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Scottish Parliament

Wednesday 13 September 2023

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

Portfolio Question Time

Rural Affairs, Land Reform and Islands

The Deputy Presiding Officer (Liam McArthur): Good afternoon. The first item of business is portfolio questions on rural affairs, land reform and islands.

I invite members who wish to ask a supplementary question to press their request-to-speak buttons during the relevant question. Members will be aware of the new time limits; as they will be rigorously applied, brevity in questions and responses will be welcome.

Rural Economy Measures (Midlothian South, Tweeddale and Lauderdale)

1. **Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** This is a test case.

To ask the Scottish Government how the measures in its programme for government 2023-24 will support the rural economy in the Midlothian South, Tweeddale and Lauderdale constituency. (S6O-02488)

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): All the Scotland-wide commitments in our ambitious PFG contribute to our rural economy, but there is a range of commitments within it that relates specifically to rural industries, supporting jobs and businesses in constituencies such as Christine Grahame's. Those commitments include paying Scottish farmers and crofters £550 million of payments, beginning this month, and investing £1 million in skills development for woodland creation and in nature and peatland restoration.

Businesses and communities in the Midlothian, Tweeddale and Lauderdale area will also benefit from our PFG commitment to support the ambitions of the Edinburgh and south-east Scotland city region in developing and implementing its regional economic prosperity framework.

Christine Grahame: Yesterday's debate highlighted the contribution of our farming sector to our economy. Given that many farmers are not as young as they used to be, what support is being given to encourage young people into the sector?

Mairi Gougeon: First of all, I am delighted to update Parliament that, as promised in this year's programme for government, we have now started making our payments to farmers and crofters, two weeks ahead of schedule. Initial payments worth approximately £288 million are now being paid to more than 13,000 businesses all across Scotland, including in Christine Grahame's constituency. Unlike in England, we are ensuring stability by maintaining direct payments. In the coming year, we will pay Scottish farmers and crofters £550 million to support actions to produce food.

Christine Grahame also—rightly and importantly—mentioned new entrants to the industry. Another commitment in our programme for government commits us to working with them to develop new support for new entrants.

Crofting Law Reform

2. **Donald Cameron (Highlands and Islands) (Con):** I refer members to my entry in the register of members' interests in relation to both crofting and the fact that I am a member of the Faculty of Advocates.

To ask the Scottish Government for what reason its programme for government 2023-24 did not include a commitment to a crofting bill. (S6O-02489)

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): The programme for government 2023-24 commits the Scottish Government to developing and consulting on proposals for reform of crofting law. That is a key and necessary part of the process of developing and then introducing a bill, which we remain committed to doing in this parliamentary term.

Donald Cameron: The cabinet secretary might be aware that crofting reform of some sort has been pledged by this Government in 2014, 2015, 2016, 2017, 2018, 2022 and now in 2023. However, in that time, there has been little movement, despite calls for reform from crofting communities. What assurances can the cabinet secretary give those communities that the most recent pledge will not end up in the long grass, like the many pledges that have gone before it?

Mairi Gougeon: I disagree with the member. We committed to introducing a crofting bill this parliamentary term, and that is exactly what we have set out to do.

In order to do that and to consider the proposals that were brought forward previously, we reintroduced and re-established the crofting bill group. It has met 11 times so far, with further meetings planned so that we can develop those proposals further.

As I set out in my initial response, there is a process that we go through in developing legislation. That is why we have committed to introducing a consultation on the measures that we will be bringing forward for a bill.

Alasdair Allan (Na h-Eileanan an Iar) (SNP): I look forward to seeing the bill that the cabinet secretary has confirmed. Does she agree, however, that it is quite difficult for Opposition parties to cast themselves as champions for crofting while they are content, by their silence, to allow their colleagues at Westminster to leave crofters totally in the dark over the future of less favoured area support scheme funding?

Mairi Gougeon: Yes, I agree. The imposed Brexit that we have had forced on us in Scotland means that rural Scotland, in particular, has been badly let down. LFASS, or funding to support those who need it most—that is, those who farm and croft in Scotland's most marginal areas—might not matter to the UK Government; after all, in the last common agricultural policy, it chose not to provide that funding in England. However, as more than 80 per cent of all land in Scotland is in less favoured areas, it really does matter to us, and in particular to our crofters.

Multiyear certainty has been replaced with absolutely no commitment for funding beyond 2025. That is a result of the choices that were made by the United Kingdom Government and its refusal to deliver on its own public commitment to engage meaningfully on future budgets.

Rhoda Grant (Highlands and Islands) (Lab): The cabinet secretary will be aware that a crofting bill was promised in the previous session of Parliament. The problems with crofting were caused by the bill that became the Crofting Reform (Scotland) Act 2010, and we desperately need a bill to put right what was done wrong in that legislation. Will the cabinet secretary either repeal the previous legislation or bring forward a new bill immediately? The current legislation is a dead hand on crofting.

Mairi Gougeon: All of the issues that the member has highlighted, and which have been raised previously, are being considered by the crofting bill group. Again, it is our intention to provide that clarity in law, to tidy up the current legislation and to better regulate crofting.

As I said in my previous responses, the crofting bill group was formally re-established in May last year, and right now it is considering at least 50 different issues to determine which will feature in the bill that we bring forward. Of course, there will be wider engagement and consultation on that in due course, and I look forward to engaging with members on all sides of the chamber as we develop the legislation.

Proposed Land Reform Bill

3. **Alasdair Allan (Western Isles) (SNP):** To ask the Scottish Government whether it will provide an update on the progress of its proposed land reform bill. (S6O-02490)

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): As set out in the programme for government, we are committed to introducing a land reform bill to further improve transparency of land ownership; to help ensure that large-scale land holdings deliver in the public interest; and to empower communities by providing more opportunities for them to own land and to have more say in how land in their area is used. The bill will also include measures to modernise agricultural holdings.

Alasdair Allan: My constituents on the island of Great Bernera have for a number of years been fighting to buy their land from an unco-operative and entirely absent landowner, who often leaves correspondence unanswered for months on end or ignores it altogether. Can the cabinet secretary outline whether there will be any provisions in the upcoming bill to prevent absentee landowners from delaying matters in that way?

Mairi Gougeon: I am aware of the issues that Alasdair Allan has raised in his question, and I am also aware that he has supported his constituents for a number of years and, indeed, led a members' business debate on the issue and on the situation with the community group. I absolutely understand and appreciate the frustration that I know both he and the people on Great Bernera must feel at the situation in which they find themselves.

I know that in Scotland we have landowners who are focused on making a positive impact in their local communities and who work with those communities to do so. However, that is not universal, and I accept that there is more that the Government can do in this area. That is why our land reform bill proposals will seek to strengthen the obligations on landowners to comply with the "Scottish Land Rights and Responsibilities Statement 2022" as well as looking to introduce compulsory land management plans.

Mercedes Villalba (North East Scotland) (Lab): Trump International golf links in Aberdeenshire has long faced opposition from local residents who are concerned about the social and environmental impact of the development. Under the Government's current land reform proposals, a 560-hectare holding such as Trump International would not be considered "large" and so would not be subject to a public interest test. Does the cabinet secretary agree that land of that size should be accountable to local communities and the wider public?

Mairi Gougeon: I know that Mercedes Villalba is looking to bring forward proposals in that area and that the consultation on her draft member's bill has just closed. I look forward to considering the detail of her proposals.

We are not proposing to put a cap on land ownership, because we are not persuaded that a cap is supported by adequate evidence. In addition, such a cap is unlikely to be compatible with the European convention on human rights. It is vital that we take cognisance of such considerations.

That is why our proposals seek to empower communities by providing them with more opportunities to own land through enabling them to receive prior notification of impending sales or transfers, as well as giving them more say on how land in their area is used. Our proposals will, of course, be fully compliant with ECHR and the terms of the devolved settlement.

The Deputy Presiding Officer: Question 4 was withdrawn.

Farm-to-fork Food Production

5. Meghan Gallacher (Central Scotland) (Con): To ask the Scottish Government what its position is on the greater use of farm-to-fork methods to encourage domestic food production. (S6O-02492)

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): The Scottish Government is, of course, hugely supportive of greater use of farm-to-fork methods to encourage domestic food production and consumption. As an example, £490,000-worth of funding is being provided through the food for life programme over the course of this financial year so that more locally sourced, healthier food is provided in schools. We are also funding a Glasgow-based pilot on expanding the principles of the food for life programme into the wider public sector.

It was important that we were able to talk about some of those issues in yesterday's food and drink debate, and it is fantastic to be able to discuss food and drink in Scotland and to celebrate our superb natural larder during the current food and drink fortnight.

Meghan Gallacher: I agree that the issue is an important one. Given that the European Commission has softened its approach to gene-editing technology over the summer, will the cabinet secretary not recognise, as the Scottish Conservatives do, that the use of gene-editing technology would provide the best security for domestic food production in Scotland?

Mairi Gougeon: I know from yesterday's food and drink debate that the Tories seem to think that gene editing will solve all the problems in relation to food production and food security. However, the Scottish Government is not in a rush to legislate on such matters in the way that the United Kingdom Government was, simply to prove a point about being different from the European Union. We must fully consider all the relevant factors. That means having a discussion about gene editing with our farmers, scientists and, importantly, our consumers before we decide how to move forward. Of course, we will look at developments in the EU as they progress, too.

Unlike the UK Government, we would like to take the time to consider the gene-editing proposals fully and to understand what the implications of the use of such technology would be for Scotland.

Karen Adam (Banffshire and Buchan Coast) (SNP): Given that the free trade agreements threaten to harm domestic production and flood our market with imported goods of lesser quality, I find it ironic that Meghan Gallacher has asked such a question. Given the Scottish Government's commitment to active farming and food production, does the cabinet secretary agree that the best thing that the Tories could do to help to ensure the future of domestic food production is lobby their colleagues in the UK Government to provide funding clarity for the agriculture sector post-2025?

Mairi Gougeon: Absolutely, because right now we have absolutely no clarity on long-term funding and what that will look like beyond 2025. So far, the Treasury has provided only yearly allocations—no commitment has been made beyond those. Whoever is in power at Westminster, we need to know how much funding we will have to support farming and other rural priorities. I absolutely share the frustration that our farmers and food producers have expressed about the lack of future budget clarity.

We also need to have a fair funding settlement that will not be cut arbitrarily from year to year by Westminster, so that we can create a multi-annual framework. We would, of course, get all of that if Scotland was independent and back in the EU.

Grain Harvest

6. Liz Smith (Mid Scotland and Fife) (Con): To ask the Scottish Government what preparations it has made in response to the protracted start to the 2023 grain harvest. (S6O-02493)

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): The Scottish Government supports farmers in

preparing for and responding and adapting to challenging conditions over the course of the season by ensuring that timely and effective advice and support are available to inform decision making.

That support includes Scotland's Rural College's crop protection report, which offers online, free-of-charge regular analysis by region of current issues for a range of crops. That includes the provision of fortnightly local reports on the progress of the grain harvest over the season, which aids farmers in making informed decisions for their crops. The Government's support also includes the Farm Advisory Service, which facilitates largely free access to high-quality generic and bespoke advice for the agriculture sector.

Liz Smith: The cabinet secretary will know that that information shows that it has not been an easy start to the 2023 grain harvest, not just because of the delays but because of poor quality in some crops. That is particularly true of barley in my area, which is causing concern not to farmers but to the Scottish whisky industry.

In the light of the fact that we do not have any clarity about the agriculture bill, can the cabinet secretary reassure grain farmers that they will be supported?

Mairi Gougeon: I would not agree with the member's statement that there is no clarity on the agriculture bill. We have previously made a commitment, which I maintain, to introduce this year an agriculture bill in which we will continue to support our farmers and crofters as we have done in the past. We will continue to support our food producers with direct payments, which is another commitment that we previously made and which I stand by.

Finlay Carson (Galloway and West Dumfries) (Con): Over decades, precision crop breeding has led to modern varieties of cereal crops delivering higher yields and more resistance to a wide range of environmental stresses. However, the development of those new varieties takes time. With clear signs that the European Union will change its position on gene editing, when will the Scottish Government commit to a policy that will allow our world-leading institutions such as the James Hutton Institute to adopt GE as a crop-breeding tool, which would bring huge benefits to our farming communities? Can the cabinet secretary set out the timescale for that discussion to take place?

Mairi Gougeon: Again, we fully support innovation when it comes to our agriculture sector. As Finlay Carson is aware, we have world-leading institutes—he named one of them—doing world-leading work and science in that area.

I have outlined in a previous response where we stand on gene editing at the moment. Of course, we are carefully considering what happens elsewhere in the EU, but we also have to understand and fully consider the wider ramifications before taking any steps forward where that could affect future trade. Again, we will make sure that we engage everyone in the conversation when we do that.

Scottish Land Commission (Compulsory Sales Orders and Land Value Capture)

7. Ben Macpherson (Edinburgh Northern and Leith) (SNP): To ask the Scottish Government whether it will provide an update on its consideration of the Scottish Land Commission's work on compulsory sales orders and land value capture. (S6O-02494)

Mairi Gougeon: The programme for government, which was published last week, reiterates our commitment to consider the justification for, and practical operation of, compulsory sales orders and implement new infrastructure levy regulations by spring 2026. The levy would provide local authorities with an additional mechanism for securing developer contributions, alongside planning obligations.

Ben Macpherson: I welcome the commitment in the programme for government and that progress. The cabinet secretary will be aware of the housing crisis that we have here, in Edinburgh, which is partly due to the extremely high cost of land. I would therefore encourage the cabinet secretary to continue to work with her Government colleagues, including the housing minister, on the low-carbon vacant and derelict land investment programme and to continue to engage the City of Edinburgh Council and parliamentarians in Edinburgh to work together to unlock and reduce the price of unused land in the capital.

Mairi Gougeon: The member raises some really important points in his question.

I would like to outline that, since 2020-21, the City of Edinburgh Council has received three awards from the low-carbon vacant and derelict land investment programme, totalling just under £3.5 million, to support affordable housing in the public realm in Granton and Greendykes. The low-carbon vacant and derelict land investment programme tries to support ambitious local proposals to tackle persistently vacant and derelict land, place-based regeneration and our 20-minute neighbourhood aspirations as part of our just transition to net zero.

My Government colleagues and I will be happy to engage with the member and others who represent the city region, as well as the council, to

see how we can take forward those issues and take action on them.

Brian Whittle (South Scotland) (Con): Land value capture and compulsory sales orders are obviously complex issues, and any policy in this area will have to be both detailed and flexible to recognise the vast range of circumstances in which such powers might be considered. If the Scottish Government is going to take the measures forward, can the minister assure us that compulsory sales will be a last resort and that a sale will be permitted only to buyers who have a fully developed and funded plan for land use?

Mairi Gougeon: We are obviously not yet at the stage of taking such decisions. As the member rightly touches on, this is a complex area, which is why we need to take forward the work on it and why we set it out in our programme for government. I am aware that I have an upcoming meeting with the member, at which I would be happy to discuss the issues and how we intend to take them forward.

Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con): Seventeen per cent of Scotland's population is made up of people living in rural areas, yet, last week, the First Minister announced that he will be allocating just 10 per cent of new funding for building affordable homes to rural areas. Does the cabinet secretary accept that that is an outrageous disparity, and will she push back on his plan to underfund rural housing?

Mairi Gougeon: This Government is committed to building more houses than any previous Scottish Government or any Government anywhere else across these isles. I recognise that the member raises an important point on the availability of housing. When I travel to rural parts of Scotland, including our islands, housing is a key issue, and the need for more housing is mentioned. That is why the Minister for Housing has been working on developing a remote, rural and islands housing action plan to look at how we can tackle those issues by working with the third sector, other enterprises and business. Good work is happening across the country at the moment, but the issue is how we focus that and drive house building forward.

Interisland Connectivity (Tunnels)

8. **Graham Simpson (Central Scotland) (Con):** To ask the Scottish Government what cross-government consideration there has been regarding the use of tunnels to improve connectivity between the islands. (S6O-02495)

The Minister for Transport (Fiona Hyslop): Transport Scotland regularly engages with colleagues across the Scottish Government in the islands, planning, housing, population and

infrastructure teams in the context of improving transport connectivity to and from Scotland's many islands.

I recently visited Shetland, Orkney and Mull, during which time I had several discussions on the matter of tunnels and fixed links replacing existing ferry services. Although transport is a devolved matter, this week I had a discussion on the replacement of the Fair Isle ferry with United Kingdom Government minister Richard Holden. That discussion did not extend to fixed links to our islands.

Graham Simpson: In July, Shetland Islands Council wrote to the Secretary of State for Scotland and the First Minister, asking to meet about tunnels and other matters. A date has been arranged for the council leader to meet Alister Jack in London. Has the First Minister responded? If not, why not?

Fiona Hyslop: I was very pleased to meet Shetland Islands Council in August to discuss these matters. As far as the First Minister and I are aware, in September, Shetland Islands Council committed to spending £700,000 considering the business case for four potential new fixed links in the Shetland Islands. It has direct responsibility for the matter.

On the invitation to the First Minister, I understand that it was for later in September, but I may be wrong about that. I am not responsible for his diary, but I understand that an invitation is being actively considered. I am sure that there will be a response, as the member might expect, in due course.

Beatrice Wishart (Shetland Islands) (LD): With the growing space, salmon and renewable energy sectors in Shetland and the reported growing interest of the UK Government in meeting Shetland Islands Council about short subsea tunnels, will the Scottish Government commit to a date to meet Shetland Islands Council specifically to discuss tunnels?

Fiona Hyslop: I thank the member for hosting my meeting with the Unst and Yell tunnel action groups when I visited. I also met Shetland Islands Council and ZetTrans on the issue of fixed links, precisely for the reasons that were set out. The growing economic links were part of that agenda item back in August, and those discussions will continue.

I have indicated to the members whom I met in Shetland that Transport Scotland stands ready to assist with any of the business cases that they are currently putting together.

NHS Recovery, Health and Social Care

The Deputy Presiding Officer (Liam McArthur): The next portfolio is national health service recovery, health and social care. I advise members that questions 6 and 8 have been grouped together. Supplementaries on those questions will be taken after both questions have been asked and answered. As ever, I invite members who wish to ask a supplementary question to press their request-to-speak button during the relevant question.

Neurodivergent Children (Pathways to Diagnosis)

1. **Karen Adam (Banffshire and Buchan Coast) (SNP):** To ask the Scottish Government, in light of the First Minister's commitment in the programme for government 2023-24 to publish a new delivery plan for mental health and wellbeing, what it is doing to improve pathways to diagnosis for neurodivergent children. (S6O-02496)

The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd): Following publication of the mental health and wellbeing strategy in June 2023, we will publish a delivery plan later this autumn that will set out the steps that we will take to improve support for children with neurodevelopmental support needs.

As set out in the strategy, we are committed to working in partnership to strengthen support and care pathways for people who require neurodevelopmental support. To do that, we will build on work to implement the neurodevelopmental specification for children and young people, including five tests of change across Scotland, working closely with partners to share learning and improve services and support.

Karen Adam: I have had personal experience and received constituent feedback often highlighting gatekeeping at what should be access points to a diagnostic pathway. How is the Scottish Government ensuring unimpeded access to and support for neurodivergent individuals at key points, such as education and community health, so that they can uphold their dignity and prevent additional mental health issues?

Maree Todd: It is important for me to say in response that a diagnosis is not required for children and young people to receive support. The neurodevelopmental specification makes it clear that support should be in place to meet the child or young person's requirements at the earliest opportunity rather than being dependent on a formal diagnosis. For many children and young people, such support is likely to be community-based and it should be quickly and easily accessible.

We will continue to work with key partners from local authorities, education and health to implement the neurodevelopmental specification right across Scotland.

Tess White (North East Scotland) (Con): The Lowit unit in the Royal Aberdeen children's hospital provided day care and out-patient support to children and young people with autism spectrum disorders, but it closed almost a decade ago. Families in the north-east are crying out for dedicated post-diagnostic support such as that given by the Lowit unit. What action is Scottish Government taking with health boards and local authorities to ensure that such support is in place?

Maree Todd: The member will be aware that, when we approach this issue, we aim to help children and families to access support and services that meet their needs using the getting it right for every child—GIRFEC—approach. For many children and young people, such support is likely to be community-based and it should be quickly and easily accessible. There are a number of different models around the country, and, as I said, we are exploring five tests of change around the country. At the end of October—I think—we will come together to share the learning from those tests of change and to make sure that we can implement and roll them out all over the country.

Alcohol-specific Deaths

2. **Sue Webber (Lothian) (Con):** To ask the Scottish Government what its response is to the number of alcohol-specific deaths in 2022. (S6O-02497)

The Minister for Drugs and Alcohol Policy (Elena Whitham): In Parliament on 7 September, I outlined the Government's plan to reduce alcohol harms and deaths in response to the alcohol-specific deaths in 2022 and committed to a debate on the plan in more detail. It includes evaluating minimum unit pricing and alcohol marketing consultation responses. We will publish the recommendations of Public Health Scotland's review on alcohol brief interventions and we have asked PHS to investigate reductions in the number of referrals to services.

Approximately £113 million is available to support initiatives responding to local needs, underpinned by the forthcoming treatment standards and workforce action plan to improve quality and capacity.

Sue Webber: In April, it was revealed to me in a written answer to a question from the minister that the Scottish Government had cut alcohol and drug recovery services by £19 million in 2022-23. Now that we have seen a 14-year high in the number of alcohol-related deaths, and Scotland remains the drug death capital of Europe, does the minister

accept that those cuts have had a devastating effect on people's suffering with drug and alcohol misuse, and will she commit to restoring funding to those services in 2023-24?

Elena Whitham: It is important to point out that, in my response to the member's question, I outlined that there has been no reduction in the funding that has been made available to alcohol and drug partnerships. Indeed, the funding that has been made available to them has increased year on year. Last year, £106.8 million was available to alcohol and drug partnerships, and this year £113 million was made available to them. We asked them to use their reserves appropriately and then draw on the funding. However, that funding is then moved forward and used in other ways in the alcohol and drug partnerships themselves, so there has been no overall reduction in funding.

