the church can have a role to play along with other faiths and other groups in our communities.

The church produces a lot of good stuff, but it needs financial support—not necessarily support for individuals but seed funding for projects to get going and support to provide the necessary things that go on. I hope that whoever forms the next Government will look to support the third sector

across the board, particularly those from the faith communities who reach their communities. It is probably fair to say that the church collectively is the last institution that will be found in every part of our community across Scotland, working away often unseen and often not looking for credit but looking to support individuals who come across its doorstep or individuals to whom it goes to help.

I welcome the report, which has lots of positives and gives us hope for the future, and I look forward to hearing other members' contributions.

19:37

John Mason (Glasgow Shettleston) (SNP): I thank Jeremy Balfour for bringing this subject to the chamber.

One of the good things that have come from the past year with Covid has been that individuals and local organisations have been keen to volunteer and add to what the public sector has been doing. The report only scratches the surface of what has been going on. For example, only two churches in my constituency are listed in the report—Parkhead Nazarene church and the Redeemed Christian Church of God in Bridgeton—but, in fact, we have around 40 churches in the constituency, and I know that most of them, if not all of them, have been helping people in different ways. Therefore, I hope that no one thinks that the report is meant to be comprehensive. It is more of a snapshot of what has been going on.

The report mentions how churches have been aiming to help people with a whole range of needs, including physical, mental, emotional and spiritual needs. It has been encouraging in recent years that we as a society have given greater emphasis to mental health as well as to physical health. That is good, and we probably have further to go in that direction, but we have not always given enough emphasis to spiritual health.

Christians believe—and a number of other faith groups do, as well—that there is a God-shaped space in our human lives and that we cannot find real peace and fulfilment as human beings until we have found a relationship with God.

The churches and other faith groups have been doing a lot to support physical, mental and emotional wellbeing. As Jeremy Balfour has highlighted, there have been deliveries of food and cooked meals and lifts to hospitals for physical health. That has often been done in partnership with the public sector or other third sector services. However, people have also been given company, phoned for a chat and helped to work Zoom, and those things are more for mental, social and emotional wellbeing. The public sector is not always so good at providing that kind of support, and we need to look to wider society—to

the third sector, including faith groups—for that kind of need to be met.

To go beyond that, providing for people's spiritual needs is largely beyond the scope of the public sector, and the third sector may or may not be able to help. It is then that we need the churches, according to Christian belief, or other faith groups that can provide support in that dimension. We live in a materialistic and humanistic society. Most people no longer believe in a God who wants to be personally involved in their lives and yet, as I said, human beings are not just physical or even intellectual or emotional beings—we also have spiritual needs. That is not to say that the churches and other Christian organisations are interested only in meeting people's spiritual needs—the report proves that that is not the case—but it is to say that we need to care for the whole person.

Jesus set us an example by feeding the 5,000 with bread and fish. He helped people with mental and emotional issues, such as how to deal with fear in their lives, but he also dealt with people's spiritual needs—especially by offering to forgive their sins and revealing God as a loving, heavenly father.

Lockdown and the closure of churches and other places of worship have brought to the fore again the relationship between church and state. Some have questioned whether the state can close churches, although many of us see it as having been a necessity for virtually all sectors of society, including faith groups. The point still holds that the state needs to respect the churches and other faith groups and not interfere with them. The churches and others pray for political leaders, and we want to help to make society run better.

I thank Jeremy Balfour again for initiating the debate. I hope that it will improve understanding of the good things that churches are doing and I hope that the relationship between church and state continues to evolve in a healthy way.

19:41

Maurice Corry (West Scotland) (Con): I wish the cabinet secretary and her family well as she moves on to other spheres of life. As I know well, there are responsibilities that no doubt come with a young family. I say an enormous thank you to the cabinet secretary for her work to help us with the veterans community, which has been noticed a lot in the past five years. I have enjoyed working with her on that—she understands it and gets it, which is important. On behalf of veterans, I thank her so much.

I am delighted to speak in the debate and I thank my colleague Jeremy Balfour for his motion. The Covid-19 pandemic has affected every corner

of society and exacerbated some problems to the extreme. To answer the challenges, thousands of volunteers and organisations have stepped forward and exhibited great dedication, commitment and care. At the heart of many of those efforts big and small, the church has stood ready to help.

