



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament

Thursday 23 November 2017

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

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

Thursday 23 November 2017

CONTENTS

	Col.
GENERAL QUESTION TIME	1
Jagtar Singh Johal (Support for Family)	1
Cairnryan (Economic Importance).....	2
Illegal Puppy Trade (Government Action)	3
Land Ownership.....	4
Gourock-Dunoon Ferry Service	5
Alcohol (Minimum Pricing) (Scotland) Act 2012 (Implementation).....	6
Draft Budget (Edinburgh).....	8
Fire Station Closures	8
FIRST MINISTER'S QUESTION TIME	10
Scottish Growth Scheme	10
Scottish Fire and Rescue Service (Cuts)	12
United Kingdom Budget.....	15
Dundee (European Capital of Culture Bid).....	17
Dads Rock	18
Srebrenica	18
United Kingdom Budget.....	19
United Kingdom Budget.....	20
Local Government (Funding).....	22
Scottish Ambulance Service (Work Pressure)	23
Student Minimum Income Entitlement.....	24
St John's Hospital (Accident and Emergency Waiting Times)	25
DAY OF THE IMPRISONED WRITER	28
<i>Motion debated—[Ivan McKee].</i>	
Ivan McKee (Glasgow Provan) (SNP).....	28
Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)	31
Ruth Maguire (Cunninghame South) (SNP)	32
Daniel Johnson (Edinburgh Southern) (Lab).....	34
Andy Wightman (Lothian) (Green).....	35
Gillian Martin (Aberdeenshire East) (SNP).....	37
Tavish Scott (Shetland Islands) (LD).....	39
Peter Chapman (North East Scotland) (Con).....	40
Sandra White (Glasgow Kelvin) (SNP).....	42
Ross Greer (West Scotland) (Green)	43
The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop)	45
BUILDING REGULATIONS (FIRE SAFETY)	48
<i>Motion moved—[Bob Doris].</i>	
Bob Doris (Glasgow Maryhill and Springburn) (SNP)	48
The Minister for Local Government and Housing (Kevin Stewart)	53
Graham Simpson (Central Scotland) (Con)	56
David Stewart (Highlands and Islands) (Lab).....	59
Sandra White (Glasgow Kelvin) (SNP).....	61
Michelle Ballantyne (South Scotland) (Con).....	64
Mark Griffin (Central Scotland) (Lab).....	66
Andy Wightman (Lothian) (Green).....	68
Liam McArthur (Orkney Islands) (LD).....	71
Ben Macpherson (Edinburgh Northern and Leith) (SNP).....	73
Jamie Halcro Johnston (Highlands and Islands) (Con)	75
Richard Lyle (Uddingston and Bellshill) (SNP)	77
Gordon Lindhurst (Lothian) (Con).....	79
John Mason (Glasgow Shettleston) (SNP).....	81
Daniel Johnson (Edinburgh Southern) (Lab).....	84
Alexander Stewart (Mid Scotland and Fife) (Con)	86
Kevin Stewart.....	89
Bob Doris	91

PARLIAMENTARY BUREAU MOTION	95
<i>Motion moved—[Joe FitzPatrick].</i>	
MOTION WITHOUT NOTICE	95
<i>Motion moved—[Joe FitzPatrick]—and agreed to.</i>	
DECISION TIME	96

Scottish Parliament

Thursday 23 November 2017

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

General Question Time

Jagtar Singh Johal (Support for Family)

1. Rona Mackay (Strathkelvin and Bearsden) (SNP): To ask the Scottish Government what support it can provide to the family of Jagtar Singh Johal from Dumbarton, in light of reports that he is being held in prison in Punjab without charge and has faced torture. (S5O-01483)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): We are deeply concerned to learn about the detention of Jagtar Singh Johal. Scottish Government officials have contacted the Foreign and Commonwealth Office about the case and the Foreign Office has assured us that it is aware of the situation and has had access to Mr Johal. Consular assistance is a matter for the United Kingdom Government and the Scottish Government would usually refer individuals to the FCO's consular affairs department, which works with foreign Governments and authorities in such circumstances. Consular officials continue to provide assistance to Mr Johal and are engaging with his family.

Rona Mackay: Will the cabinet secretary commit to engaging with the UK Government to ensure that everything possible is being done to secure Jagtar Singh Johal's wellbeing and release?

Fiona Hyslop: Scottish Government officials are in regular contact with the Foreign and Commonwealth Office and I will continue to liaise with them about this very serious case.

Jackie Baillie (Dumbarton) (Lab): The cabinet secretary will be aware that Mr Johal was visiting India to attend his wedding and that for the first 10 days he was denied access to lawyers, representatives of the British high commission and his family. He has not been charged, he remains in police custody and he is continuing to be mistreated by the Indian authorities. I appreciate the representations that have been made to the Foreign and Commonwealth Office. However, I urge the cabinet secretary to make urgent representations to the high commissioner of India and to use any diplomatic channels open to the Scottish Government to secure Mr Johal's release.

Fiona Hyslop: We are well aware of the seriousness of the case and the reports and allegations. We are pleased that Mark Field, the Minister of State for Asia and the Pacific, has agreed to meet the local member of Parliament, Martin Docherty-Hughes, and Mr Johal's family. I am sure that the points that Ms Baillie raises will be presented during that discussion.

As the member will know, diplomatic approaches can be a way to make progress in some areas. However, sometimes such diplomacy means that we have to work with others to understand the correct and most useful way forward to ensure that progress is made.

Cairnryan (Economic Importance)

2. Brian Whittle (South Scotland) (Con): To ask the Scottish Government what analysis it has carried out of the economic importance of the port of Cairnryan to the south-west of Scotland and nationally. (S5O-01484)

The Minister for Transport and the Islands (Humza Yousaf): We recognise the important role that the ports at Cairnryan play in supporting the economy of the south-west region and Scotland as a whole.

As part of advanced work in relation to the commitment to commence the strategic transport projects review in south-west Scotland, Transport Scotland will commission consultants to undertake a specialist survey and analysis of road-based freight using the A75 and A77. That will include estimating the value of goods being carried through the ports, which will aid analysis of the ports' economic value to Scotland.

Brian Whittle: If one looks around other ports in the United Kingdom that have attracted significant investment to help road accessibility, one can find some obvious examples, including the £125 million M6 link road at Heysham and the £500 million A55 upgrade for the Holyhead port. An assessment was made that every pound invested in the new Heysham link road will earn £4.40 for the local economy. Will the minister take that into consideration and look to secure the long-term future of the ports of Cairnryan?

Humza Yousaf: Yes, we will. We will take on board the port's economic importance as part of the wider study on the south-west, as well as the important point made by Mr Whittle and the A77 action group—Mr Whittle, among others, attended that meeting—who put it to me that we do not want to lose the competitive advantage of the ports at Cairnryan. We are very aware of that and it will be considered as part of the wider appraisal study on the south-west region.

Illegal Puppy Trade (Government Action)

3. **Emma Harper (South Scotland) (SNP):** To ask the Scottish Government whether it will provide an update on what action it is taking to end the illegal trade in puppies. (S5O-01485)

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): I addressed the Scottish Society for the Prevention of Cruelty to Animals event on the impact of the dog trade on canine welfare on 9 November. The final report of the Scottish Government-funded research on the sourcing of pet dogs from illegal importation and puppy farms was presented to the event. We are taking forward the recommendations of that research into work with charities and enforcement agencies to create a robust strategy to combat the illegal dog trade and puppy farming. A particular concern is increasing public awareness of the dangers of buying animals on impulse without knowing where they came from.

Initial discussions on the responses to the consultation on the Non-Commercial Movement of Pet Animals Order 2011, which controls the import of pets from outside the United Kingdom, have already taken place. Over the coming months, the Scottish Government will continue to be involved in all further discussions with the Department for Environment, Food and Rural Affairs and the Welsh Government on completion of the review and on any future policy development on pet travel into the UK.

Emma Harper: I am interested to learn that the Scottish Government-commissioned report from the University of Sheffield contains additional recommendations. What additional recommendations does the cabinet secretary think should be implemented as a priority?

Roseanna Cunningham: We think that our priority should be to work to ensure that the public fully understand the risks that are involved in buying puppies that have been illegally imported or bred by those whose sole interest is making money and who have callous disregard for animal welfare. We will work with partners to change buyers' behaviour and reduce the financial gain that can be made from that reprehensible trade. We will also continue to support collaborative working between enforcement agencies. A number of other recommendations will be adopted as we take forward commitments that were made in the programme for government.

Ruth Maguire (Cunninghame South) (SNP): Does the cabinet secretary agree that, given the stress that is caused to seized puppies, which have to be kept in SSPCA kennels—at substantial cost to the charity—for the duration of the court case, which can sometimes take years, there is an

animal welfare case for exploring a different approach to cases that involve the illegal trafficking of puppies? What action could the Scottish Government take to improve the current situation?

Roseanna Cunningham: The member will have heard the indications that I gave to Emma Harper. It is the case that rescuers such as the SSPCA provide a very high standard of care for seized puppies, and the Scottish Government is keen to identify ways in which the cost to such rescuers might be reduced. There is a cost not just in financial terms, because many of the seized puppies require to be put down as a result of the circumstances in which they were born, which is a great sadness.

As we head towards Christmas, I re-emphasise the importance of people understanding that there are a lot of dogs waiting for new homes in rescue centres up and down the country. We must urge people who are considering getting a dog to look at rehoming as the first option, rather than continuing the reprehensible trade that we are seeing at the moment.

Land Ownership

4. **Andy Wightman (Lothian) (Green):** To ask the Scottish Government what plans it has to enable the public to find out who owns land and property in Scotland. (S5O-01486)

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): As the member will be aware, in the vast majority of cases it is possible to determine the legal owner of land in Scotland from the land register or the register of sasines. The Scottish ministers have invited the keeper of the registers of Scotland to complete the land register by 2024.

Andy Wightman: I declare an interest as the operator of the who owns Scotland website.

A constituent of mine is trying to find out who owns five short-term-let flats in her tenement. She faces a £150 fee to find out information that is freely available in other jurisdictions.

In October 2015, John Swinney approved the creation of Scotland's land and information service, which went live this month. It consists only of a basic directory of addresses that is searchable by postcode, and payment of a £30 fee is required.

Today is the deadline for implementing the 2007 European Union INSPIRE—infrastructure for spatial information in Europe—directive, yet the Scottish Government has failed to implement it in relation to cadastral parcels. When will the INSPIRE directive be implemented? When will

ScotLIS be functional? Will ministers open up the registers of Scotland so that they are free to view? Will the Scottish Government follow the UK Government's plan—which the Chancellor of the Exchequer confirmed yesterday—to create a free-to-view open land data platform to allow the people of Scotland to find out who owns their country?

Roseanna Cunningham: We will of course look closely at the outcomes of yesterday's announcements in the House of Commons and at whether any reconsideration should be given to what is available in Scotland. As the member knows, a considerable amount of work is being done in respect of registers in Scotland, not least of which is the introduction of the register of controlling interests in land. I will be happy to speak directly to the member about the issue, although it might be more appropriate for him to contact Keith Brown, who is the cabinet secretary who has the most direct responsibility for the land register.

Gourock-Dunoon Ferry Service

5. David Stewart (Highlands and Islands) (Lab): To ask the Scottish Government whether it will provide an update on its position on whether there should be a pedestrian and vehicle ferry service between Gourock and Dunoon town centres. (S5O-01487)

The Minister for Transport and the Islands (Humza Yousaf): The Government's programme for Scotland 2017-18 stated that we would continue with a number of initiatives to further enhance and improve Scotland's ferry services, including the support of the town centre to town centre Gourock-Dunoon ferry service. We also committed to reviewing ferry services procurement policy and subsequently putting in place arrangements for the long-term delivery of our supported services.

The Scottish Government will shortly publish an interim report on the findings that are emerging from our on-going policy review of the future procurement of Government-funded ferry services. The report will outline the implications for each of our lifeline ferry services, including the Gourock-Dunoon town centre route.

David Stewart: Will the minister join me in welcoming to the gallery this afternoon the Dunoon-Gourock ferry action group? When will he make a decision on a new tender? I urge him to use the Teckal exemption to directly award the contract to the David MacBrayne Group, which is wholly owned by the Scottish ministers. I also urge him, in the meantime, to contact Caledonian MacBrayne to allocate the MV Coruisk to the route over the winter.

Humza Yousaf: I will consider David Stewart's final request regarding the MV Coruisk and discuss the matter with CalMac. He will know that, over the winter months, dry docking and maintenance of the fleet is essential. If he leaves that matter with me, I will respond to him.

I welcome the ferry action group to the Parliament. As I said in reply to an earlier question, the interim report into the Teckal exemption, which I applaud David Stewart for leading the drive on, will be published in the coming weeks. He and I share an ambition to have ferry service contracts directly awarded by an in-house provider, but he will know that we have to satisfy state aid criteria, particularly the fourth Altmark criterion. My interim report will be of interest to him, and I will outline how we will take forward the Gourock-Dunoon town centre route in that report.

Maurice Corry (West Scotland) (Con): The minister will be aware of the on-going problems with the Gourock-Kilcreggan ferry, which are affecting numerous businesses, commuters and people travelling for medical appointments from the peninsula. Can he confirm that the Scottish Government is considering transferring the contract for the Kilcreggan ferry to Transport Scotland and maintaining it as a separate contract from the Gourock-Dunoon service contract, given that the song of the Kilcreggan ferry had its debut on television this week?

Humza Yousaf: The Gourock-Kilcreggan ferry service is the responsibility of Strathclyde Partnership for Transport, and we have had discussions with its officials about the potential transfer of the service. The criteria that must be met if we are to transfer it are outlined in the ferry's plan. I had a good, productive discussion with the chairman of SPT, Councillor Martin Bartos. We are awaiting further information from SPT, but the service is its responsibility. I am more than happy to update the Parliament as those discussions continue. There will be a members' debate in the Parliament shortly, when I am sure I can furnish members with more details.

Alcohol (Minimum Pricing) (Scotland) Act 2012 (Implementation)

6. Jackson Carlaw (Eastwood) (Con): To ask the Scottish Government what further progress has been made with the implementation of the Alcohol (Minimum Pricing) (Scotland) Act 2012. (S5O-01488)

The Cabinet Secretary for Health and Sport (Shona Robison): As Members know—and as I am delighted to remind them—last week, the United Kingdom Supreme Court ruled that minimum unit pricing for alcohol can proceed. The measure was passed overwhelmingly by the

Scottish Parliament in 2012, and we should recognise the global significance of the ruling for other public health measures. Once again, Scotland is leading the way and we should all be proud to be at the forefront of such pioneering and life-saving policies. On Tuesday, I set out a timetable for implementation. After a long delay, now is the time for action.

Jackson Carlaw: I associate the Conservatives with the cabinet secretary's remarks. Through no fault of hers, and because of the extended legal process that took place, minimum unit pricing for alcohol will be introduced at the point when we might otherwise have expected to be evaluating it under the sunset clause, five years into the act's implementation. Last Tuesday, there were calls from all sides of the chamber, including the cabinet secretary's, for her to consider whether the minimum unit price is appropriate. Given that it was set five years ago, will it be appropriate 11 years later? Will she reflect on whether at least compound inflation in the period since the bill was passed might appropriately be reflected in the price that is set?

Shona Robison: As I said in my statement on Tuesday, a consultation will be issued at the beginning of December and will run for eight weeks. The consultation will be on price and on the business and regulatory impact assessment. Of course, we will listen to the representations that are made. However, we are clear that all of the modelling that has been done and the evidence base that has been presented have been based on a minimum unit price of 50p; therefore, the Government is of the view that we should proceed with that unit price. We are consulting, and we always listen to the views that come back in consultations, including this one. Jackson Carlaw and other members will have the opportunity to input into the consultation if they so wish, and I encourage him and others to do so.

Richard Lyle (Uddingston and Bellshill) (SNP): Can the cabinet secretary confirm that the Scottish Government will engage with retailers to ensure that they are involved in the implementation process?

Shona Robison: Yes, I can confirm that. We are keen to ensure that the views of retailers are taken on board, and we now want to work with them on the detail of implementation. We believe that the timeframe that is set out, with a commencement date of 1 May 2018, gives enough time for retailers to put the plan into action and make any changes that they need to make. We will work with retailers on the detail and get the implementation under way as soon as possible.