I will bring back to the chamber a debate to discuss a cohesive plan, because I recognise that members across the chamber are looking to understand what the Government is doing to tackle alcohol-specific deaths and alcohol harm.

Bill Kidd (Glasgow Anniesland) (SNP): The Scottish Government's world-leading minimum unit pricing policy has been shown to have a welcome impact on tackling alcohol-related harm. Can the minister provide any update on work to review the price level?

Elena Whitham: Work on renewing the level of the minimum unit pricing is under way, as the impact of MUP is connected to the unit price. It is important that we have a robust evidence base to support any decision on the change of the level of the MUP. As outlined in the programme for government, we will publish our final report on the operation and the effect of MUP later this month in Parliament, alongside a consultation on the MUP's future around both its price and the continuation of the scheme.

The Deputy Presiding Officer: Question 3 was not lodged.

NHS Fife (Meetings)

4. **Annabelle Ewing (Cowdenbeath) (SNP):** To ask the Scottish Government when it last met with NHS Fife and what was discussed. (S6O-02499)

The Cabinet Secretary for NHS Recovery, Health and Social Care (Michael Matheson): Ministers and Scottish Government officials regularly meet representatives of all health boards, including NHS Fife, to discuss matters of importance to local people.

Annabelle Ewing: A current NHS Fife issue concerns the new medical centre for Lochgelly. Further to his most welcome visit last week, does

the cabinet secretary recognise that Lochgelly has waited an awful long time and that its new medical centre deserves to be treated as a priority?

Michael Matheson: I am grateful to Annabelle Ewing for her question and for her invitation to visit the health centre in Lochgelly last week. I put on record my thanks to those people in the local community and the staff in the health centre for their time and the engagement that I had with them during my visit.

In my view, the health centre needs to be replaced. However, as I outlined to Annabelle Ewing and the local community, the health centre was not in the infrastructure investment plan for 2021 to 2026; alongside that, we have to undertake a review of our capital expenditure due to a cut in our capital budget by the United Kingdom Government; and construction inflation has had an impact, too, because it has significantly pushed up the cost of existing projects.

I assure the member that we will continue to look at what can be done, because I recognise the need for the health centre in Lochgelly to be replaced.

Willie Rennie (North East Fife) (LD): I was alarmed that NHS Fife reported a £7.9 million revenue overspend over the summer, only two months into the fiscal year. I would be concerned if attempts to bring that overspend back under control resulted in the loss of staffing, especially when the waiting lists are enormous. What steps is the Government taking to protect services in Fife?

Michael Matheson: One of the actions that we are taking to protect and improve services in Fife is the construction of our new national treatment centre there, which is delivering additional capacity to the kingdom of Fife and for patients in that area. That is a significant investment that will improve services.

I assure the member that we will provide boards that are projecting overspends with tailored support and that we will engage with them to try to manage the financial pressures that they face. I hope that the member recognises that the creation of the NTC in Fife is a clear demonstration of the Government's commitment to improving services there.

General Practitioner Practices (Maintenance Backlog)

5. **Jackie Baillie (Dumbarton) (Lab):** To ask the Scottish Government what steps it is taking to urgently address the reported maintenance backlog in general practitioner practices. (S6O-02500)

The Cabinet Secretary for NHS Recovery, Health and Social Care (Michael Matheson):

Over the next four years, we will invest £73 billion in health and care services and a further £1.3 billion in capital funding, doubling our investment in maintenance and equipment replacement to support their recovery, sustainability and reform. That investment is in addition to the annual primary medical services allocation, which includes £68 million for the provision and maintenance of the general practice estate. The Scottish Government will continue to work with boards to address financial pressures across the system.

Jackie Baillie: The cabinet secretary will know that the current maintenance backlog in GP surgeries stands at £78.5 million, which is already over the budget that he has set out. He knows that there is a shortage of GPs, that primary care budgets have been cut and that a recent British Medical Association survey found that only 5 per cent of doctors thought that their practice was sustainable. With services already stretched, what more can the cabinet secretary do to set aside capital funding during the next three years in order to repair GP practices?

Michael Matheson: I am not entirely sure that the figure that Jackie Baillie quoted is correct. Within the data that she is using, I suspect that there is a range of additional lifetime recurring costs, which is normal for capital projects.

As I have already outlined, we are in a situation in which the Scottish Government's capital budget has been cut by the United Kingdom Government, which has a direct impact on how much we can invest in our capital estate. Alongside that, we are also having to deal with a significant increase in capital project costs as a result of construction inflation. We will continue to do everything we can to invest in capital projects, but there are significant challenges. A capital review is being taken forward by the Deputy First Minister in order to look at what further action we will have to take in order to address the financial pressures that we are facing in our capital budgets.

Community Link Workers (NHS Greater Glasgow and Clyde)

6. **Sandesh Gulhane (Glasgow) (Con):** I remind members of my entry in the register of members' interests. I am a practising national health service general practitioner.

To ask the Scottish Government what its response is to reported plans by NHS Greater Glasgow and Clyde to reduce the number of community link workers embedded in GP practices in deprived areas of Glasgow by one third, due to Scottish Government funding cuts. (S6O-02501)

The Cabinet Secretary for NHS Recovery, Health and Social Care (Michael Matheson):

I am very concerned about the risk to link workers in Glasgow from April 2024, as they provide a vital service in disadvantaged areas. My officials are engaging with the health and social care partnership on its plans for primary care in 2024-25, and are exploring all options to avoid a reduction in posts.

Sandesh Gulhane: I have received several letters from deep-end practices in Glasgow telling me how invaluable community link workers are. I also met with one of those practices. Those cuts are a direct threat to the stability of the practices, and the loss of community link workers will have a severe impact on the most vulnerable patients in our communities.

The Scottish National Party made a manifesto commitment to increase community link workers in GP surgeries and promised to invest in practices in disadvantaged areas. Why are we seeing the opposite? Will the Scottish Government ensure that those cuts are reversed?

Michael Matheson: Unfortunately, Mr Gulhane is incorrect. This is not a result of Scottish Government budget cuts. The funding for community link workers comes from the primary care improvement fund, which still stands at £190 million. Glasgow's health and social care partnership has gone beyond the funding that was provided to it for the delivery of community link workers, which it is no longer able to sustain. The member may be aware that this year we stepped in and provided an extra £1.3 million in order to protect posts in this financial year. We are continuing to engage with the health and social care partnership in order to make sure that it has a sustainable position and that it supports those invaluable workers who are working in some of the most challenging GP practices in the country.

Community Link Workers

8. **Paul Sweeney (Glasgow) (Lab):** To ask the Scottish Government whether it will provide an update on the 2021 Scottish National Party manifesto commitment to expand on the community link worker programme. (S6O-02503)

The Cabinet Secretary for NHS Recovery, Health and Social Care (Michael Matheson): Due to difficult decisions during the emergency budget review, recruitment to additional roles to support community mental health resilience and ensure that every general practice has access to a dedicated mental health and wellbeing service has not yet commenced. However, we have already prioritised significant investment to build primary care mental health capacity through action 15 and the primary care improvement fund. More than 540 whole-time equivalent primary care mental

health workers have been recruited through those funds. We remain committed to improving mental health service provision in primary care settings.

Paul Sweeney: As Dr Gulhane mentioned, the proposed reduction in community link worker posts in Glasgow will be felt most acutely by the deprived communities in the city. Last week's programme for government committed to ensuring that services such as the community link worker programme can respond to local needs in the year ahead. However, link workers and GP practices are facing uncertainty in the here and now. It is not good enough for the cabinet secretary to simply pass the buck. Will he commit to getting around the table with the Glasgow city health and social care partnership and the GMB trade union in order to ensure that link worker provision is maintained at its current level and that it can be funded more sustainably in the longer term?

Michael Matheson: As I mentioned in response to Mr Gulhane's question, we are already engaging with the health and social care partnership in Glasgow to understand its plans for the primary care improvement fund, and we will continue to engage with it in order to try to address the issues that it faces in relation to community link workers.

I recognise the important value of those workers, and we want to ensure that they are maintained in order to support GP practices in some of our most deprived communities.

Ivan McKee (Glasgow Provan) (SNP): This week I met with general practitioners in Easterhouse in my Glasgow Provan constituency. They expressed deep concern about proposed reductions to the hugely valuable community link worker programme and highlighted reductions in GP workload and in prescriptions issued as a consequence of the work that is undertaken by the link workers. They also highlighted a carbon cost to the proposed reductions, as prescriptions are one of the health service's biggest sources of carbon emissions.

The reductions are a false economy at a time when we should be moving towards preventative medicine. Has the Scottish Government done any assessment of the additional costs in terms of GP time, additional prescriptions and, indeed, our carbon footprint that would arise from the proposal?

Michael Matheson: We have not carried out such an assessment on general practices or the wider system. However, we recognise the important value that community link workers have as part of the multidisciplinary team in primary care settings, which is why we take seriously the issues that are being highlighted by members around the potential impact on community link

workers in Glasgow and why we have already started the process of engagement with the health and social care partnership in Glasgow to understand how it plans to use the investment that we are providing it with around the primary care improvement fund.

However, I also underline the point that we have already stepped in to provide financial support to the health and social care partnership to allow it to continue those posts in this financial year. It is important that the partnership has a sustainable financial pathway to supporting those posts.

Community Midwifery Services

7. Carol Mochan (South Scotland) (Lab): To ask the Scottish Government how it plans to invest in community midwifery services to ensure that they are consistently delivered in areas of need rather than in centralised, and often hard-to-access, locations. (S6O-02502)

The Minister for Public Health and Women's Health (Jenni Minto): We remain committed to ensuring that maternity services continue to be developed in a flexible and innovative way, recognising local population needs and geographic challenges. Over the past five years, the Scottish Government has invested more than £25 million to support implementation of the best start programme, which includes recommendations for continuity of carer and the delivery of community hubs. We also published the "Continuity of carer and local delivery of care: implementation framework", which is designed to assist national health service board implementation. That will be based on a local assessment of the viability, scope and potential impact of hubs. Community midwives also deliver care in women's homes, as necessary.

Carol Mochan: I have met midwives across the South Scotland region and what is clear to me is that there is now significant pressure on midwifery professionals' ability to deliver regular high-quality community-based services to those most in need. It is the Government's lack of a proper education and workforce strategy for midwives and its inability to support rural health boards with high numbers of vacancies that are contributing to those pressures. Will the Government accept that fact and set out in full the action that it can take that will ensure that midwives are supported to provide community-based services in areas that are most in need?

Jenni Minto: A couple of weeks ago, I met a number of midwives from across Scotland at their conference, and it was heartening to hear the progress that the best start programme has brought about within midwifery. We also work closely with the national midwifery task force.

I know that the member has written to me on other subjects and I am happy to meet her to discuss those issues and the issue that she has raised today.

Karen Adam (Banffshire and Buchan Coast) (SNP): Continuity of carer was a key recommendation of the Scottish Government's best start plan to reshape maternity and neonatal services with a vision of relationship-based continuity of carer, tailored to the individual's needs and delivered as close to home as possible. Can the minister provide any update on the Scottish Government's work to progress that recommendation?

Jenni Minto: All boards continue to work towards implementation of continuity of carer following a pause during the Covid-19 period. We have reconvened the best start leads group and have held learning events and deep-dive sessions to support boards with the implementation of continuity of carer, the most recent being on 30 August. In addition, we have written to boards asking them to continue to prioritise the roll-out of continuity of carer, with a particular focus on socially complex women and families and on women with poorer maternity outcomes, and boards will report back to us on how they are progressing with that work.

The Deputy Presiding Officer: That concludes portfolio questions.

Short-term Lets Licensing Scheme

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-10411, in the name of Murdo Fraser, on pausing the short-term lets licensing scheme. I invite those members who wish to speak in the debate to press their request-to-speak buttons.

14:45

Murdo Fraser (Mid Scotland and Fife) (Con): The tourism sector is vitally important for Scotland. It is the largest part of our economy in terms of employment and is particularly important in remote and rural areas where other job opportunities might be limited. It is made up of thousands of small operators right across the country who, often, are self-employed.

However, this vital sector is today under an existential threat due to the botched introduction of a licensing scheme for short-term lets, the unintended consequences of which are already causing huge concern and could see the shedding of thousands of jobs. It is a direct result of the actions of the Scottish Government, and it is entirely in the Government's gift to resolve the issue.

That is why the Scottish Conservatives have secured the debate for the chamber, asking the Scottish Government even at this late hour to pause for one year the introduction of the licensing scheme to allow for a full review and consideration of the unintended consequences. I appeal to ministers to listen to what we and other members say in the debate and to what industry bodies and the wider business sector are saying outside the chamber, and to take a commonsense approach and agree to a halt. Otherwise, the consequences for the wider Scottish economy could be devastating.

I do not know of anyone in this debate who thinks that some level of regulation for self-catering is unnecessary. There is a well-documented problem with what are known as party flats, particularly in city centre locations, which cause disruption for permanent residents. The actual numbers might be small in relation to the overall size of the industry, but it is nevertheless an issue that needs to be addressed, and we have never argued otherwise.

Moreover, councils already have powers to grant or withhold planning consent for the operation of short-term lets. In addition, we now have short-term let control areas, which councils have the power to introduce and operate.

A well-regulated short-term lets sector is a social good. It is important to not just tourists—although it is very important to the tourism economy—but many other sectors of society, including commercial travellers; people whose work regularly takes them to different parts of the country; people who need somewhere to stay on a temporary basis while between houses or while having renovation works done to their property; or even victims of domestic abuse who need to find temporary accommodation. Such people need access to short-term lets. Not everyone wants to stay in a hotel, and the privacy, affordability and convenience of a short-term let makes sense for many people.

One of the problems with the Scottish Government's licensing scheme is that it affects not just stand-alone self-catering units, which apparently are the source of the issues that we are hearing about. It also affects individuals who let out their spare rooms, which is, as we have just seen, an issue in Edinburgh during the festival, when many performers and visitors come here and stay in people's houses. It is no wonder that, among Edinburgh festival organisers, there is a real concern as to whether the city will be able to provide sufficient accommodation in future years to allow our successful festivals, which are such an important part of the city's economy, to continue.

The licensing scheme also impacts traditional bed and breakfasts and guest houses. They are already well-regulated sectors of the market, which have to comply with a whole host of regulations, yet an additional set of burdens and costs is being put on them. The scheme even applies to people who are swapping houses with others in a different country. There is no evidence whatsoever that the categories of people to whom I have referred are generating complaints about antisocial behaviour, but they are all caught up in the new rules.

There is already evidence that operators are simply not applying for a licence; therefore, many are potentially intending to leave the market. Because of the costs and bureaucracy involved, those who run a small operation, such as letting out one bedroom in a bed and breakfast, are asking themselves whether it is worth their while to go to the expense of applying for a licence. The consequence will be a shrinkage in the provision of accommodation for visitors and an impact on the very tourist sector on which we, as a country, rely so heavily.

Daniel Johnson (Edinburgh Southern) (Lab): I think that the member is right about those who might be making that choice, but many operators simply do not know that the regulation applies to them. When I knocked on doors in my

constituency, I found that B and B operators thought that, because they had not received any correspondence, they simply did not need to apply. They thought that the regulation did not apply to them, but it does. Is that not a very big problem?

Murdo Fraser: Mr Johnson is absolutely correct to raise that issue. As of August, 84 per cent of short-term lets had not applied for a licence. That suggests that there is a major issue with people not being aware of the requirement. I have heard anecdotally—I am sure that others in the chamber have, too—of operators, including people who operate bed and breakfasts, simply not being aware of it. They are simply not aware that the regulations are coming in and that they are required to comply with them. After 1 October, they will potentially be committing an offence if they have not applied.

There was never any need for a one-size-fits-all approach to legislation. It would have been perfectly possible for the Scottish Government to have devolved to local councils the right to draw up rules for their own areas. Those with a history of complaints about the operation of self-catering lets would then have had the opportunity to take a different approach from those in other, perhaps more rural, areas, where self-catering lets have been operating as part of the tourist sector for decades more without any problems appearing. It is a source of regret that the Scottish Government decided to introduce a national scheme instead of letting councils have the discretion whether to introduce it locally.

Those who support the legislation would argue that a proliferation of short-term lets drives up housing costs, reduces affordability and contributes to a cost of housing crisis. I point them to the analysis done by the Fraser of Allander Institute of the legislation's business and regulatory impact assessment; it reveals that the Scottish Government has made no attempt to quantify the number of properties that might be released from secondary letting and then made available as permanent homes as a result of the licensing scheme. In the words of the Fraser of Allander Institute, section E of the BRIA is

"notable for the absence of any quantification of impacts."

The headline figures quoted for the numbers involved in short-term lets include those who rent out their spare rooms, and surely it must be highly unlikely that, should they cease that activity, they will be selling up and thus providing additional accommodation for those who are currently seeking it.

Such anecdotal information as we have to date supports the view that there will be no boom in affordable properties as a consequence of the

legislation. In *The Herald* just last week, Mark Tate, chief executive of the Cairngorms Chamber of Commerce, stated that, of the 16 properties in his area that he was aware of that had so far withdrawn from the market as a result of the new rules, 12 had become second homes. Those properties have gone from being economically active for 35 to 40 weeks of the year, occupied by people who are coming to visit and who put money into the economy, to being occupied for no more than two to three weeks in the year. It is the worst possible outcome.

Craig Hoy (South Scotland) (Con): Does the member agree that the Government is wilfully ignoring the very real fears of those operating in the short-term lets sector? Is he aware of the case of my constituent Linda, who went to discuss her plight with Paul McLennan, her constituency MSP and the minister responsible for the policy? When Linda told him that she stood to lose her source of income, her entire business and possibly the roof over her head as a result of his short-term lets policy, Mr McLennan's response was that she ought to start "looking for another job".

Does the member agree that that shows utter and complete contempt on the part of this minister and this Government towards those who live and work in our short-term let and bed-and-breakfast sectors? Given the chaos and harm that the policy will inflict, should it not be Mr McLennan, rather than Linda, who is looking for another job?

The Minister for Housing (Paul McLennan): That—[*Interruption.*]

The Deputy Presiding Officer: Excuse me. The minister would be intervening on the member, not on me.

Murdo Fraser: I should say to the minister—I will give way to him in a second—that I met Linda last week and the story that she told me was actually even worse than the one that Mr Hoy has recounted, because not only did Mr McLennan tell her that she should look for another job but a member of staff subsequently said that she could go on benefits, should she not be able to get a job. Mr McLennan owes Linda an apology. Will he give her one now?

Paul McLennan: I met the constituent who was mentioned and agreed to try to help them. I asked for additional information, which was never received. That is noted. That is all that I want to say on that matter.

Murdo Fraser: Well, there was no apology there from the minister to Linda for his member of staff telling her that she can go on benefits because this Government is going to take away her business.

I go back to the point that I was making: there is no evidence that we will see more availability of property. Colleagues will be familiar with a pattern in many rural areas, including the Highlands and Islands, where individuals inherit a rural property, such as a croft house, to which they have a strong family and nostalgic attachment. Those houses are retained by families and are perhaps used for a few weeks a year by family members but are also rented out to visitors on a short-term basis when they are not in use. If the consequence of this legislation is that people decide that they will not let those homes out as self-catering lets, all that will happen is that they will lie empty for much of the year, with a loss of spending by visitors in those communities.

It is also a fact that, in many rural areas, the properties that are available for short-term lets are often large multi-roomed lodges, often in remote locations, which by no stretch of the imagination would be affordable accommodation for local families. Therefore, there is very little prospect of this legislation helping to address the housing crisis that exists in many parts of Scotland. The answer to that is simple: we must build more houses and ensure that they are affordable.

Today, we learned that the construction of affordable housing in Scotland is at a 10-year low under this Government—[*Interruption.*] There is no point in Mr Lochhead waving at us—he has been in government for 16 years. [*Interruption.*]

The Deputy Presiding Officer: Members—

Paul McLennan rose—

The Deputy Presiding Officer: Mr McLennan, please take your seat. I was just reminding members—[*Interruption.*] Minister, please resume your seat.

I remind members that they should be listening to the person who has the floor, not making sedentary interventions. Murdo Fraser, you have the floor, but you should be thinking of concluding.

Murdo Fraser: I will happily take another intervention if I have time.

The Deputy Presiding Officer: I am afraid that you do not have time to take another intervention, but you have a bit of latitude as you have already taken three interventions. You are over your time, but I will allow you sufficient time to conclude your remarks.

Murdo Fraser: Thank you. I apologise to the minister as I am not permitted to take his further intervention, but we will hear from him in a moment.

No one in this debate is opposed to sensible and proportionate regulation, but what is being introduced by the Scottish Government is the

proverbial sledgehammer to crack a nut. Even at this late hour, we call on the Scottish Government to think again.

This is the Government that claims that it wants to reset its relationship with Scottish business. It has established a new deal for business group; today is the first test of whether that approach amounts to anything more than empty words. If this Scottish Government is serious about listening to business and avoiding the damage to the vital tourist sector, it needs to agree to pause the legislation to allow for a proper review. That is what our motion says, and I am pleased to move it.

I move,

That the Parliament notes the widespread concern in the tourist sector at the introduction of the licensing scheme for short-term lets, which is effective from 1 October 2023; understands that this will apply not just to stand-alone self-catering units, but also to home sharing, B&Bs, guest houses and home swaps; is concerned that the unintended consequences of the scheme will have a seriously negative impact on Scotland's tourism offer, and calls on the Scottish Government to pause the introduction of the scheme for 12 months to allow for modifications based on a detailed, evidence-based review of its impact.

The Deputy Presiding Officer: Thank you, Mr Fraser. I advise that we have some time in hand at the moment. Therefore, where interventions are taken, I have a bit more latitude to give time back to the member making the contribution.

