



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 21 January 2016

Session 4

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.scottish.parliament.uk or by contacting Public Information on 0131 348 5000

Thursday 21 January 2016

CONTENTS

	Col.
GENERAL QUESTION TIME	1
Computer Programming Skills.....	1
Commission on Local Tax Reform	2
Health (East Glasgow).....	2
Plantation Forestry (Water Absorption)	3
Social Care (City of Edinburgh Council)	4
Prisoners (Access to Education)	6
Bellgrove Hotel	7
Wildlife Crime Penalties Review Group.....	8
FIRST MINISTER'S QUESTION TIME	10
Engagements.....	10
Prime Minister (Meetings).....	13
Cabinet (Meetings)	17
“State of Working Scotland”	18
“Oil and Gas Analytical Bulletin”	19
Post-study Work Visas	21
IMMIGRATION BILL	23
<i>Motion debated—[Christian Allard].</i>	
Christian Allard (North East Scotland) (SNP).....	23
Ken Macintosh (Eastwood) (Lab)	26
Jamie McGrigor (Highlands and Islands) (Con)	28
Sandra White (Glasgow Kelvin) (SNP).....	30
Hanzala Malik (Glasgow) (Lab)	32
The Minister for Europe and International Development (Humza Yousaf).....	33
PRIVATE HOUSING (TENANCIES) (SCOTLAND) BILL: STAGE 1	36
<i>Motion moved—[Margaret Burgess].</i>	
The Minister for Housing and Welfare (Margaret Burgess).....	36
Jim Eadie (Edinburgh Southern) (SNP)	39
Jayne Baxter (Mid Scotland and Fife) (Lab).....	42
Alex Johnstone (North East Scotland) (Con)	45
Mike MacKenzie (Highlands and Islands) (SNP)	47
Siobhan McMahon (Central Scotland) (Lab)	49
Clare Adamson (Central Scotland) (SNP).....	50
Jim Hume (South Scotland) (LD).....	52
James Dornan (Glasgow Cathcart) (SNP)	53
David Stewart (Highlands and Islands) (Lab).....	55
Roderick Campbell (North East Fife) (SNP)	57
Malcolm Chisholm (Edinburgh Northern and Leith) (Lab).....	58
Sandra White (Glasgow Kelvin) (SNP).....	60
Patrick Harvie (Glasgow) (Green)	61
Alex Johnstone	63
Ken Macintosh (Eastwood) (Lab)	64
Margaret Burgess	67
YOUTH AWARDS AND YOUTH WORK	70
<i>Motion moved—[Aileen Campbell].</i>	
<i>Amendment moved—[Cara Hilton].</i>	
The Minister for Children and Young People (Aileen Campbell).....	70
Cara Hilton (Dunfermline) (Lab)	75
Mary Scanlon (Highlands and Islands) (Con).....	78
Linda Fabiani (East Kilbride) (SNP).....	80
Drew Smith (Glasgow) (Lab)	82
Tavish Scott (Shetland Islands) (LD).....	83
Graeme Dey (Angus South) (SNP)	85
Jackson Carlaw (West Scotland) (Con)	86

Iain Gray (East Lothian) (Lab)	88
Aileen Campbell.....	90
PRIVATE HOUSING (TENANCIES) (SCOTLAND) BILL: FINANCIAL RESOLUTION.....	93
<i>Motion moved—[Margaret Burgess].</i>	
PARLIAMENTARY BUREAU MOTIONS.....	94
<i>Motions moved—[Joe FitzPatrick].</i>	
DECISION TIME	95

Scottish Parliament

Thursday 21 January 2016

[The Presiding Officer opened the meeting at 11:40]

General Question Time

Computer Programming Skills

1. Willie Coffey (Kilmarnock and Irvine Valley) (SNP): To ask the Scottish Government what it is doing to encourage and develop skills in computer programming. (S4O-05284)

The Cabinet Secretary for Fair Work, Skills and Training (Roseanna Cunningham): We are working with public sector partners and industry representatives to address skills issues in Scotland's digital sector, with a programme of work built around the recommendations in the 2014 digital skills investment plan. Examples of that collaborative work include the recent opening of CodeClan, an industry-led digital skills academy that is designed to help to meet the immediate digital skills needs that are faced by Scottish businesses. We have also funded the digital world marketing campaign to raise awareness about the careers and opportunities that digital skills and qualifications can create. The campaign is aimed at young people and women in particular.

Willie Coffey: The cabinet secretary will be aware that it is estimated that 100 million citizens throughout Europe have insufficient digital skills and are excluded from the digital society. What are the Scottish Government and Scotland's colleges doing to support the development of vital computer skills in the industry?

Roseanna Cunningham: A great deal of work is going on, some of which I mentioned in my first answer.

The colleges have long acknowledged the importance of responding to the need for science, technology, engineering and mathematics courses, including in computing skills. As a primary provider of those courses, colleges have a significant role to play in ensuring that they are prioritised. In its guidance to the sector, the Scottish Further and Higher Education Funding Council has recommended that colleges use the information from skills investment plans and regional skills assessments and engage with local employers to assess which courses are required to meet regional need.

Just yesterday, my colleague Angela Constance visited Dundee and Angus College's code academy, which provides a good opportunity to

show all the young people and children who are involved with it the huge variety of jobs that are available in our technologies industries. That is just one example of the work that is being done in the colleges.

Commission on Local Tax Reform

2. Jean Urquhart (Highlands and Islands) (Ind): To ask the Scottish Government whether it will provide an update on the action that it is taking to take forward the proposals of the commission on local tax reform. (S4O-05285)

The Minister for Local Government and Community Empowerment (Marco Biagi): The First Minister established the commission on local tax reform, jointly with the Convention of Scottish Local Authorities, to examine options for the future of local taxation. Before the end of the current parliamentary session, the Scottish Government will introduce plans for the reform of local tax, which will reflect the principles of the commission's report.

Jean Urquhart: Can the minister at least declare today that this will be the last year of the unfair and regressive council tax?

Marco Biagi: The Scottish Government is very proud of the effect that the council tax freeze has had in mitigating the unfairness of the council tax. It is noticeable that a commission that included representatives from the Scottish National Party, Labour, the Lib Dems and the Greens—not a group that easily finds agreement—declared that the council tax is an unfair tax and that it hits those on low incomes the most. I would therefore express some caution to anybody who calls for a rapid end to the council tax freeze or the use of council tax when it has been observed by all those people to be an unfair way of raising revenue.

Health (East Glasgow)

3. Paul Martin (Glasgow Provan) (Lab): To ask the Scottish Government what action it is taking to improve health in the east end of Glasgow. (S4O-05286)

The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison): Improving the nation's health is a priority and we are committed to prioritising our health service and making sure that it is fit for purpose. We have already substantially increased funding for all boards, with NHS Greater Glasgow and Clyde's budget increasing by 21.3 per cent since 2007. That will give the board a record budget of £2,078.9 million pounds in 2016-17, which is £96.3 million higher than in 2015-16.

We also need to up the pace on transferring services to the community as we push forward the integration of health and social care. That is why

we are investing some £250 million in that area in next year's budget, of which Glasgow will receive its proportionate share.

Paul Martin: The cabinet secretary will be aware of the crucial role that Lightburn hospital plays in improving health in the east end of Glasgow and the concerns of the local community that the hospital has been earmarked for closure by NHS Greater Glasgow and Clyde. Can she assure me that Lightburn hospital will have a future beyond the next 10 years?

Shona Robison: As I made clear to Paul Martin at health questions last week, none of the suggestions in what is a draft discussion paper has been formally put forward for consideration. The chair of the health board made that clear in his comments.

The member will be aware that, when she was health secretary, Nicola Sturgeon rejected proposals to close Lightburn hospital in 2011. She did so because she had repeatedly heard, not least from local patients and clinicians, that the hospital provided high-quality services that were greatly valued by what is a significantly disadvantaged community. I would have to be convinced by any formal proposals to close the hospital that that position had materially changed and that what would replace the hospital would demonstrably provide a better service. However, as I have made clear, no formal proposal has come to me. What we are discussing today is a draft paper that contains issues that the board has not in any way accepted as concrete proposals.

Plantation Forestry (Water Absorption)

4. Rob Gibson (Caithness, Sutherland and Ross) (SNP): To ask the Scottish Government how much surface water plantation forestry absorbs from surrounding watercourses and rainfall in the Highlands per annum. (S4O-05287)

The Minister for Environment, Climate Change and Land Reform (Aileen McLeod): We know that well-designed forests can play an important role in water management, including, in some circumstances, improving flood mitigation.

The 2011 national forest inventory identified a total of 203,281 hectares of plantation forestry, mainly comprising established conifer forests, in the Highland local authority region. Information that was published by Forest Research shows that each hectare of mature conifer plantation forest in the Highlands has the capacity to absorb approximately 7,000m³ of rainfall. That means that the plantation forests in the Highlands will have an annual absorption rate of approximately 1.4 billion cubic metres of water.

Rob Gibson: As well as absorbing water, what amount of CO₂ is sequestered by plantation

forestry in the Highlands per annum, and will that issue lead to a survey of plantable land in our uplands?

Aileen McLeod: The official statistics show that, in 2013, forestry sequestered 10 million tonnes of CO₂ equivalent in Scotland. Based on the calculations for an average conifer forest, it is estimated that the same area of plantation forestry in the Highlands sequesters approximately 2.13 million tonnes of CO₂ equivalent each year.

Claudia Beamish (South Scotland) (Lab): Is the minister able to give us an update on agri-forestry and its contribution to flood prevention, and can she also talk about agri-forestry as an appropriate contribution to addressing climate change challenges?

Aileen McLeod: I do not have the detail with me at the moment that would enable me to answer the member's question, but I am happy to supply that information to her in writing afterwards.

Jamie McGrigor (Highlands and Islands) (Con): Forestry is becoming an increasingly important industry, especially as a tool in the fight against climate change. What efforts is the Scottish Government taking to encourage forest plantation and replantation for CO₂ mitigation purposes, and how will it deal with the hole in forestry production that is predicted to appear in about 20 years' time?

Aileen McLeod: The Scottish Government funds and supports research into the use of woodland creation to contribute to the mitigation of climate change and the reduction of flooding. That research includes modelling our catchment and economic and mapping studies that are designed to quantify and demonstrate how our forests can contribute to flood risk management. Research is being trialled at a number of locations, and outputs from them will be disseminated to the industry.

As the member says, the Scottish forestry sector is growing. It contributes nearly £1 billion gross value added to the Scottish economy every year, with more than 25,000 full-time-equivalent posts in the sector. In addition, in 2013, forestry was the only sector in which there has been a net emissions sink.

Social Care (City of Edinburgh Council)

5. Sarah Boyack (Lothian) (Lab): To ask the Scottish Government when it last discussed social care with the City of Edinburgh Council. (S4O-05288)

The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison): Scottish Government officials are in regular contact with the City of Edinburgh Council in relation to social care.

Sarah Boyack: Is the cabinet secretary aware that people are dying while they wait for care, that there is a high turnover of care staff, that an unreliable and poor-quality service is being provided and that there is a lack of training for those care staff who have to provide services for people with a range of conditions from autism to dementia? What share will the council receive of the allocation that she has made of £250 million for extra care services?

Shona Robison: I deeply regret anyone having to wait longer than necessary to receive their care package. We will continue to work with all councils, including the City of Edinburgh Council, to improve provision.

I will set out some of the work that has been done with the City of Edinburgh Council. The council has been allocated an additional £8.19 million for 2015-16 from the integrated care fund and over £2.4 million in additional investment this year to help to reduce delayed discharge from hospital. As Sarah Boyack will be aware, the council will receive its share of the £250 million in additional funding that was announced by John Swinney in his draft budget, which will be laid out once agreement has been reached. In addition to all that, we have offered the City of Edinburgh Council additional support of £2 million in return for improvements to social care in Edinburgh.

I am clear that improvements need to be made, and there have been a number of senior personnel changes that will help with the delivery of those improvements. The Government has been supporting the City of Edinburgh Council to make the improvements that it needs to make and has given it additional resources to help it to do that.

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): Does the cabinet secretary know how much NHS Lothian proposes to contribute to the integration joint board with the City of Edinburgh Council? The same question applies to other health boards across Scotland. If she does not know that, how does she know that Edinburgh's share of the £250 million will be additional rather than simply netted off what NHS Lothian is planning to give the integration joint board?

Shona Robison: Let me be very clear on the first point. All of the £250 million will be routed through national health service boards to the integrated partnerships. The breakdown of that £250 million and what it will deliver are subject to detailed negotiations with the Convention of Scottish Local Authorities that are going on at the moment. We want to make sure that as much of that resource as possible delivers on the priorities that we all want to see addressed in terms of additional capacity and the improvements in the sector that we all agree need to be made. I hope

that Malcolm Chisholm will support us in those efforts.

Prisoners (Access to Education)

6. James Dornan (Glasgow Cathcart) (SNP): To ask the Scottish Government what steps it is taking to improve prisoners' access to education. (S4O-05289)

The Cabinet Secretary for Justice (Michael Matheson): The Scottish Prison Service has established a multi-agency steering group with representation from Education Scotland, Scotland's Colleges, Creative Scotland and the Scottish Qualifications Authority to inform the core specification for a proposed new-generation learning and skills contract. The core intentions of the new contract are to provide a more creative curriculum and an expansion of higher and distance learning opportunities in order to improve access and stimulate interest in learning. Improved screening processes to detect literacy and numeracy problems and potential learning difficulties are a core feature of our new approach to promoting better access and higher levels of engagement.

James Dornan: Her Majesty's Prison Greenock has a notable record in the field, and many of the things that the cabinet secretary just mentioned may well be taking place there. Can he assure me that the Government will look at what is being done there, and are there any plans to replicate that success across the rest of the prison service?

Michael Matheson: HMP Greenock does, indeed, have a good record on improving access to education for prisoners, as do a number of other establishments in the Scottish prison estate. Initiatives based around the visual and expressive arts have proved extremely successful in helping to stimulate engagement with education across the prison estate, with HMP Shotts receiving more accolades than any other prison in the United Kingdom at the recent Koestler Trust awards.

There has been significant international interest in the Scottish Prison Service's model for the delivery of education in our prisons. The Scottish Prison Service continues to work with all its establishments and our education providers to ensure that best practice is captured and shared right across the prison estate.

Alison McInnes (North East Scotland) (LD): Education services are provided currently through a national contract. Would there be some benefit in pausing and considering whether regional contracts would be an improvement and allow a better transition from prison to community through the involvement of local colleges?

Michael Matheson: Under the current contract, two further education colleges provide education

services right across the prison estate. The contract has been extended to next year, in order to develop the new-generation contract for the provision of education in our prison estate, as I set out. That will allow us to look at how we can continue to build on the good progress that is being made and, of course, to look at opportunities to build links between prisons and establishments in their local area, in order for education to continue when people leave prison and go back into the community.

Bellgrove Hotel

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

To ask the Scottish Government what recent discussions it has had regarding the homeless hostel, the Bellgrove hotel. (S4O-05290)

The Minister for Housing and Welfare (Margaret Burgess): Homelessness services are the responsibility of local authorities, and addressing the needs of the residents of the Bellgrove hotel is a matter for Glasgow City Council.

The Cabinet Secretary for Communities, Social Justice and Pensioners' Rights and I have both met the leadership of Glasgow City Council to discuss the issue of the Bellgrove hotel, and we have also corresponded with them on it. The cabinet secretary last met the then leader, Councillor Matheson, to discuss the issue in the summer.

Officials have continued to engage with the council on the Scottish Government's behalf and discussions have focused particularly on strategically reviewing Glasgow's homelessness services. The best interests of the Bellgrove's residents can be met only through a wider approach to address issues such as rough sleeping and the provision of homelessness services for those with more complex needs in Glasgow.

John Mason: I welcome any increased provision for homeless people. Does the minister not consider that we need more regulation in this area? After all, housing associations are regulated and care homes are regulated, but the Bellgrove hotel, whose residents need both housing and care, is not regulated.

Margaret Burgess: I appreciate that John Mason has raised this issue in the chamber on more than one occasion. In the past we looked at whether the Bellgrove hotel should come under the Care Inspectorate's remit, but the Care Inspectorate took the clear position that it should not.

The Bellgrove hotel is not typical homelessness accommodation. It is the only accommodation of its kind and it involves complex issues that cannot

be solved by more regulation. It is licensed as a house in multiple occupation and Glasgow City Council has used the HMO licensing framework to require improvements to the hotel's condition.

I know that John Mason's concern is about the wellbeing of the hotel's residents, and their needs and wishes. Their needs require a focus on prevention and the provision of appropriate services for them. We will continue to work with Glasgow City Council on its review of homelessness services, to improve options and outcomes for those who are using the Bellgrove hotel.

Wildlife Crime Penalties Review Group

8. Alison Johnstone (Lothian) (Green): To ask the Scottish Government what its position is on the recommendations of the wildlife crime penalties review group. (S4O-05291)

The Minister for Environment, Climate Change and Land Reform (Aileen McLeod): I very much welcome the report from the wildlife crime penalties review group, which was chaired by Professor Mark Poustie. I have been considering the report's 10 recommendations with colleagues from justice and other relevant areas. I have already written to Professor Poustie to thank him and the group for their diligence in producing such a thoughtful and helpful report and I will write to him again shortly with the Scottish Government's formal response to the group's recommendations. I will send a copy of that response to the Rural Affairs, Climate Change and Environment Committee and it will be published on the Scottish Government's web pages.

Alison Johnstone: This week I visited a site where badger setts that are in use have been illegally disturbed by developers. What steps will the minister take to ensure that developers receive appropriate guidance, so that ignorance cannot be used as an excuse in cases of wanton destruction? How will the Government's response to the wildlife crime penalties review group's report help to protect badgers, enforce adherence to wildlife-related planning guidance and ensure that appropriate sentences are delivered in such cases?

Aileen McLeod: The Scottish Government will actively consider what work will have to be undertaken before formal steps are taken to implement any of the recommendations in the Poustie report. Should there be a requirement to consult, that will be done. I am more than happy to write to Alison Johnstone on the detailed questions that she asked.

The Presiding Officer (Tricia Marwick): Before we move to the next item of business, members will wish to join me in welcoming to the

gallery Mr Asad Qaiser MPA, the speaker of the Pakistani Provincial Assembly of Khyber Pakhtunkhwa. [Applause.]

First Minister's Question Time

12:00

Engagements

1. Kezia Dugdale (Lothian) (Lab): To ask the First Minister what engagements she has planned for the rest of the day. (S4F-03180)

The First Minister (Nicola Sturgeon): Engagements to take forward the Government's programme for Scotland.

Kezia Dugdale: Yesterday, the First Minister's poverty adviser said that 56 per cent of children in poverty live in working households. Those are children whose mums and dads go out to work but still struggle to make ends meet. Naomi Eisenstadt says in her report that investment in quality, affordable early learning and childcare is crucial.

The First Minister claims that all three and four-year-olds have access to 16 hours of free early learning and childcare a week. That sounds good, but parents know that it is not true. Time and again, I meet mums who tell me that they cannot get for their child the place that they are told is their right. Last year, the First Minister said in the chamber that she was working with councils to deliver on her pledge, so will she tell us whether council funding to deliver the 16 hours of free early learning and childcare has gone up or down in the draft budget for next year?

The First Minister: I welcome the report that the poverty adviser published yesterday. It is a solid report that makes a number of recommendations that the Government will consider very seriously. I note that she says that the policy decisions taken by the Scottish Government

"have been important in protecting people from poverty".

As Kezia Dugdale is well aware, the Government currently funds 16 hours of childcare a week for three and four-year-olds and for vulnerable two-year-olds. I have said in the past and it remains the case that, as well as funding that provision in a global sense, we are working with councils to improve flexibility so that provision better fits in with parents' working patterns. As was reflected in the poverty adviser's report, we are also determined to double the provision of childcare over the life of the next parliamentary session, should the people of Scotland re-elect us in May. That is important to parents who are listening to the debate.

The poverty adviser said yesterday that, as well as quantity, quality is important. That is why, yesterday, I announced £1 million to pilot different ways of delivering that expanded childcare.

That is our policy on childcare. We will be judged in just a couple of months on our record on that and many other things. I am still waiting to hear what Labour's policy is.

Kezia Dugdale: In all of that, there was not even an attempt to answer the question that I asked. The honest answer is that the Government's budget is cutting council childcare funding. The First Minister's poverty adviser rightly tells her that affordable and flexible childcare is key to helping people who are in work to get out of poverty, but the Scottish National Party Government's solution is to cut the childcare budget and slash funding for local services.

We know that the First Minister's promises on childcare are not being delivered, so what about her latest pledge to almost double the number of free childcare hours by 2020? A few months ago, she was asked in the chamber about how those plans would be delivered. She said:

"We are working with local authorities to determine the expansion of capacity that will be required. That will be a mixture of new build and extension of current local authority capacity."—[*Official Report*, 19 November 2015; c 13.]

Two months on, will she tell us how many extra nurseries need to be built to deliver on that promise?

The First Minister: Let me take Kezia Dugdale's points in order. Under our current policy, we are funding the expansion of childcare to which we committed in the Parliament. I remind people who may be listening that, in 2007, three and four-year-olds were entitled to 412.5 hours of free childcare a year. We have extended that by 45 per cent to 600 hours for three and four-year-olds and taken the additional step of extending the policy to vulnerable two-year-olds. That is the measure of the commitment.

The policy that Kezia Dugdale refers to is for the next session. I am delighted that she clearly thinks that after the election I will be in the position of delivering that commitment; I take that as a welcome endorsement of the SNP's election campaign at this early stage. As I have previously said in the chamber—I think, on that occasion, in response to Ruth Davidson—we are doing detailed work with local authorities to plan now for that expansion, which will take place over the next session.