Draft Budget (Edinburgh)

7. Ben Macpherson (Edinburgh Northern and Leith) (SNP): To ask the Scottish Government how its draft budget proposals will take account of Edinburgh's needs, opportunities and population growth. (S5O-01489)

The Cabinet Secretary for Finance and the Constitution (Derek Mackay): The draft budget proposals that I will bring to the Scottish Parliament will provide the resources that are necessary to deliver the bold vision that was set out in the programme for government and balance the impact of United Kingdom austerity with the need to protect public services and strengthen the social contract.

People across Scotland, including those in Edinburgh, will benefit from our commitments to expand early learning and childcare, raise standards in schools and close the attainment gap, deliver affordable housing investment, protect the police budget in real terms and increase the health budget. In addition, funding for the Edinburgh to Glasgow rail improvement programme and the Edinburgh and south-east Scotland city region deal will help to transform the region's economy and provide opportunities for all areas to grow, with investments in housing, innovation, transport, skills and culture.

Ben Macpherson: I warmly welcome the cabinet secretary's support for our capital city. He will be aware that Tory UK Government austerity and, in particular, welfare reform have led to increased instances of homelessness in the capital. What consideration will be given in the draft budget proposals to tackling homelessness in Edinburgh and across Scotland?

Derek Mackay: The chancellor set out the introduction of a homelessness task force, and he outlined about £28 million of investment in a pilot, although I understand that no consequentials from that will come to Scotland. We understand the impact of welfare cuts at the hands of the UK Tory Government, which are causing major hardship, and we have established a homelessness and rough sleeping action group to eradicate rough sleeping and transform temporary accommodation. The Government will support that initiative by creating the £50 million ending homelessness together fund over the next five years.

Fire Station Closures

8. Neil Findlay (Lothian) (Lab): To ask the Scottish Government how it will ensure there are no fire station closures during the current parliamentary session. (S5O-01490)

The Minister for Community Safety and Legal Affairs (Annabelle Ewing): The Scottish

Fire and Rescue Service plays a vital role in protecting communities across Scotland. Since the establishment of the service in 2013, there have been no compulsory redundancies and no closures of fire stations. This year, 100 new firefighters have been recruited and the overall operational budget for the SFRS has increased by £21.7 million to support investment in equipment and resources. No decisions have been made on what transformation would look like, and the transformation process will involve liaison and discussion with staff, partners and the public.

Neil Findlay: If everything in the garden is rosy, why did the minister not go out and speak to the firefighters who are demonstrating outside the Parliament today? They are concerned for their jobs, their fire stations and the safety of the communities in which they serve.

Annabelle Ewing: Chris McGlone, Denise Christie and the whole of the Fire Brigades Union team know that my door is always open.

Mr Findlay will be interested to note that the SFRS is proceeding with a new recruitment round for 300 whole-time firefighters, which will open on 30 November.

On the key issue of resource, if it is wrong for the United Kingdom Government to take VAT off the Scottish Fire and Rescue Service going forward, surely it is wrong for the UK Government to hold on to the £40 million in VAT of which it has already deprived the Scottish Fire and Rescue Service. I say to the UK Chancellor of the Exchequer that he should give us the money back.

First Minister's Question Time

12:00

Scottish Growth Scheme

1. Ruth Davidson (Edinburgh Central) (Con): I take this opportunity to welcome Richard Leonard to his post. Despite the differences between our two parties, I believe that leadership is a privilege and can also be a joy, so I wish him well. [*Applause.*]

Let me move on to substantive matters. I ask the First Minister, is her Scottish growth scheme a con?

The First Minister (Nicola Sturgeon): Let me also take the opportunity to congratulate Richard Leonard on his election as leader of Labour in Scotland and welcome him to his place today. I look forward to our exchanges taking place in just a few minutes' time.

As Ruth Davidson is aware, the Scottish growth scheme was announced last year in the programme for government, and work has since been done to establish the scheme. Through the different strands of the Scottish growth scheme, we intend to see companies supported in the very near future.

Of course, we want to go further. We have announced our intention to establish a Scottish national investment bank to provide long-term, patient capital for Scottish businesses and support the strategic development of the Scottish economy—something that I would hope that members right across the chamber would support.

Ruth Davidson: I asked the question because, in a parliamentary answer a few weeks ago, the Scottish Government confirmed that the first £50 million of the fund will come from the financial transactions budget. That is a method of funding that finance secretary Derek Mackay described yesterday as “a con”. Of course, when the First Minister announced her big Scottish growth scheme last year, she used quite different language. She said:

“This is a half-billion pound vote of confidence in Scottish business, Scottish workers and the Scottish economy.”

Like everyone else in this Parliament, I would welcome half a billion pounds of investment in the Scottish economy—if any penny of that were to appear quite soon. However, I am just curious as to whether the First Minister can explain why when the Scottish Government uses that method to invest in Scotland, it is a vote of confidence, but when the United Kingdom Government does it, it is a con.

The First Minister: Let me explain exactly why the Chancellor of the Exchequer's announcement in the budget yesterday is accurately described as a con, because I was watching. He stood up and said, without qualification, that his budget would deliver an extra £2 billion for Scotland. Here is what the Fraser of Allander institute said yesterday about the £1.1 billion of that that is in the form of financial transactions:

"Financial transactions ... can't be used to support day-to-day spending on public services."

The chancellor tried to give the impression that this was somehow a big boost to our health service, our education system and public services the length and breadth of the country but, as Ruth Davidson knows, that is far from the truth. In fact, the reality following yesterday's budget is, as the Fraser of Allander institute confirmed, that Scotland is facing a real-terms cut in our day-to-day budget next year of more than £200 million, and more than £500 million over the next two years.

If Ruth Davidson is prepared to stand up in the chamber today and argue that that is somehow a good deal for Scotland, she is even more of a party stooge for her Westminster masters than I thought she was.

Ruth Davidson: We usually hear from the Scottish National Party that it is not getting enough money. Today we have a brand new one: it is the wrong kind of money that it is being given. Money that can be spent on housing? No, thank you. Money to tackle fuel poverty? How dare the UK Government! Only this First Minister could be handed an extra £2 billion in spending power and still sound like somebody has stolen her scone. Should the First Minister not spend a little less time complaining about where the money is coming from and a bit more time thinking about the positive things that she can do with it?

The First Minister: If I was a Tory these days, I would not be standing up in Parliament and talking about scones, given the number of Scottish families who are being forced to food banks because of the policies of the Tory Government.

Here is another fact about the chancellor's so-called largesse towards Scotland. Not only is it the case that this money, in the words of the Fraser of Allander institute,

"can't be used to support day-to-day spending on public services",

it has to be repaid by the Scottish Government to the UK Government.

Let us cut to the chase. I know that Ruth Davidson desperately wants to pretend that yesterday's budget was a great deal for Scotland, but I invite her to address the central point, which

is that, even if everything that she is saying about yesterday's budget is true, after all that is taken into account, this Government's day-to-day spending budget will be £200 million less in real terms next year. I invite Ruth Davidson to tell us where she thinks we should take that £200 million from? Should it be taken from the health service or education? If not those things, where does Ruth Davidson think that these Tory cuts should be made?

Ruth Davidson: The First Minister is standing there telling us that she is being short-changed, but some of us think that an extra £2 billion more than she had when she woke up yesterday morning is quite a bit of extra change. That money is available now for the Scottish Government ahead of its budget next month.

The First Minister faces a test. At the election, we promised to raise the minimum wage and to increase the personal allowance so that we did not take that increase back in tax. Yesterday, that promise was delivered. The SNP promised to protect the basic rate of income tax and it is now preparing to hike it up. Is that not the difference between us? When it comes to tax, we keep our promises to Scotland's workers and she breaks hers.

The First Minister: Ruth Davidson does not want to take my word for what the budget means for public spending in Scotland, so I will read word for word from the blog that the Fraser of Allander Institute published yesterday. I assume that no one in the chamber will question these findings. It says:

"the resource block grant remains on track to fall in real terms over the next two years.

By 2019/20 the resource block grant will be around £500 million lower than in 17/18".

Over the next two years, £500 million will be cut from Scotland's budget by the Tories, and Ruth Davidson has the nerve to stand up here and try to tell us that the Tories are doing us some kind of favour.

As we conclude our budget deliberations in the next few weeks, we will consider how to protect our public services in the face of those cuts, how we will protect vulnerable families, so many of whom have been forced into poverty and to food banks by the Tory Government, and how we can continue to invest in the infrastructure and support that our businesses need to thrive and grow the economy. We will take decisions that are in the interests of the people of Scotland while the Tories continue to impose cuts on the people of Scotland.

Scottish Fire and Rescue Service (Cuts)

2. Richard Leonard (Central Scotland) (Lab): This morning, I had the honour of addressing a

rally of firefighters from right across Scotland who are lobbying Parliament today. Those courageous women and men put their lives on the line to keep the rest of us safe. Since Scotland's fire and rescue services were centralised, those heroic firefighters have seen more than 700 front-line jobs axed, and they have watched their pay being cut in real terms year upon year. They see a service that is in decline. Will the First Minister explain why, on her watch, the Scottish Fire and Rescue Service has been cut? (S5F-01731)

The First Minister (Nicola Sturgeon): I will take this opportunity to pay tribute to our firefighters. They do a fantastic job day in, day out and, as Richard Leonard rightly said, they regularly put their lives on the line in the interests of our safety.

I will address the important issues that Richard Leonard has raised: it is because they are important that the SNP Government has increased the operational budget for the Scottish Fire and Rescue Service in this financial year by £21.7 million to support investment in equipment and resources. As a result of yesterday's budget and after years of pressure by the Scottish National Party, the Scottish Fire and Rescue Service will be able to reclaim £10 million in VAT next year, and will benefit from the whole of that additional £10 million.

Since reform of fire and rescue services, there have been no compulsory redundancies and no station closures. One hundred firefighters were recruited in January this year and a recruitment campaign for 300 additional firefighters will be launched next week. Our focus has been, and will continue to be, on protecting front-line services.

Pay negotiations for the Scottish Fire and Rescue Service are on-going, as Richard Leonard will be aware. In terms of the next financial year, the Scottish Government remains, to this day, the only Government in the United Kingdom, including the Labour Government in Wales, that has given an unequivocal commitment to lifting the 1 per cent public sector pay cap. It is deeply regrettable that the other Governments—including the Labour Government in Wales—have not yet agreed to do likewise.

Richard Leonard: The poster of the Fire Brigades Union in Scotland made it clear that there should be no more cuts, so the people of Scotland will have to make up their minds whom they believe: the firefighters on the front line, or the First Minister on the side line.

Under my leadership, the Scottish Labour Party will work with the Government and the trade unions to try to claw back the millions of pounds that have been lost, but that in itself will not be enough. Will the First Minister guarantee that there

will be no more cuts to the Scottish Fire and Rescue Service?

The First Minister: I have just run through the facts for Richard Leonard. The operational budget for the Scottish Fire and Rescue Service for this year has increased. Far from there being further cuts, which Richard Leonard asked about, the service has already recruited 100 extra firefighters this year and is about to open a recruitment campaign for 300 more firefighters on 30 November. That is increasing the number of front-line firefighters, not reducing it. As I said, we will ensure that the fire service gets the full benefit of the VAT that it can reclaim next year.

We will continue to stand up for front-line public services, for the people who work in our public services and for those who work in private companies, just as we did last week when getting a deal together to save Burntisland Fabrications and the jobs that depend on it. We will continue to act in the interests of public and private sector workers around Scotland. As we do so, I hope that we will have the support of Richard Leonard and his colleagues.

Richard Leonard: It is not just the firefighters whom this Government is failing. After seven years of Tory austerity and a decade of mediocrity and indifference from the SNP, the results are falling wages, shrinking public services, rising poverty and widening inequality. Local government budgets have been decimated, and a quarter of a million children are living in poverty. Hundreds of thousands of pensioners will face the choice this winter between eating and heating.

More of the same just will not do; Scotland needs real and radical change. Will the First Minister stand up for Scotland's firefighters and public service workers, and stand up for all of Scotland's people? Will she finally use the powers of this Parliament to stop the cuts?

The First Minister: I think that I heard Richard Leonard mention, in that rather rambling question, the issue of pensions, which I remind him is a reserved matter. However, if he wants to join us in a campaign to devolve responsibility for pensions to this Parliament, I will be delighted.

We have opposed and will continue to oppose austerity. I remind Richard Leonard that the current period of austerity was actually started by Gordon Brown and Alistair Darling under the last Labour Government.

Mr Leonard also mentioned wages, I say again that this Government, unlike any other in the UK, has committed to lifting the 1 per cent public sector pay cap. That will form part of the budget that we will present to Parliament in just a couple of weeks. I suggest to Mr Leonard that it is easy for Labour, out of power, to call on those in

Government to do things, but such calls are not credible when, in the only part of the UK where Labour is in power, it refuses to do the things that Labour in this Parliament is calling on us to do. Before Richard Leonard next asks me to do those things, he should persuade the First Minister of Wales—the Labour First Minister of Wales—to do them, too.

The budget that we will introduce will be a budget to protect public services and the low-income and vulnerable people of our country. Overall, it will be about standing up for Scotland, and when we publish it, I will challenge all parties across the chamber to back it in the interests of the country that we serve.

United Kingdom Budget

3. Patrick Harvie (Glasgow) (Green): I, too, congratulate Richard Leonard on his election and welcome him to his place on the Labour front bench.

One of the most short-sighted mistakes in the United Kingdom budget is the decision to cut stamp duty, which all serious analysis shows will push house prices even higher and entirely fail to benefit first-time buyers. Moreover, the proposed methods of investment in new housing are likely to provide more benefit to developers and landowners than to people who are truly in need of genuinely affordable housing.

The equivalent of stamp duty is devolved in Scotland, but the Scottish Government has previously given ground to pressure from the Tories by cutting it to compete with George Osborne's policy. Will the First Minister give a clear guarantee that the Scottish Government will not repeat that mistake and will this time refuse to follow a foolish decision by a UK Government? (S5F-01732)

The First Minister (Nicola Sturgeon): Of course, we already have a more progressive system; what is called stamp duty south of the border is called land and buildings transaction tax here in Scotland. Yesterday, the Treasury said that the policy announced in the budget was intended to exempt 80 per cent of first-time buyers from stamp duty, but let me run through the current position here. In Scotland, 65 per cent of first-time buyers are completely exempt from LBTT; 80 per cent already pay either no tax at all or less than £600 in LBTT; and 100 per cent of first-time buyers who buy at or below the average Scottish house price are already exempt from the tax. We already provide much more generous support to first-time buyers.

Of course, as we finalise our budget over the next couple of weeks, we will consider whether it is appropriate to give any further assistance to

first-time buyers. In that respect, two points will be very much part of our consideration. First, house prices in Scotland are lower than those in the rest of the UK; for example, a house that costs £300,000 in the rest of the UK would cost around £175,000 in Scotland. Secondly, we will, of course, be very mindful of the point that Patrick Harvie has made. Yesterday, the Office for Budget Responsibility said that, in its view, the policy announced by the chancellor will push up house prices and result in first-time buyers paying more for their houses than they would have paid without the policy. Even with the voodoo economics that we get from the Tories, I do not think that that makes much sense. Those are the considerations that we will have in mind as we finalise our budget proposals over the next couple of weeks.

Patrick Harvie: I agree that it would not make much sense; indeed, it did not make much sense the last time the Scottish Government did it. Throwing tax cuts into a dysfunctional housing market solves nothing.

Of course, housing is not the only area in which the UK Government is determined to help those who are least in need. We have yet another income tax cut for high earners, while people who work hard to deliver public services have still not been given a fair pay rise. If the Scottish National Party's Westminster leader meant what he said in the Westminster chamber yesterday—that public sector pay should match the cost of living, a statement that I do not think we have heard from the First Minister yet—and if we are to see that and to avoid handing on Tory cuts to our local services and other parts of the Scottish budget, is it not time for the First Minister to come off the fence on income tax and to accept that we need a radical redesign along the lines that the Green Party has proposed: protecting low earners, cutting inequality and raising revenue from the likes of the First Minister and me, who can afford to pay more, to invest in the services that our country needs?