I call the minister Paul McLennan to move and speak to amendment S6M-10411.3. You have up to nine minutes, minister.

14:59

The Minister for Housing (Paul McLennan): The point that I wanted to make in a further intervention was that Mr Fraser did not mention the 23-year high in completions that the Scottish Government has brought forward. If we are going to talk about impacts on house building, all that we need to look at are the interest rates and construction inflation that the Conservative Government has brought about. I wanted to touch on that and put it on the record.

I want to put on the record, as my colleagues have previously done in the chamber, my unwavering support for the many excellent businesses that provide short-term let accommodation in Scotland. In recent years, the industry has grown significantly, which has brought about an increased range of choice for visitors and a boost for regional economies—the ripple effect of good business supporting good business.

However, for well over five years, all parties across the chamber have urged us to take action

to regulate the growth of short-term lets, noting that growth and good quality do not always go hand in hand. There has also been increasing concern among members and in wider society about the impact on communities, which I am sure we will hear about later.

Daniel Johnson: Will the minister give way?

Paul McLennan: I will once I have made some progress.

The introduction of licensing safeguards the role that short-term lets play in our economy by providing assurance to guests on safety and quality, and it brings the sector into line with other accommodation such as hotels, levelling the playing field to protect the reputation of well-managed businesses.

Liam Kerr (North East Scotland) (Con): Will the minister give way?

Paul McLennan: I want to make some progress first. I will take an intervention in a second.

I also want to make it clear that, although there are thousands of good-quality operators, basic standards are not always being met. We are a Government that believes in fair regulation, and we do not believe that asking short-term let operators to comply with mandatory conditions and to complete a licence application is too much to ask. Quality and safety are at the heart of our scheme, whether accommodation is offered as a traditional bed and breakfast, another home-sharing arrangement or stand-alone, self-catering accommodation. That aspect of the scheme was well tested through three public consultations and the development of the legislation in this Parliament. The safety component is mandatory for all types of visitor accommodation in Scotland.

Daniel Johnson: It is important that we have clarity in the terms of the debate. At the beginning of his speech, the minister talked about tackling the growth in short-term lets. Let us be clear that it is the planning process that controls growth. Does the minister agree that licensing cannot control the number of lets but can simply control standards?

Paul McLennan: Of course. There are short-term let control areas, which I will touch on later. That is part of the much broader debate, but we are talking about licensing, which I think is incredibly important. There are quotes from various members in the debate going back to that time about the need for us to monitor the safety standards around short-term lets. I will touch on that later in today's debate. However, I say to Mr Johnson that standards have to meet that growth as well.

As we approach the 1 October deadline, it is important that colleagues across the chamber do the right thing to encourage and support operators

to apply to the scheme. I wrote to all MSPs yesterday setting out some key information on the scheme, which I hope they will find helpful to share with their constituents.

Miles Briggs (Lothian) (Con): Will the minister take an intervention?

Paul McLennan: At this point, I ask the member to let me make some progress.

Local authorities stand ready to support applicants, having already accommodated a six-month delay to their original implementation plans. I recognise their role as statutory licensing bodies that have already processed thousands of applications. I have met the Society of Local Authority Lawyers and Administrators in Scotland on a number of occasions and spoken to it about that role. One comment that came through was that applicants had stated that the process was much simpler than they had been told it would be previously.

The City of Edinburgh Council applied to us for a short-term let control area, as Mr Johnson knows. At that time—in summer 2022—Cammy Day, the Labour deputy council leader, said:

“This is the news we have been waiting for ... I am delighted that Ministers have now, finally, answered our calls.”

“Go faster,” they said.

It is interesting to see how Labour has changed its tune since then. Just last month, Cammy Day unilaterally called for a delay to the application date for another six months. He was shot down—

Daniel Johnson: It was about growth.

Paul McLennan: I ask the member to let me complete the point. He was shot down by his Labour councillor colleagues. Every single Labour colleague had a go at him in that regard.

They also came out, as late as February, with every party saying that they regretted the delay from February to October. Edinburgh councillors support licensing. Why do Edinburgh's Labour Party parliamentarians not support it? They obviously do not talk to one other in that regard.

Miles Briggs: The minister talks about colleagues. His Scottish National Party colleague Tommy Sheppard has said:

“This isn't about home sharing—where people let out their spare room in their own home for the festival—and there's still some work to be done there.”

Well, I am sorry, but that is exactly what this legislation is about. That group of people is being captured. I think that the minister understood that when he was on the committee, but now that he is a minister, he has not done anything to change it.

Why not? What is this work that his colleagues say needs to be done?

Paul McLennan: Thank you, Mr Briggs. You will remember, as you were part of that committee at the same time, that I had spoken to the festivals about that issue before I became a minister. I understand the issues and I will continue to speak to the festivals in that regard. However, you will also remember that you voted for the motion in the committee. You had an opportunity—

The Deputy Presiding Officer: Minister, you need to speak through the chair. Otherwise, you are referring to me, and I had nothing to do with it.

Paul McLennan: Sorry, Deputy Presiding Officer. Mr Briggs voted for the motion that was brought to the committee at that time. He had a chance to raise issues and vote against the proposals that were discussed at that time.

Scotland's scheme is open to applications and it has been since October last year. There are no caps, there is no cliff edge and there have been no licence refusals to date. By submitting applications, hosts are demonstrating their commitment not only to quality and safety but to being responsible members of their local communities. Visitors to our beautiful country will know that their accommodation is licensed and will completely trust their booking, which is another feather in the cap of Scotland's quality tourism offer.

Of course, Scotland is not alone in considering the issue. The regulation of short-term lets has become the focus of policy makers worldwide. Scotland does not stand alone in this. Other countries have sought to place entire bans on allowing residents to rent out their homes or, where the use of a residential property has changed to a commercial enterprise, to require hosts to pay huge amounts of compensation. Scotland's scheme aims to strike a balance by granting powers to councils to make decisions that are appropriate to local areas.

Liam Kerr: Will the member take an intervention on Scotland's scheme?

Sue Webber (Lothian) (Con): Will the member give way?

Paul McLennan: I will take one more intervention.

Sue Webber: The recent court ruling involving the City of Edinburgh Council raises questions about the legality of some aspects of the legislation. Can the SNP Government guarantee that it is legally robust and will not be struck down further in the courts?

Paul McLennan: When the scheme was first proposed, one of the key issues was about getting

a balance when it came to deciding whether it would be controlled fully by the Scottish Government or whether powers would be given to local authorities. The powers were given to local authorities, based on feedback that we got from local authorities at that time—they asked for that. The ruling is a matter for the City of Edinburgh Council. It got the judgment and it has changed its scheme on that basis. That will continue to be discussed. However, the feedback from the consultation that we had previously was that the councils wanted that particular power.

The scheme strikes a balance. It grants powers to councils to make decisions that are appropriate to local areas, but with core mandatory safety conditions. That is what they asked for. Our Government firmly believes in balancing the impact of the growth of the short-term let sector, which grew threefold in the three years from 2016 to 2019, with promoting thriving communities.

The role of the scheme with regard to housing is often misreported, so let me put on the record that, although the scheme does not cap activity, there is an important interaction with our statutory planning system, which needs to be fully understood as part of the debate. The Conservative motion glosses over that point.

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

Paul McLennan: I said that I was going to take only three interventions, so let me continue, please.

Put simply, if someone chooses to change a residential property from being used as a home for living in to being used entirely to host visitors, that may well be a material change of use. It has always been the case that material changes of use require planning permission, and a pause to the licensing scheme will not change that long-standing requirement. As Minister for Housing, I am committed to increasing the availability of affordable housing but, if we are losing homes under the radar, the efforts that the Government makes and that taxpayers fund to build more affordable housing will always be hampered.

I want to talk about our willingness to change and what we have done in the period since the scheme was proposed in the 2018 programme for government. It has been 20 months since legislation was passed to give effect to the scheme. People know that. Local authority schemes have been open to applications since October 2022, and there was a six-month extension to the application deadline for existing hosts.

Since starting in my post in March, I have met the Association of Scotland's Self-Caterers, the Scottish Tourism Alliance, residents groups,

community groups and SOLAR. As recently as yesterday, I met booking platforms to discuss their perspectives. They were very constructive in those discussions, and one of the key messages that came through was that they are encouraging or asking their members to sign up to the scheme. We agreed to meet again very soon. There is always a willingness to change and a willingness to discuss as the scheme goes on.

At various points in the process, we have made changes in response to feedback. We reduced liability insurance requirements, removed overprovision powers, amended conditions to facilitate home sharing and created a means of facilitating temporary exemptions to allow councils to provide for Scotland's flagship festivals and events. Last year, we also listened and granted a six-month extension for existing hosts to apply to the scheme. I therefore find the Conservative Party's calls for a "detailed, evidence-based review" out of touch with where things are.

Some members in the chamber may have missed the past five years of development of the legislation, so I will remind them. There were three separate public consultations; detailed independent research was carried out; and there were six impact assessments, including a business regulatory impact assessment of more than 100 pages. A stakeholder working group met throughout the development of the legislation, and an industry advisory group chaired by VisitScotland has convened regularly and continues to meet.

Of course, we are open to continuing to improve implementation, and we committed to updating that early in the next year—that was always the case. Murdo Fraser asks us to pause the introduction of the scheme, which has been open since October 2022. It is a scheme in which 7,763 applications have been received—that number is growing—and in which 4,708 licences have been issued. A really important point is that, as long as existing hosts submit a licence application by 1 October, there is nothing to fear. Let me say loud and clear to operators out there that their local authority will work with them to process their application.

On next steps—

The Deputy Presiding Officer: Minister, will you start to bring your remarks to a close, please?

Paul McLennan: I will conclude.

I strongly reject the Opposition's claim that the scheme should be paused while we wait for a further review. Our Government has taken more than sufficient time to develop an approach to an issue that has been raised by all parties, and we have prioritised the short-term let sector's voice during the scheme's development. The scheme

has been in place since 2022 and it represents fair regulation.

We have listened to the concerns of the sector. We are making sure that, as long as people have their application in by 1 October, they will be allowed to continue, and local authorities have 12 months to come back to that. We are actively engaging on the next steps to plan sensible updates to the scheme, and we will continue to work with the sector and partners to progress it.

I move amendment S6M-10411.3, to leave out “notes” to end and insert:

“recognises the success of Scotland’s growing tourism sector and that well-managed, short-term lets are a significant part of that economy; welcomes the reassurance and safeguards for visitors, hosts and communities that the short-term lets licensing scheme provides; acknowledges the work that local authorities have done to date in processing applications, and also those hosts who have submitted applications so far; highlights the six-month extension to the application deadline, giving nearly two years for hosts to comply with licensing conditions and a year to prepare and submit an application; notes the ongoing Scottish Government engagement with local authorities and the short-term lets sector across Scotland; calls on all MSPs to focus on supporting and encouraging any outstanding applications to be submitted to local authorities before 1 October 2023; confirms the Scottish Government’s ongoing work to listen to and engage with the sector, and reaffirms the Scottish Government’s commitment to an implementation review update in early 2024.”

The Deputy Presiding Officer: I call Mark Griffin, who joins us remotely, to speak to and move amendment S6M-10411.2.

15:10

Mark Griffin (Central Scotland) (Lab): Although I have not operated in the short-term let sector, I draw members’ attention to my entry in the register of members’ interests, which shows that I ceased to be the owner of a private rental property this summer.

The licensing regime for short-term lets is, in its current form, completely unnecessary for large parts of the country. Scottish Labour voted against the regulations when they came to the Parliament in 2021 and we still think that they need to be reformed. We support a delay to the scheme. We believe that there should be a detailed review of the impact of the licensing regulations and that changes should then be made. With a housing bill finally coming in this parliamentary year, we think that that will provide the right vehicle for changes to be made.

The regulations were badly drafted—*[[Interruption.]*

The Deputy Presiding Officer: I think that we have a technical hitch. I propose that we give it a minute to see whether we can get Mr Griffin back.

I call Willie Rennie. We will come back to Mr Griffin.

15:12

Willie Rennie (North East Fife) (LD): We will support the Conservative motion. We support a delay to the licensing scheme, because the burden is too high for many. The signs are that the scheme could lead to a major hole in our tourism offer and threaten jobs and our offer to visitors.

However, we have to admit that there is a problem with the growth of short-term lets—we should not deny that. In some areas, the problems are severe, but they are different in different parts of the country.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I ask this question in good faith. The Liberal Democrat group in the City of Edinburgh Council has supported applying the regulations to the greatest extent in the capital city. What dialogue has there been between Liberal Democrat parliamentarians and their city councillors in Edinburgh?

Willie Rennie: There has been dialogue, because we recognise that there are different issues in different parts of the country, which is the point that I was coming on to. In my part of Scotland, the east neuk of Fife, the number of short-term lets—and, importantly, the number of second homes, which is an issue that has been absent from the debate so far—is at such a level in some villages that there just is not a sufficient number of homes for locals. Those communities will not be sustainable for much longer without a substantial full-time, permanent population. Shops will not stay open, schools could shut and businesses could close—in part, because there are not enough workers, because they cannot find a home to live in.

We can consider the Balcomie housing development in Crail. Apart from the social housing section at the back of the new development, all the other properties, bar a few, are now used as short-term lets or second homes. That has happened within a few short years of the estate being built.

Ten miles away, in St Andrews, the situation is even more acute. There are large numbers of very welcome students and staff from the university, but the combination of the two makes it even harder to find a permanent home.

The problem in the east neuk is replicated in the Highlands, except that the distances are even larger, which makes the severity even sharper. In Edinburgh, where Mr Macpherson has an interest, the party flats, with all the anti-social behaviour

that comes with that, add a different complexion again.

The Minister for Small Business, Innovation, Tourism and Trade (Richard Lochhead): Will the member give way?

Willie Rennie: Not just now.

There is a problem, but that does not mean that we should remove large numbers of perfectly good short-term lets from the market, because we need them for a thriving tourism industry. A certain number of short-term lets are essential if we want people to visit and spend their money here. The short-term lets employ cleaners, plumbers, joiners and more. The visitor attractions need the short-term lets, and those attractions employ more people, sometimes in parts of the country with few other employment opportunities.

Alasdair Allan (Na h-Eileanan an Iar) (SNP): Will the member give way?

Willie Rennie: Not just now.

Those workers need short-term lets for their wages, but this is the rub: if there are too many short-term lets and second homes, those workers will not have anywhere to live. It is all about balance, but you would not think that from this debate. *[Interruption.]* It is about making sure that we have both as sustainable.

Short-term lets can be a good thing, but too much of a good thing can be a bad thing. My concern is that we do not have balance. The licensing scheme is too heavy handed. It is nationwide and it has been a victim of mission creep.

Paul McLennan: Will the member give way?

Willie Rennie: Not just now.

The reach has now caught yurts, house swaps, rooms in people's homes and bed and breakfasts. Imposing controls on those properties will not tackle the problem of insufficient housing for locals, nor will it bring an end to the party flats. All those different problems will not be solved with a simplistic national measure such as a licensing scheme. The licensing scheme is one size fits all, with a requirement on every council to live with the strictest of arrangements, even though it has no local need for them. The legislative opportunity has been squandered by the Government, which is why it is so frustrating.

I will take an intervention from the minister.

Paul McLennan: I will make a few points.

The average costs for Fife are around £250 to £450 over a three-year period, so we are talking about a fiver a week.

The feedback that we have had directly from SOLAR—which is there to work with the sector and applicants, including in Fife—and other local authorities is that they have found the process much easier than they have been told.

The other key point is one that we have kind of lost, and it goes back to the original discussions in the previous Parliament. Local authorities asked for the powers to do this. It was not a national scheme. *[Interruption.]* It was a national scheme, but with local authorities having the power to do what they need to do in their own local areas. That is what the previous Parliament voted for and that is what we are enacting and doing.

Willie Rennie: I do not know who the minister is speaking to, because that is not the feedback that I am receiving. He said that local authorities have flexibility, but they do not have flexibility to take out the B and Bs, yurts or house swaps, or in relation to any of the other measures that we have talked about. There is no flexibility. It is a national and standardised programme that this Government has imposed on local authorities. He is wrong to say that local authorities have the power to do something different, because they simply do not.

We can contrast that—this is where I will give the Government credit—with the flexibility offered by control areas, which is sensible. If councils do not want to use the powers or wish to apply them only in a small part of their council area, they have the power to do exactly that. We support the use of the control areas to cap the number of short-term lets where numbers are already too high. I favour that action to control the numbers, because I am opposed to heavy-handed national control measures. That is necessary, and it is important to have something that is appropriate for every council area.

We need a package of measures that includes second homes. I am far from convinced that the measures that the Government has proposed in relation to council tax so far will provide sufficient deterrent for second homes. In parts of the east of Fife, the number of second homes is far greater than the number of short-term lets. We need a rounded policy.

However, to return to the central point of the motion, the licensing scheme is too heavy handed. As somebody who agrees with many of the arguments that the minister has put forward today—I agree with him on those measures—I plead with him, and I urge the Government, to pause, because I have a real fear of what he is going to do to the tourism industry. If he gets the balance wrong, we will see an economic hit that will damage our country. I think that the minister knows that that is exactly what is going to happen, so I urge him, even at this late stage, to pause, reflect and come up with something that is much

more sensible and that empowers local councils to make the right decisions for their communities.

I move amendment S6M-10411.1, to insert at end:

“, and considers that this should re-examine the merits of a permissive approach, as opposed to a country-wide mandatory scheme, enabling local authorities to decide what the right policy and approach is for their areas.”

The Deputy Presiding Officer: I call Daniel Johnson.

15:20

Daniel Johnson (Edinburgh Southern) (Lab): Thank you, Presiding Officer. I ask members' slight forbearance, as I did not anticipate that I would be speaking at this point in the debate. Given the technical difficulties that Mark Griffin has experienced, however, I rise to speak to and move the amendment in his name.

In the debate so far, I think that we have already got to the nub of the issue. A great number of euphemisms have been used—the broad brush stroke rather than nuance that the legislation brings to bear, and the sledgehammer to crack a nut—but I think that it is probably best to put it like this. We had an issue with Airbnbs that we needed to tackle—what we did not need to do was tackle B and Bs, but that is precisely what the measures do.

It is important to deal with the nuance. In the debate so far, we have heard deliberate confusion between numbers and concentrations, which we absolutely need to tackle, and the standards issue, which is tackled by licensing. Let us be clear: the motion for debate talks about licensing, not planning applications. Licensing is not capable of tackling the number of properties—certainly, not explicitly. If the Government's intention is to tackle the number through licensing, it needs to be much more explicit about that. Unfortunately, it is attempting to tackle the issue obliquely, and, as a result, it is doing so clumsily.

It is critical that we recognise that the licensing approach is tackling properties in every part of the country when we have specific issues in specific parts of Scotland. Quite simply, I believe that the Scottish Government is washing its hands of the consequences and the impact of that approach. We did not need to bear down on B and Bs, which are already a highly regulated part of the sector, with properties having to comply with a great number of regulations. We had no need to tackle house swaps or people letting individual rooms in their houses.

If Paul McLennan was to ask City of Edinburgh Council about the issues, it would say that it absolutely requires the ability to tackle the number

of properties but it has issues with the exact points that I have just raised. It has no ability—

Ben Macpherson: Will the member take an intervention?

Daniel Johnson: I will take Ben Macpherson's intervention in just a moment.

The City of Edinburgh Council has no ability to flex around those key points. It recognises the need to have room letting and house swaps, and it absolutely needs the ability to achieve a balance through the legislation. However, the legislation is essentially a broad brush stroke that does not allow the council to achieve the balance that is so badly needed in this city, which depends on the tourism industry.

I am happy to give way to Ben Macpherson.

Ben Macpherson: I thank Daniel Johnson for taking an intervention, and I am glad that he agrees that, because of certain circumstances, it was right to include home letting and home sharing in the regulations. Does he agree, however, that continued constructive engagement between the Scottish Government and City of Edinburgh Council, which has made certain choices in applying the regulations, is required in order to ensure that the six-week exemption that is available works, and works practically?

Daniel Johnson: Indeed—I agree with that. There are also other areas that the council could look at, such as the way in which the pricing structure works and the application process. I have encouraged Cammy Day and others on the council to meet representatives from the sector to go through those sorts of issues, and that is absolutely what we need to do.

Overall, however, there is a real issue with the way in which the Government has approached the legislation. It cannot treat small businesses as though they are large multinational corporations, because there is a very real human impact and consequence as a result of the legislation. I held a meeting with many members of the sector in the past few weeks, and it was harrowing—there were tears shed by people who have invested their life savings and whose pensions are the businesses that they run. That is the reality.

As someone who comes from a small-business background, I am aware that, all too often, not just in this debate, we treat all businesses the same, but small businesses are people. Regardless of whether we think there should be more or fewer such properties, we need to recognise that there are individuals standing behind many of these businesses and that the legislation has very real consequences.

Regulation was going to be a difficult decision and was going to have difficult consequences for

many people, because we were saying that we needed less of a particular kind of business. Ultimately, however, the Government has created a cliff edge. It has not done the work that it needed to do. I do not think that it has provided the guidance that local authorities needed. If it had done, we would not be seeing the problems and complexities in the application process that we are seeing, the confusion about whether floor plans are needed or the vast variation in the fees that are being applied. If the Government had provided clear guidance, there would not be such a high level of variation and confusion.

Likewise, if the Government had done its job properly and communicated effectively, there would not be B and B owners who are unaware that they must apply for a licence in order to continue running their business. I am very concerned that there are businesses in this city who, after 1 October, will be operating illegally simply because they do not know about that requirement. The Government must think long and hard about that.

Paul McLennan: Will the member give way?

Daniel Johnson: I am in my final minute.

Ultimately, the Government has said that it wants to reset its relationship with business. That goes far beyond simply having more coffees or cocktails and canapés with big business; it involves having a different relationship with, and engagement with, small business. It must understand that small businesses are people. Frankly, the Government's behaviour in relation to the policy area that we are discussing shows that it has simply not learned that lesson. For many small businesses up and down this country, that reset has yet to begin.