There will be a mix; we do not yet know exactly what that mix will be, because we are still planning for the expansion, but it will involve a mix of new build—which is why I have described this as the biggest or the most important capital investment of the next session—and existing buildings that local authorities already use. As I have said, it will also involve childminders, and one of the proposals

that Naomi Eisenstadt made yesterday related to what is called blended childcare.

We are taking forward the proposals seriously, carefully and robustly. I repeat that Kezia Dugdale has still to set out Labour's childcare policy. I know what my policy is, and I know the work that we are doing to deliver it, but we seem to have a vacuum coming from the Labour benches.

Kezia Dugdale: The First Minister does not know how many nurseries she needs, but campaigning mums do. The campaigning group fair funding for our kids estimates that the equivalent of 650 new nurseries would have to be built to accommodate the extra places that would be needed because of the First Minister's latest pledge. She has described this as the biggest capital investment of the next session, but John Swinney's budget cuts council capital funding for nurseries by 56 per cent. By the First Minister's admission, delivering on her new pledge would cost £880 million in running costs alone, but at the same time, she is taking half a billion pounds out of council budgets.

Let us get this absolutely clear. The First Minister needs 650 new nurseries, but she has cut the capital budget to build them, and she needs £880 million to expand childcare services, but she has slashed council budgets by £500 million. Only in the world of the SNP will that deliver a childcare revolution.

The First Minister's childcare policy is a mess. Is she hoping that parents are just too busy to notice?

The First Minister: To be fair to Kezia Dugdale, I know that her day-to-day working experience right now involves a rather large mess, otherwise known as the Labour Party. No wonder the word is uppermost in her mind. [*Interruption.*]

The Presiding Officer (Tricia Marwick): Order.

The First Minister: In her flurry of statistics, Kezia Dugdale has forgotten some of the key points. First, she mentioned capital funding for local authorities. She will be aware—or, if she is not aware, she certainly should be, because John Swinney has outlined it—that the capital budget for local authorities has been reprofiled. [*Interruption.*]

The Presiding Officer: Order.

The First Minister: Money will be reallocated for local authorities in future years.

As for the overall council budgets, as I said last week and I think the week before, we are looking at a 2 per cent reduction in the overall revenue expenditure of local authorities, and that is before we take account of additional resources for social care, additional resources through the attainment

fund and of course the additional investment that we plan over the life of the next session to transform the provision of childcare.

I say again that those are our plans. We have set them out, and we will set out the budgets that support them. If Kezia Dugdale really wants to give people in this country a choice in just a few months' time, she has to do more than whine from the Opposition benches. She has to give an alternative, and so far, there ain't no alternative from the Labour Party whatsoever.

Kezia Dugdale: There we go. It is not a 56 per cent cut—it has just been reprofiled.

Almost a year ago, the First Minister told me that she had looked campaigning mums “in the eye” and told them that she would fix Scotland's childcare problems. However, after meetings with Nicola Sturgeon and her education secretary, the more parents hear, the less they believe.

The First Minister says, “Judge me on my record.” Here it is: promises not delivered, budgets cut and parents let down. Is it not the case that, instead of delivering what families really need, the SNP's childcare plan is just one great big con?

The First Minister: Kezia Dugdale knows that we have, and John Swinney has, guaranteed local government a maintained share of the overall Scottish Government capital budget. That is the reality. It might not suit the Labour Party's increasingly desperate narrative, but nevertheless those are the facts.

To come back to the central issue, I can point to the Government's achievements in childcare over the life of this session and of the previous session: three and four-year-olds are entitled to 45 per cent more childcare now than when Labour was in office, and two-year-olds are entitled to childcare that they were not entitled to when Labour was in office. Not only that, but I can point to clear plans for how we will transform childcare over the next session. As the poverty adviser says, not only are we allowing more parents and in particular mothers to get into work, but we are supporting young people to have the best start in life.

Those are our achievements and plans, and the people of Scotland will judge them. When they are making that judgment, they will also look at what the alternative is. I say again that Kezia Dugdale has said zero about what the Labour Party will do for childcare. That is why the people of Scotland are casting their judgment on Labour, and their judgment is to keep Labour firmly in opposition.

Prime Minister (Meetings)

2. Ruth Davidson (Glasgow) (Con): To ask the First Minister when she will next meet the Prime Minister. (S4F-03179)

The First Minister (Nicola Sturgeon): No plans at present.

Ruth Davidson: This morning we learned that the number of school inspections has fallen from 491 in 2004-05 to just 137 last year, a drop of more than 70 per cent. Inspections are a vital means of providing parents with the necessary information to make decisions about their children's schooling. However, last year, fewer than 6 per cent of Scotland's schools were inspected, meaning that under the Scottish National Party a child can go right through their school career without ever having had their school assessed. If that rate keeps up, it would take 19 years to get round all of Scotland's schools once. Given that, does the First Minister think that parents are getting the information that they deserve when it comes to looking at local schools?

The First Minister: Let me say two things about that. First, as Ruth Davidson knows, Education Scotland undertakes a wide range of different activities to promote quality assurance and improvement in the quality of the education that is provided by our schools. The number of full inspections that are undertaken varies from year to year. During the period of implementation of curriculum for excellence, a deliberate and, I think, very correct decision was taken to reallocate resources to other improvement activities in order to oversee implementation of curriculum for excellence. During that period, inspectors were deployed to undertake intensive support and challenge activities with both schools and local authorities. It is important to point out that that work was recognised in the recent Organisation for Economic Co-operation and Development report, which in relation to CFE implementation said:

“Education Scotland has been a linchpin in providing the guidance resources and quality assurance.”

What Ruth Davidson will also presumably be aware of, because I saw the chief inspector write in *The Sunday Times* to this effect just a few days ago, is that there will be an increase in inspections over the coming years, complemented by new types of improvement activity, in particular those that make sure that we are using the resource of the new attainment advisers, who are working on the Scottish attainment challenge. That is the first thing that I want to say.

The second thing that I would say, very briefly, is that Ruth Davidson knows my commitment, as set out in the national improvement framework that I published in the first week of January, to vastly expanding and transforming the range of information that is available to parents and to the wider public about performance in our schools. As a result of the national improvement framework, within the next couple of years people will be able

to look at and compare pupils' performance in each school. That is the direction of travel that we are headed in and I think that it is the right one.

Ruth Davidson: It was a straight question but the First Minister did not seem to want to give a straight answer, so I will. No, parents are not getting the information that they deserve; instead, they are being told by the education establishment that it knows best and that everybody else will just have to lump it. One former director of education said in the press this morning that inspections are now

“virtually useless as a source of information for parents.”

The First Minister, today and on previous days, has urged Opposition parties to offer proposals on how to improve a system if they complain about it, so we say that it is time to re-establish an independent inspectorate that is outwith the arms of the Scottish Government, so that parents know that, when their school is measured, that is done by people who are entirely separate from those who set the policy. We want more transparency and information for parents. We want an inspection regime that demands high standards and improvement from coasting schools and, crucially, we want parents to be given regular and up-to-date information. Does the First Minister back that plan?

The First Minister: The inspectorate is independent, and it does demand high standards from schools. Local authorities also have a statutory duty to ensure that the quality of education is what we would expect.

I have already outlined what the inspectorate was focusing on, and the reasons for that, during implementation of curriculum for excellence, as well as the plans to increase the number of inspections over the next few years. However, I actually want to do much more than Ruth Davidson has outlined—I want to give parents and the public direct information about the performance of pupils in our primary schools and lower secondary schools because, at the moment, we do not really have that.

Once the national improvement framework is firmly established, we will see the percentages of pupils in every primary school across our country who are achieving the different required levels of curriculum for excellence. That is a revolution in transparency in Scottish education. For the first time, parents and the public will be able to look at that. They will be able to look at schools that are doing well and those that are doing less well, which will give all of us the information that we need to drive further improvements. Therefore, I am much more ambitious on transparency than Ruth Davidson is.

The Presiding Officer: A number of members want to ask constituency questions.

Graeme Dey (Angus South) (SNP): The First Minister will be aware of the difficulties that are being experienced by Johnston Press. It has identified 21 Scottish titles, ranging from *Scotland on Sunday* to the *Arbroath Herald* in my constituency, as being “sub-core”, which has raised concerns about the future of those newspapers. Given the journalistic traditions of some of those titles, their importance to local communities and the jobs that are at stake, will the Scottish Government engage with the company and do what it can to ensure that those newspapers have a future?

The First Minister: I thank Graeme Dey for raising an important question and I give him an assurance that we will seek to engage with the company. As with any company where there is the potential for job losses, the arrangements that we can put in place, primarily through PACE—partnership action for continuing employment—will be available should they be required.

I want to make a wider point about the importance to our democracy of free, vibrant and dynamic media. We will all be concerned at the latest announcement, which comes on the back of a recent announcement about job losses in other areas of the media. We all have a duty to ensure that we have a properly resourced media in this country to hold us all to account as well as to contribute to the national debate that we all want.

Cara Hilton (Dunfermline) (Lab): It was announced this week that by June at least 80 jobs will be lost at FMC Technologies in my Dunfermline constituency. People in the workforce tell me that the real job-loss figure could be substantially higher, as the current figure does not include contract staff. Given that FMC Technologies has lost 2,000 jobs worldwide since January last year, there is real uncertainty about job security. My constituents feel that if they are paid off now or in the future, there will be very little chance of their finding employment in the oil and gas industry. What action will the First Minister take to support my constituents who work at FMC Technologies at this time of low oil prices and high job losses?

The First Minister: We are of course aware of the situation that the member outlines. The Government will engage with the company. As I said in response to Graeme Dey, we make available to the workforce of any company in that situation the resources of PACE so that we do as much as we can to avoid redundancies and to help those who face redundancy. I am sure that the enterprise minister would be happy to meet the member to discuss that particular case in more detail.

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): The First Minister will be aware of this morning's announcement of 100 job losses at Marine Harvest, the bulk of which are in the Highlands and Islands and many of which are in my constituency. That is a large number of jobs for small communities to lose. Will the First Minister ensure that all will be done to assist those who may lose their jobs and will she outline what measures the Government will put in place to help with that serious matter?

The First Minister: Obviously, as is the case with the previous two companies that I have spoken about, this will be a particularly anxious time for employees and their families. The Scottish Government is in contact with the company, which has approached Highlands and Islands Enterprise to identify redeployment opportunities, and my officials will shortly meet the company to discuss what can be done to support staff.

We remain fully supportive of the sector, which is a key industry for Scotland in the context of supporting employment, particularly in our remote coastal communities. The industry is currently estimated to generate economic activity worth more than £1.8 billion a year in Scotland, supporting more than 8,000 jobs. It is an extremely important sector and the Government's response will recognise that.

Cabinet (Meetings)

3. Willie Rennie (Mid Scotland and Fife) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-03176)

The First Minister (Nicola Sturgeon): Matters of importance to the people of Scotland.

Willie Rennie: This week I received a letter from Amazon headquarters in London, in which the company boasted that it pays workers £7.20 per hour, even though that is well below the national living wage. The Scottish Government paid almost £1 million to the company just last year. Does the First Minister think that it is wise to reward companies that pay workers such low wages?

The First Minister: All companies should pay the tax that they are due to pay. The Scottish Government, with the limited tax responsibilities that we have, takes tax avoidance very seriously. Of course, I wanted us to have more tax responsibilities—something that Willie Rennie argued vociferously against. We will continue to stand up for fairness and for companies paying the tax that they are due to pay.

I take a different view from the one that Willie Rennie articulated in a debate that we took part in in Dundee on Monday evening, when he seemed

to suggest that Fife would be better off without the jobs that are offered by Amazon. I suspect that people who work in the company would take a different view, as well.

Willie Rennie: I know that the First Minister finds it difficult to listen to anyone else. The question was about wages, not tax. I will leave her to defend low wages—perhaps she is too embarrassed to do so.

No one is saying that Amazon should close. However, I want the Government to support good jobs. Amazon workers have been in touch this week, too, and they confirm what I have said: it is an exceptionally horrible place and the employment agencies cream off money from everyone's wages. Meanwhile—let me give a wee flag-up that this is about tax—Amazon pays hardly any tax in this country.

The Poverty Alliance, which promotes the living wage, gets a small grant from the Scottish Government. It is a brilliant project. Why does the Scottish Government give Amazon four times as much money to pay low wages as it gives the Poverty Alliance to champion the living wage? Will the First Minister make a commitment not to give any more grants to companies without receiving wage guarantees?

The First Minister: I apologise to Willie Rennie if I misheard his first question. My comments about tax avoidance stand, though, and they stand very strongly.

On the living wage, I hope that Willie Rennie agrees that this Government is, arguably, doing more than any other Government in the United Kingdom to promote the living wage. The living wage accreditation scheme now has more than 400 companies signed up to it, and more people are being paid the living wage in Scotland than in any other UK nation and any other part of the UK outside the south-east of England. That point was recorded in the poverty adviser's report yesterday.

We will continue to work directly with companies to encourage them to sign up and to pay the living wage. I will ask Roseanna Cunningham, the Cabinet Secretary for Fair Work, Skills and Training—we are the only Government in the UK that has a Cabinet minister who is responsible for fair work—to engage directly with Amazon and other companies in order to get more people being paid the living wage. We will take whatever action we require to take to ensure that we are standing up for decent wages for everyone across Scotland.

“State of Working Scotland”

4. Roderick Campbell (North East Fife) (SNP): To ask the First Minister what the Scottish Government's position is on the Resolution

Foundation report, "State of Working Scotland". (S4F-03181)

The First Minister (Nicola Sturgeon): I welcome the findings of the Resolution Foundation in the report that it published yesterday—particularly the finding that pay has risen faster in Scotland than in any other nation or region in the United Kingdom. I am proud that this Government's commitment to the living wage means that 80 per cent of people in Scotland are paid at least the living wage. As I just said, there are more than 400 living wage accredited employers. The rise in pay in Scotland will have contributed to one of the other findings of the report, which is that household incomes in Scotland fell by less than the UK average during the recession.

That is good progress, but there is much work still to do. The Resolution Foundation gives us valuable analysis in ensuring that we continue to build on progress.

Roderick Campbell: I was pleased to see the statistics on employment yesterday which, along with the Resolution Foundation's report, show that Scotland has the highest wages among the countries of the UK. Scotland is clearly showing that we can tackle inequalities and grow the economy. What action will the First Minister take to build on that good foundation, to increase jobs and wages?

The First Minister: Roderick Campbell is right to note the progress on wages and employment this week. I take this opportunity to welcome yesterday's figures, which show a rise in employment in Scotland to record levels, and a substantial drop in unemployment.

That is all progress, but there is no room for complacency, which is why we are working to do more on employment and wages. Our economic strategy sets out our mutually supportive goals of increasing competitiveness and tackling inequality, and we will continue to support the living wage accreditation scheme and the work of the fair work convention to make sure that, as employment continues to increase in Scotland, it is in fair work in which people who do a decent day's work get a decent day's wage in return.

"Oil and Gas Analytical Bulletin"

5. Jackie Baillie (Dumbarton) (Lab): To ask the First Minister, in light of the fall in oil prices, when the Scottish Government will publish an updated "Oil and Gas Analytical Bulletin" focusing on the impact on jobs. (S4F-03190)

The First Minister (Nicola Sturgeon): The Scottish Government's focus is absolutely on what we can do to support the industry and the

workforce, which is facing uncertainty at what is a worrying time. We continue to do all that we can within devolved powers to help the sector. Last year, I set up the energy jobs task force, which has already helped to support more than 2,500 individuals and 100 employers through the current downturn, and will continue to support the industry to improve collaboration, co-operation and innovation.

Jackie Baillie: I thank the First Minister for that response. It has been more than six months since the last "Oil and Gas Analytical Bulletin" was slipped out on the final day of term. In the intervening period, the oil price has dropped to \$27 a barrel and is 70 per cent lower today than it was 18 months ago. Industry experts are predicting that it will drop further to \$20 a barrel. There have been 65,000 jobs lost already and more are anticipated to be lost. We cannot afford to lose those skills for the future. What action will the First Minister take to protect those jobs? When will she publish a revised bulletin so that we can consider the impact on jobs and the economy?

The First Minister: We will continue to do all that we can within our responsibilities to support the industry and the jobs that depend on it. For example, the Scottish Cabinet will hold a special session on Tuesday next week that will be attended by Lena Wilson, who is the chair of the oil and gas task force. It will look at what the task force has already done and what more it can do to support those in the industry.

I wrote to the Prime Minister yesterday to urge him to agree with me that we should accelerate the finalisation of a city deal for Aberdeen, funded jointly by the United Kingdom and Scottish Governments, so that we can help Aberdeen City Council and Aberdeenshire Council to invest in the infrastructure that the city needs. We will continue to take all the action that we can take. Of course, we will also continue to call on the UK Government to make sure that there is an appropriate fiscal regime for the North Sea.

I noted the comments that BP made when it announced the regrettable job losses last week that it has confidence in its long-term future in the North Sea. I also noted the comments of Oil & Gas UK about the future of the sector if we do the right things now. We are determined to do the right things now and we call on the UK Government to do likewise.

Murdo Fraser (Mid Scotland and Fife) (Con): The First Minister will be aware that the Economy, Energy and Tourism Committee published a report on Monday that says that the oil and gas sector could have a sustainable future with the correct support. Does the First Minister agree that vocal campaigns for the divestment of pension funds and others from the oil and gas industry are

unhelpful, potentially damaging and might, if they are followed, lead to more job losses?

The First Minister: I agree that anything that undermines the industry at this time is unhelpful. I am also aware of the report that Murdo Fraser refers to; it is helpful and is one of the many things that the Cabinet will discuss as we consider how we will continue to give the industry the support that it needs at this time.

Post-study Work Visas

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

To ask the First Minister what discussions the Scottish Government has had with the United Kingdom Government regarding the possible reintroduction of the post-study work visa. (S4F-03177)

The First Minister (Nicola Sturgeon): Since the publication of the Smith commission report, the Government has remained committed to working with our UK counterparts to ensure that a post-study work route is reintroduced in Scotland. That has been raised with the UK Government at a number of meetings at ministerial and official level.

We are therefore deeply disappointed—and I have to say that I am rather angry—that without any real consultation the Secretary of State for Scotland recently indicated that the UK Government has no intention of reintroducing the post-study work visa for Scotland. I understand that the UK Minister for Security and Immigration intends to meet the cross-party post-study-work steering group and I expect and hope that the United Kingdom Government will take the concerns of the Scottish Government and the united voices of Scottish stakeholders fully on board. I believe that there is consensus in Parliament and out there in Scotland that the post-study work visa should be reintroduced. It is time that the UK Government got on and did it.

John Mason: I thank the First Minister for that answer. Does she agree that not only do the students themselves benefit from being able to work after their studies but the Scottish economy and Scottish society benefit from having those people living here?

The First Minister: I whole-heartedly agree with that. If we are going to invest in educating the best and the brightest people from all over the world, surely it makes sense to try to encourage them, once they graduate from university, to make a contribution to our economy—to give something back to economic and social life here in Scotland.

Of course, we know that people who come to Scotland from all parts of the world make a real and rich contribution to our society, just as Scots who go from here to other parts of the world do there. The UK Government's actions on this issue

are short-sighted and wrong-headed and I urge it to change its mind. If there is any credence whatsoever to what we keep hearing about a respect agenda, the UK Government will recognise the consensus on the issue and do something about it.

The Presiding Officer: Thank you. That ends First Minister's question time. We now move to members' business. Members who are leaving the chamber should do so quickly and quietly.

Immigration Bill

The Deputy Presiding Officer (John Scott):

The next item of business is a members' business debate on motion S4M-15116, in the name of Christian Allard, on the impact on Scotland of the United Kingdom Immigration Bill. The debate will be concluded without any question being put. I invite members and members of the public who are leaving to do so quickly and quietly, please. I call Monsieur Allard to open the debate.

Motion debated,

That the Parliament condemns the passage of the UK Government's Immigration Bill in the House of Commons; considers that it will have an impact on devolved areas of responsibility; believes that, by further criminalising and marginalising undocumented workers, the Bill is in danger of driving people further into the hands of unscrupulous employers, risking deepening exploitation; considers with regret that the Bill could lead to increased homelessness and discrimination and will place onerous immigration duties on landlords and other private individuals, including in the North East Scotland region, through provisions on residential tenancies; condemns the powers to remove in-country rights of appeal against Home Office immigration decisions, which it believes will result in families being split up and employment ended simply due to Home Office errors or oversights; condemns the removal of financial support for families with children as a deliberate policy of destitution; opposes any extension or application of this legislation to Scotland without the consent of the Scottish Parliament, and notes calls for the UK Government to rethink what it sees as this injurious legislation and to repeal its provisions to protect human rights of all citizens.

12:32

Christian Allard (North East Scotland) (SNP):
Merci, Presiding Officer.

The motion has received cross-party support because we—in this chamber, in the public gallery and across Scotland—do not agree with the passage of the UK Government's Immigration Bill. The reason is simple: this so-called reserved legislation will have a devastating impact on devolved areas of responsibility.

I quote from a cross-party document—the Smith commission report—which says:

"The parties ... have agreed that the Scottish and UK Governments should work together to ... explore ... the possibility of ... different powers being in place in Scotland for asylum seekers to access accommodation and financial support and advice."

How far back does the Immigration Bill take us from the spirit and the letter of the Smith commission report? I will tell you, Presiding Officer—it takes us back to the 1950s.

The changes that relate to employment and extend immigration officers' powers, along with the changes on housing and asylum decision appeals, reflect Westminster's intention to further

discriminate against people such as me—the people who choose to come to live here.

The implementation of the bill will truly bring back institutionalised racism. When I first drafted the motion, I thought that the bill was

"in danger of driving people further into the hands of unscrupulous employers, risking deepening exploitation".