The First Minister: On the specific proposals that the Green Party put forward at the election, the detail of the paper that we published just a couple of weeks ago shows that what would be raised from those proposals would certainly give us pause for thought about whether that was, in fact, the right way to go. However, we have set out options around income tax that will allow us, if we choose to follow any of the options, to see tax revenue make a contribution to meeting the challenges that we face in our budget.

On public sector pay, I have been very clear that the 1 per cent pay cap should be lifted and that we have to have pay settlements for those in our public sector that are, of course, affordable—that is just a statement of fact—but which also reflect

the real-life living circumstances of public sector workers.

I know that everybody across the chamber—and no doubt those in the press gallery, too—understandably wants to hear me say today specifically what our proposals on tax and public sector pay will be when we produce our budget. However, we will go through the perhaps less dramatic but certainly more appropriate process of finalising our budget proposals and presenting them to the Parliament in just a couple of weeks' time, and then everybody will be able to debate them and—I hope—support them, because the proposals that we put forward will be in the overall interests of this country, its people, its public services and its economy.

The Presiding Officer (Ken Macintosh): We have a number of supplementary questions, the first of which is from Marie Gougeon.

Dundee (European Capital of Culture Bid)

Mairi Gougeon (Angus North and Mearns) (SNP): The First Minister has no doubt heard the news today that Dundee's bid to become the European capital of culture in 2023 has been dealt a fatal blow because, according to reports, the United Kingdom will no longer be able to host the European capital of culture because of Brexit. Dundee's bid had the potential to have a massive positive impact not just for Dundee, but for the likes of my Angus North and Mearns constituency and the wider north-east. What conversations have the First Minister and the Scottish Government had with the UK Government on the matter?

The First Minister (Nicola Sturgeon): I thank Marie Gougeon for raising that issue. I am absolutely dismayed by the news that I heard this morning from the European Commission that Dundee's European capital of culture bid looks as if it will be the latest victim of the Tories' obsession with taking this country out of the European Union against our will, and they should hang their heads in shame.

The Scottish Government, of course, anticipated the issues concerned; late last year, Fiona Hyslop wrote to the UK Government to highlight the enormous benefits that international cultural engagement can bring and to seek reassurances then that the UK would continue to participate in partnerships like the European capital of culture. It is now deeply concerning that the amount of time, effort and expense that Dundee has put into scoping out its bid could be wasted, thanks to the Brexit policy of the Tory Government.

We are now in urgent contact with the UK Government and Dundee to understand the potential implications of the situation and to

establish what action the UK Government will take to address it. Let me leave the chamber in no doubt: I call on the UK Government today to make clear not just why this has happened but how it intends to fix it so that Dundee can continue to aspire to be the European capital of culture that it so richly deserves to be.

Dads Rock

Jeremy Balfour (Lothian) (Con): Will the First Minister join me in expressing concern that Dads Rock, a charity based here in Lothian that is well known to the Scottish Government for the good work that it does in helping dads to develop better relationships with their children, is having to reduce services, including play groups and counselling, following recent funding cuts? Will she ask her officials to meet me and Dads Rock to see what help can be given in the short term and long term to support that worthy cause?

The First Minister (Nicola Sturgeon): First, I thank Jeremy Balfour for raising the issue of Dads Rock, which is an organisation that I know of, having seen at first hand the excellent work that it does to help fathers develop better relationships with their children; for the good of society overall, that is a very worthwhile cause. I will have my officials look into the particular issue that Jeremy Balfour raises and write to him once they have had the opportunity to do so.

The final point that I would make, which is not intended to have a go at Jeremy Balfour, who is legitimately raising an important constituency issue, is that here we are seeing one of just many of the real-life implications of what I was saying to Ruth Davidson earlier: next year, we face a £200 million real-terms cut in our day-to-day budget and these are the kind of implications that we will have to face as a result. I am afraid that that is bringing the Tories face to face with the real consequences of the budget decisions that they make.

Srebrenica

Gail Ross (Caithness, Sutherland and Ross) (SNP): I remind the chamber that I am a board member of Remembering Srebrenica Scotland and the parliamentary liaison officer to the First Minister.

Yesterday, former Bosnian Serb commander, Ratko Mladic was jailed for life for atrocities committed in the 1990s Bosnian war, including the 1995 genocide at Srebrenica, in which more than 8,000 mainly Muslim men and boys were slaughtered. That verdict will be of interest to many in Scotland, particularly those in our Bosnian community. Does the First Minister agree that yesterday's verdict is a tribute to the international community that has importantly worked together, and particularly to groups such as the Mothers of

Srebrenica who have campaigned tirelessly on behalf of the victims? Will the First Minister commit Scotland to helping in any way it can to deliver a stable and prosperous future for our friends in Bosnia-Herzegovina?

The First Minister (Nicola Sturgeon): I share Gail Ross's sentiments. I very much welcome yesterday's verdict and the sentence handed down to Ratko Mladic.

I have visited Srebrenica, as I know that other members have—I visited the memorial at Potocari. I know from the people I met there how much this verdict and sentence will mean to them, to all who suffered in the 1995 genocide and indeed to everybody across Bosnia-Herzegovina who suffered as a result of genocide and war.

We need to ensure that the victims of violence—and perhaps in particular the victims of sexual violence—are heard and the crimes against them are not forgotten. Groups such as the Mothers of Srebrenica, who I have had the privilege of meeting, provide an inspiration for us all—Governments and communities right across the world—to act to reduce and ultimately eradicate violence against women. Today it is appropriate for all of us in this Parliament, on behalf of the people of Scotland, to send a message of commemoration, solidarity and support to the people of Srebrenica.

United Kingdom Budget

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): Yesterday the independent Fraser of Allander institute passed its verdict on the United Kingdom Government's budget and branded UK growth prospects as "dire".

I am an MSP for a rural part of Scotland that will feel the impact first—and I am parliamentary liaison officer for the Cabinet Secretary for Finance and the Constitution. Does the First Minister agree that the case for continued membership of the single market is growing stronger by the day?

The First Minister (Nicola Sturgeon): Yes, I do. The case for remaining within the European Union is possibly growing stronger by the day, but as a minimum we should remain within the single market and the customs union.

We are starting to see, on almost a daily basis, the consequences of Brexit, from the confirmation earlier this week that the European Medicines Agency and the European Banking Authority are to leave London for other European capitals, to the news today about Dundee's European capital of culture bid, to some real financial consequences.

It was striking that in yesterday's budget the chancellor set aside more money to deal with the

consequences of a Tory hard Brexit than he set aside to help the national health service with the pressures that it faces. That says everything that we need to know about the warped priorities of the Tory Government at Westminster.

As every day passes and the consequences become more stark, the case for making sure that our country is not ripped out of the European single market will get ever stronger.

United Kingdom Budget

4. Ash Denham (Edinburgh Eastern) (SNP): To ask the First Minister what the Scottish Government's response is to the autumn budget. (S5F-01753)

The First Minister (Nicola Sturgeon): Yesterday's budget provided few measures to grow the economy, tackle inequality or invest in public services. The announcements in relation to the North Sea and ending the VAT obligation on police and fire services are certainly welcome, albeit long overdue.

However, as I have said, our block grant for day-to-day public spending has been cut by more than £200 million in real terms next year, and by 2019-20, our discretionary budget will have been reduced by £2.6 billion in real terms over the decade.

Although the budget provides some consequential, more than half of those are financial transactions, which the Scottish Government cannot spend on front-line public services and which have to be repaid to the Treasury. Overall, the budget contained little to help Scottish households, businesses or public services.

Ash Denham: I note the real-terms cut to Scotland's revenue, which is a real disappointment. Yesterday, revised Office for Budget Responsibility growth figures underlined the fact that Tory austerity is failing. On top of that, average wages are set to fall and taxpayers will pay through the nose for Brexit. When Scotland badly needs growth in our economy, is it not time for real investment with no strings attached and more powers for this Parliament to grow our economy?

The First Minister: I agree that the more power that we have in this Parliament to take our own decisions, the better it will be for people the length and breadth of our country.

The Resolution Foundation is reporting this morning—this is a serious point that I know the Tories will not want to listen to, but they really should—that average pay will not return to its pre-crisis level until 2025. That will be 17 years after the pay squeeze began. In the budget yesterday

there was not one single extra penny confirmed to help lift public sector pay. That is the priority that we see the Westminster Government attach to the living standards of people across our country.

We will use next month's budget to put forward an alternative approach that allows us to invest in our public services and also allows us to protect those who are on the lowest incomes in Scotland from the impact of the Tory cuts that are biting so hard.

Murdo Fraser (Mid Scotland and Fife) (Con): The chancellor announced yesterday that the Scottish police and fire services can now reclaim VAT, thanks to pressure from 13 Scottish Conservative MPs in Westminster. [*Interruption.*] Will the First Minister now accept that that was a mess—

The Presiding Officer: Order, please.

Murdo Fraser: —entirely of the SNP's own making. It went in to the police and fire services mergers with its eyes fully open, fully aware of the consequences of its actions. [*Interruption.*]

The Presiding Officer: Quiet, please.

Murdo Fraser: Will the First Minister now take the opportunity to thank the Conservative chancellor for clearing up the SNP's mess for it?

The First Minister: I increasingly love it when Murdo Fraser gets to his feet. It is like Christmas come early every week. I remind the chamber what one Murdo Fraser—I assume that he is the same one we have just heard from—said about a police and fire VAT refund, not eons ago but just a matter of weeks ago. On 31 October 2017, Murdo Fraser got to his feet in the chamber and said:

“there is no justification for a VAT refund”—[*Official Report*, 31 October 2017; c 77.]

for police and fire services. I think that it was really, really cruel of his Tory colleagues at Westminster to prove him so completely and utterly wrong—but then, he is often completely and utterly wrong.

Yesterday, the Tories were forced to concede that they have been wrong all along on this issue. The argument is that it was all because the SNP pursued a policy of a single police force. Do members know the flaw in the Tories' making that argument? The Tories also proposed a single police force. The argument that it is all a mess caused by SNP policy kind of falls apart when we see that the Tories had exactly the same policy all along.

The fact is that the Tories knew that they were in the wrong and in an indefensible position, but refusing to do the right thing until they thought that they could somehow wring some party political advantage out of it just shows how small-minded

and partisan the Tories are. It reflects really badly on them.

My final point is this: having conceded that it is wrong to take VAT out of the pockets of our emergency services, it is not enough just to fix it for the future. Let us have back the £140 million that has been nicked from our emergency services.

Local Government (Funding)

James Kelly (Glasgow) (Lab): The First Minister will be aware that, last week, the Convention of Scottish Local Authorities published a report demonstrating how the Scottish National Party Government has systematically penalised local government, resulting in £1.5 billion of cuts and 15,000 job losses. The issue is not just the figures but the impact on local communities, the day centres that have closed and the libraries that have disappeared from local areas. The First Minister has fudged the issue of taxation all the way through this parliamentary session. When will she finally show some leadership and produce a budget that uses the powers of the Parliament to deliver progressive taxation and give fair funding to local government in order to protect local jobs and services?

The First Minister (Nicola Sturgeon): James Kelly asks when we will set out our position on tax and on all the other matters. The answer to that question, which I think he knows, is 14 December, when we will publish our budget in the chamber.

The member talks about local government funding, which is a very important aspect of our budget considerations. In the budget for this financial year, we took steps to protect the spending power of local government. In fact, we increased the spending power of local government considerably, and we will continue to do everything that we can to protect front-line services.

I say again what I have said previously to Labour members who have stood up in the chamber and raised the issue of local government budgets. Last year, we gave councils the option to increase their council tax by up to 3 per cent to help with the pressures. The only councils that thought they had enough money and did not have to do that were Labour councils. Labour stands here calling for more money, but its own councils ignore it by refusing to use the options that they have to raise more money. It seems as though Labour councils listen to James Kelly just as closely as Kezia Dugdale did when he told her that she was not allowed to go to the jungle.

Scottish Ambulance Service (Work Pressure)

5. Alexander Stewart (Mid Scotland and Fife)

(Con): To ask the First Minister what the Scottish Government's response is to the recently published internal staff survey from the Scottish Ambulance Service, which suggests that work pressure had affected the health of more than half of the respondents. (S5F-01734)

The First Minister (Nicola Sturgeon): The Scottish Ambulance Service staff who responded to more than 740,000 incidents last year provide an exceptional service across Scotland, often in the most difficult circumstances. Yesterday, the health secretary met the chief executive of the Scottish Ambulance Service to set out our expectations of the support for the health and wellbeing of staff.

Pauline Howie, who is the chief executive of the Ambulance Service, and her senior team are considering the findings of the survey in detail. They are clear that they will take additional steps to address the issues raised.

Alexander Stewart: Back in June 2008, when the First Minister was the health secretary, she gave the Scottish Ambulance Service one month to introduce plans to end the single staffing of its emergency ambulances and told it to

“take action to eliminate rostered single manning.”—
[*Official Report*, 4 June 2008; c 9260.]

However, a freedom of information request shows that, last year, single manning occurred more than 2,200 times. What reassurances will the First Minister give to front-line staff that that situation will not continue and that they will not be put in that intolerable position?

The First Minister: The single crewing of ambulances should happen only in exceptional circumstances, and we will continue to monitor the situation closely with the Scottish Ambulance Service. The most recent quarterly figures, which are for April to June 2017, show that the number of single-crewed shifts increased slightly, by 28 shifts, on the previous quarter but that they remained only 1.3 per cent of the total number of shifts that were carried out over that period. We will continue to work closely with the Ambulance Service to ensure that single manning occurs only in genuinely exceptional circumstances.

We are committed to supporting the Ambulance Service to train 1,000 additional paramedics over this parliamentary session to further reduce the pressures on accident and emergency services and to support primary care transformation. That work is under way.

As I have said, those who work in our Ambulance Service do an exceptional job. We all recognise that working for the Ambulance Service

is one of the most challenging jobs that anybody could do. The Ambulance Service has an employee assistance programme, which includes counselling for staff who witness dramatic events, therapeutic services and fast-track access to physiotherapy, for example. As part of its consideration of the survey, the Scottish Ambulance Service will consider what further steps it needs to take to give the appropriate support to those who work for it.

Student Minimum Income Entitlement

6. Iain Gray (East Lothian) (Lab): To ask the First Minister what action the Scottish Government plans to take to support students, in light of the call in the report, “A New Social Contract for Students: Fairness, Parity and Clarity”, for them to be given a minimum income entitlement of £8,100 per year. (S5F-01740)

The First Minister (Nicola Sturgeon): The Government is committed to ensuring that all students, especially those in our most deprived communities, are provided with the financial support that they need to succeed. That is why we commissioned the independent review of student support. I thank Jayne-Anne Gadhia and the members of the review board for all their hard work on that over the past year.

The report sets out a number of recommendations that would fundamentally change the way that students are supported. It is only right that we now take some time to consider those recommendations in detail and, of course, as part of the current budget process and future budget processes. We will set out our next steps in due course.

Iain Gray: The key question for the Government's response is the balance that it strikes between grants and loans. The review's central recommendation is disappointing in that it would embed the cuts to grants for university students that the Government made in 2013 and would, yet again, increase student indebtedness. Those debt levels have already doubled under the Government in spite of its promise to “Dump the Debt”, and poorer students come out of university with the highest debt. Will the First Minister now listen to the National Union of Students Scotland and shift the balance of student support back towards higher grants rather than there being just more debt?

The First Minister: On a point of consensus, Iain Gray is right in saying that that is not the only key point that is relevant to the Government's response to the report—it is one of the key points. As I said, we will respond to the report in due course after carefully considering the recommendations.

I do not disagree with Iain Gray about the importance of the issue, but the level of total student support is now up. The average support per student is now up, more full-time higher education students than ever are receiving support and almost 3,000 additional students qualified for a non-repayable bursary or saw their funding increase last year. Those are the results of the decision that we took to raise the income threshold for bursaries. We also paid out more in grants and bursaries last year than in the previous year.

That is our record. We now want to consider how we will build on that.

I understand the issues that are raised by student debt—indeed, that is one reason why we are so determined to keep tuition fees out of Scotland. However, the average student loan debt in Scotland is significantly lower than it is in any other part of the United Kingdom. In England, the average student loan debt is £32,220; in Scotland, it is £11,740.

We have work to do, and the report provides us with the basis on which to do that work. However, it is important to recognise that, in many respects, students in Scotland get much greater support than students elsewhere in the UK.