I move amendment S6M-10411.2, to insert at end:

“, and consideration of changes, which, as a minimum, must include the removal from the licensing scheme of any accommodation that owners use as their primary residence, B&B accommodation, house swaps, purpose-built accommodation and room lets, and agrees that the forthcoming Housing Bill should be used to deliver a system of regulation that works for both local communities and the sector, and a registration scheme.”

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

15:26

Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con): In thinking about the role of short-term lets in my constituency in the Scottish Borders, it is clear to me that today's debate could easily have been a celebration of the contribution that the industry makes to our rural economy. However, for a rural area such as the Borders, the

Scottish Government's short-term lets licensing scheme is a square peg for a round hole. It is misguided, its legality is questionable, it is anti-business and it is a Government wheeze to fix and solve issues that it has created over 16 years of mismanagement.

My colleagues will undoubtedly have more to say on the devastating impact of the Government's plans in our cities and other parts of Scotland, but I am clear from the conversations that I have had with my constituents that the plans simply cannot be allowed to progress.

Richard Lochhead: Rachael Hamilton made the comment that our proposed scheme is “anti-business”, so I would like to probe that with her. As a business minister, I go round the country, and one of the messages that I consistently get from businesses is that they cannot find accommodation for key workers. That is the case especially in our cities, but it is also the case in specific rural areas. Therefore, will not it help business if we address the housing situation in our cities and rural Scotland so that our businesses can be more productive and get the staff that they need?

Rachael Hamilton: I thought that Richard Lochhead understood business; in fact, I was quite respectful of his knowledge of the experience of businesses. However, he has just shown that he has absolutely no idea of the consequences of what the Government is proposing.

Short-term lets form an increasingly important part of the tourism sector and directly support almost 10,000 jobs across the country, hundreds of which can be found in the Borders, but the impact of self-catering businesses goes much further than that. They provide a base for people to stay in and explore our towns, our villages and our remote rural areas, which brings benefits to local businesses—to butchers, bakers, artists and coffee shops on our challenged high streets. The short-term lets industry puts tourists right on the doorstep of the Borders'—and Scotland's—biggest attractions. Whether they go walking in the Eildons, fishing on the Tweed or exploring the beautiful abbeys, the economic contribution of people visiting Scotland and staying in short-term lets is set to surpass £1 billion per year within the next decade. That is £1 billion of opportunity for local businesses and the people whose jobs they support.

When I visit businesses in the Borders that operate short-term lets, I am always struck by how conscious they are of the need to support their local economy. On a recent visit to Bairnkine farm cottages near Jedburgh, which is an agritourism enterprise—I welcome Caroline Millar to the public gallery—that has allowed local farmers to put their businesses on a more sustainable footing, I could

see at first hand how businesses were able to work together to create local jobs for local people and boost their local economy. They were so proud of that.

Behind all those fantastic businesses are fantastic people, and in most cases—70 per cent of cases—those people are women. I want to take the opportunity to talk about their role. I was recently contacted by Ms Macdonald, a constituent who operates a short-term let business in the Borders. She described the Government's licensing policy proposals as a "badly drafted postcode lottery" and went on to say that regulations vary wildly from council to council, often with very little logic as to why one council has one rule in place, while another does not.

Ben Macpherson: Will Rachael Hamilton take an intervention on that point?

Rachael Hamilton: Yes—if Ben Macpherson can tell me what is happening in councils.

Ben Macpherson: On many occasions, Conservative MSPs have argued that local authorities should have more discretion on certain matters. Is Rachael Hamilton arguing in this instance that the Government should prescribe to a greater extent what local authorities can and cannot do?

Rachael Hamilton: Ben Macpherson's point is flawed, because local authorities have the option to use legislation on short-term let control areas if they want to. However, in this situation, every local authority is adopting a different approach, which is totally confusing. It adds to bureaucracy, red tape and expense.

Paul McLennan: Will the member take an intervention?

Rachael Hamilton: No—because I need to make progress.

I will give members an example. A local constituent is investing in three short-term let properties, because he lives in a rural area, and he has planning permission. One of the conditions of the planning permission is that he cannot bring in any income until he gets his licence, and that will take nine months. What does that look like for local employment? What does that look like for his bank-loan interest? The Government needs to reflect very carefully about what it is doing to the local economy.

Ms Macdonald went on to say that she has heard many home sharers and B and B operators in the Borders say that they no longer wish to continue to operate after 1 October. Her mother-in-law is one of them—another woman who is falling foul of the Government's inability to support women in business.

Another Borderer has been in touch with me. Avril runs a fantastic countryside retreat near Melrose. She has expressed identical concerns about needless red tape and the cost of the plans that are affecting operators in the Borders, and is warning that the policy will lead to substantial job losses and the decline of businesses that rely on tourism. She is clear that the Government must pause the legislation.

We know that the Government does not know how to listen to businesses. We know that it cannot engage with coastal communities. We had the potential equivalent of the Highland clearances with the highly protected marine areas policy.

The Deputy Presiding Officer: Ms Hamilton, will you please bring your remarks to a close? Thank you.

Rachael Hamilton: All I will say is that, to make policy work, one has to listen to people. To create legislation, one has to engage with industry. Let us pause, reset and review.

15:32

Kevin Stewart (Aberdeen Central) (SNP): First and foremost, I recognise how important the tourism industry is to Scotland. Equally, I recognise that Scotland is called home by people and communities, and that many people have been adversely impacted by the enormous growth in short-term letting over the past decade. That is the case not just in the cities and it is not just about "party flats", as Mr Fraser described them. I remember Christine Grahame talking on one occasion about a difficulty with a let in her area. I do not know whether that was in the Midlothian south part of her constituency or the Borders part, but I am sure that we will hear that. This is not just a city difficulty. The difficulties are different in different areas, which is why we have taken the action that we have taken.

It is deeply disappointing that extreme language and misinformation around short-term lets licensing has been encouraged by public figures—Tory and Labour—and that a great amount of flip-flopping has gone on over the issue in recent times.

As a former housing minister, I have engaged with stakeholder bodies, community groups and many MSPs on the issue. My successors have done likewise, and the Government has spent a large amount of time listening to the various viewpoints and has done everything to strike the right balance. I am interested in hearing the speeches of some colleagues today to see how their views have changed over the piece. I think that many who were vociferous for change have now changed their minds for political expediency.

Liam Kerr: Kevin Stewart is absolutely right to talk about the need for accurate information. Given the need to be sure of the impact of the scheme on the ground, does he know how many people and businesses will be required to apply for a licence in his Aberdeen Central constituency?

Kevin Stewart: I do not have those figures to hand, but all the work on that was done at the beginning, as part of the business and regulatory impact assessment, which is always the case when legislation is being developed.

I should also say that people other than politicians have changed their minds. As I am a former relevant minister, some people in the sector have told me that they were not in favour of a licensing scheme, but instead wanted a registration scheme. Some of those same folk now say that they want a licensing scheme, but not this scheme. I have heard folk say that they want something that is similar to the proposed Welsh scheme, but I have news for those folk—the Welsh scheme is based largely on the Scottish model and has been developed in the 22 months since the Scottish Parliament passed its licensing regulations.

Liz Smith (Mid Scotland and Fife) (Con): Mr Stewart, if your analysis is correct, why is there such a huge outcry from the hospitality and tourism sector telling you that the approach is wrong?

The Deputy Presiding Officer: Members need to speak through the chair.

Kevin Stewart: Right across the period in which the process has taken place, many folk have wanted no regulation whatsoever. I go back to my previous comment: many folk wanted a registration scheme, but that would not have resolved some of the difficulties that we face.

I am concentrating on licensing today, so I will not cover the planning aspects to any great degree, but we made the right decision in bringing licensing and planning together in order to allow local authorities to make their own choices.

The Government allowed a six-month extension at the request of operators, but it now seems that members and some industry stakeholders want even more time. That would be another case of kicking the ball into the long grass. People and communities across the country who have been impacted by badly run short-term lets continue to feel ignored and not listened to. There is scant or no mention of them in the Conservative motion or the Labour and Lib Dem amendments that are before us. I am sure that some of the same Opposition members who urged the Scottish Government to take urgent action way back to alleviate the difficulties that their constituents and communities face will stand up and support further

dither and delay, and will ignore the folks whom they cited previously as being in deep distress.

Daniel Johnson: Will the member take an intervention?

Kevin Stewart: I will take Daniel Johnson.

The Deputy Presiding Officer: Briefly.

Daniel Johnson: As someone who argued for controls, does Kevin Stewart accept that many of us have difficulty supporting something that takes in home swaps and individual room letting? That scope is the problem for many people. Does he accept that that is a valid reason to oppose the scheme?

Kevin Stewart: I will come to that point.

The Deputy Presiding Officer: Mr Stewart, you need to do so quite quickly, because you are running out of time.

Kevin Stewart: I will do so as quickly as possible. We recognise that different solutions are required in different areas of the country, which is why we have given flexibility to local government.

Let me turn to safety, because that is the part of the licensing scheme that applies to all. It puts Scotland's tourism sector on a level and high-quality playing field. Guests in Scottish tourist destinations will have the confidence and assurance that their accommodation is safe and meets a high standard, whether they are staying in a hotel, a traditional bed and breakfast or a short-term let. The fit-and-proper-person test is designed to protect neighbours, guests and other people from harm and crime, and to assist law enforcement.

The Deputy Presiding Officer: Mr Stewart, you need to conclude.

Kevin Stewart: Finally, ensuring that a property meets the mandatory conditions, such as the repairing standard and fire safety requirements, is only right.

The Deputy Presiding Officer: Mr Stewart, please conclude.

Kevin Stewart: Who could argue against that?

15:39

Brian Whittle (South Scotland) (Con): I welcome the opportunity to speak in the short-term lets debate and bring significant concerns to the chamber from across the tourism industry and the rural economy.

If only this were an isolated instance of an SNP-Green policy having a devastating impact on our tourism industry and rural economy. Rural and tourism policies are too often developed by urban members of the Scottish Parliament who have

neither understanding nor interest in the practical application and outcomes of their policies. From watching Patrick Harvie's performance in the Local Government, Housing and Planning Committee yesterday, it is obvious that he has a fundamental dislike of private landlords and he cares not a jot about the fallout for the industry, people and businesses across Scotland, as long as he gets to punish the private rental sector.

The STL legislation comes on top of the Scottish Government's temporary rent control policy and cap on rent rises. I use the word "temporary" advisedly, because the policy was brought in during Covid restrictions but, once it was in place, Patrick Harvie has allowed the Greens and the SNP to keep it in place. The problem is that, as we know, the Greens and, increasingly, the SNP do not engage with reality, let alone with businesses, which results in legislation that has caused huge rent rises, a chronic shortage of rental properties especially for university students, a rise in homelessness and the number of children in temporary accommodation, and a delay in the building of affordable homes for rent, which is exactly the opposite of what it was intended to do.

Whether it is the seaside bed and breakfast owner in North Berwick or a farmer renting out holiday cottages in Ayrshire, people will now have to consider whether the added complication and costs that are associated with the scheme are worth the effort.

The ability to grant temporary exemptions for major events is, at least, a recognition that those events should be supported, but from the discussions that I have had with those behind major sporting events, the current approach is bringing little comfort. Let us take the open championship as a prime example. That major golf tournament regularly brings tens of millions of pounds to the local economy. Next year, it is due to be in Troon and it will bring tens of thousands of visitors to the area. Short-term lets are crucial to there being enough affordable accommodation in the area.

Ben Macpherson: Will the member take an intervention on that point?

Brian Whittle: I will take Mr Macpherson's intervention when I finish my point.

Although South Ayrshire Council has stated that it will grant temporary licences for the period of the event, the added cost and regulatory burden that will be placed on home owners for something that they might do only once every decade might well make it not worth the effort. That means that fewer properties will be available for those who want to stay in the area, and higher prices for remaining accommodation. For events such as the open championship, the scheme risks making Scotland,

which is the home of golf, a less attractive prospect to host its greatest championship, and it threatens the continued existence of events such as the Edinburgh international festival and the fringe, which are so uniquely tied into the city.

Ben Macpherson: I agree with the member that making the temporary exemptions practical and workable is an important consideration. Does he agree with me that we should all be concerned about the very high charges that some property owners take to market during such events, whether it be the United Nations climate change conference of the parties or major sporting events? Is it not a challenge for us all to think about?

Brian Whittle: The other option is not to have any accommodation at all. That is the problem with what this legislation will do. Fewer properties will be made available so the actual cost of the accommodation will go up.

There is simply no way that the Scottish Government can stand there and say that this scheme is the best one and the right one and that it is ready to go. As Paul McLennan said in his opening statement, he wrote to members. In one paragraph, he encouraged hosts to sign up for the scheme, and in the next he told us that he was planning to make further changes. If a meal is ready, we generally do not need to change the recipe after it has been served.

The Scottish Government's approach to policy is increasingly being driven by the so-called sunk-cost fallacy, meaning that it is unwilling to abandon a course of action in which it has invested heavily long after it has become clear that changing course would be far more beneficial.

Paul McLennan: Will the member take an intervention?

The Deputy Presiding Officer: The member is in his final 40 seconds, thank you.

Brian Whittle: The Scottish Government should be working with the sector to develop workable regulations, but the scheme that the Scottish Government is attempting to drive through risks driving countless numbers of small operators out of business, damaging the tourism sector, and penalising the many for the actions of the few. The Scottish Government needs to change course, pause the scheme and work with providers to create a system that properly recognises the diversity and range of short-term lets across Scotland. If it chooses not to do so, it will have no one but itself to blame for sinking Scotland's tourism sector.

15:44

Ben Macpherson (Edinburgh Northern and Leith) (SNP): It is excellent that we have this time to discuss this complex and important issue. I want to make clear that, as an Edinburgh MSP, I have for a long time heard about and seen first hand the impact that significant growth in the short-term let market can have on local communities. Similarly, I recognise the valuable contributions that tourism makes to my constituency, our capital city and Scotland's economy more widely, which is why, in recent weeks and years, I have met a variety of stakeholders who represent different perspectives, from Living Rent on the one hand to short-term let operators and owners on the other. Most of all, I have listened to my constituents.

I appreciate that highly respectable, effective managers and owners of short-term lets exist and that they produce employment in local economies. However, even before I was first elected in 2016, I was consistently hearing from many people—in Leith in particular—about how a large amount of poorly managed short-term lets in their tenements and streets were causing disruption, discomfort and the dilapidation of common property.

I heard concerns, too, about the increasing flow of properties—which first-time buyers, for example, or the private rented sector could have purchased—out of the market into the short-term let market to be repurposed as whole-property, otherwise known as secondary, short-term lets. I have heard from many people who feel that it has been unjust that private rented sector landlords and other visitor accommodation providers, such as local hotels, have until recently been held to a higher standard than short-term let properties, in particular those that are not primary residences.

Jeremy Balfour (Lothian) (Con): Why should someone who is renting out a room in their house be affected by those regulations? They are still living in that property and helping somebody else out that way. Would the member accept that point in his argument?

Ben Macpherson: I will come to the temporary exemption shortly. However, home letting and home sharing are rightly included because some successful business owners are renting out several rooms in their house, but they still live in it. It is right that those businesses are held to the same standard of regulation and safety for those rooms as other accommodation providers are.

In previous years, my and other members' constituents with concerns felt that they were not being adequately considered by authorities and that little could be done to hold short-term let operators to account. That is why, for a long time, I pressed the Scottish Government to regulate

short-term lets. I did so with Councillor Kate Campbell, Councillor Adam McVey, Tommy Sheppard MP, Deirdre Brock MP and others, such as Andy Wightman MSP, and even some of the members who will oppose the scheme today.

It has always been clear to me that the regulation of the short-term let sector is required to ensure that properties are safe and responsibly managed, which is long overdue. That regulation is becoming the norm internationally; we should be mindful that places such as Copenhagen, Paris, Barcelona and, most recently, New York—those are just a few examples—have already taken steps to regulate the short-term let sector in light of the same issues that we are discussing today. Scotland is an outlier, or had been until recently; arguably, we are playing catch up.

Almost six years on from raising concerns on behalf of my constituents, Parliament voted—quite some time ago, in January 2022—to introduce regulations that are proportionate and necessary to create the licensing scheme, which facilitates national standards and provides local flexibility for councils, too. The regulations create the licensing scheme to ensure safety, set appropriate quality standards and hold hosts accountable, in line with other providers of tourist accommodation and more in line with the private rented sector.

Together with the short-term let planning control areas where they are adopted, such as here in Edinburgh, the Scottish Government's actions will help to ease the housing crisis, which is particularly acute in Edinburgh, as I have argued several times and will continue to do. It is right that the Scottish Government is being proactive in the policies that it has adopted to tackle the housing crisis; the short-term lets regulation is part of the balance. My constituency is a place where the housing crisis has been most acutely felt, with people not being able to find affordable homes in their local community, or close to their family, place of work or children's school.

My constituency also happens to be home to a large share of Edinburgh's holiday accommodation. Although I recognise that tackling the affordable housing crisis requires a multipronged approach—people are right to argue that—going forward, the local aspiration is that the licensing scheme and the control area will mean that more of our stock is lived in all year round. That is the right thing to do.

Sue Webber: Will the member take an intervention?

The Deputy Presiding Officer: The member is in his last 30 seconds.

Ben Macpherson: I am sympathetic to the concerns that have been raised by the culture sector in Edinburgh about accommodation

capacity during the summer festival season and the resulting spike in demand. That is why I have engaged constructively with the Government and the council about making sure that the power to grant temporary exemptions for up to 6 weeks is able to be utilised in a reasonably simple, straightforward and inexpensive way. I look forward to continued engagement on that. Short-term lets are important in the wider considerations in our country about overtourism. Short-term lets have been part of that community concern. The Government is right to take action and to continue to consider how we get the balance right.

15:51

Sarah Boyack (Lothian) (Lab): I draw attention to my entry in the members' register of interests as a former employee of the Scottish Federation of Housing Associations.

Since I returned to the Parliament, I have been engaging with the issue of short-term lets in great detail; I was on the committee that looked at the principle of the issue, and I was also involved in looking at the detail. Edinburgh has a long-standing housing crisis, which has been getting worse. It does not have enough homes; it has the lowest percentage of social housing in Scotland; and both private rented homes and homes to buy are increasingly getting much more expensive than the rest of Scotland. There is a huge lack of affordable accommodation for students, who make up 20 per cent of the city's population. At the same time, we have a successful, growing city, in which tourism and culture are key parts of our identity and our economy.

However, the challenge is partly the lack of new housing being built in order to meet demand, as well as a massive shortage of accommodation during the summer when the festivals are on. Another key issue is that we have lost so many properties to short-term lets. In research published in 2019, it was estimated that around 13,500 homes had been lost to totally unregulated short-term lets; although there had been planning policies in the city since 2011, the planning guidance had not worked. That was why we urgently needed the new short-term let control area to be introduced—it allowed our council to have powers with regard to planning capacity.

Members can see the impact that unregulated and uncontrolled short-term lets have had, particularly in the city centre, where communities have been hollowed out and residents have suffered from the expansion of party flats. That has created pressures particularly in many of our tenements, where the residents do not know who owns those flats.

When the Scottish Government agreed to act to enable those local authorities that wanted to address local challenges to do so, I welcomed the move. I thought that a combined approach that would tackle our housing shortage and regulate for the use of planning powers in relation to short-term lets, while enabling members of the local community to rent out their flats during the summer when they were on holiday or still in their flats, was a win-win. However, as several colleagues have said, the problem was that the SNP's proposals did not strike the right balance.

First, the party did not listen to the arguments about the difference between—

Paul McLennan: We have been talking about having a debate—there has to be a balance here. I want to ask Sarah Boyack's view of the statement with regard to communities supporting the new short-term let regulations, which has been issued by the Cockburn Association; the Protecting Liveable, Affordable Communities in Edinburgh—or PLACE Edinburgh—network; New Town and Broughton community council; Living Rent; and the Edinburgh Old Town Association. The member has obviously seen that response, but what is her view of the points that those organisations have made?

Sarah Boyack: They are desperate to get action on short-term lets. The key issue is the loss of 13,500 properties, in respect of which the short-term let control area and the planning powers are critical.

On the other side is the fact that long-established—[*Interruption.*] If the minister would be courteous enough to listen to me, I will continue. Long-established bed and breakfast operators that have been in the city for decades and which have not contributed to any loss in housing are also going to be regulated and will have to be licensed. I do not see the point of that. It is not an either/or. There is an issue about the balance of the regulations, which the previous minister—

Kevin Stewart: Will the member take an intervention?

Sarah Boyack: No—I brought up my views to the previous minister on many occasions, and they were not listened to.

We have a problem, in that unregulated short-term lets need to be acted on, but we also have the problem that the Government has reached out far more than people wanted it to. The fact that the SNP decided to roll out the requirement to register across the entire country was completely against the arguments that people in the key communities were making. We wanted our councils in places such as Edinburgh and the Highlands to have the powers to act, as those are the places where

Airbnbs and short-term lets have had a major impact on our housing, causing shortages. Indeed, I say to the minister, who is interested in workers, that people are now having to leave Edinburgh, because there are no longer homes for them to live in. That is the impact of the misguided approach that has been taken.

We need a different approach in Edinburgh. Our housing crisis is not being addressed, and the council has been put in the position of trying to make progress on its short-term let control area across the city without the flexibility that was part of the ambition for that legislation in the first place.

Paul McLennan: Will the member take an intervention?

Sarah Boyack: No, thanks—I have already taken one.

That brings us back to the point that Ben Macpherson rightly made about people sharing their accommodation during the summer, when they are still there, or renting it out when they are on holiday for a couple of weeks during the festival.