Let me amend that part of the motion. I know that the number of unscrupulous employers in the north-east and across Scotland will not increase, but what will increase is the number of employers who are reluctant to employ anyone who appears to be foreign, bringing institutionalised racism to the workplace.

The Law Society of Scotland's briefing for the debate—I thank it for the information—states that clause 9, which is on the offence of employing an illegal worker,

"appears to empower immigration officers to arrest persons, without warrant, who are not subject to immigration control, and who may be British citizens, if they have reasonable grounds for suspecting they are committing the offence of employing illegal workers."

I agree with the Law Society of Scotland and the Immigration Law Practitioners Association that

"employers will be reluctant to employ anyone who does not hold a British passport".

I remind the chamber that a British passport can cost £72.50 to £85.50 and can take up to six weeks to be delivered. The bill will make employers reluctant to employ people without British passports

"whom they regard as not looking or sounding British, or having a British name."

The new powers to allow immigration officers to search licensed premises without any need for suspicion that an immigration offence is being committed relate to licensing law, which is a devolved matter. This Parliament, this Scottish Government and the minister have to be clear: the UK Government must not be allowed to legislate on devolved matters without our consent.

While the Parliament's Equal Opportunities Committee is conducting an inquiry into race, ethnicity and employment to see what measures can be taken to achieve positive outcomes in employment in 21st century Scotland, Westminster is attempting to take the whole of the UK back to the 1950s and the years of discrimination and institutionalised racism.

Like employers, landlords will be put in a very difficult position when they are asked to do the work of immigration officers. There can be only one consequence of landlords knowing that they can face fines of up to £3,000 if they fail to inspect tenants' passports and other identity documents to establish that they are here legally: the bill will

deter landlords from letting accommodation to anyone who appears to be foreign, bringing institutionalised racism to housing.

The Scottish Government's Minister for Housing said that the legislation risks driving vulnerable migrants to rent from landlords who are happy to flout the law. I think that landlords in Scotland will just choose not to rent to anyone who looks or sounds foreign. I agree with Margaret Burgess, the minister, when she said that private individuals or businesses should not take on the role of the Home Office and the Border Agency.

I thank Shelter Scotland for its support and briefing. It said:

"We share the very serious concerns of the Scottish Refugee Council and others about the legislative approach the UK Government are taking with the Immigration Bill."

It also said that it has

"particular concerns about the implications for Scotland's law on both tenancy and homelessness."

It added that it strongly believes, as others do, that the Scottish Parliament's legislative consent should be sought, and that the Parliament should be accorded the time to scrutinise the aspects of the bill that relate to devolved powers. We need consultation, committee scrutiny and a full debate with a vote at the end—nothing less.

On asylum decision appeals, I am appalled—appalled, Presiding Officer—that, when the rest of Europe is responding to the biggest refugee crisis since world war two, the UK Government wants to remove in-country rights of appeal against Home Office immigration decisions. That will result in more families being split up, adding to the crisis instead of supporting the very desperate people who reach our shores.

Last October, Stuart McDonald MP, the shadow Scottish National Party spokesperson on immigration, asylum and border control, described the bill as

"regressive, illiberal, ill-considered and inhumane".— [Official Report, House of Commons, 13 October 2015; vol 600, c 222.]

In its briefing, the Scottish Refugee Council said:

"Removal of this right to appeal is simply egregious not only in terms of its searing impact on those affected but also in terms of facilitating State-sanctioned destitution in rule of law terms as it extinguishes the right to effective remedies in Article 6 of the European Convention on Human Rights."

I have a lot of words from the Scottish Refugee Council about the bill. I do not have time to use them all, but some more of them are that the bill is

"driven by ideology, based on supposition"

and

"lacking any credible evidence base".

Members can look at the briefing. The SRC is not alone—a lot of organisations are pushing very hard against the bill. It adds that the bill is

"Possibly unlawful in neglecting child welfare and the removal of appeal rights against destitution".

The SRC of course agrees with all the other legal briefings that we received for the debate, which say that the bill breaches our devolved settlement.

Today, we have been asked to unite and to stop any extension or application of the bill to Scotland without the consent of this Parliament.

I am an immigrant, and I am proud to be one of the many new Scots contributing to modern Scotland. Institutionalised racism cannot come back to this country of ours.

12:40

Ken Macintosh (Eastwood) (Lab): I thank Christian Allard for securing the debate. I echo many of the sentiments that he expressed.

The Conservative Government's Immigration Bill is both an important and an unhelpfully controversial measure. I am pretty sure that, like me, the vast majority of MSPs in the Scottish Parliament will have no hesitation in recording their opposition to the bill. I also pledge the opposition of my Labour colleagues at Westminster.

I could not put it better than the forceful and powerful statement of concern that was issued today by a number of organisations and individuals, including the Scottish Refugee Council, Shelter and Homeless Action Scotland. They describe provisions in the bill as

"self-defeating and deeply harmful"

and as provisions that

"will facilitate great suffering on already vulnerable women, children, and men."

The bill will be damaging to our communities, damaging to immigrants themselves, damaging to the way in which we support children and families and damaging to those of us who want to live in an inclusive, tolerant and compassionate country. Those are the substantive reasons why we should resist the bill, and we will resist it both here and at Westminster.

I want to focus on the impact that the bill will have on several areas of devolved responsibility, despite the worrying lack of clarity around scrutiny, accountability and governance.

At the heart of my concerns is the proposal to effectively outsource the enforcement of immigration policy by involving a series of private

individuals, ranging from driving instructors and bank staff to landlords.

As members might imagine, I believe that most public services are best delivered by public servants, with the appropriate mechanisms in place for democratic accountability and scrutiny. In this case, the proposals on landlords in particular place a duty on private citizens and private businesses, as well as on local authority and housing association landlords, to inspect new tenants' citizenship and immigration documents and conduct checks on existing residents.

As MSPs, many of us will have dealt with immigration cases, and we know that it is already a highly complicated and bureaucratically complex process. Going down such a path must present a huge risk to all those involved, not least the harm that could be done to people who are already in a highly vulnerable situation.

I believe that about 380 families living here would face an immediate challenge, but around 330,000 people living in private rented accommodation in Scotland could also be affected. The bill introduces a new right of eviction that is not assessed or overseen by our courts and the Scottish legal system, but whose authority stems directly from the Home Office.

It is not just the confidence-sapping fact that about 30 per cent of Home Office decisions are overturned on appeal that worries me; it is the introduction of new procedures to our private rented sector just as we debate how to make private tenure more stable and secure this very afternoon.

The regulations governing the procedures will be drawn up by the UK Government under what are often termed Henry VIII powers—in other words, wide-ranging executive powers that are not subject to scrutiny by the Delegated Powers and Law Reform Committee, or by any other committee of this Parliament for that matter. Those powers could include the power to repeal related existing provisions in acts of the Scottish Parliament.

There is so much to worry about. The full impact of the bill needs to be examined in greater detail. We know that some migrants to this country are trafficked here and are used for forced labour or even sexual exploitation. The bill could give the traffickers more control over their victims by limiting their access to accommodation.

The bill amends the already horrendously complex support regime for refused asylum-seeking families and children, and it is forecast to leave many parents and children destitute. Leaving aside our feelings about that abhorrent proposal, the measure is incompatible with human rights duties and could therefore leave the

legislation open to challenge in the Scottish and UK courts. In fact, there is every reason to expect landlords to respond to the bill by simply not taking on tenants from migrant populations. That would be hugely discriminatory against an already vulnerable group of people; of course, it, too, would leave the legislation open to challenge on the ground of its discriminatory impact.

I want the bill to be withdrawn or defeated. At the very least, the Scottish Parliament needs to ensure clarity and good governance. The bill is not the only legislation that is reserved to Westminster but which overlaps with responsibilities that are devolved to Holyrood. We need to establish sound procedures for scrutinising such measures and ensuring proper accountability. It may be that that scrutiny is being carried out at Westminster. If so, I would expect to hear the UK minister's justification as to why there is no need for a legislative consent motion. At the very least, the Parliament should refer the bill to the Devolution (Further Powers) Committee for further investigation. I see that my colleague, Bruce Crawford, who convenes that committee, is in the chamber.

It would be very easy to simply rail against everything that comes from Westminster and pretend that everyone in Scotland is liberally minded. I do not kid myself that that is the case, but we have a duty to ensure that we carry out our duties and responsibilities as a legislature properly.

12:46

Jamie McGrigor (Highlands and Islands) (Con): I am pleased to speak in the debate.

Members will not be surprised to hear that I simply do not recognise much of the characterisation of the UK Government's Immigration Bill that Christian Allard set out in his motion and in his speech. I respect him, but I think that he is talking nonsense.

The UK Government was elected with an overall majority in last year's general election on a very strong platform of reforming our immigration laws and putting right an immigration system that was left in chaos by the previous Government. It has a clear mandate for the legislation, which is part of its efforts to get a grip on the immigration system. Its approach has widespread public support across the UK, including in Scotland, and a great deal of support across the rest of Europe.

The Immigration Bill has three clear aims: to tackle illegal working and labour market abuses; to ensure that only migrants who are lawfully present in the UK can access services such as those that allow people to drive on our roads and use UK bank accounts; and to make it easier to remove

illegal migrants from the UK. Surely all of us support those objectives.

Christian Allard: Will the member take an intervention?

Sandra White (Glasgow Kelvin) (SNP): Will the member take an intervention?

Jamie McGrigor: No, I will not. Christian Allard has had his go. I will make some progress.

I am confident that all of us agree that migrant workers are particularly vulnerable to labour market exploitation and may find themselves living and working in dangerous and degrading conditions. We need to accept that labour market exploitation is increasingly an organised criminal activity that fuels illegal immigration. Government regulators that enforce workers' rights need reform and better co-ordination to tackle that problem. The creation of a new statutory director of labour market enforcement to provide a central intelligence hub and facilitate the allocation of resources across the different regulators is therefore surely welcome. It has already been welcomed by Labour's shadow Home Secretary, Andy Burnham MP.

The bill makes it easier to bring prosecutions against employers where they knowingly employ illegal workers and to seize the earnings of illegal workers under proceeds of crime legislation. Powers will also be granted to immigration officers to close business premises for up to 48 hours, or even longer in certain cases where the employer has previously been given a civil penalty or has been prosecuted for employing illegal workers.

Immigration officers and the police will have a new power to search for and seize UK driving licences that are in the possession of people who are not lawfully in the UK. Banks and building societies will have to perform periodic checks and notify the Home Office when they identify a person who has been disqualified from holding a current account by reason of their immigration status.

On private rented accommodation, the bill creates four offences to target rogue landlords and agents who deliberately and repeatedly fail to comply with the right to rent scheme or fail to evict individuals whom they know or have reasonable cause to believe are disqualified from renting as a result of their immigration status.

I recognise that creating an immigration system that is fair, efficient and fit for purpose is a big challenge, not just for the UK but for every western democracy, as we face severe international disputes that are pushing up migrant numbers and deal with organised crime and international human-trafficking gangs.

The Immigration Bill is part of the UK Government's work towards meeting that

challenge, and its proportionate and practical measures have my support. I urge the Scottish Government to continue to engage fully with the UK Government on the subject. Many of the bill's fundamental aims are, I believe, shared by both Governments and by people across Scotland and the rest of the UK.

12:50

Sandra White (Glasgow Kelvin) (SNP): I congratulate Christian Allard on securing this important and timely debate. I reiterate his comment that what is happening in the world is appalling. We are experiencing a refugee crisis of great magnitude. Men, women and children are fleeing violence, particularly in the middle east and in sub-Saharan and north Africa, and are risking their lives to escape war-torn countries. As we know very well from having seen the reports, they are dying in the process of trying to get out of those countries.

What happens? The Westminster Government's answer was to introduce the Immigration Act 2014 and, now, a bill that will have a direct impact on Scotland's laws and this Parliament's powers. I differ on that from Jamie McGrigor and I will describe that difference shortly.

The Parliament's powers are important to us, to Scotland and—on immigration—to refugees and asylum seekers who come to Scotland and are welcomed here. I thank the Scottish Refugee Council for its briefing for the debate, which says:

"Legislation in a refugee crisis should be there to protect not harm migrants and refugees."

That says it all, but it is certainly not what the Westminster Government has put forward.

Jamie McGrigor said that the Westminster Government has a mandate; well, the Scottish Parliament has a mandate from the Scottish people. Legislation that we have passed will be wiped out by the Immigration Bill that is coming from Westminster, which does not have a mandate in this Parliament or in this country. In particular, the bill will have an impact on

"licensing, housing, tenancy law, evictions and ... the safeguarding of the wellbeing of children including those looked after."

That is important to us, as I am sure it is to Jamie McGrigor. Westminster does not have a mandate to interfere in the legislative competence that we in the Scottish Parliament have.

I will raise an issue on which I have experience and which Christian Allard mentioned—the bill's removal of the appeal to the First-tier Tribunal. The Refugee Council's briefing says:

"destitution is near guaranteed by the Bill's removal of the right to appeal to the First-tier (Asylum Support)

Tribunal for those individuals and families (so children too) who have their support refused or discontinued as the Home Secretary deems there is no barrier to them returning home.”

How many times have I heard that when I have been along to appeals to help to represent people? The briefing says that the right to appeal is

“a vital safeguard against extremely high levels of incorrect Home Office decisions”—

as I have found, and others have as well—

“on asylum support with almost 2/3 of appeals lodged at this Tribunal leading to support continuing or being reinstated.”

Appeals are lodged because half the time the proper information is not available to protect the asylum seekers. With the help of a good lawyer and the institutions and groups that we work with—I can speak only for Glasgow, but I am sure that this is true throughout Scotland—we can put in appeals.

Jean Urquhart (Highlands and Islands) (Ind):

Will the member take an intervention?

Sandra White: Have I got time, Presiding Officer?

The Deputy Presiding Officer: As it is you, yes.

Sandra White: Thank you.

Jean Urquhart: I agree with all that the member is saying. It is important to recognise that not every case concerns an immigrant. Often, immigrants have married local people, and the bill puts us in danger of asking somebody to make up their mind about whether they will leave the country with their immigrant partner or break up a marriage and often a family.

Sandra White: Jean Urquhart is absolutely right. We have had experience of that. In one case that we represented, the person involved discovered that one of their maternal grandparents was Irish. They and their partner-to-be went to Ireland and, because of the law there, they were allowed to marry and become Irish citizens.

I have been involved in many appeals and I thank all the organisations, individuals and lawyers—Fraser Latta in particular—who give a great deal of their time to work for asylum seekers. Many asylum seekers who won their cases on appeal now live and work in Scotland. They have small businesses and are a great asset to Scotland. If they had been sent back, that asset would have been lost. Some of them would probably have been dead by now if they had not won their appeal. I am really concerned about the proposal on the First-tier Tribunal.

On television last night—others might have seen this, too—I saw two young Syrian girls in Clydebank who were scooting along a corridor on scooters that neighbours had donated. I think that they said that Clydebank was paradise. I am not sure that I would go as far as that, but I could see the sheer happiness and relief on their faces that they were safe and that no more bombs were dropping on them. Surely that is what we want in Scotland and not this terrible bill.

12:56

Hanzala Malik (Glasgow) (Lab): I thank Christian Allard for bringing the matter to the chamber. The UK Government’s Immigration Bill is problematic on many levels. The right to rent scheme requires landlords to check immigration status documents. In addition, the bill gives landlords powers to evict a tenant whose right to rent has expired without the need for a court order. If that was extended to Scotland, that would undermine Scottish tenancy laws.

The bill’s implications for Scotland are unclear and the Scottish Government needs to get clarity. Landlords are not immigration officers. Under the bill, the Conservative Government wants to turn landlords and letting agents into administrators. That role should be carried out by the Home Office but, because of a massive reduction in staff numbers, the UK Government wants to shift the responsibility to someone else.

Landlords could face a prison sentence if they get this wrong, but they are not experts in immigration and should not be expected to have such responsibilities and be answerable to the Government. Even if the Government passes the buck on checking people’s immigration documents, it will still need staff to enforce the new laws. Without enforcement, passing laws is pretty pointless. Bad legislation and poor enforcement can do more harm than good.

I have for a long time been asking for a sensible discussion about immigration. A lot of noise has been made about the fresh talent initiative and post-study work visas, with calls for the visas to be reintroduced to support Scotland’s universities in attracting students from overseas. As I have said in the chamber before, the immigration system is not meant to help only one sector of the economy or one part of the country. We need an immigration system that helps us to manage skills shortages.

I am in favour of a points-based system—similar to that in Canada—in which separate regions can set their own priorities. Although we are part of the UK and its Government has the right to legislate for the country as a whole, powers have been given to this Parliament and the Scottish

Government. The UK Government needs to respect that.

The UK Government needs to understand that there are local needs, which relate to the post-study work visas that I mentioned. We desperately need support and help in that area, but the British Government has consistently denied us that opportunity. Perhaps that is because it feels that action must be taken on a UK-wide basis. Action needs to be taken, and I believe that we have support across the chamber for that type of thinking.

The bill needs to be defeated in the UK Parliament but, more important, we need to see how it would impact on Scottish legislation. I am sure that the Scottish legal system will advise the Scottish Government on how best to tackle the issue.

No law is a good law if it hurts the country's economy and infringes people's rights. We cannot expect untrained people to do a professional's job. We cannot expect households, managers, agents, carry-out owners and restaurateurs to do immigration officers' jobs. That is extremely unreasonable and it is hurting a lot of people throughout the country.

13:01

The Minister for Europe and International Development (Humza Yousaf): I thank Christian Allard for securing this important debate, and I also thank those who have spoken for their thoughtful, forceful and robust speeches. Before I get into the substance of the Immigration Bill and the ways in which it touches on areas that are devolved to the Scottish Parliament, I will consider the bill as a whole and reiterate some points that my colleagues have made.

There has been, on the part of successive UK Governments and the current UK Government in particular, an undue focus on irregular migration. The increased criminalisation of migrants completely ignores the contributions that they make to our economy, our demography, our society, our communities and our culture.

The UK Government seems to be obsessed with immigrants—everything is the fault of immigration. Sometimes, immigrants can be too easy a lightning rod for accusations about the faults in our society. There are economic faults because we have not been careful enough with the economy, but we hear, "Let's blame the immigrants." We have not brought forward the correct housing legislation, but we hear, "Let's blame the immigrants." Whatever the problems—be they with education, the health service or anything else—people say, "Let's blame the immigrants."

That is the completely incorrect approach to take. It ignores the important point that immigrants have made an incredible contribution to this country. A report by University College London showed that, between 2001 and 2011, European Union migrants alone contributed £21 billion to the economy. It also showed that non-EU migrants have made a considerable contribution to this country over the years and decades.

The Scottish Government supports a system of sensible, managed migration that meets the needs of Scotland's economy and society. Alongside our efforts to create more jobs and develop the skills of our workforce, we must be able to attract and retain world-class talent to fill the vacancies that cannot be filled by resident workers.

Jamie McGrigor: I appreciate Sandra White's point about the two girls who were on television last night, and I was also delighted to hear them call Clydebank "paradise". I agree that, compared with where they have come from, it certainly is paradise. However, Kofi Annan was on the same programme and praised the UK Government for taking refugees straight from the camps surrounding Syria and flying them to this country to try to prevent them from crossing to Europe via the dangerous Mediterranean, where 30,000 refugees have drowned over the past 15 years. Does the minister agree that that is a good thing?

Humza Yousaf: I have never disagreed with the UK Government taking any number of refugees. It had to be forced—grudgingly—into doing so by pressure from the public and stakeholders, but I welcome the decision nevertheless. However, it is foolish to say that we can take refugees only from the camps neighbouring Syria and turn a blind eye to those who cross the Aegean, many of whom drown or lose family members when they do so. We cannot ignore the fact that refugees are coming to Europe and just leave Europe to deal with them. We have a moral obligation to help them, but I think that we disagree on that point.

I return to the Immigration Bill. We believe that many of the proposals in the bill touch on devolved responsibilities, and the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights, Alex Neil, has written to the UK Government four times to seek clarification and put on record our concerns about the bill.

Ken Macintosh spoke powerfully about the housing issue, as did other members, and it would be of great concern to us if private landlords—citizens who own property—were used, in effect, to plug the gaps in Government departments by doing the job that Home Office officials should be doing. That would have an impact not only on migrants, the vast majority of whom are here legally, but on UK citizens. I have heard Labour MPs and third sector organisations speak

powerfully about the fact that even those who have what might be considered foreign-sounding names might be discriminated against by landlords who do not want the hassle, although those people might be UK citizens.

The Scottish Government will continue to voice its concerns forcefully. We believe that anything that the UK Government does in the Immigration Bill should involve consultation with not only the Scottish Government, important though that is, but Scottish stakeholders across the board.

My colleagues across the chamber have spoken about asylum. Jamie McGrigor said that everybody wants an immigration and asylum system that is fair, and I agree. However, the current asylum system is not fair. Dawn raids are not fair; detention of not only adults but children down south is not fair; giving asylum seekers a plastic card with £35 a week on it, which dehumanises them, is not fair; and not allowing asylum seekers to work is not fair. I do not think that the system that we have is fair and, if anything, the Immigration Bill will make it more unfair for asylum seekers and those who are looking to make a life here in Scotland or in the United Kingdom.

I do not think that the bill's purpose is to improve the lives of immigrants and I agree with Sandra White and other members that the bill will make destitution more likely. Last week, along with Kezia Dugdale, I attended the Scottish Refugee Council's annual general meeting, and many of the third sector organisations that were represented there spoke to me about what the Scottish Government could do to help those who will be made destitute because of the bill. I gave an open commitment to meet those organisations to discuss that.

It is clear to me—it has been confirmed by members' speeches—that the Immigration Bill will not meet the needs of Scotland and will do nothing to protect vulnerable individuals. In fact, the bill will create a more hostile environment for the vulnerable, those who are without legal status and the many British citizens who will be subject to the bill's wide-ranging powers.