Gillian Martin (Aberdeenshire East) (SNP): How will the Scottish Government meet its commitment to raise the student loan repayment threshold and reduce the payment term?

The First Minister (Nicola Sturgeon): We are actively considering how to do that. It was a manifesto commitment that we made at the most recent election. We had already committed to that even before the report was published this week, and we will shortly set out the details of how we will meet that particular commitment.

St John's Hospital (Accident and Emergency Waiting Times)

7. Neil Findlay (Lothian) (Lab): To ask the First Minister what the Scottish Government's response is to concerns that A and E waiting times at St John's Hospital have been misrepresented. (S5F-01746)

I declare an interest in that both my wife and my daughter work in St John's hospital.

The First Minister (Nicola Sturgeon): The Government's concern is reflected in the action that the Cabinet Secretary for Health and Sport has taken. Last week, she ordered an independent review of concerns about waiting times practices and staff pressure in St John's hospital accident and emergency department. That followed her instructing NHS Lothian to examine the claims that were raised with her by a whistleblower, which confirmed certain areas of concern. As a result,

she asked the Academy of Medical Royal Colleges and Faculties in Scotland to undertake an external review to investigate those concerns. That review will report back to her early in the new year.

Neil Findlay: This week, the Health and Sport Committee heard from representatives of accident and emergency staff, doctors, allied health professionals and nurses how staff shortages and cuts are impacting on staff morale, the culture across the national health service and, ultimately, patient care. I hear repeatedly from staff at St John's hospital who desperately want to do their job well but are unable to do so because there are not enough staff. The latest revelations about the misreporting of waiting times appear to be yet more evidence of that. In the forthcoming budget, will the First Minister ensure that the NHS is fully funded and staffed appropriately and safely and that those who care for us are paid a fair wage for their efforts?

The First Minister: I agree with Neil Findlay's comments about the importance of the work of those who work in our NHS in general—particularly those who work in accident and emergency departments.

As a former health secretary, as the First Minister and as a citizen of this country, I readily recognise the pressure that those who work in our health service are under. The job has always involved people working under pressure but, with our ageing population, we know that the pressure is increasing. That is why we have increased the budget of the front-line health service by providing an additional £3 billion over the tenure of this Government so far, and it is why, at the election last year, we had the most extensive commitment of any party to additional funding for the NHS over this parliamentary session.

We see additional people working in the health service and, as well as additional funding, we need to see continued reform of how health services work and how they work in conjunction with social care services.

We will continue working, through the budget that will come to the Parliament in a couple of weeks' time and beyond it, to make the best possible decisions to ensure that our health service has the support that it needs.

The Presiding Officer: That concludes First Minister's questions.

Jeremy Balfour (Lothian) (Con): On a point of order, Presiding Officer. I am sure that the First Minister did not mean to mislead the chamber or the public, but I would like to clarify that the funding cut to Dads Rock came from third-party organisations, not from national Government either here or at Westminster.

The Presiding Officer: Thank you for that clarification. However, I am not sure that it was a point of order.

Day of the Imprisoned Writer

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a members' business debate on motion S5M-07970, in the name of Ivan McKee, on the day of the imprisoned writer. The debate will be concluded without any question being put.

Motion moved,

That the Parliament acknowledges that, each year, 15 November marks the Day of the Imprisoned Writer, which commemorates writers around the world who have been imprisoned, threatened or attacked for exercising their right to freedom of expression, and takes action on their behalf; notes with grave concern what it sees as the decline worldwide in free expression, as documented by organisations such as Reporters Without Borders, Amnesty International, PEN International, Committee to Protect Journalists and Human Rights Watch; acknowledges the importance of defending and supporting free expression for every person in Scotland and of protecting persons persecuted around the world, by state and non-state actors, for exercising their right to free speech; notes the view that governmental, intergovernmental and civil society partners at home and abroad should work together to secure protections for writers and others who are persecuted for exercising their right to freedom of expression, and further notes calls for the day to be officially recognised every year by the Parliament.

12:49

Ivan McKee (Glasgow Provan) (SNP): I am delighted to be able to hold this debate today to commemorate the day of the imprisoned writer, which falls annually on 15 November. I am grateful to Scottish PEN and Amnesty International for their support in organising the debate, and welcome the members of both organisations who are present in the gallery.

Around the world, writers find themselves imprisoned or worse for doing no more than putting pen to paper. That so many are persecuted for that simple act in the 21st century is something that should concern us all.

Last week, I attended and spoke briefly at the evening reception in the Parliament that was organised by Michael Russell MSP, PEN and Amnesty. Works by writers from countries around the world were read out. The works and the stories that lay behind them were harrowing yet inspirational, painful and powerful, and were a reminder of the power of words to move us. Some of those who read the works on behalf of imprisoned writers who could not be there had direct experience of the inside of prison cells.

Many speakers in the debate will highlight the story of particular writers who are imprisoned somewhere in the world. The diversity of geography, language, culture and beliefs that will be represented today indicates not only the

worrying scale of the problem and the commonality of the suffering that lies behind those tales, but the universality of the human spirit, which drives writers to continue to put pen to paper and speak truth to power, despite the magnitude of the consequences that may ensue.

The 2017 world press freedom index compiled by Reporters Without Borders noted a significant decline in press freedom, as

“the situation has worsened in nearly two thirds ... of the 180 countries in the Index.”

In 2016, according to Reporters Without Borders, 74 journalists were killed worldwide in the course of their duties, while 348 were imprisoned. Since January this year, 38 journalists, four citizen journalists and eight media assistants have been killed, and 183 journalists, 170 citizen journalists and 13 media assistants imprisoned. In addition, according to Deutsche Welle, in 2015, 1,054 authors were attacked, imprisoned, tortured or killed.

What can we hope to achieve by holding this debate? At one level, nothing will change. We will leave the chamber in a little under an hour and go our separate ways. Some words will have been spoken and that is all. However, at another level, much will have changed. Words, as the imprisoned writers we remember today know well, have the power to do everything: to motivate and inspire, and to reverberate and echo. It is that most basic of human characteristics: to use words to communicate and, through words, to create change. The words that we speak today will be written and recorded, to be read and viewed by many in the days and weeks to come. They will extend like a ripple in a pond, influencing behaviour and making the simple yet powerful statement that words matter.

The day of the imprisoned writer has been held by PEN International since 1981. It is marked by the promotion of literary culture, the celebration of the freedom to write and action taken to call for justice and freedom for imprisoned and murdered colleagues. The intention of the day is to increase public awareness of persecuted writers in general and to draw attention to specific cases of individual writers and their circumstances. The general public is encouraged to take part, in the form of donations and letters of appeal on behalf of the selected writers

We hope that the Scottish Parliament will recognise the day of the imprisoned writer as a focus for the campaign to free those whom we remember today. We hope that the day will inspire many to take part in other activities, including Amnesty's letter-writing campaigns and the work of PEN, through its writers at risk committee. We hope that the day will give hope to those

imprisoned for their beliefs that their plight is known and understood in places distant, and that it will give notice to their jailers.

Thirty-seven-year-old Ashraf Fayadh is an artist and poet of Palestinian origin. He is the son of refugees from Khan Yunis in the Gaza strip and, although he lives in Saudi Arabia, he does not have Saudi citizenship. He has been active in the art scene in Saudi Arabia and has organised and curated exhibitions of Saudi art in Europe and Saudi Arabia. He was active in the British-Arabian arts organisation, Edge of Arabia.

In 2013, after an argument with a fellow artist at a soccer game, Fayadh was detained by Saudi Arabia's religious police, released on bail, then rearrested and tried in early 2014. He was sentenced to four years in prison and 800 lashes. On appeal, a Saudi appeals court returned the case to the lower court, where a new judge was assigned to the case. In November 2015, Fayadh was sentenced to death by beheading, for apostasy. Used as evidence against him were several poems from his book “Instructions Within”, Twitter posts, and conversations that he had had in a coffee shop. Prior to the death sentence ruling, Fayadh was accused of having promoted atheism in “Instructions Within”, which was published in 2008.

Fayadh was also convicted of having images of women on his mobile phone. He did, but there was nothing salacious in the photos—they were fellow artists who were appearing at the Jeddah art fair.

That led to an international outcry and organised protest: 128 readings of Fayadh's poetry took place worldwide, in 47 countries; three of those events were held in Scotland. The sentence was commuted in February 2016, apparently because of the international protest. However, the poet still faces a sentence of eight years in prison and 800 lashes. Fayadh must also repent through an announcement in official media.

Fayadh's supporters believe that he is being punished by hardliners for posting a video online showing a man being lashed in public by the religious police. Adam Coogle, a middle east researcher for Human Rights Watch, said Fayadh's death sentence showed Saudi Arabia's

“complete intolerance of anyone who may not share government-mandated religious, political and social views”.

Ashraf's father had a stroke when he learned that his son was to be beheaded. He died a few months ago, before the sentence was commuted. Ashraf was not allowed to attend his funeral.

I will read an extract from Ashraf Fayadh's “Disputed” poems from “Instructions Within”, translated by Mona Karen:

“your mute blood will not speak up
 As long as you pride yourself in death
 As long as you keep announcing—secretly—that you
 have put your soul
 At the hands of those who do not know much.”

For Ashraf Fayadh, for all the other writers we will remember today, for all of the other thousands who are imprisoned or at risk of being imprisoned around the world, and for the right of all to put pen to paper, we are proud to stand in solidarity with those around the world who have been persecuted for expressing themselves. We commemorate the day of the imprisoned writer and work to raise awareness of their plight and secure their release.

12:56

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I thank Ivan McKee for bringing this important debate to Parliament. Free and open speech is a necessity of democracy, and all should be able to express their views to encourage further debate. Of course, some debates are unpleasant, but it is my belief that even the most unpleasant debates with the most unpleasant people must be had. Without debate, views that we deem repugnant, repulsive and regressive go unchallenged. However, those views must be challenged. Indeed, they are the most crucial views to hear, so that we can challenge them. That is the fundamental importance of free speech and why it is important to have the debate. In the UK and in Scotland, we live in a democracy and all of us here are well aware of the importance of debate—from all sides.

In recent weeks, it has become clear that there are those who have attempted to interfere with debate. That is an attempt to seek to fracture our society and challenge our democracy, and it is not right. We cannot allow others to dilute debate or undermine arguments on both sides and sow discord within the foundations of our political system.

Likewise, we cannot imprison writers who add strength to that debate. Those people do not seek to fracture and destroy; they seek to encourage and challenge.

Orhan Pamuk, a Turkish Nobel prize-winning writer, was threatened with imprisonment when he said:

“one million Armenians and 30,000 Kurds were killed in these lands and no one but me dares talk about it.”

Pamuk was referring to the Armenian genocide. He should talk about that event—we all should talk about it; it is important to explore history and learn from the past. However, Pamuk is a writer who was not imprisoned. His trial was dropped after international pressure, although he was eventually fined and asked to apologise for his remarks.

The same is not true for other writers. At least 81 journalists are imprisoned in Turkey and, for some time, Turkey has had the most journalists in prison of any country in the world. The failed coup last July resulted in a crackdown on officials and journalists alike, jailed on the ground that they are believed to be Government antagonists.

The situation in Turkey is precarious to say the least. No journalist—or anyone else—should be imprisoned unjustly. At the end of October 2017, 48 journalists were put on trial, in three different trials.

Earlier this year, a Turkish court sentenced *The Wall Street Journal* reporter Ayla Albayrak to two years and one month in prison, declaring her guilty of engaging in terrorist propaganda in support of the Kurdistan Worker’s Party or PKK, through one of her *Wall Street Journal* articles. However, the original article did not include any praise for the group; rather, it provided a balanced and objective view of urban warfare that at the time gripped areas of Turkey’s predominantly Kurdish south-east. Instead of being arrested, the authors of such journalism should be encouraged.

Another example of an unjust arrest is the arrest of the 17 employees of the *Cumhuriyet*—a Turkish newspaper—who were accused of being accomplices to terrorism. Reporters Without Borders argues that the employees were put on trial because the paper is critical of the Turkish Government. Huge questions hang over those arrests, and it is a deep concern that such examples are becoming ever more common in Turkey.

Freedom of speech is central to healthy democracies. It is highly concerning that the number of cases of imprisoned journalists is ever growing. Debate is a good and healthy thing, and it should certainly be encouraged everywhere in the world. I thank Amnesty International and PEN International for their highlighting of injustices.

13:00

Ruth Maguire (Cunninghame South) (SNP): I thank my colleague Ivan McKee for bringing an issue of such significance to the chamber. As we commemorate the day of the imprisoned writer, I am pleased to contribute to a debate on an issue of such fundamental importance: the right to freedom of expression.

This is a time to reflect on how fortunate we are to live in a society in which freedom is respected, cherished and defended by all parties and by each of our Parliaments. It is also a time to remember that we should never take for granted the fundamental right to freedom of expression, and that we must always be vigilant for attempts to dilute it.

Most important is that the day of the imprisoned writer is a time to reflect on the situation of those who do not yet have even that most basic human right of freedom of expression, those who are still struggling and fighting for it and those who are suffering unjust imprisonment, persecution and violence for the simple act of expressing their thoughts in writing.

I join colleagues in expressing my thanks to organisations including Reporters Without Borders, Amnesty International, PEN International, the Committee to Protect Journalists and Human Rights Watch, which work tirelessly all year round to highlight the plight of imprisoned and persecuted writers, and to campaign for a world where everyone has the fundamental right to freedom of expression.

As we have heard, each year PEN highlights the cases of five persecuted writers that are emblematic of the persecution and threats that are faced by writers and journalists across the world. One of this year's cases is the Kurdish poet and artist Zehra Doğan, who is currently imprisoned in Turkey. As co-convenor of the cross-party group on Kurdistan, and as someone who has a long-standing interest in Kurdistan, I would like to use my time to highlight her story and—I hope—to inspire more people to take action to help her. According to the Committee to Protect Journalists, Turkey has earned an accolade that holds no glory—it is the biggest jailer of journalists in the world. Zehra Doğan is one of them.

Zehra is in prison primarily because of a painting that she made and a news report that she wrote. The painting that is at issue is her recreation of a photograph that was taken by the Turkish military of the Kurdish town of Nusaybin, following its destruction by Turkish forces that were fighting the PKK. For the Turkish army, it was a victorious photograph of its suppression of the town, showing destroyed buildings draped with Turkish flags and surrounded by tanks. For Zehra and the residents of the town, by contrast, it was a picture of suffering and displacement. To reflect that, Zehra adapted the photograph by painting the army tanks as huge grotesque creatures consuming innocent civilians. Although the Turkish flags were present in the original photograph, Zehra was found guilty of painting the Turkish flags on the destroyed buildings, and the painting was condemned as anti-Turkish propaganda.

I will quote Zehra. She said:

“They gave me a prison penalty for taking the photo of destroyed houses and putting Turkish flags on them. But it wasn't me who did it, it was them. I just painted it.”

The second reason for Zehra's imprisonment—a news report that she wrote—featured a quotation from a child who had been affected by the clashes in the town. The child said:

“We are hearing gunfire right now. When the shots intensify we run to our homes. When the tanks go away we take to the street to protest. I think we are right. I know our voices will be heard one day.”

Zehra's reporting of those five sentences was also deemed to be terrorist propaganda. Zehra was first sent to prison in July 2016 and was released in December the same year. In June this year, she was arrested again, and is in prison as we speak.

The actions of the Turkish authorities are condemnable and disgraceful. Zehra is an inspirational and highly skilled painter and journalist—not a criminal—and I add my voice to the global calls for her immediate and unconditional release.

It is one thing to talk, but another to take action. I hope that I can persuade every member to take action and, perhaps, to do what I did earlier this week, and write to the Turkish Prime Minister and Minister of Justice to press for Zehra's immediate and unconditional release. Their addresses can be found on the PEN website. Members can also send a short postcard to Zehra personally. The prison only accepts letters in Turkish but, fortunately, PEN has provided a model letter that can be copied. Translated, the letter reads, simply and powerfully:

“Zehra you are not alone. We are proud of your work and celebrate your courage. Your voice is heard around the world and we will keep advocating for your freedom.”

In that spirit, let us commit to using our own precious freedom of expression to support those who are still fighting for theirs.

