



# The Scottish Parliament Pàrlamaid na h-Alba

## MINUTES OF PROCEEDINGS

Parliamentary Year 2, No. 63, Session 5

Meeting of the Parliament

Tuesday 9 January 2018

Note: (DT) signifies a decision taken at Decision Time.

The meeting opened at 2.00 pm.

**1. Time for Reflection:** Reverend Dan Harper, Minister, Bridge of Allan Parish Church, Stirlingshire, led Time for Reflection.

**2. Business Motion:** Joe FitzPatrick, on behalf of the Parliamentary Bureau, moved S5M-09804—That the Parliament agrees to the following revisions to the programme of business for—

(a) Tuesday 9 January 2018—

after

*followed by* Topical Questions

insert

*followed by* Ministerial Statement: Response to exceptional winter pressures

after

*followed by* Culture, Tourism, Europe and External Relations Committee Debate:  
Culture, Tourism, Europe and External Relations Committee's Inquiry  
into the Article 50 Withdrawal Process

insert

*followed by* Election to the Scottish Parliamentary Corporate Body

delete

5.00 pm Decision Time

and insert

5.15 pm Decision Time

(b) Wednesday 10 January 2018—

after

*followed by* Portfolio Questions  
Justice and the Law Officers;  
Culture, Tourism and External Affairs

insert

*followed by* Ministerial Statement: The Chief Constable's leave of absence

The motion was agreed to.

**3. Topical Questions:** Questions were answered by a Cabinet Secretary and a Minister.

**4. Ministerial Statement:** The Cabinet Secretary for Health and Sport (Shona Robison) made a statement and answered questions on Response to Exceptional Winter Pressures.

**5. Culture, Tourism, Europe and External Relations Committee's Inquiry into the Article 50 Withdrawal Process:** Joan McAlpine, on behalf of the Culture, Tourism, Europe and External Relations Committee, moved S5M-09732—That the Parliament recognises the evidence gathered to date by the Culture, Tourism, Europe and External Relations Committee on the first phase of the Article 50 withdrawal negotiations, and notes the European Council Guidelines agreed on 15 December 2017 that set out the position of the other 27 Member States of the European Union in relation to the second phase of the negotiations, which will be related to transition and the framework for the future relationship.

The motion was agreed to (DT).

**6. Election of Member to the Scottish Parliamentary Corporate Body:** Kezia Dugdale was nominated as the candidate for appointment to the Scottish Parliamentary Corporate Body.

The Parliament voted to elect Kezia Dugdale for appointment to the Scottish Parliamentary Corporate Body (For 106, Against 0, Abstentions 3).

**7. Parliamentary Bureau Motions:** Joe FitzPatrick on behalf of the Parliamentary Bureau, moved—

**S5M-09805: Membership on Committees**—That the Parliament agrees that the following changes to committee membership apply from close of business on Tuesday 9 January 2018—

Claire Baker be appointed to replace Lewis Macdonald as a member of the Culture, Tourism, Europe and External Relations Committee;

Neil Findlay be appointed to replace Monica Lennon as a member of the Delegated Powers and Law Reform Committee;

Kezia Dugdale be appointed to replace Daniel Johnson as a member of the Economy, Jobs and Fair Work Committee;

Mary Fee be appointed to replace Daniel Johnson as a member of the Education and Skills Committee;

Lewis Macdonald be appointed to replace Neil Findlay as a member of the Health and Sport Committee;

David Stewart be appointed to replace Colin Smyth as a member of the Health and Sport Committee;

Daniel Johnson be appointed to replace Mary Fee as a member of the Justice Committee;

Monica Lennon be appointed to replace Elaine Smith as a member of the Local Government and Communities Committee;

Colin Smyth be appointed to replace Rhoda Grant as a member of the Rural Economy and Connectivity Committee; and

Elaine Smith be appointed to replace Claire Baker as a member of the Standards, Procedures and Public Appointments Committee.