Fundamentally, we need investment in new housing and effective short-term let controls. We need appropriate legislation to make sure that we are not indulging in over-legislation, which is the situation that is being experienced by traditional bed and breakfasts just now and which is leading to more expensive housing, either to rent or to buy. It is also increasing homelessness rates.

We have a major problem that needs to be addressed. All of my constituents are being let down. I have had something like 70 or 80 emails in the past few days against removing the powers to tackle short-term lets, but that is not what we are arguing for today; we are arguing about the impact on tourism, because of the way in which the regulations are being implemented. They are being nationally mandated and locally implemented, regardless of whether implementation is necessary and without the flexibility that different local authorities clearly want.

The minister said that he would make changes. I would like to hear in his closing remarks what those would be. We know that, if the minister's plans go ahead, people who are not registered under the current regulations after 1 October might be fined £2,500. That has been made clear. However, there is a conflict between a licensing scheme that includes traditional bed and breakfasts and the pressure on councils that want to get going on their short-term let control areas in order to tackle the short-term let problem.

The Deputy Presiding Officer: Ms Boyack, please wind up.

Sarah Boyack: We have responsible owners who rent out all or part of their property and help their neighbours with repairs and waste management, but not all of them do that. That is the target. We need to act now. We are in the worst of all worlds, with more centralisation and bureaucracy but without the action to tackle the housing crisis that is getting worse for my constituents.

Paul McLennan: Your councillors supported it.

The Deputy Presiding Officer: Minister, please—we do not make sedentary remarks. Either we are on our feet or we do not make remarks.

15:58

Jamie Greene (West Scotland) (Con): First, I make the glaring observation about how empty the Government benches are today. That sums up the fingers-in-the-ears approach that many MSPs are taking to the important issue that we are debating today.

Much has already been said, and members who know me will know that I am not in the habit of opposing just for the sake of it, so I will just make two valid points today. The fact is that, over the past couple of weeks, my inbox has, like those of many others in the chamber, been absolutely flooded with messages about this issue.

My first point is this: I understand the need to properly regulate the property rental market. No one with a flat in Edinburgh is immune to the many issues that have arisen with the rapid expansion of holiday lets, which Ben Macpherson quite eloquently alluded to. I think that we all understand the challenges that that has brought, such as the effect on the wider housing market and stock, and we have heard the horror stories of dodgy HMOs, unscrupulous landlords and stag parties making life absolutely hell for their neighbours.

Neither are we blind to the wider housing problems that Scotland faces—problems that, interestingly, this Government could have fixed a long time ago. They include the affordable homes shortage and the rising rental costs that are being driven by a huge mismatch of supply and demand.

However, the question that we have been asked to answer is whether this nationwide short-term lets licensing scheme will fix any of that. I believe that the majority of cottage industry farmers and owners of small guest houses, B and Bs, holiday lets and short-term rental properties get it; they understand perfectly the need for regulation, where it is appropriate. None of the correspondence that I have had disputes that.

That brings me to my second point. The overwhelming feedback from our tourism sector is

that this one-size-fits-all approach is as wrong as it is unfair, because what is a problem in Edinburgh is not necessarily a problem on Cumbrae. The way to solve a housing shortage is not simply to restrict holiday lets. The way to solve problematic Airbnb rentals is not to hammer people who are trying to rent out a spare room. It is better to tackle antisocial behaviour using powers that already exist. Overall, the message that we are getting and which we cannot ignore is that the solution to urban problems cannot and should not come at the expense of rural or island communities.

Kevin Stewart: Will Jamie Greene take an intervention?

Jamie Greene: I have a lot to get through.

If industry estimates are accurate, and if up to 80 per cent of current operators have currently not yet applied for a licence, the Government must surely be scratching its head and asking itself why they have not—we certainly are. My inbox, like those of all members, tells the truth and shows the reality: these new rules are overly cumbersome, are expensive for some people and, in the case of finding local tradespeople to prove compliance, are proving to be unachievable and impossible in some areas. Worse than that, we are being told that businesses are already turning against one another. Those that have applied for a licence are taking umbrage with those that have not. Members have all had the same email about some extreme cases of that.

People are, rightly, questioning us about why existing measures that govern the health and safety of properties are not good enough, and that also raises the question why the Government has waited 16 years to do something about the issue, if it had any concerns before now. It also raises the question why short-term let control areas are not considered good enough to deal with localised issues.

I do not know what will happen after 1 October. I do not know whether it is true that holiday houses will be sold off to private buyers; that holiday lets on our islands will sit empty instead of drawing in much-needed visitors; that some small businesses will decide to shut up shop, give in and close down; or that students will struggle to get rental rooms, because property owners will not want to go through the hassle of getting a licence simply to rent out a spare room to help pay the bills. We have no idea whether pet-sitting, house-sitting or house-swapping will be caught up in all this, too. There are far too many questions and far too few answers from the front benches of the SNP, yet we are just two weeks away from the deadline—the so-called cliff edge.

The regulation of any sector should be done to help industry, not to harm it. However, as is too

often the case in the Scottish Parliament, we make laws as a knee-jerk reaction. We do so not because there is a lack of effective new legislation, but because we are not enforcing existing regulations.

Much has been said about the Government's reset with business. The way to reset with business is to listen to them. Do not listen to us or anybody in this room—listen to the people in the public gallery, listen to business owners and listen to Helena, who owns Ashlea Farm cottages on the Isle of Arran. She has asked us please to pause, reflect and review, and has said that we should get round the table and negotiate with the industry. I say to Helena that I will vote to save her industry. Let us see how her MSP, who is noticeably absent, votes, because they will have Helena to answer to.

16:03

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I very much welcome the licensing of Airbnbs. In my neck of the woods, there are many. No doubt, some are excellent, but there is one in particular that drives me to distraction. Like clockwork, as night fell on every summer midweek night, the temporary inhabitants set up their drinks table, barbecue and, later, a gazebo in their garden—I had prayed for rain to drive them indoors and not under a gazebo. As the night and drinking progressed, so did the noise levels. Finally, on one night, very late—indeed, in the early morning—I had had enough. I opened the bedroom window and proclaimed that I was a neurosurgeon and needed my sleep and that they should all go to bed. Silence fell, then there were whispers and peace reigned. The gazebo was abandoned. It is better to have legislation than for neighbours to have to resort to such subterfuge. I add that this is not only an urban problem, having had issues with a so-called party house in West Linton—something that was referenced earlier.

I broadly support and appreciate the health and safety requirements. However, I am surprised at the reach of the legislation, and I have case studies that illustrate issues that some constituents have raised. I will put those on the record, as it may be that, in summing up, some of them can be addressed by the minister.

I appreciate that Midlothian Council and Scottish Borders Council have issued policy guidance that introduces some limited flexibility, including temporary exemptions to accommodate a large influx of visitors over a short period to support specific events such as local festivals and sports events such as the Melrose Sevens. Those exemptions require to go before the Scottish Fire and Rescue Service and the police, but there is

also the opportunity for temporary licences, such as when the property concerned is subject to sale. Those temporary licences have been referred to as “light touch”.

As I mentioned, I will put on record some constituents’ concerns. They are abridged quotes, but they are constituents’ words, not mine. It is part of my job to bring them to the chamber.

“I thought I’d get in touch with you to explain why the short term licensing is terrible and in desperate need of adjusting to allow flexibility. I am going through a very expensive divorce and am desperately trying to sell my family home and my one bed flat in Edinburgh. My flat lies empty because I cannot rent it out as a holiday let which I’ve ... done without complaint for 15 years.”

My constituent asks why they would apply for a licence when the property is on the market. I have already referred to the fact that people can get temporary licences from Scottish Borders Council and Midlothian Council. I do not know whether that is the case in Edinburgh.

A second constituent wrote:

“I have operated our family flat in Causewayside as a short term let unit since 2006, once our children no longer needed accommodation for their university years. There are some party flats in Edinburgh which should be easy to identify because of the number of guests and number of rooms. Could this be a straightforward solution? ... I have applied for a Certificate of Lawfulness and am in the process of applying for a Licence to enable me to continue with my work. This has all taken many hours, and is likely to cost me my entire profit for this year. I just have to hope it is worth it.”

A third constituent wrote:

“I am writing to you as a host of self-catering Cabins based in Peebles and in the hope this will assist in the calls to the Scottish Government to pause the implementation of the shortterm let legislation deadline. The application process is cumbersome, bureaucratic, expensive and unnecessary with time quickly running out as the 1st October deadline approaches.”

In the fourth case study, my constituent wrote:

“We have a purpose built one bed conversion specifically designed for short term lets and not suitable for long term occupancy because of lack of storage. We market through Country Cottages which insist on all the safety checks in the current legislation without the additional costs and hoops of the new registration.”

The final case study relates to home swapping. My constituent wrote:

“We have been members of Homelink for approximately 4 years during which we have undertaken 10 home exchanges. This involves staying in each other’s home in order to have a holiday, usually on a simultaneous basis, occasionally non simultaneous. The exchanges are undertaken on a trust basis between partners. No money changes hands nor ... is any payment in kind made. These are NOT commercial arrangements, but part of the circular, or sharing economy.

They say that, on average, they
“will probably do 3 exchanges a year”,

although some people do two exchanges. They go on to say:

“We must emphasise these exchanges happen in our ... private home without charge. Our home complies with all safety standards required by legislation and as it is where we permanently live we maintain it to a high safety standard.”

Those are quotes from constituents, and I put them out there for consideration.

Douglas Ross (Highlands and Islands) (Con): Will the member take an intervention?

Christine Grahame: I am just concluding—sorry.

I share the concerns of Willie Rennie, although I do not know whether he is happy that I share his concerns. There is insufficient flexibility in the regulations, which tightly define which properties fall within the remit. I think that we are all agreed that we need regulations, but if we go through the list set out in the regulations, there is no flexibility for councils. The definitions are very tight, and I do not think that they are always suitable for local communities. I know that, whatever their political hue, councils have their areas at heart.

As the regulatory framework is applied, I therefore trust that the Scottish Government will, if necessary—if what some of us are saying comes to pass—undertake a review and allow councils more flexibility around which properties are affected.

Douglas Ross: Will the member take an intervention?

Christine Grahame: Please do not heckle me. I am trying to be non-political and reasonable, which is unusual for you, Mr Ross.

Thank you.

16:09

Sue Webber (Lothian) (Con): I am pleased to have the chance to speak in the debate—after all, it is extremely important. Five minutes is not enough time in which to do justice to everyone who has contacted me to raise their concerns about the legislation. Many of the stories that I have heard resonate and are reflective of some of what we have just heard from my colleague Christine Grahame. I will speak to just a few of those stories, but I want to thank everyone who has contacted me and to reassure them that I have been listening to what they have been saying.

As my colleague Murdo Fraser said, the tourism sector is vital for Scotland. However, the SNP Government is refusing to extend the deadline of 1 October for applications to the licensing scheme for short-term lets, damaging one of Scotland’s

leading industries at a time when people are absolutely flummoxed and already struggling. Like every politically driven SNP-Green wheeze, the new licensing regime is not designed to encourage business or promote tourism.

Last week, I joined the Save Self-Catering in Scotland gathering outside Parliament and spoke to lots of self-catering operators, many of whom were from the Lothians, which is the area that I represent. One man, who was from Edinburgh originally, was disheartened that he is now being branded a “parasite”. He asked me, “How do you think that makes me feel? How would that make you feel?” He has never had any complaints about any of his short-term lets or self-catering businesses.

I have received countless emails and phone calls from concerned constituents. Even paper copies are coming through now—that is how disheartened and dejected the industry is feeling.

An elderly gentlemen contacted me to say that, when his wife’s parents died, they left them their two-bedroom flat in Edinburgh’s old town, which they use for short-term lets. His wife has unfortunately developed Alzheimer’s disease and has very little income. Therefore, the income that they make from the rental goes towards her very expensive care home fees. He said that he has been advised that he will not be granted a licence under the STL legislation, and therefore the support for his disabled wife will end.

Paul McLennan: Has the person who the member mentions actually applied? The member says that they are not going to be granted permission. If they have not applied, how has that decision been arrived at? I am asking for more detail on that.

Sue Webber: The situation in Edinburgh is very complex. Everyone that I have heard from is tearing their hair out because of the complexity and the non-refundable nature of the entire process. I am not going to take another intervention on that topic. The wife in this family is now in a very challenging personal situation. Social care in Edinburgh is bad enough, frankly.

I have also been contacted by the manager of the McNeil Trust, a charity in Edinburgh that provides free self-catering accommodation for members of the Christian Science community. She is concerned about how the legislation in its current form is affecting charities such as the one that she manages. From an email that she has sent this afternoon, I gather that she might be in the chamber today.

She said:

“We are not against regulation”—

nor are we—

“and we are not against health and safety, but we need fair and just legislation. I am urgently calling on the Scottish Government for a ‘pause’ in the implementation of the licensing legislation due to come into force on 1st October so that fair and just regulation”—

being fair and just is a common theme—

“can be achieved by sitting down with stakeholders and getting it right.”

That is a clear example of how this one-size-fits-all policy is unfit for purpose.

I have also been contacted by a constituent called Julian, who has given me permission to quote from his letter. He writes:

“Firstly, I am writing as an ex-SNP member. I resigned my membership last month in disgust at the way the STL legislation has been handled and the absolute lack of interest that I have received from my local MSP Angus Robertson when I tried to raise the issue with him. The current version of the STL legislation is a madness that has to be stopped!”

I have also been contacted by Alison Burns, who, for 30 years, has been exchanging her home with visitors from across the globe—all without incident. She told me that the inclusion of such arrangements demonstrates an extreme lack of understanding, because no money exchanges hands.

We have already heard about the East Lothian constituent on the social media channel that I was also asked to join. I was absolutely astounded that she was told to go off and get a job and then to go off and claim benefits, but we have heard the minister’s response to that.

It is not in anyone’s interest to shield rogue operators, and the sector believes that strong licensing is important, but it must be fair and practical, not deliberately onerous. However, predictably, the SNP-Green Government has no desire to work with businesses to achieve reasonable outcomes.

16:14

Alasdair Allan (Na h-Eileanan an Iar) (SNP): Tourists increasingly value self-catering accommodation as well as traditional B and Bs, so I begin by recognising the vital role that they both have in our tourism economy.

I recognise, too, the calls from those sectors to make sure that the licensing regime is implemented in a way that is fair. It is worth noting that the sector is certainly not anti-regulation, and—judging by their previous comments on this matter, at least—neither were a number of parties in this chamber when the matter was legislated on.

Today, others have scrutinised, very effectively and from various positions, the detail of the legislation. However, I want to point to the context

of the legislation and to ask one question that often goes unasked—or, at least, unheard—in the debate around it, because the people who are affected by the debate often lack a voice. The question is this: where are people of some of our rural and island communities going to live in the future? If we are to address that question honestly, we will need to get some kind of picture, through licensing and other measures, of the number of properties that are currently changing from full-time dwellings into short-term lets. As Willie Rennie did, I could make a similar point about second homes, although I appreciate that that issue is not within the scope of the legislation.

As we heard from Ben Macpherson, Edinburgh has well-publicised challenges in respect of short-term lets, but those problems are faced in rural areas, too. It is no exaggeration to say that some island communities are in the midst of a housing crisis.

There has been a very welcome investment by the Scottish Government in new social housing over the past few years in my Hebridean constituency, yet I continue to receive regular correspondence from younger people and families who struggle to find a house. In many places, people are simply being priced out of their own communities, and I cannot help but note that those are the areas where there has been a massive proliferation of short-term lets. My constituency has one of the highest per capita rates of lets on Airbnb in the country; the number of registered self-catering properties is now well over twice what it was a decade ago. I do not think that it is a coincidence that, as the number of short-term lets has grown in that period, the number of privately rented properties in the Western Isles has dropped by a third.

Organisations such as the West Harris Trust have raised concerns about the viability of fragile communities in which the balance is increasingly swinging towards both second homes and short-term lets. Short-term lets should not be thought of as the only factor in this issue, but nor can they be excluded from the debate about it.

Harris and other communities like it clearly and desperately need homes for people who live and work there full time. A public meeting in Harris that I attended recently successfully made a plea for more social housing on the island, but that is only one part of the answer. Any hope that we have in staving off a demographic crisis in communities like that lies in attracting people to live and work there. That cannot happen if people cannot find a house to rent, or if they are continually and massively outgunned in the housing market by people of means who already have a house to live in.

Finlay Carson (Galloway and West Dumfries)

(Con): Would Alasdair Allan not agree that as part of the balance, we need sustainable economic growth in those areas to ensure that there are jobs? Some of those jobs will depend on tourism, so we actually need tourists coming. We need to get the balance right. There should be an emphasis on providing new social housing and not necessarily reducing the number of tourists that come to the islands or rural areas.

Alasdair Allan: I do not want to reduce the number of tourists who come to the islands. I absolutely appreciate the point that Finlay Carson is making about the importance of tourism, but the companies that write to me in my constituency are tourism-related companies that cannot get a workforce for their businesses because there is nowhere for people to live. That is why we have to pay some attention in this debate to the need for homes for people to live in.

People have rightly pointed out the importance of tourism. I absolutely accept that—not least for places such as the one that I live in. However, in areas where housing is being taken out of the domestic stock at a faster rate than it could ever conceivably be replaced, some perspective is needed. How do the undoubted benefits of a short-term let property compare, for example, with the benefit—the “social good”, to use Murdo Fraser’s phrase—that is brought by a family living in that house 365 days a year and contributing to that community? How do they compare with the benefits that are brought by a local school having enough pupils to stay open, or a community having sufficient population of working age to provide carers for the elderly, enough people for a lifeboat crew or enough staff for new businesses?

My understanding is that my local authority is currently processing more than 180 applications to the licensing scheme, with another 65 pending determination and 236 having been granted. The local authority is taking an average of 36 days to determine applications and estimates that another 100 hosts are yet to apply. I have not heard of any who have been rejected. It is right that local authorities get to decide how the scheme is implemented so that it meets local needs, and I accept that local authorities need to get operation of the scheme right. Because the tourism industry is key to the economy of rural Scotland, we have to get the operation right.

However, we should not lose sight of the wider point, which is that many local communities currently feel powerless as they watch their local supply of housing vanish before their eyes. That is why Governments sometimes have to intervene and why the Tories’ apparent vision of a free-for-all in housing in rural Scotland does not work for many of my constituents.

The Presiding Officer: I call Ariane Burgess, to be followed by Stuart McMillan.

16:21

Ariane Burgess (Highlands and Islands) (Green): Thank you, Presiding Officer. Can I confirm the speaking time for my speech? I heard that it was five minutes, but I thought that it was six.

The Presiding Officer: It is six minutes, Ms Burgess.

Ariane Burgess: Thank you. Before I contribute to the debate, I want to apologise for being slightly late in arriving in the chamber.

I know the benefits that the holiday industry can bring to often fragile rural communities. At the same time, I see and hear about the negative impact of poorly managed high-turnover properties on the communities that I represent. That balance has shifted over the past 10 years. The short-term let sector today is different from what it was a decade ago. It is right that the Parliament has chosen to regulate a changing market.

A great deal of determined and detailed work went into drafting the legislation. Community groups and housing and amenity organisations have voiced their support for licensing regulations and powers to regulate through the planning system. As we have heard numerous times, there was substantial consultation over a lengthy period, beginning before my time in the Parliament, which gave communities, operators and lobbyists the opportunity to put forward their views.

I know that colleagues have engaged with stakeholders frequently. For example, in response to concerns that were raised by local authorities and industry, the go-live date for licensing for most providers was delayed by six months. I recognise that there is a heated debate about short-term lets, and I recognise that the Tories have picked a side in that debate. However, I do not accept that we should set aside the community voices that are crying out for change. Rural communities have been placed under huge pressure by the rapid expansion of the sector. It is time to restore some balance.

In the Highlands and Islands, the need for affordable, accessible and adequate homes continues to be pressing. The current housing crisis has many dimensions, which reflect decisions made over many decades. The issues include underinvestment in new supply, the sale of affordable homes without replacement, empty properties and much else beside. Short-term lets are only one part of that picture. Everyone deserves a safe, affordable and suitable home, and short-term lets are at odds with that in certain

places, especially in many of the rural island locations that I represent.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): Will Ariane Burgess take an intervention?

Ariane Burgess: Across our rural communities, homes that used to be available to local families now provide accommodation to visitors. Meanwhile, people are pushed on to social housing waiting lists. Short-term lets are just one part of the issue, but that does not mean that they can be discounted from being part of the solution.

I heard someone wanting to intervene.

Kate Forbes: I thank the member for giving way. I want to make two very quick points in relation to what she said about taking a side. First, will she call out the toxic abuse that has been hurled at some B and B owners and self-catering business owners during the debate? Secondly, in many cases, B and B owners have been earning a livelihood that has allowed them to stem depopulation in some of the most remote and rural parts of Scotland.

Ariane Burgess: I thank Kate Forbes for that intervention. As I said, I recognise the important part that short-term let providers play. We are trying to ensure that, across the board, Scotland offers safe accommodation for people who come to stay here.

Do we need to do more about rural housing supply? Yes. That is why I welcomed the new financial package for community housing trusts last month, and I am looking forward to the remote, rural and islands housing action plan, which will be published soon. Do we need to do more about second homes? Yes. That is why changes to council tax and the additional dwelling supplement for second homes are a step in the right direction. Do we need to do more about housing costs? Yes. That is why the Tories' disastrous budget last year was so damaging in affecting the interest rates that first-time buyers now face, and it is why I support the introduction of rent controls. Do we need to do more to bring empty homes into use? Absolutely. We can do that through continuing to reform planning and through land reform. That is all part of the picture, and it is all needed alongside action on short-term lets.

When I was standing for election, Iomairt an Eilein, which is a campaign group on Skye that seeks to amplify the voices of local young people, described the "existential crisis" that has been caused by rising house prices, the dearth of sustainable work and an increase in the number of holiday-let properties. Its members spoke of being priced out of the villages that they grew up in. I will end with Iomairt an Eilein's words, not my own, because it is vital that the voices of young people

in our rural and island communities are heard in the debate. Those young people said:

“Previously affordable properties are now sold at thousands of pounds above their asking price, too often to buyers who have no intention of living on or at times even visiting Skye.