The “Stories of Hope” report, which was produced by the Evangelical Alliance with Serve Scotland, has shown the breadth of support that Scottish churches have provided in response to the heightened challenges that have resulted from the pandemic. Across the nation, church-led projects have sought to assist the homeless, the elderly, the vulnerable and those who were simply in need of a listening ear. All in all, those projects have delivered more than 200,000 individual acts of support.

It is safe to say that, in the early months of the first lockdown, none of us foresaw the multilayered impact that Covid-19 could have on our lives and we did not fully recognise the heavy emotional toll that it would bring. As the report found, the first weeks left many people spent of their resources, without financial or relational support.

Churches have taken on broad and varied projects to answer practical and emotional needs. Some have operated free doorstep deliveries of food parcels for those who could not go shopping. In Dundee, a network of 12 churches, together with Dundee City Council, NHS Tayside and community groups, collectively provided more than 57,000 meals. Churches offered dedicated helplines to combat feelings of loneliness and anxiety. Those efforts demonstrate the importance of making and sustaining contact with one another. That might seem small, but it has certainly not been underestimated by those who have benefited.

For much of the past year, churches have been unable to hold services or meet as congregations. However, that has not stopped them being a vital support network for their communities, alongside neighbouring charities and organisations. As they have looked to adapt and repurpose their outreach, some churches have offered their buildings to host Covid-19 response and resilience groups and have brought together representative voices to share ideas on how they can collectively best help. Dornoch free church operated a street buddy scheme to assist more than 1,200 shielding and self-isolating households in that area.

In all this, churches—including those in my West Scotland region—have played a significant role in reminding people that they do not have to cope by themselves. The work of the volunteers, who number nearly 3,000 people, has shown that there is hope and optimism to be found, even in such circumstances.

Partnerships are the key to why such projects have made such a valuable impact on people’s lives, as the “Stories of Hope” report emphasised. Churches, regardless of denomination or tradition, have worked in strong co-operation with the wider community—supermarkets, national health service boards, businesses, councils and so on—to ensure that, through helpful and tailored co-ordination, support is not only accessible but maximised to reach whomever it needs to reach. Far from the idea that they are separate from or out of touch with their communities, Scottish churches have purposefully looked outwards for ways in which they can respond meaningfully to the pandemic and communicate during it. In doing so, they have exemplified their continued relevance in our society.

The “Stories of Hope” report described Scotland’s churches as “a lifeline”. That truth goes beyond the pandemic. Our churches have actively sought to reflect the care and generosity that were evident in the life of Jesus Christ. Through their intentional partnerships and contact with others, those attributes have undoubtedly shone through. I commend all the churches and their selfless volunteers who have so clearly placed the needs of others before their own. Beyond the pandemic, I am sure that it is our shared hope that the partnerships that have been forged between church and community will continue to be utilised and encouraged as much as possible.

As this might be the last time that I speak in this place, as I warned the Presiding Officer, I want to say a few words by way of *au revoir* rather than goodbye. It has been a privilege to serve my region of West Scotland, which, as someone who has been a councillor on Argyll and Bute Council, I have enjoyed thoroughly. I have enjoyed my time in the Scottish Parliament—in fact, I have loved it—and the challenges and friendships that go with it. I could not have done it without the support of my team—John McMurtrie, Alix Edmonds, Esther Macleod and Sandra Robinson—and my beloved family: Juliet, my wife, who is always a great support in good and difficult times; my daughters, Sophie, Katie and Emma; and my son, Charlie. Their support has been immense and invaluable. I have enjoyed working with colleagues across the chamber immensely, and I hope that I have helped them in what ways I have been able to.

I have served on the Justice Committee, the Public Petitions Committee and the COVID-19 Committee. Above all, I have enjoyed my time on the cross-party groups on dyslexia, mental health, accident prevention and safety awareness, and armed forces and veterans community, which became one of the most active cross-party groups that I worked on. It could be said that my work on veterans has been my *pièce de résistance*. I would like to think that I have been the voice of veterans

in the chamber, and I have tried to be the voice of veterans and armed forces members throughout Scotland and to raise their issues here. I will continue to do that, whether from inside or outside the Parliament. If I am lucky enough to be re-elected, I will continue that work here.

This is the people's Parliament, and it has been a great privilege to show it off to people. Finally, I thank all members for the friendship and love that they have given me, and for the experience of working with them and the richness of life that it has given me. I have thoroughly enjoyed it.

Thank you, Presiding Officer.