13:06

Daniel Johnson (Edinburgh Southern) (Lab):

I begin by declaring an interest as a member of Amnesty International. As other members have done, I thank the various organisations that have provided briefings and information, and that continue to campaign on the issue. PEN has organised an important campaign. It is important because the matter is, fundamentally, about democracy. Democracy is precious and important, but it is also fragile and needs to be looked after. It is not just about voting and casting ballots—it requires the rule of law, freedom of association and, perhaps most important, freedom of speech and expression. That freedom is something that we take for granted daily in Parliament, but people in many parts of the world do not have it and find themselves imprisoned and persecuted because of that.

Press freedom is a crucial element of free speech because it is through the press that we hold a mirror up to and challenge power and authority, in order to highlight its mistakes and, indeed, its injustices.

As Ivan McKee said in his opening remarks, today is a day for highlighting the stories of those who have suffered because of repression, so I would like to highlight the story of Oleg Sentsov, a Ukrainian filmmaker who is imprisoned in Russia. He was arrested on 10 May 2014 and subjected to a brutal three-hour ordeal involving beating, suffocation and threatened sexual assault, which is unimaginable to most of us.

Oleg was charged with the establishment of a terrorist group, politically motivated arson and conspiring to blow up a statue of Lenin, which was a charge that I had to re-read: this happened in 2014 in 21st century Russia, not in soviet Russia. Oleg was sentenced to 20 years in prison and was refused extradition because Russia claimed that he had become a Russian citizen following the annexation of Crimea. Key prosecution witnesses retracted their statements and said that they had been extracted under torture. Oleg was added to a list of terrorists, according to PEN, because of his opposition to Russia's annexation of Crimea.

The reality of Putin's Russia is that journalists are imprisoned or killed. Two journalists have been killed this year. Nikolai Andrushchenko, co-founder of *Novy Petersburg* and a reporter on corruption and human rights abuses, was beaten and died from his injuries in April, and Dmitry Popkov, co-founder and chief editor of *Ton-M* in Minusinsk, which reported on corruption, was found dead in May. A total of 25 journalists have lost their lives since Putin came to power. As other members have rightly pointed out, the Committee to Protect Journalists says that the number of journalists who are being imprisoned is at a 30-year high, primarily because of what is happening in Turkey. The people on whose behalf we are speaking provide the context to this debate.

We also need to reflect on the actions of the Russian state, because those actions are not confined within its borders. Russia is actively seeking to undermine democracy in other parts of the world: it is engaged in active propaganda, whether through Twitter factories or its official outlet in this country, RT—formerly Russia Today—which has been condemned on several occasions by Ofcom. Let us think twice about legitimising that outlet. We should refuse to appear on RT and we should certainly not take its money because we must stand up for press freedom. We cannot legitimise the actions of the Russian state.

13:09

Andy Wightman (Lothian) (Green): I declare an interest as a writer and as a member of Scottish PEN. I thank Ivan McKee for bringing the debate to the chamber.

As members know, PEN International's day of the imprisoned writer started in 1981 to highlight the situation of journalists who were being persecuted for pursuing the craft. The written word speaks to the human story in all its complexity, from personal inner thoughts to historiography, and from politics through to investigative journalism and activism. As we have heard, writers are a particular target for oppressive regimes and powerful interests because, especially in the modern era, the written word can be spread far and wide. Words are powerful tools in the hands of anyone, which is why the authorities in oppressive regimes frequently attempt to silence writers who write freely or who criticise their regimes.

So it was with Anna Politkovskaya. She was born in New York in 1958 to Ukrainian parents who were United Nations diplomats. In 1982, she started her journalistic career at *Izvestia*, a Russian broadsheet newspaper, as the editor of the accident and emergency section. From 1994 to 1999, she worked as assistant chief editor at *Obshchaya Gazeta*, for which she frequently wrote about social problems, including problems facing refugees. From 1999 to 2006, Anna wrote columns for the biweekly *Novaya Gazeta*, where by her own admission she became obsessed with exposing the killings, torture and beatings of civilians by Russian soldiers in Chechnya. At that time, she wrote in an essay that editors at the newspaper would

"receive every day, in our editorial office, visitors who have nowhere else to bring their troubles, because the Kremlin finds their stories off-message, so that the only place they can be aired is in our newspaper".

As a consequence of her work, she was highly critical of Vladimir Putin. She won numerous awards, but as she gained prominence abroad, she was increasingly marginalised at home. Despite being a US citizen and holding a US passport, she spent no more than a few weeks outside Russia, as an adult. Her life was threatened on multiple occasions then, on 7 October 2006, she was murdered in the lift to her Moscow flat, having been shot four times at point-blank range. After trials in 2008, 2012 and 2014, five men were convicted of Anna's murder, but those who ordered it have never been brought to justice and it is likely that they never will.

In her own words, Anna said:

"I am a pariah. ... You don't get used to this, but you learn to live with it ... Some time ago, Vladislav Surkov, Putin's deputy chief of staff, explained there were ... incorrigible enemies who simply needed to be 'cleansed' from the political arena. So, they are trying to cleanse it of me and others like me."

She has said that Chechen leader Ramzan Kadyrov

“has publicly vowed to murder me. He said during a meeting of his government that he had had enough and that Politkovskaya was a condemned woman. I was told about it by members of the government ... Why has Ramzan vowed to kill me? I once interviewed him, and printed the interview just as he gave it, complete with all his characteristic moronic stupidity, ignorance and satanic inclinations. Ramzan was sure I would completely rewrite the interview, and present him as intelligent and honourable. That is, after all, how the majority of journalists behave now, those who are ‘on our side’”.

I welcome this opportunity to put on the official record of the Scottish Parliament the testimony of one among the far too many writers across the world who have been imprisoned for their beliefs. As members know, under section 41 of the Scotland Act 1998, we enjoy absolute privilege in relation to the law of defamation. That is an important liberty for parliamentarians to enjoy. All writers should be able to speak openly and freely without fear of persecution. I agree with Ivan McKee’s suggestion that Parliament should consider recognising every year the day of the imprisoned writer.

13:13

Gillian Martin (Aberdeenshire East) (SNP): I thank my friend and colleague Ivan McKee for bringing this important debate to the chamber. The list of writers who we know have been imprisoned in order to silence them is distressing. Freedom of speech is a human right, and, on the day of the imprisoned writer, we draw attention to those who need us to be their voices. I commend my colleagues for telling the stories of those who cannot speak for themselves, and I apologise for departing from doing that ever so slightly, because I will talk about someone who was imprisoned and who is now free. I will do that because the issue is very close to home and shows that, even in the European Union, writers’ voices can be silenced for political reasons, so we must always be vigilant and condemn that where it happens.

At the time of his arrest, in February 2003, Martxelo Otamendi was a reporter on the Basque-language newspaper *Egunkaria*, which at the time was the only daily newspaper that was published entirely in the Basque language. *Egunkaria* had a strong anti-ETA editorial stance, but the Spanish authorities falsely claimed that the paper was financed by ETA and that its editorial stance was a smokescreen.

After the paper published a feature that included interviews with members of ETA—among others—the authorities used that as a reason to close the paper down, and the journalists were placed in custody. Under Spanish anti-terrorist legislation, prisoners may be held in custody for up to five days without having to be told why. Otamendi and nine other members of the *Egunkaria* team were held on those terms.

I met Martxelo Otamendi about two years ago, when I was visiting the Basque country on a speaking tour—he is now the managing editor of *Berria*, a Basque language newspaper. Otamendi told me that, when he was in prison, he was prevented from speaking or sleeping. He could not see his surroundings because the guards covered his head and face. He was threatened with sexual abuse, and on one occasion a pistol was held against his head and he was forced to perform a sexual act.

Following a visit from a forensic specialist to check his condition after a period of torture, he was told by the Guardia Civil that, if he told the truth about the torture, he would be killed. He was also pressured into giving a false confession. The Guardia Civil had told him that members of ETA who were being detained had confessed that *Egunkaria* was financed by them and that he would have no choice but to confess, but none of that was true.

Basque detainees are often taken directly to Madrid when they are arrested. The reason for doing that is, first, that it prevents them from being tried by sympathetic Basque judges, and, secondly, that it ensures that detainees’ complaints about their treatment are lodged in Madrid, where they are unlikely to win. The Spanish judge who was allocated to Otamendi’s case did not believe that he had been tortured and closed his case without calling him to testify.

Of the 10 people who were arrested, five members of the *Egunkaria* editorial board were indicted on charges of being ETA members and were released on bail to await trial. They would need to wait seven years for that trial—enough time to kill the newspaper, which could not be restarted under their bail conditions.

In 2010, the final and unanimous court verdict stated that there were no grounds to have the newspaper closed. The court noted that the newspaper’s closure was “interference with press freedom”. The judge declared:

“the allegations have not proven that the defendants have the slightest relation with ETA, and this determines in itself the acquittal with all pronouncements favorable to the defendants.”

No one has accepted responsibility for shutting down the newspaper without justification, and those who were tortured, including Martxelo Otamendi, have never had justice for those crimes.

That happened in the EU, only a few years ago. The abuse of human rights and the silencing of journalists is not just something that happens in totalitarian regimes; it happens uncomfortably close to home, in elected democracies. We must

always be vigilant that it does not happen on our watch.

13:18

Tavish Scott (Shetland Islands) (LD): A challenge in a debate like this is that members will have already spoken about cases that one might have raised. I will not repeat the striking experiences of writers that other members have described this afternoon; I will just say that I am with Ruth Maguire in believing that the issue is what we can do about such circumstances. I have a couple of suggestions for the cabinet secretary in that regard.

We meet delegations in the Scottish Parliament, we regularly see ambassadors in the VIP gallery in the chamber, parliamentarians frequently go on cross-party visits, and members of the consular corps are regular attendees at parliamentary events—indeed, many are good friends of members across all the political parties. However, I do not think that we systematically look at the kind of issue that Ivan McKee has rightly raised and ask what cross-party work we could do on behalf of an individual, writer or journalist who is being held in prison—or worse—in another part of the world, so that co-ordinated work can be done by our Government and our Parliament in a way that could make a difference.

I am with Ivan McKee on his suggestion that we should have an annual event or debate on the day of the imprisoned writer. However, more than that, I would like us to take up cases on a cross-party basis and see what we can do about them practically.

I cannot be the only member—in fact, I think Daniel Johnson mentioned it—who had the Amnesty International magazine sitting around my home from a young age and who was encouraged during modern studies classes to write letters—which they were in those days—to one oppressive regime after another on behalf of a journalist or someone else who was being held in the most abject circumstances imaginable. We cannot imagine such circumstances. We can watch whatever movies we like, but it is not really possible to understand the psychology of imprisonment, torture and what can be done to individuals unless we talk to someone who has been through it.

This is an important debate. As other members have said, Scottish PEN, Amnesty International and the other organisations that have rightly been praised today for their work should be praised again and again. However, we should reflect on one other aspect to this kind of debate. There is much good in this country. Across the regions and nations of the United Kingdom, we share some

fundamental values no matter where we come from in this group of places that we all inhabit. So, when the UK loses the judge that we have had for a long time on the International Court of Justice and thereby loses standing in the world, we should be deeply concerned for our long-term future. It does not matter where we stand on the constitutional issue or all the rest of it; the principle of the UK and its constituent nations and regions playing an important role because of the values that we hold dear is important. To brush that off, as some have done in other places in recent days, is a great failure of our diplomacy around the world. I am sure that it has lots of faults but it also has lots of positive aspects.

Scottish PEN and Amnesty International, and champions on their behalf such as Ivan McKee, are to be congratulated for making this kind of debate happen. I am now going to follow what I will call the Maguire doctrine, which is that we need to do an awful lot more than just talk about it.

The Deputy Presiding Officer: A number of speakers still want to speak in the debate. I am therefore—[*Interruption.*] Excuse me—I will start again. I am feeling quite emotional because of the debate.

Due to the number of members who wish to speak in the debate, I am minded to accept a motion without notice, under rule 8.14.3, to extend the debate by up to 30 minutes.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Ivan McKee*]

Motion agreed to.

The Deputy Presiding Officer: Thank you. I would have dared you to do otherwise.

13:22

Peter Chapman (North East Scotland) (Con): I thank Ivan McKee for the chance to take part in this important debate, which gives me the opportunity to mention some of the great poets, playwrights, essayists and novelists that Scotland has to offer.

In poetry, we have some of the greats, and Robert Burns was something of a rebel himself. Nearer to home, we have Carol Ann Duffy, the first female poet laureate, and we should never forget some of our great Doric poets such as Flora Garry, John M Caie and J C Milne, who are some of my favourites.

The modern author Ali Smith uses her voice to express lesbian, bisexual, gay and transgender issues, rejecting gender stereotypes and exploring modern ideas of relationships in her novel “How to Be Both”. Denise Mina has tackled topics such as

mental health, abuse and addiction in her crime novels.

It is vital that our authors continue to represent those ideas in popular culture and continue to push boundaries. I acknowledge that worldwide recognition of those writers is down not only to our great pool of talent but to the fact that here, in the UK, such artists have the freedom to express their ideas and have them heard, discussed and appreciated. Elsewhere in the world, some writers are not afforded that opportunity.

PEN International is an association that represents writers, journalists and poets, promotes literature and defends freedom of expression. Each year, a variety of cases are brought to light by PEN to recognise and support writers who have resisted the repression of their most basic human right—the freedom of expression.

From 2006 to 2017, the day of the imprisoned writer has recognised and paid tribute to more than 50 writers who are in prison or who have lost their lives for their work. While I was reading those cases, the one that stood out in particular for its severity was that of Susana Chávez Castillo. Susana Chávez was a prominent poet and women's rights advocate in her home town of Ciudad Juárez and had received recognition and accolades throughout Mexico for her work. The phenomenon of female homicides in Ciudad Juárez had resulted in an estimated 370 women being killed between 1993 and 2007, but very few suspects for the killings were arrested or imprisoned due to suspected gang involvement.

Susana Chávez stood up against that injustice. She was an active member of numerous organisations that supported women and the families and friends of those who had been murdered. In 2002, a social justice movement formed. It was called “Ni una más”, from a slogan that Chávez is known to have coined and popularized, which began to be used at protests around Chávez's home town. In full, the slogan is “Ni una muerta más”, which means “Not one more death”.

Chávez was known for being highly vocal in her fight for justice for women, and she often read her poetry, which was dedicated to the murdered women, at demonstrations. On 6 January 2011, Susana Chávez left her home to meet some of her friends at a local bar. She never made it to her friends and she never made it home. She was found the following day, strangled, with a plastic bag over her head and one of her hands cut off with a saw. That abhorrent murder was followed by the murder of four more women writers in 2011.

That is just one of the many cases that PEN International has recognised. Its brutality is shocking, but it is vital in bringing to light the

importance of freedom of speech and the injustice that exists in other parts of the world. I acknowledge the work that PEN carries out in supporting those who face unjust imprisonment, attacks, harassment and violence simply for using free expression in their work.

13:27

Sandra White (Glasgow Kelvin) (SNP): Deputy Presiding Officer, I take the opportunity to thank you for the work that you have carried out on human rights issues. I know that those issues are close to your heart, and I sincerely thank you for your work. I also thank Ivan McKee for securing the debate.

This is an important debate and it has been fantastic to hear about all the different people members have mentioned. Tavish Scott talked about us being in a privileged position, particularly as members of the Commonwealth Parliamentary Association, in which we get an opportunity to speak to people from particular countries. We should use that opportunity to push the right to freedom of expression with the people we meet and with the Government, too.

If I have time, I want to touch on two cases that deserve to be heard in the Parliament. One is that of Raif Badawi from Saudi Arabia, whose family I have met, and the other is that of Daren Tatour from Palestine. Both have been imprisoned and persecuted for expressing themselves.

Raif's story is pretty well known. He was sentenced to 10 years in prison and to 1,000 lashes for setting up a website that championed free speech. His blog, the Saudi free liberals forum, was shut down in 2012. Raif has already served half his prison term but, even after he is released, he still faces a further 10 years of being separated from his wife and three children—who I met here in Edinburgh and in Glasgow—due to a travel ban that has been imposed by the Saudi Arabian Government.

When I met Raif Badawi's wife, Ensaf, I was inspired by her dignity and determination. In a letter that she wrote, which can be found on the Raif Badawi Foundation for Freedom website, she says:

“I am writing this letter today to express how thankful we are my family and I for your continuous support to Raif's cause.