We will continue to make the case to the UK Government that the Scottish Government and the Scottish Parliament must be consulted on the many areas of devolved responsibility on which the bill touches. I thank members for their insightful speeches and assure them that the Scottish Government will continue to oppose the damaging measures in the bill.

13:08

Meeting suspended.

14:30

On resuming—

Private Housing (Tenancies) (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Elaine Smith): Good afternoon. The first item of business is a debate on motion S4M-15365, in the name of Margaret Burgess, on the Private Housing (Tenancies) (Scotland) Bill.

The Minister for Housing and Welfare (Margaret Burgess): I am pleased to open this stage 1 debate on the principles of the Private Housing (Tenancies) (Scotland) Bill.

I thank the Infrastructure and Capital Investment Committee for its scrutiny of and stage 1 report on the bill. The committee published its report last week, and I welcome its support for the general principles of the bill and the Scottish Government's intention to create a clearer and simpler tenancy regime for the modern private rented sector that is fit for purpose.

I also thank the Finance Committee and the Delegated Powers and Law Reform Committee for their consideration of the bill and for their contribution to the lead committee's scrutiny of it.

I am grateful to stakeholders and members of the public for their responses to the Scottish Government's consultations, which helped to shape the policy content of the bill, and to stakeholders who gave their considered views to the committee.

The bill's main purpose is to introduce a new private residential tenancy that will improve security and provide rent predictability for tenants, while providing proper safeguards for landlords, lenders and investors.

The new tenancy is necessary as the private rented sector now plays a vital role in meeting Scotland's housing needs. It has more than doubled in size in recent years and is now home to around 700,000 tenants. We need a tenancy that reflects that change, is easy to use and works in today's private rented sector. The Government recognised that when, in 2013, we published our strategy for the sector—it is the first strategy for private renting in Scotland and was developed in partnership with stakeholders.

As part of the strategy, we have already undertaken a range of actions to improve private renting. They include: clarifying the existing law on the charging of premium fees, so that tenants cannot be charged for getting a tenancy; setting up tenancy deposit schemes in Scotland to protect tenants' deposits; legislating to create a new tribunal for private renting; legislating to regulate

the letting agent industry; and providing local authorities with additional and enhanced powers to tackle bad practice, where it occurs.

However, to deliver the better-quality, more professional sector that we want, we need to do more. We need to rebalance the relationship between landlords and tenants, to achieve one that is fairer and which works in today's private rented sector.

The new tenancy will be an open-ended tenancy. Tenants will no longer be asked to leave their homes simply because they have reached the end of the fixed term of their lease. Instead, landlords will use new grounds for repossession that cover all the reasonable circumstances that they might need.

The bill also includes provisions to make rents more predictable, with adjudication provided where individual rent increases take a tenant's rent beyond the local market rate.

Local authorities will also be able to apply for rent pressure zone designation, where rent increases in a local area have a detrimental impact on tenants and housing.

I believe that the new tenancy and the provisions on rents will provide a step change in improving the quality of private renting by changing the relationship.

David Stewart (Highlands and Islands) (Lab):

The minister will be aware that I asked some questions on the rent pressure zone during the committee's evidence taking. She is aware that the rent increase would be limited to the consumer prices index plus 1 per cent. She is also aware that the CPI does not reflect housing costs. Is that not a bit of an anomaly?

The Deputy Presiding Officer: Minister, before you reply, I advise members that I have asked for a sound check in the chamber. Members are finding it difficult to hear some of the contributions. Please continue in the meantime.

Margaret Burgess: We are looking into David Stewart's point, which he raised during the committee's scrutiny of the bill. He has made the point, and the committee alluded to it in its report. As I said, we will carefully consider the stage 1 report and we will come back on the matter before stage 2. It is something that I am looking at. We use the CPI because it is a national measure—it is generally used for recording. However, we are considering what was said during the discussion on the matter, and we will come back on it.

As I said, the new tenancy and the provisions on rents will provide a step change in improving the quality of private renting by changing the relationship. That is not just my belief. The Scottish Association of Landlords is supportive of

the principle and of the need for the bill, Crisis strongly welcomes the bill, and Shelter Scotland has given its full support to the bill's core principles.

I recognise that landlords must have confidence in their ability to effectively manage and regain possession of their property. If they do not have that confidence, there is a risk that some of them could leave the sector. We do not want that, which is why it is so important to ensure that the grounds for repossession cover all the reasonable circumstances in which landlords might need to recover their property.

We have considered the grounds carefully, including looking at whether they should be mandatory or discretionary. Following our consultation, we increased the number of grounds from eight to 16. It should be remembered, however, that, in most cases under the current tenancy, it is tenants who end the tenancy, and I expect that to continue.

However, if a landlord brings a tenancy to an end and that is disputed, an application will need to be made to the new first-tier tribunal, which will provide a more accessible, specialist form of redress. I want to make it absolutely clear that landlords will need to provide evidence in support of an application, whether the ground is mandatory or discretionary. If the application concerns a mandatory ground, the tribunal will still need to establish whether that ground has been met before it can grant an order for eviction.

Sanctions will apply if a landlord misleads a tenant into leaving their home or the first-tier tribunal into issuing an eviction order. Some of those are set out in the bill, as they are specific to the new tenancy, but criminal sanctions, such as those for illegal eviction, will also continue to apply.

The Government will ensure that tenants are made fully aware of their rights. For instance, in the notices that the bill prescribes for the new tenancy we will include information about tenants' rights and about where to seek advice.

The new tenancy will sit alongside the other work that we are doing to improve enforcement in the sector. We will publish new statutory guidance for local authorities on landlord registration to deliver tougher, more targeted enforcement, and we will continue to work with our partners, the Convention of Scottish Local Authorities and local authorities to ensure that the PRS is regulated effectively and robustly.

The committee's report contains a number of detailed recommendations and comments, and it calls on the Government to consider and respond to them during the later stages of the bill's parliamentary scrutiny. We are still reflecting on

those at present, as I said in response to David Stewart, and I will set out our position on each of them in response to the report before stage 2.

I take this opportunity to briefly touch on one of the committee's recommendations. The student sector featured heavily in the evidence that was presented to the committee, and I note the committee's recommendation that we consider options for enabling tenancies to be set for agreed terms in purpose-built student accommodation. As I said, we are still reflecting on all the recommendations, and I am happy to give the issue further consideration.

I want to be clear that what we are proposing is an open-ended tenancy that should apply to all tenants in the sector. In the bill as it stands, students who rent privately will still be able to end a tenancy after nine months if they choose to do so. Landlords will still be able to advertise their property well in advance if a tenant has already given their notice to leave. The bill sets out a minimum period for that, but there is nothing to prevent such notice from being provided earlier. That is a matter of landlords and tenants communicating and engaging with each other.

A tenant can give notice as early as they wish if they want to be there for only a specific term, which will allow the landlord to advertise their property for holiday lets, festival lets or whatever. That is a different way of working that they will have to get used to, but there is nothing in the bill to prevent that.

The Government has undertaken extensive consultation and carefully developed the policy to ensure that we get the balance right. This is very much about getting the balance right. We have heard from some landlord organisations that we are taking the policy far too far and from other organisations that we are not taking it far enough. However, we think that we have got the balance right.

We want to create a better and more professional private rented sector. The new private residential tenancy that is set out in the bill is key to achieving that.

I move,

That the Parliament agrees to the general principles of the Private Housing (Tenancies) (Scotland) Bill.

The Deputy Presiding Officer: I call Jim Eadie to speak on behalf on the Infrastructure and Capital Investment Committee.

14:40

Jim Eadie (Edinburgh Southern) (SNP): I am delighted to be able to speak on the Infrastructure and Capital Investment Committee's stage 1

report on the Private Housing (Tenancies) (Scotland) Bill.

The vast majority of the evidence that the committee received was in favour of the reform of the current tenancy regime. The Housing (Scotland) Act 1988 brought about the present system—I am sure that I am not alone in the chamber in thinking that 1988 seems like only yesterday; it is amazing how time flies when we are enjoying ourselves—but it was abundantly clear that it does not now reflect the requirements of a modern private rented sector. Although there was broad agreement on the need for reform, there was a range of views on what the nature of that reform should be. I will use my time to highlight some of the issues and the committee's response.

At the forefront of the committee's scrutiny was a focus on the Scottish Government's core aim in the bill, which was to rebalance the relationship between landlord and tenant. That included the balance between the right of a landlord to regain possession of their property versus the right of a tenant to feel secure in their own home; the balance between the right of a landlord to recover rent arrears versus the right of a tenant to take their case to an independent tribunal; and the balance between ensuring continued investment in the private rented sector versus the right of tenants to challenge an unreasonable rent increase. Although the committee supports the general principles of the bill, in our report we make a number of suggestions to help to ensure that it strikes the right balance and that the proposals in it are proportionate.

A key area is, of course, the removal of the no-fault ground, which currently gives a landlord the right to end a tenancy once the initial rental period has ended. The new system will remove that arbitrary ground so that landlords will have to provide a reason for ending the tenancy using one of the 16 grounds that are listed in the bill. The committee recognises the concerns of landlords and their representatives, but six of our seven members agree with the removal of the no-fault ground.

Twelve of the 16 grounds are classed as mandatory, but for the other four grounds, the first-tier tribunal will have some discretion on whether the tenant should leave the property or whether a different action should be taken. In some cases, the mandatory grounds could require people to leave their home due to the fault of the landlord, such as the revoking of the house in multiple occupation licence, rather than because of anything that a tenant may have done to put their tenancy at risk. The majority of the committee therefore calls on the Scottish Government to give further consideration to the balance of mandatory

and discretionary grounds or the degree of flexibility that is available to the tribunal.

Of all the issues that were considered, perhaps that of student and holiday lets generated most interest. In part, that was due to the significant role that students and tourists undoubtedly play in the private rented sector.

I learned a new acronym in our work: PBSA, which stands for purpose-built student accommodation. Its proponents were concerned that, by giving students the same security of tenure as all other tenants—a not entirely unreasonable proposition—the PBSA business model might be significantly weakened.

We listened carefully to those concerns as well as to the concerns of the landlords of more traditional student lets, who were worried about the perceived loss of flexibility in renting properties to students from autumn through spring, with holiday lets in the summer. Although we appreciated the intention behind having the same security of tenure for all those in the private rented sector, we nevertheless suggest that the Government look again at those specific issues. I note the minister's assurances that the Government will look again at them, although she indicated quite clearly its wish to maintain its commitment to an open-ended tenancy.

Under the bill, the first-tier tribunal will have responsibility for ensuring that tenants are provided with a tenancy agreement and specified information. The tenant will also have recourse to the tribunal when they believe that their tenancy has been wrongfully terminated by a landlord who has used one of the 16 grounds for eviction referred to earlier under false circumstances. I note that the minister wrote to the committee, through me, earlier this week to outline that the tribunal is expected to start hearing cases from December 2017.

The committee agrees that measures should be in place to ensure that landlords evidence an eviction through proper procedure. It also agrees that providing an opportunity to challenge wrongful evictions will assist security of tenure. Some members thought that the three-month penalty payment associated with wrongful termination might not be sufficient to deter wrongdoing by a landlord, so we call on the Government to consider whether that reflects the financial impacts elsewhere, such as the costs to local authorities for homeless applications and the need for tenants to pay a deposit elsewhere, as well as the emotional distress caused to the tenant.

We also seek clarity from the Government on what support and legal assistance would be in place for those taking their case to the tribunal, whether third parties would be able to take cases

to the tribunal on behalf of tenants, and whether the tribunal would be able to adjourn cases. Our recommendation on third parties asks whether that would be possible with the full involvement of the tenant.

We welcome the proposals to apply restrictions in relation to rent, including allowing only one rent increase per annum with three months' notice and the ability to challenge excessive rent hikes through rent service Scotland and the tribunal. In particular, the committee feels that those measures will assist tenants to plan their finances to deal with future rent increases, and prevent rent increases from being used as a lever to evict tenants.

On allowing local authorities to apply to the Government to designate areas as rent pressure zones where rents rise excessively and where the council will be able to apply rent caps, the committee notes that the measure is intended to be a discretionary tool for local authorities to target problem areas. The committee, however, requests clarity on specific aspects, including how the bill will ensure that investors are not dissuaded from investing in rent pressure zones and how it will prevent landlords from inflating rent increases between tenancies.

I thank all those who provided evidence on the bill, whether they were highlighting an issue on behalf of landlords or on behalf of tenants. I put on the record my thanks to my fellow committee members; it was, as ever, a real team effort and a pleasure to work with all my colleagues on the committee.

On behalf of the Infrastructure and Capital Investment Committee, I look forward to the Scottish Government responding in full to all our recommendations and setting out further changes to the bill at stage 2, and I commend the committee's report to the Parliament.

14:48

Jayne Baxter (Mid Scotland and Fife) (Lab): I begin by drawing attention to my entry in the register of interests. On behalf of Scottish Labour, I thank the Infrastructure and Capital Investment Committee for its stage 1 report, the Finance Committee and the Delegated Powers and Law Reform Committee for their scrutiny, and the various stakeholders and witnesses who have supported the process.

This debate is taking place in the context of the housing crisis facing Scotland. An independent report that was published last year by Shelter Scotland concluded that this country needs 12,000 new affordable homes every year if we are to meet housing need. Scottish Labour welcomes the bill, because it is clear that the private rented sector

has a role to play in meeting housing need. However, it is important that renters get a fair deal. Figures from the Scottish Government show that, in 2014, around 14 per cent of households lived in private rented accommodation. That equates to roughly 330,000 households, 290,000 of which rent from a private landlord and 40,000 of which rent from family and friends.

Since 2001, the private rented sector has more than doubled in size, while the proportion of owner-occupied housing has declined slightly. That may have been caused partly by the economic downturn and the difficulty that potential home owners now experience in securing a mortgage, but there may be other factors—such as job insecurity or the need to move around to find work—that make renting a more attractive option for some people.

Younger households in Scotland are now more likely to live in the private rented sector than in any other tenure. The 2014 Scottish household survey reported that the percentage of households with a 16 to 34-year-old highest income householder that live in the PRS has increased substantially from 13 per cent in 1999 to 41 per cent in 2014, to the extent that that is now the most common tenure for those households. Compared with other tenures, private renting households are more likely to be single adults or households with two adults and just over a fifth of households in the PRS are families—a proportion that has been growing in recent years.

The figures also show us that around 94,000 housing benefit claimants live in the private sector. That is one fifth of the total number of people in receipt of housing benefit. Figures from 2014 show that the average weekly housing benefit award was around £64 a week in the social rented sector and around £89 a week in the private rented sector. That indicates the level of public funding that goes into rents in the private rented sector.

The private rented sector is often the only option for homeless people. In its evidence to the committee, Crisis recognised that the PRS

“can be a viable housing option, even for vulnerable people, with the right support and safeguards in place. At present, however, there are serious problems: the sector is not fit for purpose and there are long-standing issues around security, affordability, conditions and access.”

It went on to say:

“The provisions have the potential to significantly enhance security of tenure for tenants and put in place measures to protect tenants from excessive rent increases.”

In a 2013 paper calling for greater security for private tenants, Shelter Scotland argued that there was a need to review the procedure for rent increases,

“with consideration of starting with an initial market rent put up by an inflationary index or contractually agreed amounts ... at agreed points during the tenancy.”

During stages 2 and 3 of the Housing (Scotland) Bill in 2013, many amendments were lodged to introduce some form of rent control, but those were not agreed to. James Kelly MSP lodged an amendment that would have required the Scottish ministers to make regulations specifying the maximum amount that rents could be increased by at each review. In response, the Minister for Housing and Welfare, Margaret Burgess MSP, rejected the amendment, arguing that the matter had not been consulted on and that such measures would need

“full public consultation on the basis of clear proposals”.— [Official Report, 14 May 2014; c 3068.]

Since then, the Scottish Government has issued two consultation papers on proposals to reform the current private tenancy regime. The first consultation sought general views on rent levels and whether the Scottish Government should take some kind of action. The second consultation paper outlined the Government’s intention not to introduce general controls on rents but sought views on whether there was a need to introduce limits on rent levels for sitting tenants in hot-spot areas.

In the context of that consultation process, campaign groups have been expressing opposing views on rent regulation. The living rent campaign has been campaigning for some kind of rent regulation “to curb excessive rents.” It has argued:

“Decent, affordable housing is an essential human right, and policy around rents should reflect that fact. We believe that rents are generally too high, with Scottish tenants spending on average nearly a quarter of their income in rent. In Edinburgh the average tenant spends half of their income on rent. The number of Scottish households in poverty in the PRS has doubled in the last decade, and high rents are one of the main reasons for this situation.”

The living rent campaign points to practice in other countries that links rent charges to standards and housing quality. On the other hand, the PRS 4 Scotland campaign is concerned that the introduction of rent controls and the removal of the no-fault ground for repossession

“carry a significant risk of hindering investment in the sector, while dis-incentivising small and large landlords from participating and/or maintaining their properties to a high standard. The consequence of this will be a drying up of supply and a more limited choice for tenants, as well as depleting the quality of Scotland’s housing stock.”

The bill seeks to introduce a new tenancy for private tenants, replacing the existing assured and short assured tenancies. The new tenancy will apply to all future lets. In relation to rent increases, the bill proposes that rent reviews should take place no more than once in any 12-month period; tenants should receive 12 weeks’ notice in

advance of a change in the rent; and, if a tenant considers that any proposed rent increase would take their rent beyond rents charged for comparable properties in the area, they will have the ability to refer the increase for adjudication to a rent officer at rent service Scotland.

No national rent controls will be introduced. As the policy memorandum to the bill states, national rent controls

“could jeopardise efforts to improve affordability through increasing supply by discouraging much-needed investment.”

Under the bill, local authorities will be able to apply to the Scottish ministers requesting that all or part of their area be designated as a rent pressure zone. In making their application, a local authority will be required to satisfy ministers that rent increases for sitting tenants in the area to be designated are rising excessively, causing hardship to sitting tenants in the area and having a detrimental effect on the broader housing system. Ministers will be able to make regulations that will designate a rent pressure zone and specify the percentage that should be used to calculate the rent cap.

Scottish Labour believes that every person in Scotland should have a safe, warm and affordable place to live in. We have argued for some time that the private rented sector in Scotland needs to work for everyone. Therefore, we welcome the Government’s bill, which works towards that. We will continue to look at the bill closely as it progresses through Parliament to ensure that the system that is in place for private tenancies in Scotland works for everyone.

14:55

Alex Johnstone (North East Scotland) (Con):

As has been said already, the private rented sector has become an important part of the rented sector. It now produces the houses that are needed for many people who are unable to find them in the social rented sector or through other affordable tenancy methods. As a result, any change in the legislation must take into account the requirement to ensure that that sector remains of adequate size to cope with demand or, better still, that investment is attracted into the sector in order to expand it and provide greater availability of housing through the sector.

For that reason, it is essential that as we, in the words of the minister,

“rebalance the relationship between landlords and tenants”,—[*Official Report, Infrastructure and Capital Investment Committee*, 2 December 2015; c 2.]

we do not do so in a way that will disincentivise investment.

There is organisational consensus that there is a need for the current tenancy regime to be overhauled. For that reason, when I spoke to representative organisations during the process that led to the introduction of the bill, I always encouraged them to be as engaged as possible and to get involved in the consultation because only by being involved could they understand the process that was taking place and, at the end of the day, ensure that we deliver legislation that suits the needs of landlords as well as tenants.

However, I am disappointed that, at this stage, the bill—much-needed though it is—is not quite in a form that I am able to accept. The convener of the committee made it quite clear that, on the subject of the removal of the no-fault ground, one of the committee members did not agree with the rest. I hold my hand up and admit that it was me. A good case was made by those who gave evidence for the retention of the no-fault ground. No one is suggesting that you should simply be able to throw people out of a tenancy for no reason. However, the no-fault ground has served tenants and landlords well during the time that it has been in use. The reason for that is that it often covers situations in which it is impossible to achieve viable objectives by other means. That relates specifically to a number of cases that have been drawn to my attention relating to antisocial behaviour.

Mike MacKenzie (Highlands and Islands) (SNP): Will the member give way?

Alex Johnstone: I am sorry, but I only have five minutes. I must persevere.

It is true that there is a strong mandatory ground in the bill that concerns antisocial behaviour. However, to get someone evicted on the basis of antisocial behaviour, the landlord requires witnesses. In how many cases is a neighbour willing to give evidence against someone if the result of a failure of the proceedings will simply be further antisocial behaviour and, perhaps, intimidation?

Clare Adamson (Central Scotland) (SNP): Will the member give way?

Alex Johnstone: No, thank you.

I believe that the no-fault ground for removal has been successfully used in those circumstances and that removing that ground will simply make life more difficult for many tenants who are already in difficult circumstances.

Much has been said already about student tenancies. There is a quite specific investment model being used for the production of large amounts of additional student accommodation around Scotland and particularly in Edinburgh at the moment. It is a grave concern of mine, and of

others in the committee, that if we do not find a way to allow that nature of investment to continue, we will have difficulty attracting investment in future. I am glad that the minister is giving the matter further consideration, and I look forward to hearing about the outcome of that in the future.

There are a couple of areas in which I share the committee's concerns, including the sanctions for wrongful termination. I believe that three months' rent is not adequate as a penalty for those who wrongly use the rules, and I am prepared to consider any changes that may take place in that area as long as we do not go the opposite way and become penal rather than overly lax.

The Deputy Presiding Officer: I am afraid that you must come to a close.

Alex Johnstone: I have the rare opportunity to speak again at the conclusion of the debate, and I will complete my remarks at that stage.

The Deputy Presiding Officer: I apologise, but we are already over time. Members' speeches must be no longer than four minutes, please, or I am afraid that I will have to cut them short.