The effect of the current housing market trend is devastating. When looking out over the villages of Staffin or Waternish, half of the lights are out. Former family homes lie dormant for half the year in anticipation of high paying travellers looking to experience Skye in 3 days”.

16:27

Stuart McMillan (Greenock and Inverclyde) (SNP): Scrutinising legislation is hugely important, and I welcome debate on all legislation that is proposed by the Government or by members of the Parliament. However, opposing legislation and, consequently, misleading the public on it is not good for the Parliament, and it does not do the electorate any type of service.

Sadly, Murdo Fraser has just left the chamber. In his opening speech, he said that the set of proposals is centralised. Later on, Rachael Hamilton indicated that the proposals are not centralised and that there will be a postcode lottery because councils will have flexibility. Colleagues from across the chamber including Willie Rennie, Sarah Boyack and Sue Webber had differing opinions. The proposals cannot both be centralised and result in a postcode lottery, as members on different sides of the chamber have advocated.

One of the sad things about this debate has been some of the extreme language that has been used. It has certainly been less than helpful, to say the least. Kate Forbes asked Ariane Burgess a question on that issue a moment ago. David Leask was spot on in his article in *The Herald* at the weekend when he wrote:

“Do we really have to say out loud that having to, for example, check your holiday home for deadly water-borne diseases or apply for a licence or planning permission is not the same as being raped, robbed and murdered because you’re Jewish? I am afraid so.

Do we have to explain that using this kind of language diminishes the experiences and insults the memory of Jews and others who endured horrendous atrocities? Apparently we do.”

The use of the phrase “Pogrom Parliament” was beyond distasteful, and I hope that every MSP in the chamber will unequivocally condemn that terminology when it is used, because what we are talking about is certainly not that.

Brian Whittle: I take the opportunity to assure Stuart McMillan that everybody on this side of the chamber concurs with his opinion on that.

Stuart McMillan: I am happy to hear that.

The Conservatives might be surprised to know that I want more short-term lets in my Greenock and Inverclyde constituency. We have a shortage of accommodation—of hotels as well as of short-term lets. One of our hotels is currently being used by the UK Government for asylum seekers; another is being used for the Ukrainians coming in because of the war in Ukraine. For that reason, it is positive that the legislation gives Scotland’s councils the powers to balance the needs and concerns of their communities with wider economic and tourism interests.

Rachael Hamilton: Does Stuart McMillan think that it is misleading to suggest that bringing in this burdensome legislation and licensing scheme will solve the Government’s housing crisis?

Stuart McMillan: I am coming on to that, if Rachael Hamilton waits for a few moments.

Inverclyde is not facing the same challenges as Edinburgh, the Highlands and Islands or Argyll and Bute, to name just three local authorities, when it comes to the issue of short-term lets—or, for that matter, housing issues. We need more accommodation to help boost our tourism offer, yet other communities are struggling to cope due to the high volume of tourists, with places such as Orkney considering curtailing the number of cruise ships docking at the islands. That can be viewed as a nice problem to have, but the reality is that the local approach will ensure that it can be tailored to best serve the interests of everyone across the country.

I note that the Labour Welsh Government is keen to follow in Scotland’s footsteps with regard to short-term lets legislation. However, it is looking at taking a centralised approach, which was spoken about earlier on.

Miles Briggs: Will the member give way?

Stuart McMillan: I have already taken two interventions.

For the reasons that I have outlined, I believe that that would be problematic and would be using the proverbial sledgehammer to crack a nut.

Inverclyde does not have the same issues as other parts of the country. Labour continually calls for local authorities to have more autonomy, and the legislation that we are talking about today gives them that.

I find it interesting that the Tories are asking for a further extension when 22 months has gone by since the licensing regulations were passed by this Parliament, including a six-month extension at the request of operators.

Daniel Johnson: Will the member give way?

Stuart McMillan: I have already taken two interventions.

This is a modest licensing scheme that will not be onerous for the majority of short-term let operators. For years, communities across Scotland have highlighted the impact that the concentration of unregulated short-term lets has had on local infrastructure and housing availability. Alasdair Allan spoke eloquently about the situation in his constituency.

In my constituency, we have more than 500 vacant properties in the registered social landlord sector. The housing minister was in my constituency during the summer and I organised a meeting with the chief executives of the RSLs, and that was the message that the minister was told. The RSLs in my constituency do not want to build any more homes, because we have an oversupply. As I said, Inverclyde's situation is totally different from that of other parts of the country. One of the reasons why they do not want to build any more houses is because of the huge inflationary costs thanks to the Tory budget from last year. *[Interruption.]*

In his contribution earlier on, the minister highlighted the detail of the legislative process involving short-term lets. It was extensive, including the six-month extension.

I am supportive of the short-term lets licensing scheme as it helps to ensure high standards in Scotland's tourism offer and provides councils with the tools that they need—

The Presiding Officer: You must conclude.

Stuart McMillan: —to address localised issues.

16:34

Pam Duncan-Glancy (Glasgow) (Lab): Scottish Labour believes in the regulation of the short-term lets sector. We know that it is key to ensuring the health and safety of guests, protecting against rogue owners who exploit the system, protecting our communities and the people who live in them, and helping people who are caught up in the current housing crisis.

All of us in the chamber know about the impacts, good and bad, that short-term lets can have on our communities, and we have heard a lot about those impacts this afternoon. We have heard about the destructive stag or hen, and the variety of people coming and going, who may not have the necessary connection to ensure that an area is looked after or that neighbourhoods are respected.

However, we also know, and have heard, about the positive impacts that short-term lets can have. I know that constituents in Glasgow have welcomed people from around the world to share their homes for big events such as the cycling or the 26th United Nations climate change

conference of the parties—COP26. Doing that provides diversity, friendship and income for many; I will return to some of the other benefits shortly.

The short-term licensing regulations in their current form do not strike that balance, which is why we in Scottish Labour voted against them when they first came to Parliament, and why we continue to believe that they should be paused and rethought today.

Paul McLennan: I go back to the point that I made to Sarah Boyack about the community organisations that support the new short-term let regulations in their current form, and—I reiterate—Scottish Labour's own councillors in Edinburgh, who also support what we are bringing forward just now. You cannot even convince your own Labour councillors in Edinburgh to support—

Daniel Johnson: You should speak to them.

Paul McLennan: I have spoken to them.

The Presiding Officer: Through the chair, please.

Pam Duncan-Glancy: I thank the minister for that intervention, but he has already had an extensive conversation across the chamber, and answers from my colleagues, on that matter, so—with respect—I will move on.

As drafted, the current regulations leave short-term let providers feeling anxious and let down, while failing to help those who are caught up in struggling with the housing crisis. They also fail to recognise, or protect, some of the benefits of short-term lets, in particular to women and disabled people.

My inbox, like that of many members in the chamber, is full of emails from constituents who are asking me to oppose the regulations. Many of them are real people with real livelihoods at stake, who are worried that we face regulations that act as if the whole country is the same when it is not. What works for Glasgow will not necessarily work in the Western Isles, and what works for disabled people may not work for others.

Kevin Stewart: The regulations are not the same across the country—there is flexibility for local authorities. The only parts of the regulations that are national are those covering health and safety, and the member's colleagues agreed in previous discussions that those should be in place. Does she not think that it is wise to ensure that all properties that are being let and used for tourist purposes meet those basic health and safety requirements?

Pam Duncan-Glancy: Different types of properties are all being included. There is not enough flexibility in the regulations that have been

presented to recognise both the benefits and the issues that arise for communities as a result of short-term lets.

We are asking the Government to pause and rethink that, in order to ensure that the regulations work for everybody in our communities across Scotland. What works for disabled people, for example, may not work for others; I will come to that.

Colleagues have set out why flexibility matters, and why the current regulations are inflexible and fail to strike the balance of need, protection and opportunity. I want to talk briefly about why getting regulations right matters, and to set out the potential impact that flawed regulations could have on women and disabled people who, if we do not take the time to listen to them, could be disproportionately disadvantaged.

First, the blanket approach does not take account of the benefits that a flexible approach in the short-term lets sector can bring for the host or the guest. Being a host can provide a flexible and rewarding source of income. We know that 55 per cent of Airbnb hosts are women, and the Association of Scotland's Self Caterers says that that is because it is seen as a flexible and balanced way for women to earn while also managing other responsibilities such as caring and childcare. Regulations that are inflexible in that respect, or are clumsy, risk being a barrier to such opportunities, so it is crucial that we get that right.

Some disabled people are worried about that too. One disabled woman who lives with two lifelong illnesses was attracted to this way of earning and working because of its flexibility. She believes that the regulations as they have been put before us today could mean that she will likely not be granted a licence, and she is devastated about that. That potential impact is now having a detrimental effect on her mental and physical health.

Furthermore, the ability for disabled people to share or swap their home with other disabled people from around the world has long facilitated an accessible route to tourism for them. Including houses that people live in within the regulations could make that unaffordable and put an end to it.

The short-term lets sector offers some other useful accessibility aspects that a pause in the regulation could facilitate. That includes, for example, the fact that some platforms allow a filter that drills right down into accessibility and is very helpful and detailed. Updating regulations could present the opportunity to do that in other parts of the sector.

However, I am afraid that, once again, we have a position in which people up and down the country are feeling the impact of a policy that may

well have good intentions but which has been poorly executed. That happens too much. I have seen it happen in Glasgow with the low-emission zone, which, incidentally, also disproportionately impacts women and disabled people. Good intentions are not enough to make policy work; the Government must also do the hard work of engaging, considering, adapting and changing. As part of that process, it must engage with the people whom a policy will impact the most. The Government has again tried to address a problem by implementing a solution that will create many more problems.

We believe that there is a need for regulation. I believe that, and Scottish Labour supports that, but the current plans are far off the mark. Therefore, I ask that the Government listens to the concerns that have been raised across the chamber and acts in the interests of people across Scotland. I ask it not to plough ahead regardless but to listen to the concerns and work with others, including Scottish Labour, to address them so that the regulations are fit for purpose and have their intended effect without the unintended consequences.

16:40

Keith Brown (Clackmannanshire and Dunblane) (SNP): I agree with Pam Duncan-Glancy's final point, that the Government and others should listen to what has been said today.

I have found it very useful to listen to the points that have been made. In general—with one or two exceptions—it has been a constructive debate. If we add the points that have been raised today to the information that we have obtained from our mailboxes—and, in my case, from hearing from ministers prior to the debate about some of the issues in question—it is clear that genuine concerns have been raised by some of the people who will be affected, although not everybody. There seems to have been a notable paucity of people who have spoken up for guests and those who might have concerns about safety and other issues when they take a short-term let. Nevertheless, it is important that we hear the concerns, regardless of where they come from.

I have been interested to hear the points that have been made, including by some of my colleagues, about concerns that they or their constituents have. Given those concerns, I would want to find out whether there has been a reasonable lead-in time before the proposed scheme takes effect. That is the case—20 months have elapsed since the scheme was first agreed. I would want to know that a dialogue has taken place. That is the case—we heard from Kevin Stewart about some of the things that have changed since the initial proposals were made.

That tells me not only that there has been a dialogue, but that the Government has listened. Although not all the changes that those who continue to have objections want to be made have been put into effect, a dialogue has been taking place and it is right that the Government has listened. To go back to my first point, the Government must commit to continuing that dialogue, and I am hearing that it intends to do that. It is very important that ministers listen.

In looking at my postbag, I must admit that most of the people who have got in touch with me have expressed concerns. By and large, those people are not from my constituency. Among the representations that I have received, I have had ones from people saying that they do not agree with the Government's approach and think that it should go much further because of the effect that short-term lets are having in their neighbourhood. I have had other representations from organisations and individuals expressing concerns about the proposed scheme.

The debate started relatively reasonably. In his contribution, Willie Rennie recognised the good elements of the scheme, as well as mentioning some concerns. In speaking about the impact of second homes, he said in effect that he did not have a solution to that problem to put forward, perhaps because the debate is not about that. It is a very difficult situation to resolve, as we have heard from other members. Resolving it will involve getting competing interests together. The Government must do that, adjudicate on a way forward and then take action, and I think that that is what is happening in this case.

What we heard from the Labour Party seems like opportunism. We had a council leader saying that he wanted a break and, two days later, he said that he did not want a break. Scottish Labour is saying that it wants a decentralised scheme, whereas the Labour Party in Wales wants a national scheme. Therefore, Labour's stance seems like opportunism. From the speeches that I heard, I do not understand what Labour wants to get from the scheme.

Turning to the Conservatives, we have seen it all before. We have had blanket condemnation, with the proposal being ruled out on the ground of "SNP bad". The Conservatives do not want to listen and do not want to have anything to do with the scheme. It is the same stuff that we have seen for many years.

Miles Briggs: If the policy is working so well, why have 80 per cent of people not applied to register under the scheme? What is the Government going to do about that in the next two weeks?

Keith Brown: The deadline has not passed yet. I am not aware of any probable issues. *[Interruption.]* I know that the Tories do not like it when they get criticised, and they start shouting.

Kevin Stewart: One reason why a number of folk have chosen not to apply is that they have been told not to by various members in this place and other organisations, because they said that the Government would fold. Does Mr Brown agree?

Keith Brown: The terms of the debate and the way that the Tories have dealt with it have been terrible. As ever, it is about attacking the SNP—*[Interruption.]*—and we will hear the Tories now start to shout, because they are hearing something that will conflict with their world view. To be honest, we can see where the constant negativity of the approach that they have taken has got them. They are at 14 per cent in the opinion polls, so many of them are not going to be here in the next parliamentary session. That approach does not work and the least that the Tories should be doing is constructively engaging. They do not serve those whom they say that they want to serve, including those in the public gallery, by taking the approach that they have taken.

The Tories are talking about an "existential threat" to the tourist industry. The tourist industry will still be here, and of course the scheme should be reviewed if there is an impact on the industry—*[Interruption.]* The Tories are all shouting again and I know that they do not like it, but I am not giving way.

The Presiding Officer: Let us hear Mr Brown.

Keith Brown: The Tories could take a much more positive approach and genuinely try to change something for the better, rather than waiting, criticising and opposing everything that the Government proposes, but they do not, so they do not serve the people who have genuine concerns well.

I am reassured that the Government has taken on board the points that have been made to it by interest groups and individuals and has changed the proposals. It has given a long lead-in time, including a six-month hiatus in which further views were taken on board. That sounds to me like the way that a responsible Government should act, and it is for that reason that I will support the Government's motion at decision time.

The Presiding Officer: We move to winding-up speeches.

16:46

Daniel Johnson: Again, I apologise to colleagues that they are having to listen to me twice in this debate. There we go.

It is quite a curious approach from Keith Brown to praise the debate for its constructive nature, then immediately launch into partisan detraction.

I think that there are points of genuine consensus about the need to support our tourism sector and the need to think very carefully about housing supply. I do not think that a single member who has spoken this afternoon would disagree with those two fundamental points. The issue is how we strike the balance, and balance and flexibility are two of the words that we have heard time and again throughout the debate.

I praise Ben Macpherson, who made an absolutely excellent speech. I agree with every one of his points of analysis. Edinburgh is a city that has an absolute reliance on tourism, and we need to nurture that sector. We need short-term lets as part of our mix of accommodation. However, we also have to recognise the severe challenges that we have in housing. Like Ben Macpherson, I have stairs in my constituency where there is key lock box after key lock box. That is not scientific, but there is a science of scale at play. We have seen residential properties being moved out of residential use and we see Airbnbs springing up across the city. That is something that we need to tackle.

However, what I would point out, and what I have tried to draw out in the debate, is that we should not confuse the ability to control the number of lets with this regime, which is about standards and the quality of the accommodation provided. I would caution ministers, because a number of SNP members have asserted that the licensing regime is about tackling the flow—I think that the minister used that word—and the growth of the sector, in which properties have been transferred out of private residential use. If the Government is saying that it is using the licensing regime to do that, it needs to be careful about its legal position, because I am not sure that it can use it to do that.

Let us be careful, but let us also be precise. The planning regime is how we control the number—that is what is in place to do that. I think that there are issues with the planning regime. I would like to see a more calibrated and efficient use of it, and I think that some of the issues that we have seen in the city have arisen because precision in the planning regime is not in place.

I would like to praise Willie Rennie, who made a point about balance and tension and the provision of jobs in parts of rural Scotland. We need to strike a balance, not just as part of dealing with broader issues but in bringing people into places, and that is tricky.

Ultimately, we need to acknowledge the broader fact that this is about housing supply. Let us be

clear: there is no doubt that moving private residential properties into the short-term lets sector does not help, but it is not the fundamental problem. The reality is that housing completions in this country have never recovered to the rates and levels of 2008.

If this Government had managed to achieve an annual average level of 25,000 completions, which is what the previous Labour-Liberal Democrat Administration did, we would have 100,000 more houses in Scotland.

We need to tackle the issue, but the scheme is not a substitute or proxy for housing policy. It does not displace, and is not a substitute for, completing housing across every sector.

Kevin Stewart: Mr Johnson is right that the licensing regime will not deal with housing supply per se. The licensing regime was meant to ensure basic health and safety standards in all short-term lets and across the sector, driving up quality. That is why—there has been confusion about this in the debate—local authorities have flexibility around the licensing regime, which has been raised by members. However, I am sure that even Mr Johnson would agree that the health and safety aspect should apply across the board, because we do not want people staying in unsafe accommodation.

Daniel Johnson: I thank Kevin Stewart for that speech. The reality is that the issue is not one of standards. Of course we want consistent health and safety standards, but we are taking one problem and applying a solution that deals with another, and we need to be very careful about that.

I contest the member's point about flexibility, because Paul Lawrence, who is a senior official at the City of Edinburgh Council, wrote to Edinburgh MSPs stating that the council did not have that flexibility, and that, on the critical issues of house swaps and room lettings, the council had to apply the regulations comprehensively. If that is not true, I encourage the Scottish Government to write to the council, but I urge it to revise the regulations to remove those types of accommodation.

Christine Grahame made an excellent contribution. My mailbag looks much like hers. A very broad range of people have found themselves in the sector and do business honestly and decently. They are not big businesses, and they find the scheme confusing and the potential of incurring huge costs deeply worrying. A broad range of accommodation types have been sucked into this. B and Bs, room lets, glamping pods, yurts and chalets—types of accommodation that cannot and will never be used for residential accommodation—are being required to obtain these licences.

What is more, because of the nature of the regulations, we have the absurdity of a situation where hosts have to apply for a licence when people staying overnight are asked to consider a donation or do some chores in return for their overnight stay. Are we in that situation? We simply do not know the answer to that question.

The Presiding Officer: I must ask you to conclude, Mr Johnson.

Daniel Johnson: I will conclude here. This system does not have flexibility. It is a solution that seeks to address a problem that is not the one that we originally set out to address. We are requiring local authorities to implement a national scheme, regardless of whether they want to.

16:53

The Minister for Small Business, Innovation, Tourism and Trade (Richard Lochhead): I am not sure that I can say that I have enjoyed the debate. It has certainly had some interesting contributions from across the chamber—that is no reference to the fact that we have had two contributions from Daniel Johnson, which has, of course, only improved the quality of the debate. Perhaps the Presiding Officer could reflect on whether front-bench speeches should be delivered only by MSPs who are in the chamber at the time. Perhaps we could all reflect on that.

As the minister for tourism and small business, I recognise not only the value of the short-term let sector as it is but the need to plan ahead for a sustainable future and high standards through effective regulation. Having visited a number of self-catering lets over the summer, I very much appreciate the value that short let accommodation plays in our tourism sector. We have bed and breakfasts, self-catering accommodation, castles and bunkhouses—the list goes on and on. All offer accommodation to visitors so that they can explore our amazing country, and all should offer a safe and quality stay. Ben Macpherson and others made that important point.

Murdo Fraser: As of last month, only 16 per cent of short-term lets had applied for a licence. What level does the minister want to get that to, so that he can deem the licensing scheme to be a success?

Richard Lochhead: I want every member from all parties to publicly urge short-term let hosts to apply for the licence before 1 October. The local authorities will then have their 12 months to discuss and perhaps negotiate with local hosts before the licences are issued. As members have heard, no licence applications have been rejected so far. That will be the most responsible step for all members to take.

Douglas Ross: Will the minister take an intervention?

Richard Lochhead: I will take one more intervention.

Douglas Ross: I thank Richard Lochhead for giving way. He will know that this is a serious issue in Moray. One of our joint constituents went to see him at his Alves surgery, and he has shared the information that he shared with the minister. The constituent applied for planning permission for three properties in the Highland Council area on 3 October 2022. The application should have been determined by December 2022, but it is still outstanding. How can we get the figure up from 16 per cent, as Murdo Fraser said, when our own constituents cannot get through the process?

Richard Lochhead: Of course, local authorities should be doing their best to work with those who apply. I should say that we have gone from 20 per cent, from Miles Briggs, to 16 per cent, from Murdo Fraser, and in my own constituency it is said to be 40 per cent, so the number of businesses that are applying for licences seems to be doubling every few minutes.

These are very important issues, which is why there will be flexibility with local authorities. It is also why we are saying that businesses should apply for the licences by 1 October. They do not have to have the licence to be able to continue to trade legally.

Miles Briggs: Will the minister take an intervention?

Richard Lochhead: I will take one more.

Miles Briggs: The minister will recognise the name Avril Rennie, because she won the title of Scottish bed and breakfast of the year. He wrote to congratulate her at the Carlton Seamill B and B in Ayrshire. She says that the system in Ayrshire is too complex and costly and she is not likely to apply for it. There is a need to take a phased approach beyond the 1 October deadline. Does the minister understand that, and is the Government going to do anything about it or will it just wait for 1 October and that cliff edge for many businesses and people?