Unfortunately, Raif is not the only journalist in the world facing a punishment and Saudi Arabia is not the only country in the world where freedom of expression is not implemented. Many countries have yet to implement the liberty of expression, thought, belief and opinion.

My husband indeed dared to talk and is, as you may know, facing 1000 lashes, 5 more years in prison, and 10 years before leaving the country.

I am here today to tell you that the foundation and I will keep on pursuing Raif's dream which is to see a world where liberty of expression is not a privilege but a given right."

As I have said, the lady has such dignity and determination, and I wish the foundation and its supporters all the best.

I also want to highlight the case of Daren Tatour who, prior to her arrest at the age of 33, was a little-known poet and photographer living on the outskirts of Nazareth. She herself admits that the works that she posted online were rarely viewed more than 20 or 30 times but, on 11 October 2015, she was arrested at her home and charged with supporting a terrorist organisation and several counts of incitement to violence. She had posted on YouTube a video in which she recited her poem "Resist, My People, Resist Them", with music and against a backdrop of images of Palestinian resistance: men throwing stones at the Israeli army. Daren spent several months in prison and, at the moment, she is under house arrest and subject to a curfew. She is able to go out, but she still cannot use the internet.

The two cases are very different, but both are about people pushing for freedom of expression and wanting the world to know what is happening. I thank all the organisations that have given us the opportunity to have this debate and which continue to fight for freedom of expression throughout the world.

13:31

Ross Greer (West Scotland) (Green): Like other colleagues, I thank Ivan McKee for bringing the day of the imprisoned writer to Parliament.

It seems almost fashionable today to bash the media as a monolithic, corrupt and deceitful force and to see journalists as opponents of whichever cause one is aligned with. However, that is an irresponsible trend that we as elected representatives have a role in standing against. It is not good enough for us simply to resist falling into that trap ourselves; we must actively speak out against it, particularly when it takes hold in movements of which we as MSPs are leading members. Scepticism, particularly of corporate media, is healthy and legitimate, and many journalists pursue political agendas, as they have a right to. However, journalism remains one of the most important—and most dangerous—jobs on earth. Journalists speak truth to power and hold it to account.

Of course, not every writer is a journalist but, as co-convenor of the cross-party group on Kurdistan, I want, like Ruth Maguire, to highlight the oppression of journalists, particularly Kurdish and politically progressive journalists, in Turkey. I

absolutely agree with Ms Maguire that, on this issue, our actions count more than our words. Having spent a considerable amount of time with the Turkish consul and having written to him a number of times to advocate on behalf of imprisoned opposition activists in Turkey, including a friend of mine, I can state strongly to members that that level of activity counts. These Governments notice when we stand up on behalf of those whom they are oppressing.

In recent years, Turkey has earned the unenviable accolade of being the world's most prolific jailer of journalists. Once held in high regard as an emerging secular democracy, the country has been dragged by Erdoğan into the dark ages of oppression, human rights abuses and the erosion of democratic freedoms. In one day in October last year, the Turkish Government shut down 15 Kurdish media outlets, bringing the total of outlets closed during the Government's declared state of emergency to 168. The number has grown since. Indeed, the suppression of Kurdish media, in particular, has reached the comical heights of a children's cartoon channel being closed.

Turkish state oppression is not confined to the recent referendum on expanding the President's powers, widely regarded to have been rigged, or the post-coup-attempt state of emergency. On Tuesday this week, Oğuz Güven, an online editor of an opposition daily paper, was sentenced to more than three years in prison for "making terrorist propaganda". The charge relates to a tweet from the paper's account about the death of a state prosecutor in a traffic accident; although the tweet was deleted within 55 seconds, it has cost Mr Güven more than three years of his life.

Yesterday, Ayşenur Parıldak, a former court reporter for another daily paper that has been closed by the Government, was sentenced to seven and a half years for

"being a member of an armed terrorist organisation".

She maintains that her only crime was reporting on the notorious Turkish justice system; she regrets having done so and wishes that she had never done it. Of course, that is exactly what Erdoğan wants. He wants not just to crush what little free press remains but to create an environment where no one is able to step up and take the place of those thrown in jail.

The trial against Nedim Türfent, a reporter for the pro-Kurdish Dicle News Agency, resumed last week despite the fact that all 17 prosecution witnesses withdrew their testimonies, telling the court that they had testified under torture and threats from the police against a journalist they did not know. During the first, second, and third hearings of the trial, all 17 witnesses who had

submitted testimonies against Türfent withdrew their statements and said that they had originally signed the testimonies because police had threatened them, yet the trial continues.

Today we stand in solidarity with Oğuz, Ayşenur, Nedim and the many other jailed journalists, lawyers, politicians, opposition activists and human rights defenders in Turkey. We tell them that they are not alone, and we tell the Turkish Government that we are watching and that we demand an end to its oppression.

13:35

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): I thank Ivan McKee for raising this subject in debate today, and I thank all members for their thoughtful contributions. Clearly there is a lot of support across the chamber for the day of the imprisoned writer. Scottish PEN, Amnesty International and others have a crucial role to play in raising awareness of, and showing solidarity with, writers who face persecution for expressing themselves. I join other members in thanking them for their work.

I will come to the central question of freedom of expression shortly. First, I would like to point out my belief that it is the job of Government not just to promote freedom of expression but to promote a broader culture that gives space for literature and writing to flourish. Daniel Johnson reflected on that point and on the precious nature of democracy and our freedom.

Tonight, I will speak at Literature Alliance Scotland's literary cabaret, which has been established to pay tribute to Scotland's publishing, festivals, libraries, writers and international activities. It will be a celebratory event and a reminder of the richness in Scotland's writing talent. Today's debate is a telling reminder of how not all parts of the world are able to promote and draw on writing so freely.

In Scotland, we defend fiercely the right to say what we think. That is something that we so often assume without thinking, but it is worth pointing out that that right is established and protected in law, both internationally and in Scotland. Following world war two, the Universal Declaration of Human Rights, which is described as a

"common standard of achievement for all peoples and all nations",

set out fundamental human rights to be universally protected, including the right to freedom of opinion and expression. Since then, freedom of expression has been given practical effect in the International Covenant on Civil and Political Rights and the European convention on human rights. The Scotland Act 1998 and the Human Rights Act

1998 require that Scottish legislation, the acts of Scottish ministers and the actions of public authorities in Scotland all comply with the rights that are contained in the European convention.

We all have an obligation to respect the rights of others, perhaps especially the right to hold views that we disagree with. Pluralism in democracy is vital and fundamental to our individual autonomy and to the health of our society—or any society. That is why the motion is right to highlight the importance of defending and supporting freedom of expression for every person. Gillian Martin focused in her speech on the freedom of expression of a Basque writer.

Last week, in a speech in London, the United Nations secretary general identified winning the battle of ideas as being key in the fight against terrorism. He stated plainly that, when we protect human rights, we are tackling the root causes of terrorism. He spoke of the need to

"invest in ... inclusive societies where diversity is perceived as a richness, not a threat,"

and he urged

"Political, religious and community leaders"

to

"fulfil their responsibilities in promoting a culture of tolerance and mutual respect."

He underlined the importance of

"standing up for free media and the right to dissent, promoting the rule of law, demanding accountability and justice",

adding that

"the brave activists and civil society organisations that take on these issues ... are keeping us all safe."

The legal protections that we have in Scotland are essential in themselves and as statements of a commitment throughout society to uphold this essential feature of any modern democracy. The day of the imprisoned writer reminds us that there is no such commitment in many parts of the world. Indeed, as noted by Reporters Without Borders in this year's world press freedom index, there has been a significant decline in press freedom in nearly two thirds of the 180 countries. Peter Chapman referred to the situation in Mexico, and the case studies that are highlighted in the index demonstrate that not just journalists but poets, bloggers, novelists, artists and film-makers in Africa, Asia, South America, Europe and the middle east have suffered threats, attacks and imprisonment, and have even been killed for their activities.

In May, I met Ensaf Badawi, whose husband Raif—whom Sandra White referred to—was sentenced to 10 years in prison and 1,000 lashes for setting up a website that championed free

speech in Saudi Arabia. In Russia, journalists who seek to uncover issues such as corruption often face threats, violence and harassment. Fifty-eight journalists have lost their lives in Russia since 1992. Andy Wightman spoke about the Russian situation.

Since last year, Turkey has been the world's biggest jailer of journalists. Ross Greer and Rachael Hamilton set out their concerns about Turkey in their speeches, and Ruth Maguire set out one very personal case. In my last two brief conversations with the Turkish ambassador and consul general, I have raised the systemic issue of imprisoned writers. Tavish Scott is right to urge members of this Parliament to take responsibility not just to debate but to act.

The Istanbul 10, who were detained on 5 July while attending a workshop to discuss ways to continue their human rights work in Turkey's state of emergency, is of course an issue of massive concern. After months of campaigning by the global Amnesty movement, on 26 October the Istanbul 10 were released from jail on bail. However, Amnesty Turkey's chair, Taner Kılıç, remains behind bars awaiting trial.

When we consider such people, it is essential that we remember that they are being treated in that way for doing something that we would consider to be normal, acceptable and worthy of supporting and encouraging. It is impossible to overstate the importance of standing with all those throughout the world who make personal sacrifices to defend and uphold human rights. An important part of that is being absolutely steadfast in defence of our own rights and freedoms.

Beyond our borders, we remain determined to promote democracy, the rule of law and fundamental human rights. As we mark the day of the imprisoned writer and reflect on the individuals who have been highlighted by Scottish PEN and others, our shared goal must be to stand with those who suffer in this way and make it our ambition to do all that we can to ensure that freedom of expression is maintained throughout the world. As Ivan McKee said, words matter. Writers matter. This Parliament says that imprisoned writers and their creative minds matter to us.

I am sure that many of us in the chamber would agree with Gandhi, who reflected:

"You can chain me, you can torture me, you can even destroy this body, but you will never imprison my mind."

Words matter. Writers matter. Imprisoned writers matter to us.

13:43

Meeting suspended.

14:30

On resuming—

Building Regulations (Fire Safety)

The Presiding Officer (Ken Macintosh): The next item of business is a debate on motion S5M-08968, in the name of Bob Doris, on building regulations and fire safety in Scotland. I call Bob Doris to speak to and move the motion on behalf of the Local Government and Communities Committee.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): In June this year, we all watched with horror as fire engulfed Grenfell tower. Our thoughts and sympathies were then, as they are now, with those affected by that tragic event. At that time, the Local Government and Communities Committee was conducting an inquiry into building regulations more widely. As a committee, we felt that we must broaden our work to include fire safety to ensure that any lessons from that terrible fire could be considered as part of our work.

Last week in the chamber, we heard from the Cabinet Secretary for Communities, Social Security and Equalities, Angela Constance, about the progress that has been made by the ministerial working group on building and fire safety. We received confirmation that local authorities had reported that no public or private high-rise block was completely clad in aluminium composite material, except two high-rise buildings in Glasgow; in those cases, work is on-going to ensure that fire safety measures are upgraded and that a long-term solution is found.

I will focus my comments on two of the committee's recommendations on fire safety before moving on to discuss the broader building regulations aspects of our inquiry.

The committee welcomes the quick and collegiate response to establish the ministerial working group. We do not propose to duplicate its work in any way, but we will provide constructive scrutiny of the minister and the rest of the group on the progress of their work.

We welcome the additional fire safety visits that were undertaken by the Scottish Fire and Rescue Service to reassure tenants and inform them about fire safety in their homes. We also welcome the fact that the ministerial working group has commissioned the compilation of a comprehensive inventory of domestic high-rise buildings, which will be completed by spring 2018. The inventory should provide a comprehensive picture of high-rise buildings across Scotland and will inform the working group's deliberations. Our committee

recommends that the inventory should be regularly updated. We consider that it will provide a valuable resource to respond quickly to any new or emerging building and safety requirements for high-rise buildings. As a living document, which perhaps holds additional key information, the inventory will provide a lasting legacy for fire safety. That system would be far preferable to the situation that we were in a few months ago when local authorities were involved in a time-consuming trawl through paper copies of old building warrants. I believe that history will show such processes to be time-consuming, antiquated and not in the best interests of fire safety.

The committee examined existing fire safety inspection regimes. We heard how housing associations commission regular fire safety assessments and how, following occupation, high-rise buildings are subject to quarterly inspections by the fire service. Indeed, we welcome the close working relationship between social landlords and the fire service.

The committee is sympathetic to a national standard fire assessment process, and I note that the Scottish Government is considering doing that. However, we are also sympathetic to that process operating within a system of unannounced fire safety inspections, and potentially in conjunction with the Fire Brigades Union's idea of one-off intrusive inspections. Such an approach—this is not, in any way, a slight on the current systems—could further drive up the quality and consistency of a Scotland-wide fire safety regime. I look forward to the minister's response to those suggestions.

The committee will continue to monitor the progress of the ministerial working group, and we look forward to taking evidence from the minister again next year.

As I noted, our work on wider aspects of building regulations was well under way when the Grenfell tragedy happened. In fact, our work on building regulations began in February when we heard, through correspondence in our post bags and in our surgeries, about the distress and helplessness that some homeowners felt when their new home turned out not to be as well built as they thought it should have been. For most of us, our home is the largest purchase that we will ever make. As a committee, we wanted to know why some people's new homes had not been built as well as they wanted them to be.

Over the past 10 months, our inquiry widened to include the lessons from Cole's "Report of the Independent Inquiry into the Construction of Edinburgh Schools". I acknowledge the Education and Skills Committee's work in its inquiry into school infrastructure.

In our report, we have set out our views so far and highlighted key questions for members to comment on in the chamber this afternoon. I am sure that members will also want to bring their own experiences to the debate. My committee colleagues and I look forward to hearing members' thoughts.

We started our inquiry by looking at the verification process that buildings undergo when they are built or extended. In Scotland, anyone who wants to erect a new building or alter or extend an existing building requires permission from a verifier—that is, from the building standards department of the local authority in the area in which the work is to be done. Those officers can inspect the work in progress and, after completion, issue a compliance certificate if the construction has been carried out to their satisfaction and in accordance with the building warrant as far as can be ascertained from a visual inspection.

In contrast to what happens in England and Wales, where verification is undertaken by external organisations, including the National House Building Council, in Scotland the Minister for Local Government and Housing appoints local authorities as verifiers for their own geographical areas. During our inquiry, we heard many reasons for and against those two different approaches and the benefits that each could provide. Those who supported opening up verification to competition argued that that would drive up service levels and delays would be reduced. Some suggested that it would provide greater flexibility and the ability to respond to increasing demands. However, others argued that the overall level of the verification service provided by local authorities was good and that an impartial service was delivered that avoided any potential conflict of interest that might arise with private sector verifiers. We heard that the current Scottish approach provides a service that is accountable to elected members.

As a committee, we recognise that those who provide verification services in either the public sector or the private sector do so to a high professional standard. We also note that, although verification services are delivered by councils in Scotland, some councils use private verifiers when demand increases. From considering the evidence that was put to us, we are persuaded on balance that the benefits of impartiality, accountability and local knowledge that council verification provides outweigh any possible benefits that extending that to other organisations might bring. That said, we recognise that performance in some councils needs to improve.

In March 2017, the minister appointed 17 local authorities as verifiers for six years, as they had demonstrated strong performance. A further 12

councils whose performance was good but which had some weaknesses were appointed for three years. Overall, that means that 29 out of the 32 local authorities had good or strong performance. The three councils with poor performance—Glasgow City Council, the City of Edinburgh Council and Stirling Council—have been appointed for just one year, having been asked to address aspects of their poor performance.

We heard that delays in processing building warrant applications and uncertainties in outcomes were key performance issues that impacted on developers and on the overall attractiveness of Scotland for investment. The reasons that were cited for delays included increased workloads, budget cuts and loss of staff. Others highlighted the steps that had been taken to improve the service and performance management as having brought better customer focus to the local authority building standards system.

The Scottish Government asked Pye Tait Consulting to examine the performance of local authorities in their role as building standards verifiers. The report, which was published in March 2016, drew a number of conclusions, including the conclusion that

“Stakeholders are generally of the view that verifiers are doing a good job under difficult circumstances and recognise the resourcing difficulties that local authorities face. However, while some believe that speed and quality of service has improved since the introduction of the performance framework, concerns remain that the quality of service still varies between local authorities, meaning there is work to do in pursuit of national consistency.”