15:00

Mike MacKenzie (Highlands and Islands) (SNP): I am pleased to hear that Mr Eadie has been enjoying himself since 1988. I have been enjoying myself for much longer than that.

Before I go on, I draw members' attention to my entry in the register of members' interests, which notes that my wife owns two houses that she rents to tenants. They have lived there for many years and we think of them not as tenants but as neighbours and friends. I am sure that the feeling is reciprocated.

As I am a tenant myself, in my Edinburgh flat, and as I have managed and maintained property in my previous business life, I have experience on all sides of the sector. I do not believe that we can consider the bill properly without first understanding the context. The private rented sector has more than doubled in the past decade and banks are still not lending to many of those who aspire to home ownership, although they have lent profusely to this profitable and therefore fast-growing sector. We must also remember that we are dealing not with private rented property but with people's homes, that a decent home is a fundamental necessity and that peaceful enjoyment of a decent home should be a fundamental right in any civilised society.

Unfortunately, the data tells us that that is not always the case—otherwise, why would more than 70 per cent of tenants stay in their private rented homes for less than two years, why would over 18 per cent of homeless applications come from the

sector and why would rents in some areas have increased so significantly when interest rates have never been lower?

There cannot be a member of this Parliament whose casework does not include many instances of landlords failing to maintain their properties to tolerable standards while ignoring the requests of tenants to carry out vital repairs, leaving tenants without heating over long periods in the winter, for example, and punishing those tenants who complain with eviction or threats of eviction. That situation cannot be allowed to continue. Equally, though, we must be mindful that it would not be helpful to disregard the needs of landlords, because, as we have heard, that would run the risk of deterring necessary investment in the provision of much-needed housing.

There is an overall and significant shortage of housing, which is why the Scottish Government has met its manifesto pledge to deliver 30,000 affordable homes in the current session of Parliament and why it has already given a pledge to deliver 50,000 affordable homes in the next session.

Ken Macintosh (Eastwood) (Lab): Will the member take an intervention?

Mike MacKenzie: I am sorry, but I am really short of time.

There were some who doubted our ability to deliver 30,000 affordable homes. It is testament to the competence and the credibility of this Government that I hear no one now doubting our ability to deliver 50,000 over the next session.

Jim Hume (South Scotland) (LD): Will the member give way?

Mike MacKenzie: I am sorry, but I am short of time.

The bill needs to strike a careful balance between the needs of tenants and the needs of landlords, and I believe that it does so. It gives landlords the right to terminate tenancies in legitimate circumstances and the right to make reasonable rent increases. It gives both landlords and tenants the ability to take cases to the proposed tribunal when that is necessary, and it introduces the simpler and clearer private residential tenancy, which affords benefits to both landlords and tenants. It also provides the opportunity for councils to make application to the Scottish ministers to introduce rent caps in rent pressure zones.

The Deputy Presiding Officer: You must draw to a close.

Mike MacKenzie: I am winding up, Presiding Officer.

The Deputy Presiding Officer: I am afraid that you must finish now. Your four minutes is up, Mr MacKenzie.

Mike MacKenzie: I believe that the twin aims of good investment and the provision of good homes are not mutually incompatible, and I support the general principles of the bill.

15:04

Siobhan McMahon (Central Scotland) (Lab): I thank the Minister for Housing and Welfare and the Government for holding this debate on the Private Housing (Tenancies) (Scotland) Bill. I was pleased to see the Government introduce a bill that relates to the concerns of those in the private sector. It is right that the Government legislates to protect tenants but does not legislate in a way that hinders landlords. The principles of the bill will achieve that, but there are areas in which it can be improved.

I am a member of the Infrastructure and Capital Investment Committee, which considered the bill. Broadly, I welcome many of the proposals in the bill and efforts to work towards a more cohesive relationship between landlords and tenants but, having heard evidence from a number of interested parties during the committee's consideration, I will take this opportunity to say where the bill does not go far enough to protect the rights of tenants.

The bill proposes 16 grounds to allow landlords to recover their properties. Of the 16, 12 are mandatory and four are discretionary. As recommended, the no-fault ground is not one of them. I hope that, as a result of that, tenants will be empowered to speak out about unsatisfactory property conditions without fear of repercussion. They will be more secure in the knowledge that they will not have to fear a short notice period at the end of their tenancy. Quite simply, it is wrong that a family could have their home and security pulled out from under them with no cause or reason.

With the withdrawal of the no-fault ground, it is important that landlords and tenants alike are able to have confidence in the fairness of the proposed new tribunal system. The minister has said that the new system will be delayed until December 2017. I would welcome further comments on that in her closing speech, as the new system is key to the success of the bill. I am surprised that she did not mention it more in her opening remarks. It is incumbent on the Government to ensure that tenants are adequately advised on navigating the new system. When the committee took evidence on the bill, Shelter Scotland was right to ask what advice, assistance and legal representation would be offered to low-income and vulnerable tenants.

Furthermore, Crisis Scotland asked what fees would be required to access a tribunal. As with access to any other aspect of the law, finances simply should not come into it. At the time of the committee's evidence taking, the minister did not offer an opinion on whether legal aid should be provided or confirm whether tenants would face financial charges for going to a tribunal. It is critically important that those questions are answered.

In its evidence to the committee, the Scottish Government argued that the 16 grounds covered "all reasonable circumstances" for recovery of property. However, the committee was not so sure and recommended that the Government should consider whether the bill's penalties to deter landlords from terminating tenancies falsely are sufficient. Many advocates for vulnerable people felt that the grounds were unbalanced in favour of the property owner. The Govan Law Centre gave particularly scathing evidence to our committee, saying that the grounds were

"the equivalent of giving a tenant a zero-hours contract on their home".—[*Official Report, Infrastructure and Capital Investment Committee*, 18 November 2015; c 27.]

The living rent campaign believed that elements of the bill were skewed in favour of the landlord and suggested a hardship provision to empower tribunals to delay repossession of a property, to allow for alternative resolutions.

Having spent some time on the Parliament's Equal Opportunities Committee, it would be remiss of me not to mention the equalities concerns about the initial six-month tenancy period that were raised during the committee's consideration of the bill. The living rent campaign argued that tying tenants into a six-month contract could present "serious equalities issues". If someone is required to pay for a property even if they no longer live in it, it could hinder their attempts to leave an abusive relationship. In its recommendations to improve the bill, the Infrastructure and Capital Investment Committee concurred with that and encouraged the Government to allow those in abusive relationships to leave their tenancy without fear of financial penalty.

The bill is a good start at tackling the problems that are inherent in the private rented sector, but the Government should, in the interests of good governance, seriously consider the points that have been made on the bill by the committee and members on all sides of the chamber.

15:08

Clare Adamson (Central Scotland) (SNP): I, too, am a member of the Infrastructure and Capital Investment Committee, and I thank our convener, Jim Eadie, other committee members and the

clerks for their contribution and support during stage 1 consideration. I also thank the stakeholders who gave the committee written and oral evidence, which informed and enhanced our deliberations: the National Union of Students Scotland, Shelter, Citizens Advice Scotland and Citylets, to name but a few. In particular, I want to highlight and say thanks for the contributions of small landlords—some of whom have one or only a few properties—who took the time to express their concerns and their general support for the principles of the bill.

The bill is all about striking a balance in a sector that is hugely important to Scotland's housing needs. We have moved some way towards finding a balance that is fair and proportionate to tenants and landlords and that achieves the overall aim of improving security of tenure for tenants while providing appropriate safeguards for landlords, lenders and investors.

I look forward to the Government's response to the stage 1 report. The report highlights a particular concern that I have about the six-month initial tenancy: the plight of someone who has entered into that arrangement and then finds themselves the victim of an abusive relationship. Being liable for a six-month period may put financial pressure on someone to remain in a home where they are at risk. I thank the people who contributed to the evidence-taking session that highlighted that important matter, particularly COSLA's representative, Harry McGuigan. However, an exception only in that area could be open to abuse, and I ask the Government to consider what might be changed at stage 2 to protect vulnerable people in that situation.

Life can throw the most difficult and unexpected events at us. I am concerned that, not only in cases of domestic abuse but in other circumstances, the six-month tenancy could tie people to a property that, whatever the circumstances might be, it would be in their best interests to move from. I remain interested in the six-month initial tenancy, so I look forward to the Government's response to the concerns about it that the committee highlighted.

I will discuss some of the concerns that others have mentioned in the debate. On Alex Johnstone's one about the removal of the no-fault grounds for ending a tenancy, if someone behaves antisocially and causes distress to neighbours and, perhaps, the landlord, it is reasonable that they be evicted on those grounds, not on a no-fault basis. The bill holds the correct mechanism to allow people to take such cases to the tribunal and to ensure that, when they end a tenancy on that basis, they do so in accordance with the provisions in the bill. It will also protect the rights of landlord and tenants.

The bill will improve security for tenants. It will not be possible to ask them to leave their home simply because their tenancy agreement has reached its end date. The bill is comprehensive and robust on grounds for repossession—the minister has said how far she has moved on those—and provides an opportunity for local authorities to introduce rent caps. It is a balanced bill and I look forward to continuing with it to stage 2.

15:13

Jim Hume (South Scotland) (LD): I draw members' attention to my entry in the register of members' interests.

I welcome the general principles of the bill. I also welcome the ICI Committee's stage 1 report. It highlights the need for more information and a wider, more robust set of data, which is still to be considered. I thank the committee and the clerks for the report and congratulate them on all their hard work.

Protecting the flexibility of the private rental market and its ability to develop and improve must not interfere with our responsibility to provide all the necessary safeguards and legal protection for tenants and to improve their security of tenure. Before I discuss specific provisions in the bill, I will highlight a key fact that is the driver of varying opinions on many of the bill's provisions: the need for a sufficient supply of housing, which currently does not exist.

Regardless of what we say on rent controls, having enough suitable accommodation for students or holiday lets, the fact is that we face a housing shortage. The ICI Committee noted that point, and I strongly support the calls for Government updates on increasing housing supply across all tenures.

Although we all want an increase in the number of homes, it is our responsibility to bring our rules and laws up to date in the meantime. The removal of the no-fault ground is a progressive development, but its replacement with 16 other grounds—mandatory, partially discretionary and one fully discretionary—should be examined more closely.

For the benefit of both the tenant and the landlord, Homeless Action Scotland noted:

"The proposal for many of the grounds for repossession to be 'mandatory' could result in a 'tick box' exercise which does not allow for anomalous cases to be handled in a sensitive and sensible way".

Therefore, I look forward to seeing what information the Government can provide, as per the committee's recommendation that further thought should be given to which of the grounds

for repossession should be mandatory and which discretionary.

Similarly, on the topic of rent controls in rent pressure zones, I am wary of adopting a measure that in the long term has proven harmful in other cities around the world. Among the most serious unintended consequences of applying rent controls are actual inflation in rent costs, the removal of investment in homes and, of course, the removal of homes from the so-called market. We know that rents in some areas are expensive; for example, the variation in Edinburgh between summer and the other seasons has a free-market effect on short-term rents.

However, restricting the market's ability to self-regulate could reduce investment in the sector at a time when that might be needed and could, in turn, result in self-regulation in the direction of higher prices. Such a situation could be truly dangerous to manage, with a very limited supply of housing on the one hand and, on the other, an inability among suppliers to set a market price, which could lead to the effects that have been experienced in other places. The more serious situations found in Stockholm, San Francisco and Washington DC provide evidence of rent controls inflating rent costs, because the maximum annual rent rise becomes the standard annual rent rise—and currently, of course, a rise of CPI plus 1 per cent, or indeed CPI plus anything, as has been recommended, is actually an above-inflation rent rise.

The Law Society of Scotland has highlighted the opaqueness of the consultation process, and it believes that only overwhelming evidence should justify the creation of a rent pressure zone. I also welcome Shelter's view that tenants should be given a reasonable time to pay any accumulated arrears.

In conclusion, I reiterate my support for the bill's general direction. I want to see tenants in Scotland get extra security of tenure, but we still need to examine many provisions in the bill in more detail.

15:17

James Dornan (Glasgow Cathcart) (SNP): As a substitute on and ex-member of the Infrastructure and Capital Investment Committee, I am delighted to have this opportunity to speak in the debate. My colleagues have already talked and will no doubt continue to talk about the bill, but this gives me a chance to talk about the Scottish Government's record on housing and about the important part that the bill will play in continuing to improve the lives of those who live in rented accommodation, be that in the social rented or the private sector.

It is no coincidence that since the Tories began the sale of council housing 36 years ago we have seen a marked decline in the volume of low-cost affordable housing, and it is a shame that the Labour Governments that followed, both at Westminster and here at Holyrood, did nothing to address the issue. Thankfully the Scottish National Party Government has done the right thing and ended the destructive right-to-buy policy, a move that has helped local authorities across the country to have the confidence to build council houses once again.

Since 2007, despite the extremely harsh financial climate and the on-going Tory austerity agenda, as has been stated, the Government has exceeded its target of building 30,000 affordable homes by March 2016. We have invested a record £1.7 billion in housing, delivering 20,000 homes for the social rented sector and creating 8,000 jobs per year in the hard-pressed construction industry. As has been said, the SNP has made it clear that, if re-elected, we will build 50,000 more homes, supported by a financial commitment of £3 billion, a proposal that has been supported by Shelter Scotland and the Scottish Federation of Housing Associations.

We have well outperformed previous Administrations, with £135 million being invested through the council house building programme. Since 2009, this Government has built 5,350 council houses, compared with the six that were built in the previous Labour and Liberal Administration's last four years in power. We are also outperforming the rest of the UK in building affordable homes, with 85 per cent more per head spent on social housing than in England and Wales.

Cathcart is perhaps behind only Sandra White's Kelvin constituency in the number of private landlords and tenants that it has and, although most landlords behave impeccably, without a doubt there are a number who take advantage of their position, and there are tenants who feel that they do not have the requisite protections. The bill, if passed, should help that situation considerably.

Let me give a recent example of someone who came to one of my surgeries. He stays in a granny flat that has no hot water and which suffers from dampness and numerous other failings. He has learning difficulties, and he has only now started to get the support that he needs. Thankfully, his support worker came along and we are now on the case, so I hope that his housing situation will be dealt with. However, that kind of situation will be much easier to deal with if the bill becomes law.

In my constituency, we also have a number of ambitious building programmes. Cathcart and District Housing Association has recently repurposed the site of the old Holmlea school,

which has lain empty for 15 years, in the hope of having social rented housing there in the near future. The site of the old Victoria hospital is currently being disposed of by the national health service, and the local community councils and the local community have already started to engage with the NHS on the type of affordable housing that they would like to see there. I suspect that many of the tenancies there will be in the private rented sector. Cassiltoun Housing Association is another one that has been doing great work, and it is building on the site of the old Castlemilk east church.

In the little time remaining, it would be remiss of me not to mention the great work being done by our Minister for Housing and Welfare, Margaret Burgess. Her drive and commitment are well recognised throughout the housing sector and beyond, and it is clear that the experience that she gained from her previous existence in the third sector has made her determined to ensure that she does all that she can to help as many people as possible to live in housing that is fit for the 21st century. She should be congratulated on that and on the Private Housing (Tenancies) (Scotland) Bill, which I am delighted to support at this stage.

15:21

David Stewart (Highlands and Islands) (Lab):

As a member of the ICI Committee, I am pleased to be able to take part in this debate. Clearly, I support the bill's general principles, but I have a few issues with the bill that I want to raise with the minister.

As we have heard, the private rented sector is a very significant sector, with 330,000 Scottish households and around 85,000 children. Significantly, 120,000 of those households are in poverty, so it is important that we discuss that issue today. The Chartered Institute of Housing has said:

"There should be no circumstance where a person or family can lose their home without reason."

Within the short time that I have, I will cover three areas in which I have a particular interest: tenants' rights; rent pressure zones; and an issue from my region around farming housing.

On the bill's handling of tenants' rights, the introduction of a less intimidating and less adversarial tribunal system rather than a court system is to be welcomed. However, I would encourage more in respect of the tribunal's powers with regard to reasonableness, which is a very important test. The current proposals would grant the eviction of a vulnerable tenant who has a month's rent arrears after just three months; personally, I would support an extension of that period to six months, and would support the

tribunal having more discretionary ability to adjourn cases and monitor vulnerable tenants' progress case by case. Perhaps the minister would kindly comment on those key issues when she winds up.

Further, should a tenant be evicted by a landlord on false grounds, which obviously involves breaking the law, the current penalty, as we have heard, is a maximum and not definite sum of three months' rent. Compared with the £50,000 penalty that a landlord can face for falsely renting with an HMO licence, that seems to me to be unbalanced and not proportionate.

Turning to the issue of rent, I warmly welcome the changes that the bill proposes of allowing rent to be increased only once during a 12-month period, which will bring stability to both tenants and the market. The proposal to introduce rent pressure zones has been met with mixed reactions, but I support the bill's proposal on that. Local councils, which would trigger the measure, are best placed to assess whether a zone should be an estate, village, town, city or, indeed, the whole local authority area. The zone would restrict rent increases to the CPI plus 1 per cent for sitting tenants. I raised a technical point on that with the minister earlier, to which she responded.

I would contend that rent pressure zone policies are not the only tool in the toolbox. I refer members to best practice around the world in that regard in places such as Stockholm, San Francisco and Amsterdam, where rent increases also tend to be linked to increases in the quality of housing, which makes a lot of sense. Generally, the evidence that I have heard from across the sector is that there is consensus that the biggest issue in Scotland concerning rent is the lack of available social and private housing. For our report, the ICI Committee heard, as the convener said, that in certain German cities rent pressure zones are effective because they have double the number of properties available compared with the number available in the average Scottish city.

The Deputy Presiding Officer: You are in your final minute.

David Stewart: Thank you very much, Presiding Officer.

Briefly, on the farming housing issue, if a farm property is needed for an employee, it is sometimes very difficult to supply it. I will perhaps raise that technical detail with the minister in writing.

Finally, I agree with Unison Scotland's view that most of the grounds for repossession under the bill are mandatory and only three contain minimal tests for reasonableness that protect the tenant; and that all grounds should be discretionary and subject to the test of reasonableness, with rights of

appeal and adequate redress. As Govan Law Centre has said, the 16 grounds for repossession could form a kind of zero-hours tenancy.

15:24

Roderick Campbell (North East Fife) (SNP): I am pleased to speak in the debate as a non-member of the Infrastructure and Capital Investment Committee. Although I am supportive of the bill, I am mindful of the recommendations that the committee outlined in its stage 1 report, which I welcome. This week, I have read the report of the Resolution Foundation entitled “State of working Scotland: living standards, jobs and pay”. The report includes an interesting section on housing mix that shows that, in that regard, the biggest change in Scotland in recent years has been the rise of private renting, which has increased approximately twofold since 2001-02. It is therefore right to recognise the importance of the sector and the need to review the system of tenancies.

As the minister and members have highlighted, one of the Government’s core principles in the bill is that all tenants, including students, should have the same security of tenure. As a member for a constituency with a large university, I have to say that that is an issue. I have received a significant amount of correspondence from landlords and letting agents in St Andrews regarding their generally negative perception that the bill will affect the student accommodation sector in the town. They argue that it is beneficial for many students, especially those who do not reside in the locality of the university, to have accommodation arranged prior to the commencement of their studies. As I understand it, the proposed new system would preclude landlords from advertising properties until a tenant has indicated an intention to terminate their tenancy.

I understand the Government’s view that landlords in the student rental market

“may ... need to adjust their approach to managing their property”,

as there may be a shorter window for advertising and letting property in that market. I accept that. In addition, I accept the argument that

“Effective engagement with tenants can help mitigate this, for example by agreeing the date at which the tenant intends to leave in advance of formal notice being given.”

Furthermore, I understand the Government’s argument that only a small proportion of lets may continue beyond the expected end date, as students are unlikely to want to pay for the accommodation unless they plan to stay over the summer. Of course, if students stay over the summer, landlords will still benefit from the rent income.

I am also mindful of the comment from the National Union of Students Scotland that

“It is not in the student’s interests to not say that they will be leaving because they do not want to get lumbered with loads of debt for rent that they cannot afford to pay.”—
[*Official Report, Infrastructure and Capital Investment Committee*, 4 November 2015; c 37.]

Notwithstanding all that, there is still a war to be won to win over some dissenting voices on the issue.

I am pleased that the committee has recommended that purpose-built student accommodation should be treated in the same way as university accommodation and could be exempted from the bill in the same manner. I welcome the minister’s earlier comments on that issue.

The reason why some landlords fear the removal of the no-fault ground is that they have little confidence in using the court system. As a member of the Faculty of Advocates, surprisingly, I understand concerns over delays and costs, and I understand those who have concerns about the court process being too adversarial. Accordingly, I welcome the proposal for a first-tier tribunal, but I believe that greater clarity is needed on exactly how it is supposed to operate. I heard the reference to tenancies from December 2017 and I have no doubt that, in due course, the Government will provide further information on that point. We should be cautious about providing legal aid as a matter of course. The Government would be wise to think further about how best to deal with issues of third-party representation.

That brings me to the matter of grounds for repossession. As I understand it, the Government has listened to the concerns of landlords by extending the number of grounds for repossession from eight to 16, 12 of which are mandatory and four of which are discretionary. I think that the balance is about right. I welcome the penalty provisions in relation to wrongful termination, although I take on board the concerns about how that can be properly evidenced.

I welcome the general principles of the bill and I wish it well.

15:29

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): The bill’s two primary objectives are to rebalance the relationship between landlord and tenant by ending the no-fault ground for repossession and to take some action on excessive rents, which I certainly know all about here in Edinburgh. On the former, there are different views. Landlords are saying that it goes too far, whereas Shelter, whose views I have often followed over the years, welcomes the measure as

a step forward on tenancy security. Shelter says that the bill will enable tenants to speak to landlords without fear of retaliatory eviction, which is certainly a big problem now and has been in the past. The Govan Law Centre, by contrast, argues that there is little change, because all the grounds are, in effect, mandatory.