The Deputy Presiding Officer: Thank you very much, Mr Corry.

19:48

Pauline McNeill (Glasgow) (Lab): I wanted to support Jeremy Balfour in tonight's debate because it shines a light on the humanity that is exemplified by churches. Mine will be a short contribution, but I make it in admiration of those I will speak about and in full support of the motion, the churches and the communities that make them.

I have previously made remarks about Aileen Campbell, each time thinking that it was her last speech in the Parliament. It seems as though her speech in this debate might actually be her last speech. All credit to her.

Maurice Corry's speech was really touching. It has been a pleasure to listen to him, and he has made an immense contribution to the Parliament. He is a credit to his party, and the work that he has done on veterans will never be forgotten.

Today is a national day of reflection on the past year of the pandemic. Many people will have positive reflections because they have made the most of their time with their families, revised their working conditions, learned something new or even got fitter. However, it has been a dreadful year for most people and one that has demonstrated the fragility of our world, given the extent to which it has been possible for our older people and our vulnerable people to become so isolated from our love and physical contact, for our young people to be separated from their friends in education, and for family members to be unable to see one another and help one another in the ways that they would want to.

Did we pull together and protect the people who were most in need? Did we do the right thing and share the vaccine supply with poorer countries? Did we recognise the impact on people's mental health? Did we help one another? Did we comply with the rules to protect our national health service and the people who needed it? We must ask

ourselves all those questions when we look back on this dreadful time. The levels of poverty that existed before the pandemic got a whole lot worse. As decision makers, I hope that we made the right decisions for families in poverty.

The Parliament welcomed the publication of "Stories of Hope" by the Evangelical Alliance and Serve Scotland. More than 3,000 volunteers from churches in Scotland have carried out almost a quarter of a million acts of support during lockdowns, which have impacted on 55,000 beneficiaries. There can be no argument with the assertion that our communities in all parts of Scotland have been strong throughout the pandemic or with the fact that churches in Scotland have been doing wonderful work.

We should make no mistake: churches protect people from starvation and from losing their homes. Their life-saving work has given our society hope that we can meet the challenges because people are there to help. Re:Hope church in Royston helped people with their benefit claims and established an advice and support service, which was much needed. Ruchazie parish church got involved in food delivery and counselling—services that were badly needed during the crisis. Parkhead Nazarene church in Glasgow Shettleston delivered food. Ordinary people relied on those food deliveries. Homes For Good and the Bethany Christian Trust did much to prevent homelessness.

I whole-heartedly thank everyone who was involved in that incredible work. Their stories of hope show that humanity is alive and well and that churches are acting on what they believe in. I am delighted to support Jeremy Balfour in this debate, and I look forward to hearing other members' speeches.

19:51

Kenneth Gibson (Cunninghame North) (SNP): I congratulate Jeremy Balfour on bringing the motion to the Parliament, and I commend colleagues from parties across the Parliament for sharing their experiences.

I pay tribute to my West Scotland colleague Maurice Corry, who I think has made his final speech in the Parliament. Maurice has participated in umpteen members' business debates, which shows his eclectic interests. He has also been the spokesperson in the Parliament for veterans. I pay tribute, too, to his work on behalf of the men's sheds movement. He has visited my constituency at least a couple of times that I know of, and he led—extremely well—a debate on men's sheds a few weeks ago, which went down very well in my constituency. I will miss Maurice. He has made an

exceptional contribution to the Parliament over the years.

As we are all too aware, today marks one year since we first went into lockdown. We have taken time out to remember the people who lost their lives as a result of Covid-19 and the impact of the virus on our essential services, as well as to reflect on the hardships of the past year. For some of us, that might have been the loss of our offices and the boredom of a completely blank social calendar. Others, who are less fortunate, have had to cope with the loss of income, livelihoods and loved ones.

Although this might be a time that many of us will wish to forget, it is important that we remember the past year's sacrifices. We must also recall the ways in which we have come together and the immense benefits that have been provided by communities, who have been doing what they do best.

The "Stories of Hope" report provides a reminder that, when people are faced with adversity, they respond to the needs of their communities. For many people and communities, Christian churches have been an integral part of that coming together, as they have been for centuries, since the days of St Columba, St Ninian, St Cadoc and many others.

In more than 180 locations, local churches, often in partnership with other organisations and individuals, have created support networks and established projects to support the most vulnerable and isolated. Existing services have been adapted to meet demand, and staff and volunteers have been recruited or redeployed. New projects have delivered food, phoned the elderly and isolated, supported homeless people or those claiming asylum and connected with children and young people who were struggling with their mental health.