**S5M-09806: Substitution on Committees**—That the Parliament agrees that the following changes to committee membership apply from close of business on Tuesday 9 January 2018—

Neil Findlay be appointed to replace Daniel Johnson as the Scottish Labour Party substitute on the Culture, Tourism, Europe and External Relations Committee;

Alex Rowley be appointed to replace Pauline McNeill as the Scottish Labour Party substitute on the Delegated Powers and Law Reform Committee;

Pauline McNeill be appointed to replace Mark Griffin as the Scottish Labour Party substitute on the Economy, Jobs and Fair Work Committee;

Kezia Dugdale be appointed to replace Iain Gray as the Scottish Labour Party substitute on the Education and Skills Committee;

Rhoda Grant be appointed to replace Jenny Marra as the Scottish Labour Party substitute on the Equalities and Human Rights Committee;

Elaine Smith be appointed to replace Kezia Dugdale as the Scottish Labour Party substitute on the Finance and Constitution Committee;

Mary Fee be appointed to replace Claire Baker as the Scottish Labour Party substitute on the Justice Committee;

David Stewart be appointed to replace James Kelly as the Scottish Labour Party substitute on the Public Audit and Post-legislative Scrutiny Committee;

Alex Rowley be appointed to replace Mary Fee as the Scottish Labour Party substitute on the Public Petitions Committee;

Monica Lennon be appointed to replace Richard Leonard as the Scottish Labour Party substitute on the Social Security Committee; and

Rhoda Grant be appointed to replace David Stewart as the Scottish Labour Party substitute on the Standards, Procedures and Public Appointments Committee.

The motions were agreed to (DT).

**8. Decision Time:** The Parliament took decisions on items 5 and 7 as noted above.

**9. Maintenance of Tenement Communal Property:** The Parliament debated S5M-08354 in the name of Ben Macpherson—That the Parliament recognises that a significant proportion of people in Edinburgh and across Scotland live in tenement buildings; believes that the maintenance of communal property, otherwise known as the common parts or “Scheme Property” as defined in the Tenements (Scotland) Act 2004, in tenements is essential to the upkeep of the buildings and the standard of living for owner occupiers and tenants; understands with concern that, in many cases, such Scheme Property is in a state of disrepair, degradation or deterioration; believes that current legislation is not consistently fulfilling its intention to encourage owners to establish effective arrangements for managing communal repairs and undertaking maintenance; acknowledges the various potential solutions put forward by groups and individuals in the housing sector to help address this issue, and notes the view that, for the wellbeing of owner occupiers and tenants and to sustain and enhance the country’s urban infrastructure and environments, the government should review the situation and consider any legislative changes, new initiatives, enhanced use of existing rules and/or further action by local authorities that could facilitate improved upkeep of Scheme Property.

**10. Motion without notice:** Ben Macpherson moved without notice that, under Rule 8.14.3, the debate be extended by up to 30 minutes. The motion was agreed to.

The meeting closed at 6.13 pm.

**P E Grice**  
Clerk of the Parliament  
9 January 2018

**Appendix**  
**(Note: this Appendix does not form part of the Minutes)**

**Affirmative instruments**

The following instruments were laid before the Parliament on 15 December 2017 and are subject to the affirmative procedure—

Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2018 [draft]  
laid under section 10(2) of the Rehabilitation of Offenders Act 1974

Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2018 [draft]  
laid under section 13(2) of the Convention Rights (Compliance) (Scotland) Act 2001

**Negative instruments**

The following instruments were laid before the Parliament on 15 December 2017 and are subject to the negative procedure—

Universal Credit (Claims and Payments) (Scotland) Amendment Regulations 2017 (SSI 2017/436)  
laid under sections 29(8) and 30(7) of the Scotland Act 2016

Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2017 (SSI 2017/450)  
laid under section 20(5) of the Sea Fish (Conservation) Act 1967

Electricity Works (Environmental Impact Assessment) (Scotland) Amendment Regulations 2017 (SSI 2017/451)  
laid under section 2(2) of the European Communities Act 1972 and section 36C(2) of the Electricity Act 1989