The balance between mandatory and discretionary grounds for ending a tenancy is therefore a key area for further debate. The committee recommended that the Government take a further look at the matter. I am sympathetic to the view that all tenancy terminations should be subject to a reasonableness test.

Much will depend on the effectiveness of the new tribunal and how easy it is to access. Legal aid is one of the issues that will have to be looked at in that regard. The functions and operation of the tribunal will be in regulations, and the sooner we see those, the better. There are three changes that I would like to see. I hope that local authorities will be able to make applications to the tribunal, as they can do to the Private Rented Housing Panel. I hope that there will be tougher sanctions for illegal evictions than are currently in the bill, and I hope that there will be an amendment to allow early termination of a tenancy in the context of an abusive relationship.

Landlords have expressed concerns about the bill, and it is only right that we take such concerns seriously. The committee shared some of the main concerns to do with students and holiday lets and recommended that the Government look again at those issues. Given the complexities, the Government should follow that recommendation. There will be further discussion at subsequent stages.

Some of the landlords' concerns might be shared by the wider public. For example, there is fear of an unintended consequence in that landlords might be more selective about the tenants that they take on. We will have to keep an eye on that. The public might also share landlords' concerns about antisocial behaviour. We know that many of our constituents are concerned about the difficulties that landlords in the social rented sector have in evicting tenants when there has been serious antisocial behaviour. The committee's recommendation is that the matter be reviewed post-implementation, but it might well need to be considered during the passage of the bill.

Finally, on rents, there should be a minimum of three months' rent arrears before eviction proceedings, as Shelter recommended. On excessive rents, the Government proposal that rents should change only once a year is a good one, as is the provision for referral of a rent increase to the rent officer. There should also be a

power to refer initial rents to the rent officer, because there is no provision for new or sitting tenants to challenge the existing rent; the focus is on only the rent increase.

Rent pressure zones should help in Edinburgh and other places, but there must be good evidence before the designation. There are legitimate fears that rents could be put up in the period when designation is being considered, as well as between tenancies, because another problem is that the proposals affect only sitting tenants.

The bill makes a good start and represents significant progress, but I hope that it will be subject to amendment during its passage.

15:33

Sandra White (Glasgow Kelvin) (SNP): I think that most members know that the constituency that I represent, Glasgow Kelvin, has within its boundaries the University of Strathclyde, the University of Glasgow, Glasgow Caledonian University, City of Glasgow College and lots of other further education institutions, so I have a particular interest in student accommodation. I am pleased that the bill provides for the same security for students in the private rented sector as is provided to other tenants in that sector. That is very welcome.

There is a large amount of purpose-built student accommodation in my constituency. The sector has mushroomed over the past couple of years, and there is concern in my constituency about the amount of student accommodation that has been built or is proposed. I note the committee's recommendations in that regard and the comments of its convener, Jim Eadie, and the minister. I will keep a close eye on the issue to do with tenancies that last for an agreed term. I wonder what the approach would lead to in areas such as Hillhead and the merchant city, where the sector is booming and there are thousands of student flats.

As James Dornan said, the private rented sector is a large part of the housing sector in my Glasgow Kelvin constituency. I echo the living rent campaign's comments that the bill will strengthen the rights of and protections for tenants as well as including provisions on the introduction of rent controls in high-pressure areas. I welcome those rent controls and am interested to see how they will be rolled out throughout the area.

Malcolm Chisholm, Siobhan McMahon and James Dornan talked about repairs and where tenants can go if they want to take their complaints to a tribunal. In my constituency—I presume that it happens in other members' constituencies, too—many people who come to me are living in

horrendous conditions and, when they complain to their landlord, their tenancy is ended in two or three weeks and they are put out. It is good that those people will get the opportunity to take their complaint to a tribunal; they can feel a bit safer that they will not be put out.

Tenants can be antisocial, as Alex Johnstone said, but sometimes it works both ways and people have been put out for what would not be called antisocial behaviour. There are good and bad landlords, and there are good and bad tenants. The bill covers that by allowing tenants to go to a tribunal or arbitration. I know that, in rented accommodation—[*Interruption.*]

The Deputy Presiding Officer (John Scott): Keep going. We have lost the clock but you have another 30 seconds.

Sandra White: Arbitration sometimes works for people in social rented accommodation. That is a good idea and worth looking at because, along with the tribunal, it will make the situation much better. [*Interruption.*]

The Deputy Presiding Officer: I will stop you there, Ms White. We need to suspend Parliament until we get the power problems sorted out.

15:37

Meeting suspended.

15:38

On resuming—

The Deputy Presiding Officer: I call Patrick Harvie. Sandra, I think that you have probably said enough for the time being. [*Laughter.*] Thank you, but you were just about to close.

Patrick Harvie (Glasgow) (Green): Brutal, Presiding Officer.

I am grateful for the opportunity to contribute to the debate, although I regret that we are doing so once again without having seen the Government's response to the stage 1 report. I recognise that, on this occasion, that is more to do with parliamentary timing than any delay on the part of the Government, but nevertheless it is a bad habit and we should correct it for the future.

Members have talked about the growing importance of the private rented sector when many people are finding owner-occupation unaffordable and social housing unavailable. I regret that so many people are left in that situation but if the private rented sector is to continue to grow and if it is so important, we have to recognise that it is more than just a normal financial transaction.

Mike MacKenzie described good housing as essential to life and Jayne Baxter described it as a fundamental human right. I agree with both descriptions. If we are serious about this issue, we must recognise that it is not just about a financial transaction. A house's purpose is to provide a home for someone; its role as an investment is very much secondary to that—it is the means, not the end.

That being the case, all housing is social. All housing is intimately connected with people's quality of life and their health and wellbeing. All housing is part of a community. All housing is essentially social and all owners have social responsibilities. I think that we are moving in the direction of recognising that. The bill is not the first word on the subject and it will not be the last word. I hope that we will continue to debate how to make it stronger as it goes through Parliament.

During the few moments of debating time available, I want to raise the issue of rent control. The first time that I discussed that with the minister I was told in no uncertain terms that the Scottish Government had no intention of introducing rent controls and that it was just not going to go there. I very much recognise and welcome the fact that the Government has moved its position since those days. Many of us, both inside and outside the Parliament, campaigned and pushed on that issue and made the case for rent control—and I think the case will continue to be made for a stronger version of rent control than is currently in the bill.

On the grounds for eviction, particularly wrongful termination of a tenancy, some measures in the bill allow a former tenant to complain that although they were subject to an eviction on one of the legitimate grounds, those grounds were used in a misleading way. For example, a landlord might have put a property on the market at an absurdly inflated price and then put it back out to rent, just so that they could bump up the price. Alternatively, a landlord might have changed their intentions and decided that they no longer wanted to move into the property, which was the reason given for ending the tenancy. When wrongful, misleading reasons are given for ending the tenancy, it should not be down to the tenant or the former tenant to know that that has happened and to produce evidence of it after the fact; there should be a stronger means of ensuring that such misleading uses of the eviction grounds do not become normal. Third parties might have a role to play there, as they do in other parts of the bill, so I hope that we will explore that.

One of the final grounds for eviction is that a
"Landlord has ceased to be registered"

by the local authority. That is entirely the landlord's responsibility and I see no reason why a tenant should lose their home in such circumstances. It seems far more appropriate that a property of that nature be subject to a management order and that it be brought under the management of a responsible landlord such as a social landlord.

Those are some of the various areas in which I hope that we will continue to explore changes that could be made to the bill during our further scrutiny of it.

The Deputy Presiding Officer: Excellent. Many thanks. I call Alex Johnstone, who has up to four minutes.

15:42

Alex Johnstone: I resume where I left off. Jim Hume covered quite a bit of the issue of rent control in the same way that I want to cover it. I take this opportunity to back Jim Hume's concerns.

Some people perceive rents to be rising apace in Scotland, but the statistics show that rent levels are relatively stable across Scotland and in some areas they are actually falling. How do we get confused about that? People measure different things in different ways. If we look at advertised rents for vacant properties we may be able to identify an increase in the rents that are being demanded, but in reality rents on the ground might be changing in a different way or at a different pace. For that reason, as Jim Hume said, it is of concern that sitting tenants whose rents have not been rising might find themselves subject to a legally imposed agenda whereby their rents will rise. The effect might be that rents that have been stable will begin to rise by the annual increment.

Mike MacKenzie: Does the member accept that the rent capping that is being proposed could take place only after an investigation to prove that there was in fact a significant problem with rent rises? If rents were not rising to an absurd extent, no such cap would be imposed.

Alex Johnstone: I am suggesting that rents that were not rising may now rise by the amount that is allowed. That may do tenants a disservice.

Briefly covering the issue of rent pressure zones, and going back to what I said early in the process about investment, we can be sure that, if a shortage of private rented housing in an area is significant enough to require a local authority to consider moving towards a rent pressure zone, the minute that that designation is brought in the area will become an investment black spot. It will make things worse in the longer term. The impact should be considered carefully.

Another subject that was discussed, which I will cover although it has been covered by others, is the issue of freeing up property if it is required by an employee. That has very specific implications in rural areas and the farming industry, of which I have direct experience. Many have expressed the view that, if we were to lose the power to get houses back when required, that would have an impact on people in the rural community.

The other thing that I have experience of—in fact, I have done it myself although it is not ideal—is houses being deliberately kept empty if it is known that they will be required at some point in the future. If houses in rural areas are being kept empty as a precautionary measure, and not being let, we are missing an opportunity and losing houses that we could otherwise have the advantage of.

At 5 o'clock tonight, the Conservatives will vote against the general principles of the bill, but that is not to say that we might not come into line and support it at some time in the future. The Government needs to be courageous. It needs to stand by the principles that it has set out in some areas, but it needs to have the courage to change the bill in other ways.

This is all about balance. That balance is in danger and has not been entirely achieved yet. It could be, but the Government must work for our support at stage 3.

The Deputy Presiding Officer: I am told that the lights will gradually return.

15:47

Ken Macintosh (Eastwood) (Lab): I thank all colleagues for their contributions in what has been a measured and relatively thoughtful debate. I particularly thank Sandra White for her perseverance and her willingness to take on the chin the Presiding Officer's less than supportive comments.

We are primarily here today because of dramatic changes to housing tenure in Scotland over the past decade and a half—dramatic changes that reflect an on-going housing crisis. Unfortunately, under the SNP Government, only 28 per cent of young people now own their own homes; that is down from 48 per cent in 1999. Many stay with their parents for longer, and far greater numbers end up renting privately as they cannot afford a deposit. There are 150,000 Scots on local authority waiting lists and, unfortunately, the private rented sector is not always a positive choice for many and is not only used in a transitional period before eventual home ownership. It is the most expensive and least secure option, but it is often the only option that is available.

Linda Fabiani (East Kilbride) (SNP): Will the member give way?

Ken Macintosh: I will make a little progress, if I may. With more Scots relying on more expensive and less secure tenancies, it is perhaps not surprising that it is the most vulnerable who have been hardest hit: students, those on lower incomes and the homeless.

The living rent campaign points out that almost one in five of all homelessness applications now come from people in the private rented sector, which is a rise of 38 per cent in the past five years. The Joseph Rowntree Foundation states that a quarter of poor households now live in the private rented sector, which is up from one in 10 a decade earlier.

I thank Shelter and the NUS in particular for leading the make renting right and living rent campaigns, which have led us to the bill. Their high-profile campaigning on behalf of vulnerable and often exploited individuals has made it impossible for the Scottish Government not to respond.

It is also worth acknowledging, as my colleague Jayne Baxter did, the Labour Party's efforts on the issue. Labour has campaigned alongside the NUS, Shelter and others to flag up the problem of rip-off rents in Parliament and has presented solutions in the form of legislative amendments, even if the Scottish Government and the minister chose to reject the proposed approach two years ago. I am pleased that the minister has now accepted the need to restrict rent rises in the private rented sector and to introduce a much more secure tenancy that will finally end no-fault eviction. We can broadly unite around those proposals.

There are still several issues to resolve as we enter stage 2 of the legislative process. Jim Eadie, who is the Infrastructure and Capital Investment Committee's convener, and Malcolm Chisholm mentioned the committee's concerns about the balance between mandatory and discretionary grounds for eviction. Clare Adamson flagged up the serious worry that a six-month initial tenancy period might work against those who are fleeing domestic abuse. I look forward to hearing the minister's response to the committee's report.

I admit to having been a bit worried about the minister's approach when I heard that only an hour and a half was set aside for this afternoon's stage 1 debate. A bit like Patrick Harvie, I noted that we do not have the Government's response. That did not strike me as an accurate reflection of the importance of the sector or of the bill to Scotland.

I was even more worried to find out just yesterday that one of the most important aspects of the bill—the involvement of first-tier tribunals—

has been postponed until the beginning of 2018. Like my colleague Siobhan McMahon, I was surprised that the minister did not spend more time on the issue in her opening remarks, given how central the tribunals are to the bill's operation and to the interpretation of discretionary powers in particular. Does that mean that the bill will not be implemented until that time, or will that affect just certain sections of the bill, such as those governing letting agents?

Several members, including committee members, have raised on-going concerns about students and holiday lets. The minister has said that she will give those matters further consideration, although she wants to be able to do so while remaining with one tenancy type. I hope that I understood her right. I was slightly confused about that, because Rod Campbell heard the same remarks, but I think that he interpreted them as meaning that there would be an exemption, as is the case with university accommodation. I would welcome clarification from the minister on that. From Labour's perspective, we do not believe that students should be treated as a different category of tenant, although we think that their interests and those of landlords can and should be met through further discussion and negotiation.

Labour welcomes the move to limit rent rises to once a year, but it is difficult to know what to make of the Government's proposals on rent caps in pressured areas. That is worrying those in the sector, who believe that uncertainty, a lack of clarity and greater risk are putting off investors. I believe that the minister said that she wants a better and more professional PRS. It is not unreasonable, then, for the sector to ask for clarity on the data that local authorities will need to compile to use the new powers. For example, will data be collected over existing broad rental market areas or by using local authority boundaries?

Investors want to calculate the risk. They want to know how likely it is that the new powers to control rents will be used. They are being assured that it is highly unlikely that they will be used, but that leaves many of us wondering what the bill is designed to achieve. I do not wish to sound overly cynical, but it seems that the Scottish Government wants to look as though it is putting rent controls in place without actually doing so.

The bill builds on proposals that were initially put forward by Labour, and we will support it, but the answer to difficulties in the private rented sector, as with Scotland's housing crisis more generally, is a straightforward one: build more houses. I suggest that the minister should adopt more policies that Labour has proposed and build the 60,000 affordable homes that are required to meet assessed need—not the 50,000 that the SNP has proposed. She should make 75 per cent of those

homes for social rent, and she should make the dream of home ownership a reality again with our £3,000 boost to savers.

The Deputy Presiding Officer: We are very tight for time. I call Margaret Burgess to wind up. You have up to eight minutes, minister. Less would be more, please.

15:53

Margaret Burgess: I am grateful to members for their contributions. I will start with the point that Ken Macintosh finished on. There is absolutely no doubt and no disagreement that the answer is to increase the supply of housing across all tenures. We are committed to doing that with our 50,000 houses. We have said that 75 per cent of those will be for social rent. We have exceeded our 30,000 target in the current session, and we have assisted 20,000 people—or a good percentage of those people—into low-cost home ownership, in addition to our help-to-buy schemes. We announced a further £160 million today to help people into home ownership. Let us not pretend about it—we want to help people into home ownership, too.

The Private Housing (Tenancies) (Scotland) Bill is about security for people in the private rented sector. A number of members made the point that it is about people's homes. It is about landlords having to accept that what they are doing is providing a home for someone. With that comes responsibilities, and tenants have a right to feel secure in their home. The bill is about rebalancing that relationship.

We heard Alex Johnstone say that we are taking things too far one way, and there have been suggestions from Labour that we are not taking things far enough. This is about getting the balance right. I am still listening and I listened closely to the points that have been made.

Rod Campbell referred to the point about student accommodation, which I said that we would look at. I am considering investment in purpose-built student accommodation, but I have made it clear that, in student lets overall, I would very much like to see an open-ended tenancy and not to see students treated differently from anyone else in the private sector. That is an important part of the approach. Landlords might have to adjust the way in which they engage with their tenants. That is important, and that approach has wide support. I want to be clear on that.

I will mention a couple of other issues that have been raised. A lot has been said about the operation of the first-tier tribunal. I appreciate that people are uncertain about that, as the tribunal is not up and running yet. I will do all that I can to ensure that the tribunal system works effectively. It

is part of the overall Scottish tribunal system; it does not sit on its own in the bill or in housing.

The tribunal is still being established and it will be independent. We cannot seek to influence its decisions or issue instructions or guidance to it. However, we are aiming for a system in which legal aid is not the norm. We have to say that because, otherwise, why would we remove the matter from the courts and have a separate system? The system will be much more informal. It will involve housing specialists as well as legal specialists. People will be able to go on their own or with an organisation or representative, whether or not that is a lay representative. In some cases, people might require legal representation.

I have said more than once that I would not propose such a tribunal system if I did not think that tenants could access it affordably. This is not about creating a system and saying to tenants, "We're giving you these rights, but we've created this other system, and you cannot actually access your rights." I want to be absolutely clear on that.

Ken Macintosh: I thank the minister for her comments. She knows that she has our support in introducing a tribunal approach to resolving tenant difficulties but, if the tribunal will not be up and running until 2018, does that mean that certain parts of the bill will not be implemented until then?

Margaret Burgess: I will have to come back to Ken Macintosh on the timescale for when the bill will receive royal assent and start to come into place. Off the top of my head, I cannot say that the bill will take effect from a particular date, but I will have that information for him at stage 2. The powers that are to be transferred to the tribunal under the Housing (Scotland) Act 2014 will still be transferred; that will happen in stages. I do not see that being an issue for the bill, but I will certainly come back on that before stage 2, or directly to the member.

The Government will consult more widely on the tribunal system.

Sandra White: On the tribunal issue, the relevant year is 2017, not 2018.

Will people be asked to go to arbitration before anything is done about antisocial behaviour? Will that be the first port of call?

Margaret Burgess: As I said earlier, we will not be able to dictate to or direct the tribunal on the evidence that it will need to look at.

We are clear that any ground whatever for repossession will have to be evidenced by the landlord. There will not be a tick-box exercise on anything. On antisocial behaviour, there will be discretion for the tribunal to look at its extent and nature. Sometimes that can be subjective. The tribunal will decide on the merits of each case. It is

appropriate that there should be a due process when seeking to evict people from their homes, who can include families who privately rent.

The tribunal will consider a range of evidence, although it will not necessarily have to call witnesses, neighbours or stakeholders. It will determine what evidence it requires and decide whether that is sufficient to support applying the sanction of evicting someone. We must have discretion to cover antisocial behaviour.

We are looking at the robustness of the other grounds. A few people have mentioned the ground of having one month's rent arrears in a three-month period. I am looking carefully at what the committee's report says on the matter, but we have to balance that with the fact that, if someone falls into three months' rent arrears, that will be a considerable amount of money that will be difficult to repay. I am keen that people should be told early about where they can go for assistance if they fall into arrears, so that they do not find themselves losing their home because of that if it can be prevented. That will become part of the stage 2 discussions.

We have discussed student tenants. I am also looking at the points that Alex Johnstone and David Stewart made on employees in rural areas, and we are talking to rural stakeholders. However, we have to balance their concerns with consideration of whether it is right to put a family out of their home. We are talking about homes. If someone comes into a rural area to fill a job, a family in that area who perhaps have their children at a rural school may be asked to move. We have to get the balance right; at the moment, I am not convinced that what is suggested is a ground for repossession, but we are still discussing that.

I am running out of time. I am encouraged by what I have heard in the debate and by the broad support for the bill. I will consider the recommendations and I look forward to further discussions as we reach stage 2.

The Deputy Presiding Officer: That concludes the stage 1 debate on the bill. Before we move to the next item of business, I apologise to Sandra White if my treatment of her was less than gracious. I also apologise to the chamber for the poor-quality lighting that we are enduring. I am told that it will gradually restore itself, so I intend to press on, with members' approval.

Youth Awards and Youth Work

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-15380, in the name of Aileen Campbell, on celebrating the success of Scotland's young people and youth work. Members will understand that we are now extraordinarily tight for time, so you will be held to your time.

16:02

The Minister for Children and Young People (Aileen Campbell):

This debate is, as the motion suggests, an opportunity for us to highlight the contribution that youth work and, specifically, youth awards make to our society and our young people. We want Scotland to be the best place to grow up, and to achieve that ambition we must ensure that our young people—particularly those who are impacted by poverty and inequality—receive the support that they need to develop their skills and aptitudes, and to be successful, confident, effective and responsible citizens.

The review of youth awards that was undertaken by Education Scotland makes it clear that we have much to be proud of in our approach to youth work. Since the establishment of the awards network in 2008, we have seen a 273 per cent growth in participation in and completion of youth awards in six years. That is a significant increase: translated into figures for 2014-15 it represents over 73,000 completed awards, which is a fantastic achievement by our young people. Each one of those 73,000 young people is a successful, confident, effective and responsible citizen. Every one of them is an individual story of success, and behind that figure of 73,000 awards will be thousands of hours of dedication and commitment by young people who have been inspired by youth work and youth workers.

I am proud that the Scottish National Party Government established the awards network in 2008. It was a timely and creative response to curriculum for excellence. The development of the awards network from 2008 to the present demonstrates a high level of public policy innovation emerging from the first national youth work strategy. It was two years ago that we gathered in this chamber to discuss and debate the national youth work strategy, and to thank all those who had worked tirelessly to develop it and who had played a key role in shaping and delivering its implementation. We can see some of the fruits of their commitment and dedication in Education Scotland's "A review of youth awards in Scotland: Helping young people to be successful, confident, effective and responsible citizens", which shows what has been accomplished to date.