Richard Lochhead: I hope that that lady does apply, because she has a fantastic business, which is why I wrote to congratulate her. That is also why the housing minister and others have been speaking to local authorities about the bureaucracy. I understand that there has been a situation in my own constituency whereby the online portal has not been ideal and the local Conservative-led council is improving that, which I hope will lead to easier applications in the next few weeks.

I want to turn to a couple of themes that members have mentioned before I run out of time because I have taken so many interventions.

We are speaking about serious socioeconomic issues. Alasdair Allan made a powerful point about that. Many people portray this as an urban issue and one that affects only Edinburgh or big cities in other countries, such as Paris, New York and so on, but it is also very much a rural issue, particularly in Scotland. As a minister, I often go to rural communities—as I did again this summer—and I sometimes speak to young people who tell me that they cannot get a house in their community because they are all either second homes or holiday lets. The dilemma that we, as a Government and as parliamentarians, face is that we need holiday lets and it is not illegal to have a second home. Indeed, it is the culture in some countries to have a second home.

Sue Webber: Will the minister take an intervention?

Rachael Hamilton: Will the minister give way?

Richard Lochhead: No. I have taken three interventions already.

This is very much a socioeconomic issue and we should not shy away from it. We should recognise that there is a need for regulation.

Jamie Greene asked why, if it is such a big issue, the Scottish Government did not deal with it 16 years ago. When the Government was elected, Airbnb did not exist. The world is changing. People are using technology. Understandably, they are buying properties and seeing them as a commercial opportunity. They are putting them on the web using Airbnb and other platforms because they can do that, and tourists around the world want to come to our amazing country and take advantage of that, so the sector is booming. However, that has socioeconomic implications, as Alasdair Allan and other members have said. We have to deal with those implications, and that is what today's debate is about.

A review will take place in early 2024 following implementation. I remind members that we are urging people to apply for the licence before the end of the month, and, as I have said previously, local authorities will then have that year to work with the businesses.

Let us ensure that the outcome of the regulation is a thriving self-catering and short-term let sector in Scotland, covering all the various forms that have been mentioned, and that we have a thriving tourism sector. We are not the only country or Parliament in the world that is dealing with this issue—as we have heard, New York, Paris, Barcelona, the Welsh and the English, Portugal, France and Spain are all examining it in both

urban and rural areas—because the world is changing, which is having social and economic impacts. People sometimes cannot afford to live and work in the communities where they are raised, and local businesses, including tourism businesses, cannot get key workers because those workers cannot find anywhere to live.

Tourism is booming, and everyone deserves accommodation that is safe, secure and compliant. Let us work together to make that happen and encourage as many people as possible to apply for the licence before 1 October.

The Presiding Officer: I call Miles Briggs to wind up the debate for up to nine minutes.

17:00

Miles Briggs (Lothian) (Con): Last week, I and other MSPs—from all the Opposition parties, anyway—met protesters outside Parliament. Welcoming constituents to Parliament is something that we do most week. However, that day was different because the people whom I met outside Parliament had never previously protested in their lives. They were hard-working law-abiding Scottish citizens who have been running bed and breakfasts and guest houses or renting out a room to tourists or workers for years. I welcome many of them to the gallery today.

They felt compelled to come to Parliament to try to speak to ministers and MSPs from the SNP and Green Parties to get them to listen—which is what we are trying to do today, too—to their real concerns on how the short-term lets policy that councils have implemented will negatively impact the lives and businesses of so many of our fellow citizens. Last Wednesday, SNP and Green ministers ignored them, with the honourable exception of Fergus Ewing MSP. I pay tribute to him for his principled stance and for his campaigning on that issue, which I am sure ministers have faced and to which I wish they would listen.

During the passage of the short-term lets legislation through the Local Government, Housing and Planning Committee, ministers were warned about the unintended consequences of the wide-ranging reach of the policy, especially around the hard date of 1 October for registration. We offered to work with Shona Robison, who was the cabinet secretary at the time, to try to find a cross-party consensus and workable approach to legislation, regulations and guidance, which has now been issued several times to councils across the country. Behind the scenes, the new housing minister, who understood at the time that problems were clearly on the horizon, did the same.

I welcomed the six-month extension to the policy and hoped that ministers would use the

summer to understand the problems and issues, and bring forward workable suggestions to Parliament before the 1 October deadline—especially following the ruling that the City of Edinburgh Council’s licensing policy was found, on judicial review, to be unlawful.

As Daniel Johnson mentioned, linking planning systems and licensing systems was always going to be problematic, but ministers do not seem to understand the consequences thereof. Ministers were warned that, without a significant advertising campaign, the busy summer period and any other tourism period that individual households and businesses face in Scotland would not give them the time to complete applications, undertake work, get tradespeople and provide the necessary documentation. Sue Webber and Christine Grahame made really important points on that issue from constituents who are saying exactly that to each and every one of us.

For example, if they wanted to, ministers could agree on a new phased introduction beyond 1 October—they could do so today. I hope that they will take that point away and genuinely consider it beyond tonight’s vote. Giving businesses, bed and breakfasts, guest houses and people who do home sharing a phased introduction period beyond 1 October is important.

The Edinburgh festivals, which the tourism minister has not mentioned, are the world’s largest arts festivals, and have rightly helped to make Edinburgh the world capital of culture, which I welcome. I think that every MSP who represents the capital has mentioned that point. Those unrivalled cultural programmes deliver a major economic uplift to businesses, jobs and livelihoods across the capital and further afield in our country. Cities around the world that are growing their arts festivals would give their right arms to become as successful as the Edinburgh festivals have been. Indeed, many will be looking on at the potential impact of the regulations on next year’s festival to see how they can benefit in trying to become the world’s largest arts festival.

It is clear that ministers understood the negative impact and the consequences of the short-term lets legislation on this year’s festival when they announced the delayed date of 1 October to get the festival through this year.

Paul McLennan: Miles Briggs has raised three key points. I will tackle the point about the festivals first. Prior to becoming a minister, I engaged with Festivals Edinburgh, as we both did. I discussed the issues with the organisation, as did the cabinet secretary, which was one of the reasons behind the six-month extension.

On the point about engagement, I have met people who are both for and against the scheme.

We are talking about safety standards and an average cost of £250 to £450. [*Interruption.*] That has not been mentioned in the debate.

On the point about national and local campaigns, the Scottish Government has run two national campaigns. If you go to the website of any local authority, they are pushing and promoting the scheme. As Mr Lochhead mentioned, we have encouraged everyone to sign up for the scheme before 1 October. Local authorities will have 12 months thereafter to determine an application. None has been refused so far.

Miles Briggs: I am not sure that the minister is really understanding where the policy sits, because 80 per cent of people in Edinburgh have not applied. If he thinks that that is indicative of a great scheme that is fit for purpose and is delivering, he is wrong. Those people have decided not to apply for a reason.

We are already seeing the impact of bed nights being withdrawn. The cost of staying in the capital during the festival was at its highest ever this year. In addition, the number of properties being listed for let in the capital has dropped to a record low, from 8,307 to 7,993. That is concerning. As I have said, the City of Edinburgh Council says that it expects an 80 per cent reduction in short-term lets in the city. Local authority registers are indicating that 84 per cent of all types of short-term lets have not applied in Scotland. In Edinburgh, the figure was 97 per cent. That is an unsustainable position and the policy is failing. It is not only a housing policy failure, but is a failure for the tourism potential that we want to grow and improve.

The fact is that SNP MSPs and MPs do not seem to understand who is being captured by the policy. As I said earlier, Tommy Sheppard has said that

“This isn’t about home sharing”,

but it most definitely is, and that group is captured. It is about the most basic of economic principles: supply and demand. If there are fewer rooms available, there will be higher costs for anyone who is wanting to spend time in Scotland. As every speaker has said during the debate, no one is against regulation, and health and safety should be—and I believe is, in the vast majority of cases—paramount for anyone who is operating in the sector. They want people to have a safe stay either in their home or in the property that they are letting out.

As Murdo Fraser stated:

“A well-regulated short-term lets sector is a social good. It is important not just to tourists ... but to many other sectors of society, including commercial travellers”,

such as people going to the Western Isles to work, as well as people in the capital.

The debate presents the Parliament with an opportunity to pause the introduction of the legislation and urgently to reassess its impacts—not only on the tourism sector, but on the wider economy and people’s lives during the cost of living crisis. The debate is not about inflicting a defeat on the Government; it is about the Parliament delivering workable legislation and good governance.

Ministers acknowledging when they have got something wrong is not weak—it is strong. I hope that both the ministers who have spoken in the debate have taken away from it the need to do something, and not just to move forward without taking on board the real concerns. The short-term lets legislation is not going to help to solve the housing crisis in Scotland. What it will do is drive a crisis in the Scottish tourism sector, for which the Government will be responsible. SNP ministers should take the opportunity that we have brought to Parliament to pause the regulations and to take part in meaningful engagement in order to arrive at a proportionate, fair and legally sound legislative framework that works for everyone in Scotland.

I support the motion in Murdo Fraser’s name.

Oliver Mundell (Dumfriesshire) (Con): On a point of order, Presiding Officer. I understand that you were in the chair when Richard Lochhead suggested that another member should have been in the chamber to participate. I seek your guidance on that, because without knowledge of why a member might choose to participate remotely in a hybrid Parliament that operates in a way that all parties signed up to, that remark was potentially disrespectful. I am concerned that such language might become part of the debate. I do not consider calling out other members on how they choose to participate in the Parliament to be a debating point. I am interested in your views on the matter.

The Presiding Officer: Thank you, Mr Mundell. For clarity, I say to all members that the position is that the rules of the Parliament allow members to participate in the chamber or remotely.

Richard Lochhead: On a point of order, Presiding Officer. For the record, I was not referring to an individual or their circumstances; I referred only to those delivering front-bench speeches.

The Presiding Officer: I would just say to the minister that Parliament’s rules state that members may participate in the chamber or remotely.

Business Motions

17:11

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of business motion S6M-10420, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 19 September 2023

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Debate: Drug Law Reform

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members’ Business

Wednesday 20 September 2023

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:
Constitution, External Affairs and Culture;
Justice and Home Affairs

followed by Scottish Labour Party Business

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.10 pm Decision Time

followed by Members’ Business

Thursday 21 September 2023

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister’s Questions

followed by Members’ Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions:
Education and Skills

followed by Criminal Justice Committee Debate:
Tackling Online Child Abuse, Grooming
and Exploitation

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 26 September 2023

2.00 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Topical Questions (if selected)
followed by Scottish Government Business
followed by Committee Announcements
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Wednesday 27 September 2023

2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions:
 Wellbeing Economy, Fair Work and
 Energy;
 Finance and Parliamentary Business
followed by Stage 3 Proceedings: Patient Safety
 Commissioner for Scotland Bill
followed by Business Motions
followed by Parliamentary Bureau Motions
followed by Approval of SSIs (if required)
 6.00 pm Decision Time
followed by Members' Business

Thursday 28 September 2023

11.40 am Parliamentary Bureau Motions
 11.40 am General Questions
 12.00 pm First Minister's Questions
followed by Members' Business
 2.30 pm Parliamentary Bureau Motions
 2.30 pm Portfolio Questions:
 Transport, Net Zero and Just Transition
followed by Stage 1 Debate: Trusts and Succession
 (Scotland) Bill
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 18 September 2023, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[George Adam]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S6M-10421, in the name of George Adam, on behalf of the Parliamentary Bureau, on the timetabling of a bill at stage 1.

Motion moved,

That the Parliament agrees that consideration of the Bankruptcy and Diligence (Scotland) Bill at stage 1 be completed by 24 November 2023.—[George Adam]

Motion agreed to.

Decision Time

17:11

The Presiding Officer (Alison Johnstone):

There are three questions to be put as a result of today's business. I remind members that, if the amendment in the name of Paul McLennan is agreed to, the amendment in the name of Mark Griffin will fall.

The first question is, that amendment S6M-10411.3, in the name of Paul McLennan, which seeks to amend motion S6M-10411, in the name of Murdo Fraser, on pausing the short-term lets licensing scheme, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

There will be a short suspension to allow members to access the digital voting system.

17:12

Meeting suspended.

17:14

On resuming—

The Presiding Officer: I remind members that, if the amendment in the name of Paul McLennan is agreed to, the amendment in the name of Mark Griffin will fall.

The question is, that amendment S6M-10411.3, in the name of Paul McLennan, be agreed to.

Members should cast their votes now.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Gray, Neil (Airdrie and Shotts) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division on amendment S6M-10411.3, in the name of Paul McLennan, is: For 65, Against 51, Abstentions 0.

As amendment S6M-10411.3 is agreed to, the amendment in the name of Mark Griffin falls.

The final question is, that motion S6M-10411, in the name of Murdo Fraser, on pausing the short-term lets licensing scheme, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

Kenneth Gibson (Cunninghame North) (SNP)
rose—

The Presiding Officer: Could we have Mr Gibson's microphone on, please? We are not hearing you, Mr Gibson. Could you ensure that your card is in, Mr Gibson? [*Laughter.*]

Kenneth Gibson: I should really have the card in, shouldn't I?

On a point of order, Presiding Officer. I was not able to connect to the platform. I would have voted yes.

The Presiding Officer: Thank you. We will ensure that that is recorded.

Alexander Stewart (Mid Scotland and Fife) (Con): On a point of order, Presiding Officer. I was not able to get on to the platform. I would have voted no.

The Presiding Officer: Thank you. We will ensure that that is recorded.

Ms Baillie, I confirm that your vote has been recorded. Sorry, Ms Baillie, please bear with us for a moment—I cannot hear you.

I call Jackie Baillie for a point of order.

Jackie Baillie (Dumbarton) (Lab): On a point of order, Presiding Officer. The system crashed, and I think that it recorded my vote as a yes, but I actually pressed no.

The Presiding Officer: Thank you, Ms Baillie. Your vote has been recorded. I cannot alter your vote on the record, but your point of order has been recorded.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Gray, Neil (Airdrie and Shotts) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)

Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Against

Adamson, Clare (Motherwell and Wishaw) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Constance, Angela (Almond Valley) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division on motion S6M-010411, in the name of

Murdo Fraser, on pausing the short-term lets licensing scheme, as amended, is: For 62, Against 54, Abstentions 0.

Motion, as amended, agreed to,

That the Parliament recognises the success of Scotland's growing tourism sector and that well-managed, short-term lets are a significant part of that economy; welcomes the reassurance and safeguards for visitors, hosts and communities that the short-term lets licensing scheme provides; acknowledges the work that local authorities have done to date in processing applications, and also those hosts who have submitted applications so far; highlights the six-month extension to the application deadline, giving nearly two years for hosts to comply with licensing conditions and a year to prepare and submit an application; notes the ongoing Scottish Government engagement with local authorities and the short-term lets sector across Scotland; calls on all MSPs to focus on supporting and encouraging any outstanding applications to be submitted to local authorities before 1 October 2023; confirms the Scottish Government's ongoing work to listen to and engage with the sector, and reaffirms the Scottish Government's commitment to an implementation review update in early 2024.

The Presiding Officer: That concludes decision time.

Bairns' Hoose

The Deputy Presiding Officer (Annabelle Ewing): The final item of business is a members' business debate on motion S6M-10262, in the name of Rona Mackay, on the opening of Scotland's first bairns' hoose. The debate will be concluded without any question being put.

Motion debated,

That the Parliament expresses its delight at the establishment of the first Bairns' Hoose in Scotland, providing children in north Strathclyde who are the victims or witnesses of abuse or violence with access to protection, care and recovery services under one roof, and improving the way that they are dealt with within the Scottish justice system; understands that the first Bairns' Hoose will support children, young people and members of their family from East Dunbartonshire, East Renfrewshire, Inverclyde and Renfrewshire; commends the charity, Children 1st, which has led the way in ensuring the development of Scotland's first Bairns' Hoose, supported by the partners, Victim Support Scotland, the University of Edinburgh, Children England and the Postcode Dream Fund, which is made possible by the players of People's Postcode Lottery; believes that Bairns' Hoose is based on an alternative model first developed in Iceland, called Barnahus; notes that the space has been designed in collaboration with children and young people for children and young people, and includes calming wall colours, soft and comfortable furnishings, and a safe and secure garden, which will offer breathing space for those who need it; further notes the inclusion of high-quality technical facilities, including space to record evidence and deliver live links to court within a nurturing environment, and welcomes the Scottish Government's commitment to ensuring that all children who have experienced harm as a result of abuse or violence will have access to a Bairns' Hoose.

17:22

Rona Mackay (Strathkelvin and Bearsden) (SNP): Members' business debates often highlight crisis or serious issues that generate political division and rancour. I am therefore overjoyed and honoured to bring a genuine good-news story to the chamber, one of which Scotland, and Scotland's Government and partner organisations, can be very proud.

The opening of Scotland's first bairns' hoose last month means that we can at last reform how children and young people are treated by the justice system. It is an enormous and joyous achievement, and marks a whole new way of supporting young people who find themselves in our justice system, which is traditionally designed for and by adults. That is because the bairns' hoose has been designed in collaboration with children and young people for children and young people, and includes calming wall colours, soft and comfortable furnishings, and a safe and secure garden, which will offer breathing space for those who need it.

Before I go on to describe more about the background to the birth of the bairns' hoose, I would like members to listen to a quote from Jasmin, who is now 18. When visiting Scotland's first bairns' hoose in north Strathclyde, she said:

"When I went to court, I had to sit in an empty box room with no windows, no sweets or anything and a few broken toys. I was 9 years old. If you're coming from dealing with something terrible you don't want to come to somewhere broken when you already feel broken. It's good to know kids can come to the Bairns Hoose and it's a safe place."

There are so many people to thank for making this innovative project a reality. Huge congratulations must go to Children 1st and the many third sector organisations that led the way in this fantastic initiative, in conjunction with the Scottish Government. They were supported by Victim Support Scotland, the University of Edinburgh, Children England and £1.5 million from the Postcode Dream Fund, which is made possible by players of the People's Postcode Lottery.

In the previous session of Parliament, the former Justice Committee, of which I was a member—I am a member of the present Criminal Justice Committee—visited the barnahus in Norway. It is safe to say that all members were blown away by what we witnessed. This was a world away from an intimidating court room, full of scary adults and old stuff. All the care and support that a child and their family need is delivered under one roof in a welcoming and safe environment. Legal and medical professionals come to them, not the other way round.

I am delighted to say that the first bairns' hoose will support children, young people and members of their family from my local authority area of East Dunbartonshire, as well as from the local authority areas of East Renfrewshire, Inverclyde and Renfrewshire.

On 1 November, the barnahus in Iceland will celebrate its 25th anniversary. Children 1st supported a delegation from Scotland to visit Iceland in 2017, which directly led to the bairns' hoose opening, and the work of the European Promise Barnahus Network, which is a network that connects European practice to develop and commit to the barnahus quality standards.

For context, in the past year, the Children 1st bairns' hoose recovery team has supported 104 children in 90 families going through the child protection and justice system in north Strathclyde. Now that the hoose is open, it will be used as the new centre for that work. Young people who experience abuse and violence will be able to get all the protection, care, justice and recovery support that they need under one roof. Crucially, they can avoid the need to repeatedly share their story.

At the moment, children who experience hurt and harm are processed through a complex system of care and justice, and are asked to retell and relive traumatic experiences—sometimes up to 14 times. The process creates stand-alone trauma. We cannot always stop bad things happening to children and young people, but we can do everything in our power to help them to recover and heal.

Why do we need a bairns' hoose? It is a place where children and young people are interviewed and medically examined for forensic purposes, assessed and receive recovery services from the right people all in one place. It is a trauma-informed space, designed to reduce feelings of anxiousness, fear and a lack of support and control that are often associated with victims and witnesses' experiences of the justice system.

Sadly, the scale of harm that children and young people in Scotland experience is significant. At least 37 per cent of the 14,602 sexual crimes that the police recorded in 2022-23 related to a victim under 18. Exhausting delays in cases mean that fear and anticipation surrounding going to court can last for years, and repeated adjournments mean that anxiety and stress build up repeatedly before a court date. Children and families tell us that court buildings feel unsafe and untrustworthy. Giving evidence in court can be brutal for adults—imagine what it is like for a child.

One of the major aims of the bairns' hoose is to support the gathering of high-quality pre-recorded evidence that can be used in court, so that the number of times that children have to tell their story can be reduced as far as possible. It has advanced technical facilities, including space to record evidence and to deliver live links to court. The high-quality set-up should remove the need for children to attend court at all, which, of course, is the aim.

Children and young people have the right to recovery. Article 39 of the United Nations Convention on the Rights of the Child states that children have this right, but it often gets lost in traditional child protection and justice processes.

The Scottish Government committed in the programme for government to launch bairns' hoose pathfinders this autumn, which will support new work and partnerships to develop among agencies. There is a strong commitment across police, justice, health, social work and third sector leaders to deliver this transformation, which will realise children's rights to justice and recovery. However, we must ensure that children have the option to pre-record evidence or have a live link to court.

The launch of bairns' hoose is not just an event; it is a promise that we will treat children and young

people who have been abused and traumatised with the respect and dignity that they deserve.

In conclusion, let us remember the words of Nelson Mandela, who said:

“There can be no keener revelation of a society's soul than the way in which it treats its children.”

I offer my congratulations to all those who have worked so hard to make the bairns' hoose possible. Together, let us continue to nurture and protect our most precious asset: our children.

17:29

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): I thank Rona Mackay for bringing this timeous debate to the chamber, and for highlighting the establishment of the first bairns' hoose in Scotland, located in north Strathclyde. We could almost feel her sense of sheer delight when she made her opening remarks, and rightly so. The implementation of Scotland's first bairns' hoose is welcome, and I know that it will support and benefit the children and families who might, one day, use its services.

As has already been highlighted, the bairns' hoose seeks to protect children who come into contact with the criminal justice system after having experienced, participated in or witnessed significantly harmful behaviour. Through minimising children's engagement with the courts, and by creating a more welcoming and therapeutic environment with access to specialist services, children are supported to recover from the traumatic events that they have endured.