**Laid only instruments**

The following instrument was laid before the Parliament on 15 December 2017 and is not subject to any parliamentary procedure—

Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No. 14 and Saving Provision) Order 2017 (SSI 2017/445 (C.33))  
laid under section 201 of the Criminal Justice and Licensing (Scotland) Act 2010 and section 30(2) of the Interpretation and Legislative Reform (Scotland) Act 2010

**Committee Reports**

The following report was re-published on 15 December 2017—

Equalities and Human Rights Committee, 6th Report, 2017 (Session 5): Stage 1 report on the Gender Representation on Public Boards (Scotland) Bill (SP Paper 230.1)

The following report was published on 9 January 2017—

Finance and Constitution Committee, 1st Report, 2018 (Session 5): European Union (Withdrawal) Bill LCM - Interim Report (SP Paper 255)

### **Other Documents**

The following documents were laid before the Parliament on 15 December 2017 and are not subject to any parliamentary procedure—

**Statement of the Scottish Ministers Summarising Written Observations on the Proposed Draft Police Act 1997 and Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2018 SG/2017/238** laid under section 13(4) of the Convention Rights (Compliance) (Scotland) Act 2001

**TS Prestwick Holdco Ltd Annual Account Financial Year 2016-17 SG/2017/279** laid at the request of a member of the Scottish Government and not under any laying power.

**David MacBrayne Limited Group Annual Report & Consolidated Financial Statements for the year ended 31 March 2017 SG/2017/217** laid under Section 8(1) of the Transport (Scotland) Act 1989

**Argyll Ferries Limited Directors' Report & Financial Statements for the year ended 31 March 2017 SG/2017/220** laid under Section 8(1) of the Transport (Scotland) Act 1989

**David MacBrayne HR (UK) Limited Directors' Report & Financial Statements for the year ended 31 March 2017 SG/2017/219** laid under Section 8(1) of the Transport (Scotland) Act 1989

**CalMac Ferries Limited Directors' Report & Financial Statements for the year ended 31 March 2017 SG/2017/218** laid under Section 8(1) of the Transport (Scotland) Act 1989

**The following documents were laid before the Parliament on 18 December 2017 and are not subject to any parliamentary procedure—**

**Scottish Law Commission Report on Moveable Transactions SG/2017/264** laid under section 3(2) of the Law Commissions Act 1965.

**Scottish Commission for Human Rights Annual Report and Accounts Year Ended 31 March 2017 SG/2017/287** laid under Section 22(5) of the Public Finance and Accountability (Scotland) Act 2000

**Architecture & Design Scotland Annual Report and Financial Statements for year ended 31 March 2017 SG/2017/284** laid before the Scottish Parliament at the request of a member of the Scottish Government and not under any laying power.

The following documents were laid before the Parliament on 19 December 2017 and are not subject to any parliamentary procedure—

**General Pharmaceutical Council Strategic Plan 2017-20: Year Two SG/2017/288** laid under Paragraph 8 of Schedule 1 of the Pharmacy Order 2010.

**Scottish Futures Trust Investments Limited Annual Report and Financial Statements for the year ended 31 March 2017 SG/2017/269** laid under section 22(5) of the Public Finance and Accountability (Scotland) Act 2000

**Scottish Futures Trust Limited Annual Report and Group Financial Statements for the year ended 31 March 2017 SG/2017/268** laid under section 22(5) of the Public Finance and Accountability (Scotland) Act 2000.

The following document was laid before the Parliament on 8 January 2018 and is not subject to any parliamentary procedure—

**Community Justice Scotland - Corporate Plan 2017-2020 SG/2018/2** laid under Section 10(7) of the Community Justice (Scotland) Act 2016

### **Committee Reports**

The following reports were published on 18 December 2017—

Justice Committee, 22nd Report, 2017 (Session 5): Criminal Legal Assistance (Miscellaneous Amendments) (Scotland) Regulations 2017 (SP Paper 249)

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