On that point, I say at the outset that we will not support the Labour amendment—not because we think that there is anything inherently wrong with it, but because it is important that we acknowledge the curriculum for excellence skills that youth awards deliver for young people. The idea of turning young people’s achievements into a stand-alone formal qualification might put some young folk and volunteers off participation, and it might negate the very benefit that is derived from a different type of learning experience. That aside, however, we want to continue the vocational qualifications in other parts of the education system and to recognise youth awards in their own right. I will continue to accept the spirit of what was intended by the Labour amendment and to work with my colleagues to take forward the work.

I recommend that members read the report and digest the key strengths of the youth awards that are articulated in it. Those strengths highlight the increased confidence that young people get through the youth work approach. The report also demonstrates how youth work contributes to our wider ambitions to become a fairer society and a more prosperous economy. For example, according to the report a key strength of the youth awards is that they

“support young people in their learning and ... progress to further and higher education, training and employment on leaving school.”

The evidence backs up that finding. Youth employment in Scotland is now at its highest September to November level since 2005. There are now record levels of young people in positive destinations after leaving school, with two thirds of them in further or higher education.

Young people gain vital life skills through their achievement of youth awards. Those skills enable more of them to take up leadership roles and, by volunteering, to contribute back to their communities and society.

The report signals the transformative change that can happen in young people’s lives as a result of the youth awards and it highlights that, for young people who face particular challenges, the youth awards can be life changing. That is made plain by some of the reach that youth awards have; for instance, in Her Majesty’s Young Offenders Institution Polmont, young people are participating in the Duke of Edinburgh’s award scheme, ASDAN—the Award Scheme Development and Accreditation Network—and YouthBank. This is from one young person:

“The Dynamic Youth Awards have helped me become more confident and I have expanded my knowledge. I have experienced things that I wouldn’t have done.”

The review findings, the data from elsewhere and, most important, the stories and experiences

of young people themselves highlight the impact of the awards and their importance to our society and communities. The report provides evidence of an approach that is delivering for young people in Scotland. The impact of that approach cuts across portfolios throughout Government and society.

Quite recently, we gathered in Parliament to consider what more we can do to close the gap in educational attainment and to tackle inequalities in our society. The youth awards report points to the potential and effectiveness of youth work as a key way to contribute to and collaborate with efforts to raise attainment. The report states:

“Some young people stay in education as a result of their participation in youth awards”.

If a young person’s attendance is up, and they decide to stay in and remain engaged with education for longer, it can lead directly to increased attainment.

Moreover, the report describes that, for some who are disengaged from education participation, an award is a first step towards personal achievement and an increase in their self-belief and sense of ambition. The awards are therefore crucial in capturing and acknowledging young people’s successes and achievements—especially if their aspirations are low.

The awards can also change lives in unexpected places. Some of our most vulnerable young people in secure units, care homes and young offenders institutions now have the chance to have their positive achievements recognised, and to take the opportunity to change their lives. The impact that that has on reoffending and building positive relationships with trusted adults offers a positive route out of destructive cycles of crime and offending and benefits society as a whole. The report confirms what we know—that youth work builds confidence, capacity, resilience and skills in young people. That strength needs to be continually harnessed in our endeavours to reduce the attainment gap.

However, the review highlights the need for evidence-based research to explore the role of youth awards in raising attainment. I am happy to confirm today that I will take that recommendation forward and will consider how we can understand the impact of the awards, with a view to ensuring that youth work, and youth awards in particular, are able to contribute effectively to collective efforts to raise attainment.

The diversity and range of awards that are offered by the awards network enables young people to choose which award suits them. Young people can achieve regardless of their background, ethnicity, faith or experiences—all of them can find a place to belong to and in which to participate. That is why it is important that we

continue to invest in youth work in a range of sectors and settings.

In December last year, I was pleased to announce the allocation of £12 million funding through our children, young people and families early intervention fund and adult learning and empowering communities fund to support the work of more than 100 charities. That includes funding to empower communities and organisations with a sole focus on youth work.

Since 2008, our cashback for communities programme has contributed £75 million to improve the quality of life of our young people. By harnessing the proceeds of crime, it has significantly contributed to youth work by opening up opportunities for young people to explore the arts, culture and sport and by creating diversionary youth work projects. We remain committed to investing in youth work in all its forms in order to enable young people to achieve their potential and to make a wider contribution to our ambitions for our society and communities.

The report also makes clear that young people contribute significantly to their communities through volunteering while participating in youth awards. Scotland leads the way in the United Kingdom. A report on behalf of the Cabinet Office seeking to determine the proportion of young people aged from 10 to 20 who are involved in social action showed that 49 per cent of young people in Scotland are involved in meaningful voluntary activity compared with 39 per cent in England and Wales and 36 per cent in Northern Ireland. Furthermore, the recent Organisation for Economic Co-operation and Development review of Scottish school education noted that the links between schools and their communities is strong and that youth volunteering is one of the ways in which that link is maintained. That international recognition is to be welcomed. That means that there is a strong contribution by young people—in and out of school—to community development. Participation in youth volunteering prepares young people to be active and responsible citizens.

That community activism and determination to be involved in society was evident in the recent referendum, which saw 16 and 17-year-olds being given the opportunity for the first time to have a say in the direction of our country. Young people were entrusted with that responsibility and they grabbed the opportunity with both hands. This year, they will have the chance to shape this Parliament, which I am sure is something that we all welcome. It is another reason why we want to celebrate young people, and we will do so in 2018, the year of young people.

Further to the evidence that is contained within the report about the value of the youth award network, Scotland has a strong evidence base to

draw from—uniquely within the UK—as a result of the fact that, here, youth work is recognised and reported on through inspection. Two hundred learning community inspections over the past seven years have shown us that the impact on young people and communities is now very good or better since 2013-14 in over 80 per cent of learning communities. That covers every local authority and all the main youth work agencies. Inspections also show that the sector has a good track record on partnership working.

There is recognition at the highest level in Government in the national improvement framework of the valuable contribution that community learning and development partners, including youth work, make to delivering on national and local outcomes. The national improvement framework noted the role of youth awards in improving educational outcomes for children and young people.

One aspect for further development that is highlighted by the review is that we need more strategic planning to increase access to, and the impact of, youth awards. Again, I am happy to confirm that we will explore fully how that can be achieved through community empowerment measures and community planning partnerships, in particular.

The review also highlighted the potential scope for increased focus on using youth awards in prevention and early intervention, which suggests that there is a role for youth work and youth awards in our getting it right for every child approach.

We have a good story to tell, but there is clearly more that we can do to push forward the potential of youth work. I record my thanks to the volunteers, youth workers and especially the young people themselves who are contributing to our society. I hope that we will be able to support that work as it continues to develop, grow and contribute to our society.

I move,

That the Parliament notes the recent publication of the Education Scotland HMIE Report, *A review of youth awards in Scotland: Helping young people to be successful, confident, effective and responsible citizens*, highlighting the success of the Awards Network; welcomes the growth of participation by 273% since 2008; recognises the importance of youth awards across Scotland, and appreciates the clear articulation of the benefits of youth work and its role in terms of attainment, employability, youth justice and contribution to Scotland being the best place to grow up.

The Deputy Presiding Officer: I apologise to you for the distractions during your speech, minister.

16:13

Cara Hilton (Dunfermline) (Lab): I am pleased to open this short debate for Scottish Labour. I would like to begin by joining the minister in welcoming the success of Scotland's young people and Scotland's growing youth work sector, and in welcoming the significant growth that there has been in young people's participation in, and completion of, youth awards. That is great news, because the awards network has a key role to play in improving the life chances of young people, in supporting our communities, in ensuring implementation of curriculum for excellence in our high schools, in moving towards the aspiration that we all share of helping our young people to become successful, confident, effective and responsible citizens, and in making Scotland the best place to grow up in.

For some young people, youth awards and youth work more generally are not just things that equip them with greater confidence, motivation and skills: they can be life changing. As the minister outlined, young people's increasing participation is a great bonus to our local communities. In fact, Volunteer Scotland recently found that young people are much more likely than adults to volunteer, with 45 per cent of young people volunteering compared to 27 per cent of adults. That is good news for the future of Scotland. I hope that that will continue when those young people become adults.

Scottish Labour very much welcomes the increased participation in youth work and the key role that it plays in supporting young people's personal and social development, as well as in offering access to learning opportunities outside the formal classroom environment. Across Scotland, more than 80,000 adults work with young people through youth work as paid employees or volunteers, reaching over 380,000 young people across the country, the majority of whom—92 per cent—are aged 17 or under. YouthLink Scotland estimates that 53 per cent of young people in Scotland are benefiting from youth work. All that adds up to almost 13 million hours of volunteering a year. That is a record of which to be proud.

Like other MSPs, I was pleased to have the opportunity recently to meet some of my constituents who were keen to share their positive experiences of youth work and to highlight their national call to action, challenging politicians of all parties to better support our youth work sector. The young people whom I met had accessed youth work activities at the excellent Tower House youth hub in my Dunfermline constituency. A couple of them enjoyed it so much that they went on to train to become youth workers themselves. One young person I met—Liam—was referred to

Tower House because he was refusing to go to school. He is a transgender young person, and he told me how his involvement in youth work did not just change his life but literally saved it.

Each of the young people to whom I spoke embodied what can be achieved through effective youth work enabling young people to develop and build positive relationships and allowing them to make a difference in their own lives and to the wider community. In particular, the young people whom I met were keen to see much better links between formal education and youth work. Tackling the attainment gap is rightly at the top of the political agenda, and one way in which we can make inroads is to ensure that there is much better recognition of the value of the achievements that are gained through engagement in youth work in informal and out-of-school learning activities. We must ensure that young people can learn in the way that inspires them most, because that can help to end the cycle of disadvantage that affects too many of our young people.

If we are to close the attainment gap and help those who are most at risk of underachievement, a real partnership between formal education and youth work is essential. That is why Scottish Labour's amendment calls for the adoption of a universal Scottish graduate certificate that would encompass academic, vocational and voluntary achievement. The certificate would be pretty similar to what has been introduced in Wales recently. I know that there are already arrangements in place between some youth groups, including the Scout Association, and schools and that the Scottish Qualifications Authority has been developing ways in which to recognise wider achievement. However, we believe that we need more formal recognition of the value and diversity of achievements both inside and outside the classroom. That would be really important in the senior phase, which, at the moment, is focused too much on measuring success by SQA exam results.

Aileen Campbell: Will the member take an intervention?

Jean Urquhart (Highlands and Islands) (Ind) rose—

The Deputy Presiding Officer: From whom are you taking the intervention?

Cara Hilton: I will take the intervention from the minister.

Aileen Campbell: I record our willingness to work with Cara Hilton and others on that. We want to capture all the achievements that young people take from the youth awards. The way in which that is articulated in the motion perhaps does not necessarily fit with Labour's proposal, but that

does not mean that we do not want to continue down the route that the member suggests.

Cara Hilton: I very much welcome the minister's comments. We are not talking about a stand-alone certificate, as the amendment possibly implies. I hope that the minister will consider our proposal and look at what is happening in Wales, where the Government is ensuring that the diverse range of achievements and talents of every young person is recorded.

That fits in well with the vision that has been outlined by the chief executive of YouthLink Scotland, Jim Sweeney, who has said:

"If we are really going to tackle the educational attainment gap then we need to realise that not all young people respond to formal education, they need another path, another approach that engages them and keeps them on their learning journey.

A solid partnership with formal education would ensure all our young people can learn in a way that inspires them."

In its briefing for today's debate, YouthLink Scotland also highlights the need for financial investment and longer-term funding arrangements, which are vital if we are to ensure that the youth work and youth awards success story continues. Ambition is great, but it needs to be backed up with resources. At a time when our councils are facing significant cuts in their budgets, it is vital that we continue to highlight how investing in youth work and in the preventative agenda makes sense. It is worth highlighting once more that research found that there is a return of about £13 for every £1 that is invested in youth work. In the past two years, through activity arrangements that have been co-ordinated and supported by YouthLink, local authorities have helped more than 7,000 young people into positive destinations. Those are the young people who are furthest away from the jobs market and college, so investing in youth work now can help to deal with future budget challenges.

I notice that I am running out of time to deliver my speech.

Youth workers to whom I have spoken are stressed about where future funding is coming from and would very much welcome longer-term funding packages from the Scottish Government. We must ensure that there is more sustainable funding, that youth workers are better supported and that the contribution of volunteers is fully recognised.

It is clear that our society is constantly changing; so are our young people's aspirations, interests and hopes. Youth work and youth awards have a key role to play in improving the life chances of our young people and ensuring that they can play a positive role in shaping Scotland's future. Like the minister, I am excited that 16 and 17-year-olds

have the opportunity to vote in May, and I hope that they make the most of that opportunity.

It is vital that the Scottish Government and local authorities continue to invest in and support Scotland's youth work sector, to ensure that it can continue to change lives.

I move amendment S4M-15380.1, to insert at end:

“, and believes that young people's achievements of all kinds should be more systematically recognised by the education system through the adoption of a universal Scottish graduate certificate encompassing academic, vocational and voluntary achievement.”

16:20

Mary Scanlon (Highlands and Islands) (Con):

I welcome the debate. Scottish Conservatives fully support youth awards in Scotland, which help young people to be successful, confident, effective and responsible citizens, and we very much welcome the 273 per cent growth in participation. Personally, I welcome youth awards' benefits in terms of employability and opportunities for the future, which are not all about formal qualifications. It is interesting to note the link with attainment in the Government's motion, as employers, colleges and universities will undoubtedly take into account a young person's participation in awards such as the Duke of Edinburgh's award and awards from the Boys Brigade, the scout and guide movements, the Prince's Trust and many others.

Given that youth awards are gaining participation and recognition, it may be that the education system should adopt the proposal in Labour's amendment for a universal Scottish graduate certificate. We think that it merits further consideration. Given the lack of detail at this time we will not support the Labour amendment, but we acknowledge the commitment in the report to do much more work on the issue. Although we welcome the proposal, more work needs to be done.

I welcome the briefings that we got today—there are too many to mention. YouthLink Scotland states that young people gain skills such as confidence, interpersonal skills, team working, leadership and employability, and they are supported in their learning to progress to further and higher education and training. The comments by the chief executive of YouthLink on educational attainment acknowledge that not all young people respond to formal education and that we need another approach that engages them and keeps them on the learning journey. That very much echoed Ian Wood's words on vocational training, which all of us welcomed.

I am too consensual for my own good today—there are too many “welcomes” in my speech. However, like the minister, I welcome the cashback for communities scheme. It has given more than £9 million to more than 1,700 projects, which has benefited more than 315,000 people. Surely there can be no better investment for that money than to invest it in the development of and support for our young people in the communities in which they live, where they most need it.

The Princes Trust has a great story to tell. In Scotland it has helped 3,000 young people to get a job this year, 600 to start a business and 1,700 to reconnect with education. That is an example of an excellent partnership targeted at those who need it the most. Young people who need support do not just face minor problems. Many find their difficulties compounded by drug and alcohol misuse, crime and homelessness. Young folks may not always have the family support that they need, and those are complex issues for them to deal with on their own. The aim of the Princes Trust initiative—to ensure that no young person is left behind—is one that Conservative members certainly endorse. The new Wolfson centre in Glasgow, which has come about as a result of partnership with the council, Skills Development Scotland and Jobcentre Plus, will certainly bring everything together. Once it is up and running, I hope the approach can be rolled out elsewhere in Scotland.

I was struck by the case study of Tommy from Angus, who was excluded from school, was then excluded from college and faced a future in a secure unit but had that turned around by an education programme and support from the Princes Trust. That opportunity should be open to all children in this age and time and in such a situation.

The report that we are debating acknowledges problems with measuring levels of confidence, resilience and social attributes, but the fact that we are debating those issues and that Education Scotland is considering how young people can be supported to gain social outcomes is all good news. I welcome the acknowledgement that there is

“A need for evidenced based research exploring the role of youth awards in raising attainment.”

Attainment is much on our agenda, but we have never spoken about the link between youth awards and attainment.

When my son and daughter were at the High School of Dundee, the combined cadet force gave them some of their best times and fondest memories. I hope that it will be rolled out not only to private schools but to state schools so that state pupils can have the opportunity to enjoy it as well.

16:26

Linda Fabiani (East Kilbride) (SNP): This is a really interesting subject. Every one of us who has the privilege of representing people in Scotland could reel off loads of examples in which young people in our communities have been volunteering for years, whether in organisations that have already been mentioned, in local churches or through their local schools, irrespective of whether awards can be gained at the end of it. However, over the past few years, I have really enjoyed seeing a recognition throughout society of how important that volunteering is.

I am also really pleased to see “A review of youth awards in Scotland” because, when the awards were introduced, there was some scepticism about whether they could be as successful as the then ministers suggested. It is good to see in the report by Education Scotland that,

“Since the establishment of the Awards Network in 2008, there has been a significant growth in participation and completion of youth awards.”

It has been pretty major. That has confirmed what many of us feel about volunteering for young people in all walks of life. It can develop confidence—the confidence that comes from the recognition of winning something is huge and makes a young person feel that they are a vital part of what is happening—interpersonal, team working and leadership skills and employability. It is important that we link those things up.

I am interested in a couple of the key strengths that the report identifies and how they relate to the aspects for further development. One of the key strengths that is noted is that

“For some young people facing additional challenges participation in youth awards is life changing.”

That is absolutely super to hear, but it has to be linked to the aspects for further development and a recognition that, sometimes, it is not those who could benefit the most who end up in such schemes.

Page 8 of the report says that there are

“Few examples of partnerships taking a well-planned strategic approach to increasing access to and impact of youth awards”

and that

“There is scope for an increased focus on using youth awards to address prevention and early intervention.”

I do not take that as a criticism. It is marvellous that we have a monitoring situation further down the line—[*Interruption.*]

I am quite happy to talk in the dark, Presiding Officer, if you would like me to carry on.

The Deputy Presiding Officer: Right, on you go then. We will see whether the lights resume. We expect them to kick back in. Keep going, please.

Linda Fabiani: I do not consider it a criticism that aspects for further development are mentioned in the report. It is an opportunity that we can use. We must try very hard to take the best opportunity that we can to reach as many people as we can.

In that—[*Interruption.*] You're fine, Mr Dey. Thank you for offering me a torch, but I am just yapping; I am terribly good at rabbiting on.

I note that under the heading "Aspects for further development"—I can see this—the report says:

"There is an incomplete statistical picture that details the totality of participation, progression and completion in the full range of youth awards across Scotland."

We have to look beyond that. Although I think that we are doing wonderful work in aiming at youth awards and so on, we sometimes miss the follow-on stuff or the stuff that can happen round about that. In my area, there are wonderful examples of schemes funded through the cashback for communities programme that try to get hold of people and give them a different path in life. Of course, that is all about the prevention agenda, but I sometimes worry that all of a sudden the people in question are not deemed as youths any more and are left with no other support. It is far too easy for them to fall back. I would like more of a build-up on the follow-on activity from youth awards.

The Deputy Presiding Officer: You should draw to a close, please.

Linda Fabiani: I also want more of a focus on building stuff around the youth award work that is there for those who, for whatever reason, choose not to participate. Again, in my area, there is a smashing youth club called the Key, which is run by universal connections and South Lanarkshire Council. However, next to it is a skateboard park that is very well used by another group of youngsters, and it seems to be a case of never the twain shall meet. I am not convinced that that is the healthiest way to be going about these things; we should try to draw people together.

The Deputy Presiding Officer: Can you close, please?

Linda Fabiani: Certainly. My last point is that very good work is being done. The young people and organisations involved are fabulous, and the professionalism of the staff who run these youth awards and youth work in general is marvellous. However, although we have loads to build on and although this is a good story to tell, we could make it better.

The Deputy Presiding Officer: Well done. That was a valiant effort in extraordinary circumstances.

Mr Smith, if you can see, you may have four minutes or thereby.

16:32

Drew Smith (Glasgow) (Lab): I read Education Scotland's report with interest, and I wondered whether I should declare an interest as a recipient of the Rotary International youth leadership award way back in the last century. I also note that the report goes even further back than that to highlight a lecture on education given in 1958 by John Macmurray. I thought that a few members might have referred to it this afternoon; its title was "Learning to be human", which seems a simple but powerful place to begin.

As in life, part of learning is to make mistakes. At its most basic, teaching children to become adults is probably the most important task that each of us will undertake either as parents ourselves or as part of the village or community that surrounds, supports and raises each young person. Of course, it is also a task that we as individuals take responsibility for ourselves. What kind of person do we want to be and what contribution do we seek to make? It is not a task that we face only when we are young but a process of learning that never ends.

As we know, the thing to do with never-ending tasks is to break them down into milestones, objectives and achievements, and not just to rack up achievements and awards but to strive to improve on them. That aim should be at the heart of our ambition to continually improve opportunities for our young people and consequently for our society.

The report highlights many strengths of the youth work sector in Scotland and rightly credits the range of awards that young people are achieving. If the challenge of our job is, sometimes, to assist our constituents when things are not going so well for them or to seek to improve their lot, one of the very great rewards and privileges that we get is the many opportunities to engage with those who give outstanding service to others and who achieve great—or, indeed, simple—things for themselves and for our communities.

Many times in my past five years in the Parliament, I have had the opportunity to acknowledge particular achievements by our young people, whether through, as the minister herself highlighted, engagement with young people during the referendum campaign or more recently through mentoring young people on a Commonwealth Parliamentary Association programme that I am grateful to the CPA branch

here for allowing me to do. I have also judged debating competitions and have sometimes presented awards. However, probably more important was just listening to our young people, particularly those from the Save the Children young ambassadors programme talking about the challenges in their lives and their efforts to overcome them.