Indeed, Iceland's barnahus model—the model that our bairns' hoose approach is based on—consistently demonstrates positive outcomes, including less risk of a child becoming retraumatised from having to recount their experiences. The barnahus environment is far more favourable than that of a police station or court, and the model has seen an improvement in the conviction rate for child sexual abuse cases.

There are many ways in which children can enter the justice system—perhaps through civil proceedings such as adoption, or even through matters involving immigration—and each case can be difficult for a child to navigate. Although those cases can be harmful for children, there is none that places a child more at risk than those involving violence and abuse. Therefore, in a modern justice environment, the barnahus model has an important role to play.

Reflecting on my experience as an investigator of serious and complex sexual crimes, some involving children, I can see that progress has already been made. I recall how excited we were when Grampian Police decided to decorate a

room for children on the fourth floor of police headquarters. We put in a sofa and soft lighting, along with a box of toys, and we were proud of what we felt was a first step towards a multi-agency response to child sexual offences. Recently, I found a copy of a report that I co-wrote following a review of child protection services in Grampian Police in 2006, and I was slightly bemused to read that it said that

“the concept of joint working should be borne in mind during any future expansion of Family Protection services, thus enabling partners to co-locate alongside police. This could be as simple as factoring in some spare office accommodation and car parking facilities”.

I am glad to confirm that a lot of progress has been made since then.

Members will be aware that Scotland's approach to investigating allegations of child sexual abuse has more recently been informed by Lady Dorrian's report, “Improving the Management of Sexual Offence Cases”. The bairns' hoose model aligns with the recommendations in that report, which highlights the importance of improving the experience of children in the justice system.

I am pleased that, as Rona Mackay said, the programme for government includes the launch of a bairns' hoose pathfinder as part of the work to develop a whole-system approach for children experiencing abuse and harm. Of course, the Victims, Witnesses and Justice Reform (Scotland) Bill will see further reform to improve the experiences of victims and witnesses, including children, across the criminal justice system.

I look forward to following the progress of the newly opened bairns' hoose, and to the model being further developed across Scotland, in line with our commitment to improving the experiences of children in the criminal justice system.

I once again thank Rona Mackay for bringing this important topic to the chamber, and I look forward to listening to members' speeches.

17:34

Roz McCall (Mid Scotland and Fife) (Con): I welcome the motion and I thank Rona Mackay for bringing it to the chamber this evening.

The opening of Scotland's first bairns' hoose indeed provides a welcome addition to the judicial process, and I sincerely hope that we will see more of those facilities open all over Scotland. I want to take a moment to mention Children 1st, Victim Support Scotland, the University of Edinburgh, Children England and all the participants in the Postcode Lottery for their backing and for their help to make this dream of a secure and safe place for children, young people and families a reality.

In what is the most traumatic of experiences during the most distressing and disturbing of times, a calming and safe environment with children and young people at its heart is indeed a great step forward.

Imagine a mum sitting in the gallery of a courtroom, watching her daughter recount the harrowing and disturbing events that took place over two-and-a-half years ago when she was 17. That experience has been with her every day of the two-and-a-half years that she has waited for the case to come to trial. It is the fourth date that she has been given by the courts—there has always been some reason for the trial to be postponed, prolonging her anxiety and adding to her torment. Her mum knows that she has had to recount the story again and again over the years, in back rooms of police stations and in council offices, which, with the best will in the world, are gloomy, oppressive and sparse—places where the grey of her emotions blends with the feelings in the room.

Her mother also knows that she feels humiliated, disgusted with herself and ashamed that she is once again forced to relive the events of that night, thinking about what was forced on her, what she would now do differently if she could only go back, and how she must now own up to what society has made her feel is at least partially her fault. Her mother knows that she will have to stand there while the defence indicates that the events did not happen, implying to everyone that she is a liar, and she knows that the chances that justice will be served are slim at best.

Her mother watches her usually strong, self-assured, beautiful daughter start to flick the hair band on her wrist—a nervous twitch from when she was a child—and then crumble and break down on the stand. There is absolutely nothing that she can do to help her. Her daughter is standing not more than a few feet away from the accused, and the screen is doing nothing more than blocking a view. However, her mother can see from her actions that that is not minimising the effect that is caused by the person being in the room. As a parent, her mother would do anything to make that better. If only every step of the process was just made that little bit better.

That is why facilities such as the bairns' hoose are important. Being able to use a safe space to give evidence, knowing that the process is as good as it can possibly be under the circumstances and providing a secure foundation towards recovery and moving on with a positive life must be the goal—secure accommodation is only part of it. We in this place must ensure that additional support for victims and witnesses is included in all processes if that goal is to be achieved.

I sincerely hope that this is the start not only of the establishment of more bairns' hooses across Scotland but of a proper shift in the way that our judicial system views its victims, especially young and vulnerable ones, because that is the only way that the scales of justice will be rebalanced.

17:38

Katy Clark (West Scotland) (Lab): I congratulate Rona Mackay on securing this important debate and warmly welcome her initiative, which has led to this issue being debated in the chamber today. I also want to place on record my thanks to Victim Support Scotland, Children 1st and the other organisations that have been involved in the opening of Scotland's first bairns' hoose.

As Rona Mackay has already mentioned in the debate, the bairns' hoose model is based on Iceland's renowned model, and seeks to bring the needs of child victims and witnesses together with justice, health, social work and recovery support services at a single point of contact.

As an MSP for the West Scotland region, I, like Rona Mackay, am pleased that the first bairns' hoose will be supporting child victims and witnesses in East Dunbartonshire, East Renfrewshire, Inverclyde and Renfrewshire. However, it is crucial that all eligible children are able to access such facilities, so that they can have access to the trauma-informed support that the model provides. I look forward to seeing how the bairns' hoose develops and to hearing about its effect on outcomes. I would be grateful if the minister could today provide an update, and commit to future parliamentary updates, on the progress that is being made towards widening access to such facilities and other initiatives that enable child victims and witnesses to access trauma-informed practices.

Ahead of today's debate, Victim Support Scotland reiterated its concern that some local authorities may choose to use the bairns' hoose as a place of safety for a child who has caused harm. If that were the case, it could increase the risk of retraumatising victims and witnesses, including child victims, undermining the very purpose of the bairns' hoose as a service. Therefore, I would be grateful if the minister could respond to the concerns that are being raised and address the reason why Victim Support Scotland is calling on the Scottish Government to guarantee that no bairns' hoose in Scotland will be used as a place of safety under the Age of Criminal Responsibility (Scotland) Act 2019. I hope that the minister will give that guarantee today and outline how the Scottish Government will establish the trauma-informed support service that is required for children who have caused harm but also

ensure that the needs of other victims are addressed.

The bairns' hoose is a key part of improving the experiences of child victims and witnesses in Scotland's justice system, but we all recognise that it is not the sole solution to the problem. That is why many stakeholders have raised concerns about the Children (Care and Justice) (Scotland) Bill that is being scrutinised by Parliament. The concern is that the bill lacks provision to ensure that support and information are in place for victims who have been harmed by children and that it could create an imbalance between the rights of the child who has caused harm and the rights of the child victim. There also issues in the bill with regard to the lack of information-sharing provisions and the lack of safety planning and risk management measures.

As the minister will know, a number of stakeholders, including Victim Support Scotland, Rape Crisis Scotland and Women's Aid, have come together to suggest a number of changes to the bill. I urge the Scottish Government, in responding to the debate, to seriously consider what is being said and ensure that the legislation truly delivers an improved experience for child victims and witnesses in Scotland.

The bairns' hoose alone will not transform the experience of child victims and witnesses in Scotland, but it is a very important development that I warmly welcome. For that reason, I associate myself with Rona Mackay's words and those of all the other members who have spoken in the debate and again congratulate all those who have been involved in the opening of Scotland's first bairns' hoose.

17:43

Liam McArthur (Orkney Islands) (LD): I congratulate Roz McCall on a hugely and profoundly moving contribution, which illustrates the fact that this is a debate that comes from a dark place. However, we hope that, as Rona Mackay indicated, it provides some cause for optimism that we are moving in the right direction. I also pay tribute to my good friend Rona Mackay for her personal efforts on securing the debate and on this particular issue. She and I were members of the Justice Committee in the previous parliamentary session, and I like to think that we played our part in making strides to where we are today by highlighting the benefits of the barnahus model, building the evidence base for that and making the compelling case to Government.

Rona Mackay referred to the trip that the committee made to Norway to see first hand the barnahus model in practice. That experience had a profound effect on us all and developed the

cross-party commitment to apply what pressure we could on the Government to deliver that. There might be a perception now that we were pushing against an open door, but I know that there were concerns at that stage about how transferable that joined-up multidisciplinary approach across child protection, justice, health and recovery service was to a Scottish context. Audrey Nicoll spoke to that from her personal experience. There is absolutely no doubt that, although the needs of the Scottish context needed to be taken into account, the model could be rolled out in Scotland.

Reference was made previously to the Dorrian review. Let me put on the record my gratitude to Lord Carloway for the earlier review that was undertaken in 2013, which paved the way and made the argument that

“taking the evidence of young and vulnerable witnesses requires special care, and that subjecting them to the traditional adversarial form of examination and cross-examination is no longer acceptable.”

That is now the received wisdom and we are in a different place 10 years on. We also passed the Victims and Witnesses (Scotland) Act in 2014, which put in place pre-recording and other protections.

We cannot, however, be complacent. The University of Edinburgh report on the first stage of the current project indicates that children are still being asked to go to court in almost all cases, which is a real concern. Moving away from court-based evidence will require a culture shift that will need people to change their habits and trust new processes. There was strong support for that in the Justice Committee in the previous parliamentary session, and I have no doubt that Rona Mackay and her colleagues will be equally supportive of it going forward.

In the past, there could be no justice in a system in which victims report that their experiences of that system were worse than the experience of the crime itself. For children and young victims, telling and retelling what happened to them over and over again simply retraumatizes them. Doing that in environments that are inappropriate, unfriendly and even adversarial makes it many times worse, further harming rather than healing. I am therefore delighted that the project is being taken forward in north Strathclyde, and I join other members in congratulating Children 1st, Victim Support Scotland, the University of Edinburgh and Children England, and I give thanks to the Postcode Lottery for the funding that is enabling it to happen.

The approach puts the needs and rights of children and young people at the centre of the child protection and justice process and, as Children 1st acknowledges, although it is not always possible to stop bad things happening, we

should be moving mountains to help children and young victims to recover.

I recognise that we are probably a long way from achieving the complete roll-out by 2025—Victim Support Scotland referred to that in its briefing—but it is perhaps another example of where the Government needs to be careful in not underestimating the complexities and overpromising what can be delivered. Learning as we go from the roll-out of the model is the right approach, but I want to see the initiative rolled out more widely. I am particularly keen to see progress made on identifying how it might be made to work in our island communities, for example. Different approaches were demonstrated on the visit to Norway, and they are often needed in our urban and rural areas. The needs of children and young people might not be different, but the way in which they are met will almost certainly look and feel slightly different. I would therefore be grateful if, in her winding-up speech, the minister could indicate if and when we might expect this sort of development to take place in our island and rural communities.

For now, I congratulate Rona Mackay once again, and wish all the partners who are involved in the project the very best of luck.

17:48

Bill Kidd (Glasgow Anniesland) (SNP): I take the opportunity, as other members rightly have, to commend Rona Mackay for securing today's debate. I also thank all those who are involved in the development of Scotland's first bairn's hoose as mentioned in today's motion, as well as the Scottish Government for its support and commitment to ensuring that such a transformational approach to child welfare is rolled out nationally.

The vision is for all children in Scotland who have been victims of or witnesses to abuse or violence, as well as children who are under the age of criminal responsibility whose behaviour has perhaps caused significant harm or abuse, to have access to trauma-informed recovery, support and justice. The need for such a service is evident when we consider that more than one third of the 14,000 incidents of recorded sexual crimes in 2022-23 related to a victim under the age of 18.

It has been pointed out that, at the moment, children who experience hurt and harm can sometimes be processed through what can be seen as a complex system of care and justice in which they can be asked to retell or relive traumatic experiences many times over.

One of the stated aims of the bairn's hoose model is to prevent children from being retraumatized and to improve the experience of

the justice process for children and families, and one of the ways in which many stakeholders believe that that can be achieved is through bairns' hooses becoming a one-stop location for the number of services that are needed to support a victim's journey. The Scottish Government's literature echoes that possibility. It states:

"A key element of Bairns' Hoose is provision of a child-friendly setting which supports an integrated approach as part of the team around the child. Bairns' Hoose ... will bring together services in a 'four rooms' approach with child protection, health, justice and recovery services available in one setting ... in line with the"

getting it right for every child

"practice model and national guidance for child protection in Scotland."

As a member of the Education, Children and Young People Committee, I welcome those aims. In stage 1 evidence sessions on the Children (Care and Justice) (Scotland) Bill and in discussions that I have subsequently had with stakeholders, the bairns' hoose model has been held up as a model that could address some of the concerns that organisations have about overcomplexity within the system and the need for more efficient information sharing.

In its stage 1 report, the committee reflected those points and recognised the Government's commitment

"to roll out the Bairns' Hoose model for all child victims and witnesses of violence."

However, it went on to say:

"The Committee notes that stakeholders are unclear as to how this Bill will align with the Bairns' Hoose model roll out and asks the Scottish Government to clarify how these measures will work together."

Although I appreciate that we are at the very early stages of the Government's pathfinder delivery plan and full roll-out, which is scheduled from 2027, I ask the minister to reflect on how the model can be integrated into legislation that is currently going through Parliament to address any concerns, unleash the full potential of the bairns' hoose model and ensure that it is truly transformational. I know that we can trust the Scottish Government to follow up on that.

17:52

John Swinney (Perthshire North) (SNP): I congratulate my colleague Rona Mackay on securing this debate, which provides Parliament with the opportunity to reflect on the significant moment that has been reached with the establishment of the first bairns' hoose in Scotland. Rona Mackay's personal, undiluted enthusiasm for that has been demonstrated powerfully in the debate, and that point has been

reflected in the contributions of colleagues across the parliamentary chamber.

This is a moment that has been reached due to the tenacity of many campaigners who have been determined to ensure that, when children face the most difficult of times, which they should never, ever have had to face, they can be supported effectively in being able to address that suffering.

The bairns' hoose is being taken forward by a partnership that is led by Children 1st and which involves Victim Support Scotland, the University of Edinburgh and Children England. Crucial funding of £1.5 million has been provided by the People's Postcode Lottery. In welcoming the participation of each partner, I hope that others will forgive me if I single out the exceptional contribution of Children 1st in ensuring that the milestone has been reached. From my ministerial experience, I vividly recall the energy and commitment given by Children 1st to generate interest in, and support for, the concept of a bairns' hoose.

Modelled on the European barnahus model, the bairns' hoose means that children and young people who experience abuse and violence will be able to get all the protection, care, justice and recovery support that they will need under one roof. The proposal will support children and young people in East Dunbartonshire, East Renfrewshire, Inverclyde and Renfrewshire.

Children 1st has been so tenacious in taking forward the idea for the simple reason that the proposal puts the child right at the heart of the approach. The model aims to avoid the current situation in which children often have to recount their experiences on a number of occasions, when it has been bad enough that they have had to experience the circumstances once. The aim of the model is to ensure that all the support that a child needs can be based around the child. It puts the child right at the centre of the process, and assures that the support is brought to the child rather than children having to join the dots of a compartmentalised, adult-designed justice system. How many constituents in that particular position have we all supported?

The way in which the project has developed sets out an important lesson for us about how reforms can and should take place in our society. Although the Scottish Government has been a very supportive party in this endeavour—I am delighted that it has been so supportive—the initiative has rested with the third sector, principally through the work of Children 1st. The need for reform has been identified and championed by the third sector. I hope that the Scottish Government and Scotland's local authorities will recognise the absolute necessity of being open to this type of initiative, of creating the space to enable such ventures to thrive and,

crucially—I say this quite bluntly—of not getting in the way of such reforms into the bargain. Space must be left for the third sector to use its initiative to find a route through some of the obstacles and barriers that inevitably crop up in engaging with the public sector. The bairns' hoose is a spectacular example of that in practice, and I congratulate everyone who has played a part in making it happen.

17:56

The Minister for Children, Young People and Keeping the Promise (Natalie Don): I thank Rona Mackay for lodging her important motion and all members for their contributions. I welcome the opportunity to respond to the debate on behalf of the Scottish Government.

I begin by sharing our support for the motion and our recognition of the significance of the milestone of the opening of the facility in north Strathclyde, which I know is the culmination of many years of hard work by a range of partners. I congratulate them on that fantastic achievement. Through the service, children in north Strathclyde who are the victims or witnesses of abuse or violence will be able to access protection, care and recovery services under one roof.

I am aware that the Scottish Government's funding for engagement work with children and young people with lived experience of the child protection and justice systems—the changemakers—has played a central role in the design of the facility. As Ms Mackay has described, in her motion and in her speech, that has led to the creation of a child-friendly nurturing environment. I thank Ms Mackay for her comments. I think that the quote from Jasmin that she shared emphasises that that is definitely the right approach for children and young people in Scotland. I put on record my thanks to all the children and young people who have been involved, and I look forward to visiting the site in the coming weeks to see the fruits of their commitment.

Bringing the barnahus model to Scotland has been a long-standing cross-cutting policy ambition for a number of years, and one that Children 1st has long championed. As has been mentioned, several years ago, it organised a study visit to see the barnahus in Iceland. Among those who took part in the visit was my predecessor and colleague Michael Matheson, the then Cabinet Secretary for Justice. Since then, through engagement with partners across agencies and the Scottish Government, it has built a compelling case for the need for a bairns' hoose in Scotland. Children 1st has been a key partner in the development of national bairns' hoose standards, and it sits on the national bairns' hoose governance group.

Our vision for bairns' hoose is that all children in Scotland who have been victims or witnesses of abuse or violence, as well as children under the age of criminal responsibility whose behaviour has caused significant harm or abuse, will have access to trauma-informed recovery, support and justice. When we look at other European countries that have already adopted the model, we can see that that scope of access is ambitious. I assure members that a key consideration in the development of bairns' hoose that will be taken into account as the policy is developed will be balancing the rights of victims and those of children whose behaviour has caused harm.

The bairns' hoose model will build on the momentum of the new Scottish child interview model for joint investigative interviews that is being introduced nationally from 2021 to 2024, which will be seen as the justice room of the bairns' hoose. A key aim of the Scottish child interview model, which has been supported by more than £2 million of funding from the Scottish Government, is to protect children and reduce stress when recounting their experiences. I note John Swinney's comments on the difference that that will make to the lives of children, and I thank Roz McCall for her moving contribution, which, while being extremely difficult to listen to, served to remind us why settings such as the bairns' hoose are so important and to highlight the difference that the steps that we take now will make to the lives of victims of harm.

Growing evidence is already showing the benefits of the new model in practice. For example, interviewers in the north-east Scotland partnership were able to use their specialist training to support a non-verbal child with complex needs to share details of their abusive experience for the first time. The new model for joint investigative interviews allows for partners to create bespoke plans for children's individual needs, resulting in improved experiences. There are many similar examples emerging of that momentous change in practice across Scotland.

I know that Katy Clarke wanted an update on progress, and I will give that now. I am also happy to keep the member and Parliament updated as matters progress. We have introduced a three-phased approach for the development of bairns' hoose, which builds in the necessary stages for learning and evaluation to enable the achievement of our ambition. The first phase—the pathfinder phase—commences this year and will lead into a pilot phase ahead of national roll-out. The pathfinders will show us how the recently published national bairns' hoose standards work in practice, enabling us to better understand and address the complexity of the necessary systemic change. Through the pathfinders, we will start to improve the experience of children, young people

and their families in the justice, care and recovery services.

In our programme for government, which was announced last week, we committed to launching bairns' hoose pathfinders in autumn 2023, which is a key action in our keeping the Promise implementation plan and our tackling child poverty delivery plan, enabling a whole-system approach for child victims and witnesses of abuse and harm.

It is through that phased approach to implementation that we seek to capitalise on the enthusiasm to deliver that transformation for children who have experienced trauma. Our commitment to the agenda is clear in our investment of £6 million in 2023-24 to establish those pathfinder partnerships, and we expect a similar level of investment to support pathfinders next year.

Liam McArthur: I do not necessarily expect a detailed response now, but I will put this on the record. In an island context, children and young people require to be taken off island for paediatric forensic examination. Therefore, the roll-out of any model in the islands will present additional challenges. Will the way in which the pathfinders are being taken forward allow for an exploration of how a holistic approach can be taken in an island context?

Natalie Don: I maybe cannot address the point directly, but I was about to come on to some of the concerns that Liam McArthur raised in his speech.

The assessment of applications to become pathfinder partnerships is under way, and I look forward to our announcement of those successful pathfinders next month. I emphasise that we want bairns' hoose to be adopted across Scotland. We will also engage with areas that are not pathfinders so that they can share in the learning and build towards making bairns' hoose services available nationally.

In relation to Liam McArthur's comments, how that will work in rural areas will be considered. We will trial bairns' hoose standards in a range of contexts, so those aspects will be assessed through the pathfinder phase.

Bragi Guðbrandsson, who is a member of the United Nations Committee on the Rights of the Child and the founder of the barnahus model, said of barnahus that

"There is no other viable way to deal with child abuse",

but that we need to "be patient". That means that we need to be considered and get it right. Children and young people deserve that, and I think that our phased approach does exactly that.

I close by reiterating the Scottish Government's whole-hearted support for the motion, and I thank

the partners who have worked so hard to get to this point. I again thank Rona Mackay for lodging the motion, and I look forward to the parliamentary event on the topic in November, when we will continue our constructive dialogue.

Bairns' hoose represents a significant step forward in improving our response for children who have experienced trauma, and we look forward to the next phase, when we will work together to build on that momentum for them.

Meeting closed at 18:03.

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