At the height of both lockdowns, in particular, churches have been a central part of the community response to Covid-19. When the report was published, in December, it rightly made a ripple in an otherwise bleak news cycle. It found that more than 212,000 individual acts of support had been recorded in the Evangelical Alliance's survey on church-based projects around Scotland, which ran from May to July last year.

That is an astounding figure—even more so when we consider that it is almost certainly incomplete. It would be unreasonable to assume that every call to someone in need, every offer of grocery shopping and every token of support left on someone's doorstep has been accounted for in those figures. The full extent of the support that has been provided by churches and their

congregations is impossible to know, but it has been—and is—invaluable.

The report also takes an in-depth look at the stories of churches and people from around Scotland. Although each story is unique, I was struck by how familiar each one felt. I am sure that we all have tales from our constituencies that would slot perfectly into the report. For example, Ardrossan's church of the Nazarene operates as a centre for North Ayrshire Foodbank, and it has been a vital part of the community throughout the pandemic, just as it was beforehand. Before Covid-19, the food bank provided around 300 meals a week to those in need. At the height of the first wave, that rose to 2,500 a week, and the food bank provided more than 20,000 meals during the first lockdown.

The dreadful impact of Covid-19 on the people of North Ayrshire is certainly nothing to celebrate. Nevertheless, the response from the church, the food bank and the local community deserves recognition. Regular donations to the food bank increased significantly, as did supermarket contributions and partnerships with local businesses, which helped the food bank to cope with the surge in demand.

Speaking in the *Ardrossan & Saltcoats Herald*, the food bank co-ordinator Craig Crosthwaite said that he was "overwhelmed" at how the community came together to help those most in need. There are hundreds of situations around Scotland just like that one, and only a relative few have made it into the "Stories of Hope" report.

The past year has been extremely trying for us all, and, although there is light at the end of the tunnel, we cannot let down our guard just yet. However, the way in which communities, churches and charities have come together up and down Scotland to provide support and succour to those in great need surely shows us that there is much to be hopeful about as we reflect and look forward.

I thank Jeremy Balfour for bringing the debate to the chamber, and I thank Aileen Campbell for responding on behalf of the Scottish Government. Aileen Campbell has been my colleague in the Scottish Parliament for 14 years, and I will really miss her. She is a very cheerful and uplifting person to work with and be around, and I know that we were all shocked when she said that she was retiring, given that she is such a whippersnapper, as you know, Presiding Officer.

I hope to see Aileen in whichever guise she emerges after her time in the Parliament. I hope that, one day, she will come back to Scotland's Parliament, where she has served us so well in many roles over many years. I thank Aileen, Jeremy and Maurice.

19:57

Murdo Fraser (Mid Scotland and Fife) (Con): I congratulate Jeremy Balfour on securing the debate on such important projects.

I also take the opportunity to wish Aileen Campbell all the best for the future. Aileen is a Perthshire girl and, a few years ago, we shared a school visit from her old primary school, Collace primary. The youngsters from Collace were very proud to have a cabinet secretary among the school's former pupils. I wish Aileen all the best for the future. She will be a loss to the Parliament, as will my good friend Maurice Corry if he is not re-elected, although I still hope that he will be.

Maurice has been a great pal on the Conservative benches. As people have said, he has been a tremendous champion for not only communities in the west of Scotland, particularly Helensburgh, where he lives, but the veterans community throughout Scotland. He will be well remembered for the contribution that he has made. The only thing I will say to him is "pussycat", which means a lot to him and to me but will mean nothing to anybody else in the chamber, which is just as well.

Moving quickly on to the subject of the debate, I join others in congratulating the Evangelical Alliance on the work that it has done in bringing together the report "Stories of Hope". In particular, I thank Kieran Turner, who is the hard-working parliamentary officer for the Evangelical Alliance. He prepared the brief and put together the details for tonight's debate.

John Mason talked about what a challenging time it has been for churches across Scotland. It has been difficult for many because the restrictions have made it difficult, if not impossible, to meet for much of the past year. The limited lifting of restrictions will be welcomed by many churches, which will now be allowed to have 50 people present with adequate social distancing. That is a big step forward. It still means that many larger churches will struggle, but at least it is a step in the right direction.