The committee agrees that greater consistency of service and performance across the system is required and that a highly motivated, skilled and well-resourced workforce is crucial to that. I invite the minister to set out how the Government is supporting the provisions of better workforce planning to address those concerns.

Another area that I want to comment on is accountability. In the course of our work there was considerable discussion about whether there should be a statutory scheme to redress faults in buildings after construction and who should be liable for these problems. We heard that the issue of subcontracting can lead to a blurring of the accountability lines when faults or issues arise. Others highlighted that it is the responsibility of house buyers to ensure that what they are paying for is delivered.

In considering the evidence before us, we recognised that accountability for the building process is the responsibility of every stakeholder in the construction process, from the builder to the council and the property buyer. Each has a role to play in ensuring that they meet the standards to

ensure that the outcome is a safe, secure and good-quality building.

We recognise that principle in our recommendations regarding accountability. We recommend that, at the start of the building process, consideration be given to providing new-build house purchasers with more information and support. That could include clarity about what building standards do and how purchasers might reassure themselves about the quality of the build. I would welcome confirmation from the minister about whether the Scottish Government will consider that approach as part of its newly devolved consumer protection responsibilities.

We recommend that more standardised missives and contracts be considered, with a change from the form of words in the standard contract line that says that the builder will build a house to a form of words that says that the builder will build in accordance with regulations and to a reasonable standard.

We highlight the potential of an ombudsman to mediate in the case of disputes that might arise. Although the NHBC and others highlighted to us the beneficial role of the consumer code for home builders and its independent dispute resolution service, those aspects apply only to those home builders who register homes with the UK’s main home warranty bodies such as the NHBC. Our proposal for an ombudsman would offer mediation to everyone who was involved in a dispute. I would welcome comment from the minister on whether that proposal merits further consideration.

I am sure that my fellow committee members will want to highlight other issues in our report but I invite all members to contribute to our work. Do members think that there should be a statutory system of redress? How can building standards performance be improved?

This piece of work began with what we heard from our constituents, and I suspect that other members will have heard similar issues. This is everyone’s chance to put on the record what they think are the problems and the opportunities to improve the system.

The committee will return to this work in the new year, when we will consider our final views and report and consider all the comments that we will hear this afternoon. I thank all those who have contributed to our work so far and who will contribute this afternoon.

I move,

That the Parliament notes the conclusions and recommendations in the Local Government and Communities Committee’s 9th Report 2017 (Session 5), *Building Regulations and Fire Safety in Scotland* (SP Paper 213), and welcomes contributions from Members on the key issues and questions set out in that report.

14:42

The Minister for Local Government and Housing (Kevin Stewart): I am grateful for the opportunity to talk to members about building regulations and fire safety in Scotland, and I acknowledge the hard work of the Local Government and Communities Committee that led to the publication of its report on 30 October. I also thank the Education and Skills Committee for the work that it has done in the area. I welcome what the convener of the Local Government and Communities Committee has described as “constructive scrutiny”, which is extremely useful when we are dealing with such matters.

The report draws strongly on the recommendations of the Cole report, mirroring and supporting a number of issues that are raised in it as well as linking to the Education and Skills Committee’s report on school infrastructure. Importantly, following the tragic events at Grenfell tower in June, the committee widened its work to include fire safety in building regulations.

The committee’s report raises complex issues that require full consideration, and I will respond in detail to each of the recommendations and findings before the end of the year. In doing so, I will detail the progress that has been made by the ministerial working group on building and fire safety as well as the most up-to-date communications and information that have been shared on issues arising from the Grenfell tower public inquiry and the United Kingdom review of building standards.

Before I go further, I should say that the fire at Grenfell tower was a horrific tragedy in which 71 lives were lost. My thoughts and sympathies remain with the families and friends of everyone who was affected, and I commend the work of the emergency services on that day and beyond.

Last week, the cabinet secretary Angela Constance provided the Parliament with an update on the work of the ministerial working group on building and fire safety, which was set up immediately following the Grenfell tower fire. Members will know from that statement that the group has moved swiftly to take action. It has focused on three main areas: reassuring the public of the steps that we have taken to ensure that a tragedy like the Grenfell tower fire does not happen in Scotland; establishing the fire safety of high-rise domestic buildings; and moving quickly to improve fire safety and compliance in relation to building regulations. A key element of the group’s focus has been on a range of measures to enhance and strengthen building regulations enforcement and compliance as well as fire safety in regulations.

We have established two comprehensive expert groups to review building standards. The first group is reviewing fire safety in building standards and is chaired by Dr Paul Stollard. The group, which held its first meeting on 27 October, will ensure that the fire safety standards in building regulations are robust and clear, with the focus on high-rise domestic buildings and high-rise non-domestic buildings with sleeping accommodation. The full remit of the group is available on the Scottish Government’s website. The expert group will also adopt a flexible approach in order to be ready to respond to any relevant evidence that becomes available from the Grenfell tower public inquiry.

The second group is reviewing building standards compliance and enforcement and is chaired by Professor John Cole, the author of the “Report of the Independent Inquiry into the Construction of Edinburgh Schools”. It will examine the roles and responsibilities of everyone who is involved in all elements of construction from start to finish. The group will consider the actions that are needed before a building warrant is granted and a completion certificate is accepted as well as the role of certification in the construction journey.

The fact that chairs of such high calibre are leading those reviews, alongside a wealth of experts in their fields, demonstrates that we are determined to ensure that our regulations are among the most robust in the world.

The Local Government and Communities Committee’s report covers a number of other issues, which I will now address. Local authorities are appointed by the Scottish ministers as verifiers to carry out independent checks of building design and construction through granting building warrants and accepting completion certificates. In considering the most recent appointments earlier this year, I had concerns over the performance of some local authorities. Bob Doris highlighted that issue. I was particularly concerned about processing delays and customer engagement. I took account of that when appointments were made on the basis that performance must improve. I also introduced a new Scotland-wide operating framework and an updated performance framework under the appointment process to measure performance.

I appreciate the pressures that building standards services are under, and, in July, I increased building warrant-related fees, which had remained the same since 2005. That will give all local authorities a boost in income, although I stress that good performance is not always linked to high levels of income.

The building standards system is pre-emptive, with permission needed before work can start and

new buildings can be occupied, meaning that excessive processing times can delay projects starting or continuing through different stages. The role of inspection throughout construction is key to getting completed buildings that are compliant with the building regulations, and that inspection is done primarily by the building owner or developer as the person who is responsible for the work. It includes using certifiers, clerks of work and others to reassure the building owner or developer that they have met their responsibilities before they ultimately sign off the project as compliant. It also includes inspection as part of any new build warranty or insurance.

Those are the independent verification checks that are necessary before a completion certificate can be accepted by the local authority, and they must be risk based, consistent and designed to protect the public interest.

Daniel Johnson (Edinburgh Southern) (Lab):

Those are the key areas in which the Cole report found deficiencies. Certificates were given when key structural components such as wall ties were missing, and buildings were sometimes open for two years or more without being given a certificate. What are the minister's reflections on those two key observations in the Cole report?

Kevin Stewart: Mr Johnson was there when I appeared before the Education and Skills Committee, and I repeat what I said then: we need to look at those issues very closely. I will come on to roles and responsibilities in a moment, because they are very important.

As the formal enforcement body, the local authority also has a separate legislative role. It is important that, when enforcement action is necessary, it is taken in a proactive manner to address non-compliance and work that has been done without permission. Our review group will consider building standards processes, inspection regimes and the roles and responsibilities of the building owner and the local authority as the verifier and enforcer.

A strong, compliance-driven building standards system requires all players to understand their roles and responsibilities and to meet them. The building owner, the industry and local authorities need to have to the right people with the necessary skills to play their part. I am aware of the challenges that the industry faces in attracting and retaining the right people with the appropriate competencies. That is why we are currently engaging with Construction Scotland and recently held an industry summit to explore how we can work together to ensure that those challenges are met.

I cannot emphasise strongly enough the importance of the lessons that have been learned

following the Grenfell tower fire, and I am sure that that learning will continue. The ministerial group and the reviews that we have set up will be ready to respond to any further findings that emerge from the inquiries and reviews that are going on across the UK.

The Scottish ministers are not complacent on the importance of building regulations, compliance and enforcement. The pre-emptive nature of the system is one of its strengths, but it must work in partnership with the industry to deliver safe and compliant buildings. I hope that my brief overview of the current work of the ministerial working group and the setting up of the fire, compliance and enforcement review groups reassures the Parliament that the Scottish Government is committed to ensuring that buildings are safe. That means learning from recent events, responding to any evidence that emerges and taking the appropriate actions, as necessary.

I welcome the scrutiny of the Parliament and look forward to listening to this afternoon's debate.

14:52

Graham Simpson (Central Scotland) (Con):

Buying a new home is the biggest financial commitment that most of us will ever make. Whether someone's new home is second hand or brand new, they want the process to be seamless and they do not want to find faults later on. While serving as a councillor before I became an MSP, I became aware through a number of cases that people's rights when buying new homes are not what they should be and that the system of checking buildings' standards and quality was—and still is—remiss, patchwork and sometimes shoddy.

I was called in to assist with people living on an estate where up to half the properties had had problems with their foundations. Some had managed to get help from the builders if they had claimed before the initial short guarantee ran out. Others were at the mercy of the warranty providers who then took over, and many of them were not happy with the service that they got.

When I got involved, the legal position was that the original builders—a major national firm—did not have to do anything, and the warranty providers, who were basically an insurance company, made their own call on whether to pay out on claims. I managed to get the builders round the table and to do the right thing. They agreed to fix the problems and offered a bespoke further guarantee on repaired foundations—the first time that had been done in the UK. Only one house on the estate has work outstanding.

However, that all came about despite the law and despite the system. I had a similar situation

with blocks of flats in which the roofs had failed. Again, I managed to get the builders to act when they did not have to. Those experiences showed me two things: first, people buying new homes should have greater redress when things go wrong, and secondly, houses should never be built with such major faults—the checking system should be more thorough.

When I became an MSP and a member of the Local Government and Communities Committee, I suggested that that was an area that we could explore. It is fair to say that fellow committee members were sceptical, but they were won round to the importance of the issue as soon as we started to take evidence. The evidence that we heard from members of the public who had suffered under the system was particularly powerful. As we were conducting our inquiry, the report on the Edinburgh schools fiasco was published. It raised the same issues with building regulations and lack of scrutiny. Following Grenfell, our inquiry expanded to cover fire safety.

What of the two issues that I mentioned earlier? I will deal first with the rights of new home buyers. Consumer goods legislation gives consumers a range of remedies if goods are faulty—refund, repair and replacement—but new home buyers do not automatically have those rights. Any guarantees are not underwritten by law; they are offered voluntarily by developers to house buyers. That is the way that the developers like it. There is a voluntary code of practice—the key word is “voluntary”. As consumer law is reserved, the committee did not look at that, so I will raise the matter directly with Sajid Javid so that UK-wide solutions can be explored.

However, there are things that we could do in Scotland. I asked the Law Society of Scotland whether standardised missives would help. It agreed that they would, but a change in the law would be necessary to bring them about. Developers might resist that, but it would remove much of the uncertainty that presently arises from the bespoke nature of each builder’s sales contract, which deters many people from pursuing claims. The contract could set out how defects are to be handled, and money could be withheld for potential repairs. Provision could be made for dealing with disputes, which could be followed by referral to an ombudsman. Access to an ombudsman—which I think would have to be a new role—would be another layer of protection.

I turn to the system that allows buildings with major faults to be constructed, whether in the public or the private sector. Currently, building control officers risk assess sites to decide how often to inspect them. They do not inspect every stage of the building of every house; instead, they hide behind the woolly phrase “reasonable

inquiry”. Someone who has bought a new home might think it “reasonable” to assume that it had been rigorously checked before a completion certificate was issued, but that is not so. The phrase “reasonable inquiry” can mean very little. A house buyer can have no confidence that their home has been checked for build quality at every stage; it probably has not been.

There is currently no way of guaranteeing that buildings are fit for purpose. A completion certificate is not a guarantee that the building has been constructed properly; it indicates merely that it has been constructed. Such certificates are not worth the paper that they are written on. It is absolutely essential that those who issue completion certificates carry out mandatory checks at key stages of building, as was highlighted by the Cole report.

Who should verify that work has been done properly? The evidence that we took on that was mixed but, in the end, we were not convinced that that work should go to the private sector. On balance, we felt that councils should continue to do the work, because they are impartial. Although Kevin Stewart renewed the licences of all councils, he gave the poorly performing Glasgow City Council, City of Edinburgh Council and Stirling Council only one year. It is my view that, if they have not upped their game by the end of that period, private firms should be considered.

The committee heard strong evidence that clerks of works would help to drive up quality. Kevin Stewart told the committee:

“In my opinion, having an experienced clerk of works might involve spending but will save a lot in the future.”—*[Official Report, Local Government and Communities Committee, 27 September 2017; c 27.]*

I agree with that.

Bob Doris: Mr Simpson suggested that the private sector could be brought in in Glasgow, Edinburgh and Stirling after a year. That deviates from the committee’s recommendation. Would Mr Simpson consider the idea of bringing in other local authorities to the three councils in question? We do not have to have a private sector solution—another local authority could perform that role.

Graham Simpson: Of course. I was merely giving my view, which is that the use of private firms should be considered. However, the use of other councils should be considered, too.

We should aim for a system in which buildings are built to an acceptable standard and someone is responsible for ensuring that that happens, and in which buyers—be they individuals or whoever—have recourse if things go wrong. The proposals to have standardised missives, an ombudsman, mandatory inspections at key stages and clerks of works would go a long way towards redressing the

balance, as would better consumer protection. I commend those proposals to the Parliament.

15:00

David Stewart (Highlands and Islands) (Lab):

I thank the Local Government and Communities Committee for its excellent report on building regulations and fire safety. Ensuring the safety of new buildings in Scotland requires strong and wide-ranging building regulations that are enforced without compromise. In that regard, I welcome the committee's recommendation that the power of verification should not be extended beyond local authorities. Gifting that power to the private sector would open the door to potential conflicts of interest and unaccountability, as well as a loss of valuable local knowledge.

It is key that the verification process supports new building projects not only on paper but in practice. It is clear that delays in processing applications have had a significant impact on developers and they can also undermine confidence in Scotland as an attractive investment prospect. Sadly, such delays are a result of an age-old story with which we have become all too familiar. Cuts to local authorities have left staff burdened with increasingly heavier workloads, and having to spend more time on admin and less time visiting sites. For example, almost half of the respondents in Unison's "Building stress" report stated that they had faced budget cuts in the past year, and another 20 per cent stated that the cuts had been severe.

The eventual losers are building residents and the general public. Of particular concern are reports that, because of delays, builders are going ahead without the proper consents, raising questions of how compliance can ever be verified. If delays are to be improved and safety guaranteed, the only solution is for local authorities to be adequately resourced. All other options are merely unsustainable sticking plasters.

Kevin Stewart: David Stewart has just said that buildings are going ahead without consent. If any member has evidence of that, I want to know about it.

David Stewart: Following the terrible events of the Grenfell tower disaster, I commend the committee for taking the initiative to extend its inquiry to encompass the safety aspects of building regulations.

Fire safety has been a significant issue in Scotland, even prior to Grenfell, so I wish to focus on that. Over the past decades, the number of domestic fires has been decreasing across the UK. However, Scotland has consistently had the highest rate of fire outbreaks compared to the other UK nations. In 2015-16, there were almost

46 per cent more fires per million people in Scotland than there were in England and Wales. Indeed, during that period, one was more likely to die in a dwelling house fire in Scotland than anywhere else in the UK. That is not to take away from the invaluable work of the Scottish Fire and Rescue Service, which operates under incredibly difficult circumstances. Its efforts in assessing Scottish buildings and reassuring residents following the Grenfell tower fire should especially be praised. However, budget cuts to the service are again a worrying trend.

When addressing issues of fire safety, it is crucial that we stay relevant to the situation in Scotland. The reviews of the local government committee and of the ministerial working group have focused particularly on fire safety in high-rise buildings. Although that is understandable in light of the circumstances at Grenfell tower, I encourage them to go further. If we look at the evidence, we see that in 2016-17, only 4 per cent of domestic fires were in flats of 10 storeys or more. On the other hand, the effects of fire are not felt equally throughout Scottish society. The risk of fire is much higher in areas of socioeconomic deprivation. That is evident even in my home city of Inverness. Regrettably, Scotland's higher rate of fire death and injury is disproportionately carried by our most vulnerable populations.