Whether it is in sport, music, citizenship or care, young people's range of achievements needs to be recognised and rewarded by society. Many of the most amazing things that young people do are done quietly—sometimes out of necessity—and for many young people living in more difficult circumstances recognition of their achievements is perhaps hardest to find.

The award programme that I mentioned was specifically targeted at young people who might not otherwise benefit from youth awards. I remember taking part in it and being somewhat overwhelmed by the range of opportunities that some of the other young people I met had had. I think that that is an experience that many of us who had the opportunity to attend university will recall having when first arriving there.

Presiding Officer, I think that you are gesturing to me through the darkness in the chamber to hurry up, but I might have a bit of leeway as I cannot quite see you.

The minister will be aware of my previous involvement with the children's panel system and the groups of young people she referred to in her speech. I certainly encourage every effort to widen the information that is available so that as many young people as possible can take up the available opportunities.

I will end, Presiding Officer, simply by commending all the good work that is going on. I am sure that the minister is aware of many other examples, but I can certainly commend the many organisations in my region of Glasgow that do an awful lot to teach our young people how to be human.

Thank you very much, Presiding Officer.

The Deputy Presiding Officer: Well done—an excellent speech in very difficult conditions.

16:36

Tavish Scott (Shetland Islands) (LD): It has always been said that I could speak in the dark, and it is literally true that I am doing so this afternoon. Drew Smith is quite right that it is difficult to see the Presiding Officer—that gave Linda Fabiani great latitude and let her make a four-minute speech last five and half minutes, which is commendable.

I acknowledge what Linda Fabiani said in particular about volunteering. One of the most genuinely enjoyable aspects of this job is presenting awards and being part of the celebrations that take place in every area of Scotland. Over the years, it has been my pleasure to do a lot of that in Shetland and to recognise young people, no matter their background and no matter what they have done, for the role that they have played. That aspect has been reflected in speeches across the chamber this afternoon.

I want to reflect in a more positive way on Iain Gray's amendment. I absolutely take the minister's and Mary Scanlon's points about the detail and I am sure that they are right about that. However, it seems to me that Iain Gray's amendment has something quite strong and important about it—indeed, I thought that the remarks by the minister and Mary Scanlon reflected that—which is that the awards that we are talking about and the others that are mentioned in members' considerable lists are not always recognised in the school points systems that reflect on individual pupils' futures. I recognise that that might be more of a formal system and that it might need some work, which no doubt Iain Gray will describe. However, were the awards to be more recognised, the type of learning experience that we are seeking to achieve through our education system—and, in particular, that we would like employers to recognise—might be worthy of the approach that is proposed in Iain Gray's amendment, although I take the minister's point about the detail.

As the minister and others have made clear during the debate, and as Jim Sweeney's excellent briefing for this debate makes clear, some young people find it hard to achieve formal education qualifications. That point was behind the Wood commission's report and it is one that we are all strongly supportive of on a cross-party basis. It therefore seems to me that the learning partnerships in the senior phases of our high schools between youth work, schools and teachers is part of the approach that we want. The argument about parity of esteem seems to me to be particularly important, and we should possibly see that as the change that would provide the positive benefits of the blended learning that we are looking to achieve.

The other point relating to the minister's wider comments that I want to reflect on is what I suppose some might describe as the current barriers to youth workers playing a greater role in schools. I think that it would be very positive indeed if they played that role. Some work has been done already that shows how effective that can be. After all, youth workers are trained and professionally qualified in the area. There is much to be gained for our education system, not least because of the introduction and practical

implementation of curriculum for excellence, if the Government would take that forward in the best possible way. That might need further work and consideration and the kind of research that the Education Scotland report touches on, but it seems to me that putting skilled youth workers in schools to work with teachers to benefit pupils is very much what we are after.

I want to recognise the important work that is done in my constituency by Shetland Islands Council youth services in relation to positive destinations for young people from all backgrounds. Cara Hilton rightly made a point about the wider pressure on youth services budgets in every local authority area in Scotland. I am sure that the minister is working hard to win the internal argument about the necessary resources for that.

I also want to mention the Dame Kelly Holmes Trust, which does great work with young athletes.

The Deputy Presiding Officer: You are in your final 10 seconds.

Tavish Scott: That is 10 seconds going on a minute and a half, I guess, based on what happened earlier.

The Dame Kelly Holmes Trust transforms the lives of disadvantaged young people. It is an important initiative that is being taken forward in conjunction with employers such as BP and local authorities, which seems to me to be the kind of partnership that people want.

So far in the debate, no points have been made about young people's mental health. It is essential that voluntary organisations that promote mental health, such as Mind Your Head in Shetland, are supported because of all the work that they do with youth volunteering. They make an essential and positive impression on a very difficult issue. Young people benefit from such organisations, as well as from the awards that the minister has rightly raised this afternoon.

The Deputy Presiding Officer: Graeme Dey has four minutes or thereby.

16:41

Graeme Dey (Angus South) (SNP): Although I absolutely acknowledge the success of the awards network and formal youth work in general, I will focus my speech—given the clock, it will be curtailed—principally on individual young people and on the role models that they provide and the contribution that they can make to shaping services.

One young constituent of mine, Michael Hands, is a fantastic example of both of those. Michael, who is visually impaired, recently travelled to

Brussels to participate in the European Commission's day of persons with disabilities event. Last year's conference focused on children and young people with disabilities, their access to education and how it contributes to the equal participation in society of children and young people with disabilities. Michael has also been appointed to serve as a member of Education Scotland's young ambassadors for inclusion programme. The ambassadors will share their views and experiences of inclusive education and will act as a voice at a national level. I applaud Education Scotland for launching the initiative and wish Michael and the other participants well with it. It is young people such as Michael who, by their actions, make the voice of young people heard and in so doing remind us all of the kind of good citizens that we are raising, as the minister referred to earlier.

Young adults such as Laura Burdin, another of my constituents, demonstrate that the upcoming generation are just as capable as we were of carving out careers and in so doing acting as an example to their peers. Laura, who is from Carnoustie, was named Skills Development Scotland apprentice of the year and higher apprentice of the year for 2015. After starting her job at a hotel in the town, Laura was quickly promoted, undertook qualifications and is now working for a global hotel chain as a meetings and events co-ordinator. That is another young person from Angus and another young Scot to be proud of.

The young people who I come into contact with as an MSP leave me with every confidence in the next generation. Some have had their achievements marked by awards, but many others contribute in largely unrecognised ways. As the first part of the motion's title says, we should celebrate the success of our young people, and we should do so in all its guises and whether or not it is publicly recognised.

The Deputy Presiding Officer: Thank you for your brevity—I appreciate it.

16:43

Jackson Carlaw (West Scotland) (Con): This has been quite a debate and it has at times been full of all the atmosphere and excitement of a Barry Manilow concert, or at least what I imagine that to be. I pay you the compliment, Presiding Officer, of saying that you look so much more electable with the lights out.

The Deputy Presiding Officer: I trust that you are not challenging the chair, Mr Carlaw.

Jackson Carlaw: I compliment the opening speakers on their briskly delivered speeches.

In the past few years, a number of strategies have been launched in Scotland concerning young people's employability and skills development, of which the Wood report and the youth employment strategy have been the most high profile. I compliment all those involved, including the Scottish Government, for the support, encouragement and leadership that they have shown. The debate has proven useful to discuss the wider context in which young people develop those capacities and it is a welcome opportunity to congratulate the sizable number of young people and adults who are involved in youth work in Scotland.

I noted with interest the figures in the YouthLink Scotland briefing, which said that national youth work organisations are engaging with more than 380,000 young people in Scotland, who are supported by some 80,000 adults, many of whom work on a voluntary basis. That is a significant number of people and it demonstrates the importance of getting our national strategy for youth work right.

I also like the Volunteer Scotland study, which found that 45 per cent of young people volunteer, compared with 27 per cent of adults. Would that that acted as an incentive to the many adults whose voluntary contribution would be valued, whatever their age.

Much of the work that goes on is helped by Big Lottery Fund awards. The young start grants programme has made 393 grants, which total more than £16.5 million. Of course, there will always be demand for more.

We heard many examples from Cara Hilton and other members of how transformative youth work can be for young people. I think that all members have experience in that regard—it is one of the more energising engagements that MSPs have.

Without quantification, it can be challenging to capture what is going on at a national level, and there is a tension in that regard, because there is a desire to avoid youth work being seen as a box-ticking exercise. To some extent, the position can be demonstrated by quantifying the growth in the number of young people who achieve awards. I was impressed to learn from the Education Scotland report that the Duke of Edinburgh's award has grown by 82 per cent in the past five years. The award is one of the most well-known, deeply respected and long running extra-curricular awards that a young person can gain. I was also impressed that the number of John Muir awards has increased by 68 per cent, no doubt because of the John Muir Trust's efforts to reach out to pupils in a wide range of schools and its booklets on how the award complements many parts of the curriculum for excellence.

When the national youth strategy was launched in 2014, my colleague Liz Smith said that hard and fast evidence was needed on what works in youth work policy, so that resources can be channelled in the most effective way. I am not sure that we are further forward on having that information to hand. Moreover, there must be a focus on ensuring that employers have a full awareness of the outcomes and what is involved when a young person achieves an award, if awards are to contribute meaningfully to employability. Let us not forget that many of the highest awards are gained during the most challenging academic years in a young person's schooling.

I will finish on a slightly truculent note. I express my dismay at the clown in the Administration— whoever that was—who categorised participation in cadet schemes as preparation to be “cannon fodder”. I am sure that that sentiment is not shared and would not be expressed by either of the ministers in the chamber. I was educated at a school that has a war memorial trust, and I can say that the experience had quite the opposite effect on me, giving me a lifelong appreciation of volunteering and a determination to ensure that anyone who serves in the armed forces is never, ever put in the position of being cannon fodder.

16:47

Iain Gray (East Lothian) (Lab): Members will know how keen I always am to find opportunities to celebrate the success of Scottish Government initiatives. On many occasions I struggle to find such an opportunity, but not today, because the youth awards are a huge success, as the numbers tell us. As the minister said, there has been a 273 per cent increase in five years, and there were 73,000 youth awards last year. The initiative's success has been described by members of all parties—as far as I could see, given that most of the debate has taken place in the dark.

Most members took the opportunity to give examples of youth work in their constituencies— Cara Hilton, Linda Fabiani, Tavish Scott and Graeme Dey did so. That is to be expected, and I think that I am entitled to do that myself, because I am pleased to say that East Lothian is singled out in the report “A review of youth awards in Scotland”. It says on page 13:

“In East Lothian there is an effective level of leadership in the development of youth awards. A good range of opportunities are available in all six secondary schools in the authority and within community groups and uniformed organisations.”

I think that that entitles me to mention one or two organisations. Recharge, in Tranent, recently celebrated 10 years of working with youth in the town. Its origins are in the social inclusion partnerships of 10 to 12 years ago, which were

funded by the previous Labour-Liberal Democrat Scottish Executive, and it is still going strong. Indeed, last year, there were 5,000 visits by 500 young people to Recharge's drop-in and other evening sessions. That means that almost all young people in Tranent engage with Recharge. The secret of its success is the youth manager system, whereby young people who have been attending the youth work of Recharge become managers of the programme themselves. Many of them go on to become adult volunteers thereafter.

East Lothian Council can claim some credit because it runs a successful youth council, which is currently scripting, filming and producing a documentary on the impact of poverty in East Lothian. I take this opportunity to tell colleagues that the documentary will be shown in Parliament at a reception on 10 February; I hope that all colleagues will try to attend.

I feel obliged to speak about the other awards that Jackson Carlaw just mentioned—the John Muir awards—which are very successful and have seen 68 per cent growth in five years. They were, of course, inspired by the life and example of John Muir from Dunbar in East Lothian. Not surprisingly, one of the most enthusiastic participants in the awards is Dunbar primary school.

I want to take a couple of minutes to say a little bit more about our amendment. Although the minister's response has not been entirely negative, I am slightly disappointed. Our amendment is an attempt to look at the success of the youth awards and at what the next step should be. The review itself says that such work is required:

"The Awards Network has limited capacity in its current form and funding model to improve and increase its scope further."

Here is a success, but the review states that the awards will need some support to move on.

Linda Fabiani: I thank Iain Gray for giving way because I want to express the concern that I had when I read the amendment and ask for his opinion on it. When I first read the amendment, I was a wee bit concerned that a young person at school who, for whatever reason, could not participate in voluntary work might end up being disadvantaged in future by not having such work on a certificate.

Iain Gray: The proposal in the amendment is primarily based on work done by the educationist Danny Murphy and the example from Wales. The idea is not just to create comprehensive schools in the senior phase but to create a comprehensive system in which exam results, vocational skills and achievements and involvement in the kind of award schemes that we are talking about today are given some parity of esteem and proper

recognition. It is not about giving particular recognition to one type of attainment and achievement over another; it is about balancing that up and making sure that people get recognition for what they do.

It would also be a great way of doing what Tavish Scott suggested and bringing school and youth work much closer together so that pupils who do not currently get the benefits of youth work schemes would have more chance of doing so. There are places in Scotland where that has been tried already. North Lanarkshire has a diploma and Renfrewshire has its certification of achievement.

Our amendment simply seeks to take the stepping stone of the success of the Scottish Government's scheme and move it on to something bigger, better and even more effective for our young people.

16:54

Aileen Campbell: I thank all members for an interesting and positive debate. I also give my thanks for the briefings from what other members have described as the fantastic youth work sector; I agree whole-heartedly with that sentiment.

I will touch on comments that have been made and start with those of Cara Hilton. I appreciated her positive remarks, her description of Tower House in Dunfermline and the powerful story of the transgender young person who described how youth work saved his life. The power of that demonstrates the significance that we need to attach to what youth work can achieve.

Cara Hilton recognised youth work's potential to reduce the attainment gap, which is the territory that we are in. The Education Scotland report acknowledges that youth work can keep young people engaged in education for longer and can enthuse and inspire the young people who are often the furthest from attaining school qualifications. We absolutely want to take the debate further in that regard, so I appreciate Cara Hilton's comments.

Mary Scanlon rightly pointed out the benefits of youth work for employability and mentioned other social policy areas where youth work has an impact, such as homelessness and health. Youth work's reach is vast, so we must harness its potential fully while being vigilant about the need to understand its impact in an evidenced way.

Linda Fabiani recognised the positive outcomes for young people that youth work can bring. I reassure her that we will continue to build on what we have in a responsible way to recognise what youth workers are doing across the country.

Drew Smith spoke about the importance of listening to young people and engaging with them

appropriately. There is nothing worse than adults assuming that they know what young people want, so it is important that we continue to be vigilant about engaging with young people and taking cognisance of their views. He also spoke about his experience of youth work. As I am a former member of the Girls Brigade in Scotland and a former attendee of Kinrossie youth club, which was supported by Youth Scotland, it would interest me—and the youth work sector in general—to understand how many members' lives have been impacted by youth work. That might be an interesting project.

Tavish Scott pointed out that the youth work workforce is trained and professional and should be respected for its skills, which is an important point to reiterate. The distinctive way in which it can engage with young people is valued and can add value to our wider educational approaches. Mary Scanlon talked about youth work's reach. Tavish Scott recognised the youth work workforce's reach in tackling mental health issues, which it is important to note.

In the same vein, Graeme Dey described how inclusive youth work is for young people with disabilities. It is important to remember that we get only one shot at childhood, so the happy memories that youth work can provide by being so inclusive are priceless. We should always value that.

Jackson Carlaw rightly noted the impact of the Duke of Edinburgh's award. I am sure that we will all unite to wish it a happy 60th birthday, which it will celebrate this year. Jackson Carlaw pointed out the danger that assessing impact could descend into a box-ticking exercise. We want to avoid that and we will be driven by gathering the richness of youth work activity across the country.

Jackson Carlaw mentioned the cadet schemes. In relation to what happened over the weekend, an important point was missed. I have engaged on the issue with the UK Government, which wants to apply a one-size-fits-all approach to the cadet system. We needed to make it clear that the UK Government should take cognisance of our youth work approach in Scotland, which is demonstrating good results. When we are working collaboratively with the UK Government in a devolved policy area, we do not want it to lose sight of the fact that in Scotland we have something that we should be proud of and which the UK Government should take cognisance of. I hope that that clears up the issue. We as a Government appreciate the role of the cadet service in Scotland.

In the few minutes that remain, I want to acknowledge fully youth work's role. From the debate, we have got a sense that the future of the youth awards network looks positive. I note that

the awards are included in the national improvement framework, which outlines the opportunity to explore a wider range of awards. That shows our commitment to designing and achieving a systematic means of recognising confident individuals, responsible citizens and effective contributors as well as having qualifications that recognise successful learning. If we can do that, we will be global leaders in recognising the full contribution that young people make to our society.

That recognition has significant implications for employers and pathways into work. I know that schemes such as investors in young people Scotland are looking at how companies can better understand the skills that young people bring. The youth awards are important in demonstrating the soft skills and interpersonal skills that employers tell us are so important for tomorrow's world of work.

The Scottish Government is looking at how we can raise awareness of the awards among our employers. We must also explore how youth awards can link to the careers education standards and the work placements that young people undertake in secondary 4, and how young people can be enabled to demonstrate the soft skills that they have gained through the awards programme.

Iain Gray: Does the minister acknowledge that the last passage of her speech constitutes an argument for a Scottish graduation certificate, exactly as we described it?

Aileen Campbell: In my remarks to Cara Hilton, I said that Iain Gray's amendment does not articulate the case that he presented. I have clearly indicated that I would work with him and others on how we build on the success of youth awards in an appropriate way for the youth work world. We all agree on the principle—that we want to build on the awards in a responsible way—but Iain Gray's amendment does not capture that, which is why the SNP unfortunately cannot accept it.

Youth work can also help in the transition from P7 to S1, which is another key area that we should focus on when we try to raise attainment.

We have a good story to tell—there has been a 273 per cent increase in participation in youth awards since 2008 and there are 73,000 stories of young people endeavouring to do what they can for their communities and to contribute to our society's wellbeing. We should be proud of that.

I am glad that the Parliament has united behind that. I look forward to building on that to make sure that many more young people can contribute to society and get lots of rich experiences through what youth work can bring to them.

Private Housing (Tenancies) (Scotland) Bill: Financial Resolution

17:01

The Presiding Officer (Tricia Marwick): The next item of business is consideration of motion S4M-15276, in the name of John Swinney, on the financial resolution for the Private Housing (Tenancies) (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Private Housing (Tenancies) (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.—*[Margaret Burgess.]*

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

Parliamentary Bureau Motions

17:02

The Presiding Officer (Tricia Marwick): The next item of business is consideration of three Parliamentary Bureau motions. I ask Joe FitzPatrick to move motions S4M-15371, S4M-15390 and S4M-15391, on committee membership and substitution on committees.

Motions moved,

That the Parliament agrees that Fiona McLeod be appointed to replace Bob Doris as a member of the Health and Sport Committee.

That the Parliament agrees that Michael Russell be appointed to replace Gil Paterson on the Standards, Procedures and Public Appointments Committee.

That the Parliament agrees that Sandra White be appointed to replace Michael Russell as the SNP substitute on the Health and Sport Committee.—*[Joe FitzPatrick.]*

The Presiding Officer: The questions on the motions will be put at decision time.

Before we move to decision time, I want to update members on the issue with the lighting in the chamber this afternoon. We experienced a brief interruption in the power supply to the building twice this afternoon, which affected a number of services across the site, including lighting in the chamber. The cause of the interruption has been investigated—it was an external problem. We will have further investigations. I apologise to members and to the public for the disruption that may have been caused.

Decision Time

17:02

The Presiding Officer (Tricia Marwick): There are five questions to be put as a result of today's business. The first question is, that motion S4M-15365, in the name of Margaret Burgess, on the Private Housing (Tenancies) (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)

Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McInnes, Alison (North East Scotland) (LD)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)

Against

Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Presiding Officer: The result of the division is: For 88, Against 13, Abstentions 0.

Motion agreed to.

The Presiding Officer: The next question is, that amendment S4M-15380.1, in the name of Iain Gray, which seeks to amend motion S4M-15380, in the name of Aileen Campbell, on celebrating the success of Scotland's young people and youth work, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)

Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)

Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

Abstentions

Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Wilson, John (Central Scotland) (Ind)

The Presiding Officer: The result of the division is: For 31, Against 67, Abstentions 3.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S4M-15380, in the name of Aileen Campbell, on celebrating the success of Scotland's young people and youth work, be agreed to.

Motion agreed to.

That the Parliament notes the recent publication of the Education Scotland HMIE Report, *A review of youth awards in Scotland: Helping young people to be successful, confident, effective and responsible citizens*, highlighting the success of the Awards Network; welcomes the growth of participation by 273% since 2008; recognises the importance of youth awards across Scotland, and appreciates the clear articulation of the benefits of youth work and its role in terms of attainment, employability, youth justice and contribution to Scotland being the best place to grow up.

The Presiding Officer: The next question is, that motion S4M-15276, in the name of John Swinney, on the financial resolution for the Private Housing (Tenancies) (Scotland) Bill, be agreed to.

Motion agreed to.

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

The Presiding Officer: The next question is, that motions S4M-15371, S4M-15390 and S4M-

15391, on committee membership and substitution on committees, be agreed to.

Meeting closed at 17:06.

Motions agreed to,

That the Parliament agrees that Fiona McLeod be appointed to replace Bob Doris as a member of the Health and Sport Committee.

That the Parliament agrees that Michael Russell be appointed to replace Gil Paterson on the Standards, Procedures and Public Appointments Committee.

That the Parliament agrees that Sandra White be appointed to replace Michael Russell as the SNP substitute on the Health and Sport Committee.

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

Published in Edinburgh by the Scottish Parliamentary Corporate Body

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk

Information on non-endorsed print suppliers
Is available here:

www.scottish.parliament.uk/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@scottish.parliament.uk