Many churches have embraced the opportunities from the restrictions by moving to online services and engaging in worship people who perhaps would not want to cross the threshold of a church building, so some interesting opportunities have come out of the current difficulties. Also, as has been said, churches have taken the chance to develop the services that they provide to the wider community. All of that work is reflected in the report that is before us.

I will highlight two examples of such work in my parliamentary region. The first concerns the Vine church in Dunfermline, which has set up a new project that serves 100 meals a day to people who

might otherwise not get healthy and nutritious meals. The project is serviced by 25 volunteers who are drawn from the church membership and the wider community, and it takes referrals from schools, social workers, doctors' surgeries and youth groups so that it targets its aid at those who are vulnerable and in need of support. The project has been an immense success since it was set up.

The other project that I want to highlight is that of Christians Against Poverty. I hosted an event in Holyrood for the organisation, I think, a couple of years ago, and it was well supported by MSPs. We heard about the tremendous work that it does to tackle debt problems among individuals. Christians Against Poverty has developed a tremendous reputation for assisting people who are in debt in a way that many other debt charities struggle to do because of a lack of resource. I have visited Christians Against Poverty's centre in Aberfeldy, and I know that it has two other new centres in Perthshire. Those centres are very much valued by the local community.

Those are just two examples, and there are many more across other parts of Scotland, to which other members have referred. Such examples demonstrate the good work that is going on within the church community in all parts of Scotland. I thank those who are involved, and I thank the Evangelical Alliance for highlighting the good work that is going on.

The Deputy Presiding Officer: I call Aileen Campbell to close the debate for the Scottish Government. Cabinet secretary, I think that you will also be speaking tomorrow. I am beginning to think that you will have as many farewell speeches as Frank Sinatra, but there we go.

20:02

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): Thank you, Presiding Officer. You have taken the words right out of my notes—I was going to say that I think that I have had more comebacks than Frank Sinatra. I had not realised a couple of debates ago that I would have so many opportunities left to contribute to the Parliament. Tomorrow, I have portfolio question time, which will be my last, last ever contribution.

I sincerely thank Jeremy Balfour for bringing this really important motion to the chamber, and for his kind words. He is right that we have sometimes crossed swords in debates but, nonetheless, we have done so with respect and while appreciating our differences, and we have sought to work together when we can. The fact that he has brought today's debate to the chamber with such passion is testament to his commitment to

ensuring that we reflect on and appreciate the role of faith and belief communities.

I thank all members for their contributions. They have articulated strongly the breadth of our faith and belief communities and their reach over the past year into all pockets of our country. They have illustrated that such communities have been crucial to the country's resilience in these challenging times.

As we take tentative steps towards recovery, it is vital that we consider the issues that have been raised by the "Stories of Hope" report and that we acknowledge and thank faith and belief communities throughout Scotland for their selflessness, compassion and tireless work in supporting the most vulnerable in Scotland. That is brought to life in the report, which captures the breadth and reach of the inspiring work that has been done during the pandemic by our faith and belief communities. It was also captured by the contributions from Jeremy Balfour, Pauline McNeill and John Mason.

John Mason said that the report "only scratches the surface". I can think of so many churches in my constituency that are not included in the report, and that will be the case across many constituencies. That further amplifies the important role that our faith and belief communities have played during the pandemic.

There were also speeches from Kenny Gibson and Maurice Corry. If that was Maurice's last contribution in the chamber, I put on record my thanks and gratitude for the way in which he conducts himself, which is always with such kindness and authenticity. He is a hugely strong champion for veterans and has done so much to support that community. I thank him on behalf of the Government for all his advice and guidance on how to better support that community.

Hopefully, this is not his last time in the chamber—it is always difficult to say that, because of course we are all fighting each other in the parliamentary elections, but I am sure that he knows what I mean. I thank him, and I hope that he gets a chance to continue to contribute to public life after the elections.

As we have reflected today, Covid has challenged us all, at every level, but it has been apparent from the outset that it has affected the most vulnerable people in Scotland disproportionately. It has intensified and worsened inequalities in society and has had a devastating impact on many.

Faith and belief communities have brought a sense of hope and purpose in the midst of the pandemic. They were able to step in quickly and sensitively to adapt and often increase the community support that they already delivered,

day in, day out. They have helped to bridge a number of gaps, which, as has been widely reported and is mentioned in the report, has exposed pre-existing inequalities and brought with it additional challenges. They have worked together effectively and with a range of partners, including agencies, other community groups and local government.

As our faith and belief communities and other communities stepped up to look out for so many during the pandemic, it was right that the Scottish Government worked hard to support that endeavour. Since the start of the pandemic, the Government has provided a combined total of £1 billion to help local communities and to build resilience in public services. More than £550 million has been committed through the communities funding package and has been distributed across councils, local services and initiatives that support those in need. Almost £80 million has been awarded to third sector and community organisations through the wellbeing fund, the supporting communities fund and the third sector resilience fund.

That has included funding for faith and belief communities, which are well placed to ensure that money is directed effectively in their communities. On top of the £550 million communities funding package, a further £479 million has been awarded to councils to meet demand for local services and to build resilience across the sector. The support has assisted faith and belief organisations in bringing much-needed help to communities, which, as we have heard, has ranged from food banks and information technology equipment to emotional support and day to day practical assistance for those who are unable to leave their homes.

For example, funding was provided to Interfaith Scotland to support digital online worship for faith communities; funding was provided to Sikhs in Scotland to help establish the Sikh food bank; and a grant was awarded to the Solas Foundation to help to connect Muslim communities throughout the Covid-19 lockdown period, including during Ramadan. Our funding for third sector organisations continues, including the community and third sector recovery programme, which is expected to make £44 million of awards by this summer.

As I mentioned earlier in my closing remarks on Andy Wightman's member's bill, today's milestone of it being a year since lockdown began and the collective reflections that we have made today to remember those who lost their lives during the pandemic give us cause to think and reflect on how we use the experience to shape the future. We have an opportunity to look afresh at what we

have learned and to build a legacy by creating a fairer and more equal Scotland.

The social renewal advisory board was established to ensure that the learning from and experience of the community response to the pandemic are not lost and instead help to guide our future actions to help to create that better and fairer Scotland. I think that Jeremy Balfour said that he wants to ensure that we use the report's recommendations. Importantly, and to reflect the central role that our faith and belief communities have played over the past year, we ensured that Interfaith Scotland, represented by Maureen Sier, played a full role on the social renewal advisory board.

Today, the Scottish Government published its initial response to the board's independent report. Our response welcomes the ambitious and innovative calls to action that are set out in the report and outlines the work that we are already doing to address, either in full or in part, a number of the board's recommendations. The response also recognises that there is insufficient time remaining in the current parliamentary session for the Government to give full consideration to the recommended actions and that that responsibility should rightly fall to the next Government following the May 2021 elections. The challenge to all members across the chamber is to ensure that we use the SRAB's work to drive the actions of the Parliament. I hope that everybody who has contributed to the debate—if they are back in May—does so. However, to ensure that the ambition and momentum of the board's work are not lost, we will kick-start the work by investing an additional £25 million to take forward a number of actions that are informed by the board's recommendations.

I again underline my sincere thanks to our faith and belief communities for all that they have done, not just during the past year but throughout every year and always. I completely agree with the sentiment that I think Jeremy Balfour expressed that churches help communities quietly, compassionately and without looking for praise or reward. That compassion and kindness have seen our faith and belief communities open their hearts and their doors to support those who far too often experience doors and minds closed in seeking the support that they need. Faith and belief communities make a huge and positive difference to our country, and it has been an enormous privilege of mine to hold portfolio responsibility in the Scottish Government for faith and belief. I have learned so much from our faith leaders, and I sincerely thank them all for the support that they provide and the work that they do tirelessly across the length and breadth of the country.

I again thank Kenny Gibson, Maurice Corry, Jeremy Balfour, Murdo Fraser and Pauline McNeill for their kind words. Cross-party members' business debates such as this one often go unnoticed by the press and they do not dominate the Twitter headlines or Facebook, but I think that they show Parliament at its best. They are collaborative, consensual, appreciative of others and respecting of difference and, like the report that we have discussed, they offer hope for brighter days ahead. I wish everybody in the chamber all the best, although I will be back tomorrow to make some more remarks.

More importantly, I again commend the motion, and I commend all that our faith and belief communities have done across the country in this really challenging year. I thank them sincerely for that effort and endeavour. The resilience of our country just would not have been there had not they and countless other communities and volunteers stepped up when so many had to step back to respond to the pandemic. I thank them and I thank the authors of the report, which I hope will continue to drive forward and influence the Government's actions after May.

Meeting closed at 20:11.

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