With that in mind, I turn to a solution that has the potential impact of bringing about long-lasting change. Fire suppression systems, often referred to as sprinkler systems, are a proven method of preventing the spread of fires and saving lives. For example, despite Scotland's high frequency of fire, there have never been multiple fire deaths where a working sprinkler system has been installed. That is why, as members will know, I will introduce a member's bill that will require installation of fire suppression systems in all new social housing.

Many fears around the use of sprinklers are unfounded urban myths. Contrary to what we might see on television, whole properties are not drenched in streams of water at the appearance of a single spark. Rather, heat-sensitive sprinkler heads operate individually to contain a fire. The sophisticated technology actually limits the damage that is caused by the initial fire and the measures that are taken to fully extinguish it. Studies suggest that, as well as being effective, sprinkler systems are reliable. The most recent research from England concluded that sprinklers operated as expected in 94 per cent of all cases. For those reasons, a 2015 cost benefit analysis that was commissioned by the Scottish Government accepted that

"The evidence indicates that most of these deaths and injuries and much of the damage would have been prevented had the properties concerned been fitted with sprinklers."

There have been improvements to Scotland's existing approach to sprinkler systems, in relation to sheltered housing, for example. As members will know, in 2016, following a successful member's bill in the National Assembly for Wales, all new homes in Wales are being fitted with sprinkler systems. However, despite the life-saving potential of such systems, Scottish building regulations require fire suppression systems only in high-rise buildings built since 2005. The result is a postcode lottery, with older high-rise buildings and other domestic dwelling types not covered.

Across Scotland, some local authorities have embraced the use of sprinklers beyond the existing requirements. The trailblazing councils in Angus, Fife and Dundee have adopted policies of fitting sprinklers into new social housing. Their developments stand as shining examples of the housing that I want to see across Scotland.

I thank the committee and the clerks for their excellent work. I flag up the point that the UK Labour Party is calling for all social housing tower blocks to be retrofitted with sprinklers, and I encourage the committee to scrutinise the deliberations of the ministerial working group on the subject. It is crucial that we support the use of sprinklers in social housing. Lowering our high fire statistics in the future requires action now. Our response to Grenfell should not be a mere knee-jerk reaction; it should be carefully considered and have a real impact. It is time to invest in sprinkler technology and in the safety of all Scottish social housing well into the future. As Walter Scott said, all that we need is

"The will to do, the soul to dare."

15:07

Sandra White (Glasgow Kelvin) (SNP): I thank the Local Government and Communities Committee for its excellent report. The speeches in the debate have been excellent as well. I am not a member of the committee but, as has been mentioned, every MSP has to deal with the issues in the report. In my area, issues to do with building control, self-certification, inspections and verifiers come up constantly. I cannot disagree with anything that I have heard in the debate.

I will touch on two issues. One is on building control and the committee's report, and the other is to do with the tragedy at Grenfell. Thankfully, there has not been a tragedy in my constituency, but there are two buildings that have cladding issues. I want to get some clarification and to set out my thoughts on the report, and on what we can do to protect people who buy a house and to bring them justice.

As has been said, a house is the largest purchase that people will ever make, but it is a

minefield for people who are trying to get repairs done or to get justice at all. The honourable gentleman in the Tories mentioned the supply of goods to consumers. He is absolutely right that, under the Sale and Supply of Goods to Consumers Regulations 2002, if something is faulty when it is purchased, the buyer has a legal right to compensation—a full or partial refund, a free repair or replacement. I do not know that I will be writing to Sajid Javid, but I will certainly be writing to whomever I can to see whether we can get that responsibility devolved to Scotland, because it is important.

Bob Doris and others mentioned the councils that do not come up to scratch, which are mentioned in paragraphs 30 and 32 of the committee's report. In paragraph 32, the committee said:

"we acknowledge the Minister's finding that a few local authorities will need to improve their performance by April 2018 in order for their appointment as verifiers to be extended."

I think that local councils are the best people to act as verifiers. We have heard some horror stories about building verification outwith local authorities and self-certification. The committee went on to say:

"We therefore seek an update by April 2018".

I hope that that will come forward.

The committee also said of the local authorities that do not come up to scratch that

"aspects of their work relating to building standards"

have

"been rated as 'poor performance'".

Glasgow City Council, which covers my constituency, is one of those local authorities, so I look forward to receiving the report and to finding out exactly what is happening.

I mentioned the two towers, as they are called, on the harbour site. My constituents there are having a horrendous time. We have talked about fire safety; those people are paying £2,000 a day—£2,000 a day—for three gentlemen to walk around with a torch and so on, looking for fire. The residents, who are by no means all rich people—these are not £500,000 flats—might be penalised by having to pay for cladding to be removed and replaced, which could cost between £1 million and £10 million. Who is responsible for that? That is what we are trying to find out. I have met the residents, who have been advised to get a lawyer on board.

That brings me back to the verifier. I am trying to get my head round all the language—"verifier", "self-certification" and so on. The situation is not really set out in laymen's terms, but I will do my

best. Local Authority Building Standards Scotland says:

“The work of verification has two main elements:

- checking that building plans comply with regulations when an application is made for a building warrant, and
- undertaking reasonable inquiries to verify that the building work complies with the approved plans, details and with regulations.”

LABSS also says that verifiers can inspect on-going work and

“may also require work to be opened up to show that compliance with the building regulations has been achieved.”

That is a really important point.

On the point about achieving compliance, I want to read from some correspondence with a constituent—I will not name the person. I have had lots and lots of letters from constituents. This is one constituent’s story about what is happening just now in the flats that I talked about in the context of the charge of £2,000 a day and the £10 million that it might cost to fix the cladding. The person wrote:

“I bought the flat 24th June 2005 directly from the builder”—

I think that I can name the builder, because we know who it is—

“Taylor Wimpey, almost 2 months after the change in Building Regulations which had been on the statue books since 2003 and became mandatory on 1st May 2005”.

I would like someone to have a look at this issue and tell me who is responsible. The Building (Scotland) Act 2003 was passed before the buildings were completed, and a person would not have to be Einstein to assume that anyone who was building something would have known about the change in regulations in relation to cladding, which came into force in 2005 in Scotland, which has different regulations from the rest of the UK. I had assumed that a builder would know about that.

The Building (Scotland) Regulations 2004 came into force in May 2005, so if someone bought a flat in June 2005 that has cladding that is now deemed to be dangerous and must be removed, who is responsible for that? That takes me back to the point about verifiers being able to inspect on-going work and to require that work be opened up

“to show that compliance with the building regulations has been achieved.”

Is that the builder’s responsibility? Is it the verifier’s—that is, the council’s responsibility? These things have to be clear, and people need to know exactly what they can do. As I said, those folk are not millionaires—it could be any one of

us—and they are stuck in a trap, paying £2,000 a day and facing costs of nearly £10 million to take off the cladding and repair their building.

For that reason, I think that the committee has produced a fantastic report and I am pleased to have been able to speak in the debate, to highlight the matter and to say that the whole issue to do with self-certification and building warrants really needs looked at. I support bringing back clerks of works, to ensure that people know exactly what they are buying.

15:14

Michelle Ballantyne (South Scotland) (Con): I refer members to my entry in the register of members’ interests as I am a councillor on Scottish Borders Council.

I thank the Local Government and Communities Committee for its work. The committee and its clerks deserve praise for their flexibility and willingness to extend the committee’s inquiry to cover issues arising from the Scottish Government’s review following the horrific disaster at Grenfell tower. While we await the outcome of the enquiry into Grenfell, one thing is clear: the fire penetrated every element of the building and compromised the escape routes. The images of acrid black smoke swamping the tower, of flames ripping without mercy through its halls, and the resulting terrible loss of life, underpin why this debate is so important

This subject should not be considered as a reserved issue or a devolved issue. It is an issue that resonates profoundly with us all as parliamentarians, as parents, and as human beings. Ensuring that there is an effective review, and that there is delivery of a robust regulatory framework for building standards and fire safety, is the contribution that we in Parliament can make to minimising the risk that a tragedy like Grenfell will ever happen in Scotland.

The Scottish Conservatives welcome the establishment of the ministerial working group, and we look forward to reviewing its findings, alongside those of the Scottish Government’s consultation. In doing so, I hope that we will also look at the work that is currently being undertaken by the UK Government, which has been taking written evidence from key experts in fire safety since that awful day in London.

Kevin Stewart: I assure members that I have been taking part in the UK ministerial working group. In the interests of sharing information, I and my officials have also talked to Dame Judith Hackitt, who is heading up the UK’s review of building standards. That will continue; we can all learn from one another. Beyond that, I will meet the UK Minister of State for Housing and Planning,

Alok Sharma, on Monday. Without doubt, this matter will be on the agenda.

Michelle Ballantyne: I am delighted to hear that. It is an excellent example of co-operation at a time when it is really needed.

I want to use the time that I have today to flag up a number of important issues around fire safety that arose for me as I studied the committee's report and from my own research and experience. I acknowledge that the working group has already commissioned, and is making substantial progress with, an inventory and inspection of high-rise domestic buildings in Scotland, which is to be welcomed.

I also note that the committee's view is that the working group should focus on a review of current building and fire safety regulations and on making necessary changes. I hope that, in doing so, the working group will consider recommending that all regulations and technical guidance be subject to constant review and incremental improvement, so that they can respond to and keep abreast of innovative construction methods, systems and products. That should be underpinned by a robust requirement for, and provision of, on-going training for those who are charged with buildings and fire safety regulations compliance. That is especially the case for fire safety regulations, as current regulations offer little explanation of the rationale.

Inevitably, in the wake of Grenfell, there have been calls for all high-rise domestic properties to be fitted with fire sprinklers. I understand that the ministerial working group will examine that suggestion. Although support for sprinklers is understandably unanimous in the chamber, I urge caution. Without a rigorous maintenance programme, sprinkler systems risk not functioning optimally. Furthermore, sprinklers must not be seen as a risk-reduction measure that reduces the level of fire brigade cover that would be required. The ministerial working group must recognise that maintenance of sprinkler systems is imperative. I hope to see some real and detailed analysis of that in its report.

Daniel Johnson: I agree that sprinklers cannot be a substitute for other measures, but is not Michelle Ballantyne just making a case for making sure that all regulations—not just those for sprinklers—are robust in all regards, and that they are all followed through and inspected properly?

Michelle Ballantyne: Yes, I agree—but in this case, I am talking specifically about sprinklers. Daniel Johnson is absolutely right that everything should be robustly followed through.

We cannot and should not understate the role of the Scottish Fire and Rescue Service in supporting a robust approach to fire safety, and I welcome the minister's commitment to considering an increased

role for the service in the verification process. I trust, however, that any additional role will be properly resourced, given the strain that the SFRS is currently experiencing.

My final point is about an important consideration for fire safety design and advice, going forward. Currently, the term "fire engineer" is not connected to any particular professional qualification and, accordingly, the experience and training of people with that title, and the quality of the advice that they give, can vary. There have been calls for the fire engineering industry to develop a system for establishing competence; I hope that the Government will look at that key area to ensure that the fire safety design of buildings in Scotland, and around the UK, is underpinned in that way.

There should be an holistic joined-up approach to the process for verifying building design before issuing a building warrant in Scotland, and it should be fortified by professional expertise and robust chartership. That means that it should involve the SFRS and local authorities working in conjunction with industry specialists who have expertise in fire dynamics, including toxicology, ignition and chemical interaction, and in the structural design and fire protection of buildings.

The establishment of a ministerial working group is a laudable step forward. I welcome consideration of the role of the Scottish Fire and Rescue Service in assessing fire safety in high-rise domestic buildings. I look forward to reviewing the outcome of that body of work which can, I hope, be a catalyst for delivering a fire safety and building regulations framework that is fit for the 21st century.

15:21

Mark Griffin (Central Scotland) (Lab): I congratulate the members of the Local Government and Communities Committee for the work that they have done so far and for bringing the issue to the chamber.

In a matter of weeks, members of Parliament will consider whether to pass on the £300 million of cuts to our services that will be handed down by the Conservative Government. If previous years are anything to go by, it is vital local services and hard-working local government staff that will bear the brunt of any so-called savings. I know that this is not a budget debate, but the decisions that we make in the chamber about how we fund services are fundamental to the debate on building standards and safety in Scotland.

I welcome the report and the committee's detailed work, and I fully agree that verification must remain a local-government delivered function. As has been mentioned, the backdrop to

the committee's inquiry has been both tragic and eye opening, and a number of members have reminded us how the Grenfell disaster rapidly moved our attention to the importance of building regulations. The committee rightly widened the scope of its inquiry to include that issue, although the impetus for the inquiry was the failure of the private finance initiative agreements leading to scores of schools in Edinburgh being closed.

At the heart of the report is a debate about how we should provide a public service in response to the state being eroded. For Labour members, the response is that we should fight the cuts that have brought us to this point. Our plan is to use our tax powers, recognising that the salami-slicing in local government, which totals £1.5 billion since 2011, is harming the front-line services that we all use and rely on. The cuts have also had a drastic impact on back-office functions such as building standards, in which staff numbers and services have been slashed.

Kevin Stewart: Mark Griffin and I could have an argument across the chamber about resourcing, but we delivered an extra £4 million to local government for local services last year and I have given all local authorities the opportunity to beef up their building standards service by raising their fees, which have not been raised since 2005. Will Mark Griffin join me in urging local authorities to use that money to beef up their building standards services?

Mark Griffin: I welcome that. There are other ideas flying around, including a similar idea for added fees for the planning service to provide an improved service as well as a similar option for building standards.

However, colleagues in local government and trade unions representing local government staff are telling us about the pressure that back-office staff, in particular, are facing. Just weeks after the Grenfell tower fire, Unison's report "Building stress: Overworked, stressed and stuck in the office" highlighted that half of all building standards staff are feeling the funding cuts, with nine out of 10 facing heavier workloads. Moreover, there are 56 fewer staff in building standards offices across Scotland than there were in 2010. In short, building standards officers feel overstretched, undervalued and exhausted.

The fact that, months after Grenfell, we belatedly got the news that homes in Glasgow had ACM cladding only underlines Unison's findings. The message in the report is clear: our local authorities must have the funding to carry out effective verification. Allowing the verification service to be moved away from local authorities would, I think, be a mistake. The point that I want to emphasise—it is not an ideological but a public safety point—is that building standards must be a

protected local government service. The arguments have been well rehearsed and cover issues such as impartiality and conflicts of interest, and I firmly believe that the service should remain with local authorities.

There should be no question about who should provide the verification service. Instead, the question that we should be asking is how a quality public service that prioritises public safety should be funded. I would include in such funding the contribution that is made by developers. As I have said, the call from the house-building industry for higher fees in return for a better planning service is constructive. With the economy limping along, I understand the calls for verification to be extended. The NHBC has said that the period for obtaining a stage 1 warrant can vary from two to 45 weeks and that the period for obtaining a stage 2 warrant can vary from nine to 98 weeks. That is just not acceptable. When builders find themselves up against a building standards service that has become glacial as a result of cuts and understaffing, I can understand why our housing crisis is so persistent and remains with us.

Our call for a more comprehensive house-building plan that goes beyond start and completion numbers is alive to that. If we are to achieve the ambition of building 50,000 affordable homes or to revert to pre-crash house-building levels, we really need to take a long, hard look at how we support supply and maintain skills and the planning infrastructure.

The power of verification that we are debating might seem technical, but it is crucial. It is about the impact of austerity on public safety and public services. With the budget due to be published within weeks, we have to think closely about the unintended consequences of the decisions that we make in this chamber.

15:28

Andy Wightman (Lothian) (Green): I thank my committee colleagues, the clerks, the Scottish Parliament information centre and all those who gave evidence to the committee's inquiry. For the avoidance of doubt, I am responding to the committee's report on my own behalf and on behalf of the Scottish Green Party.

As others have said, the inquiry began modestly, but the tragic fire at Grenfell tower gave our deliberations an altogether harsher focus. Building regulations exist to ensure that the buildings that we live and work in are safe, meet relevant environmental standards and protect the interests of others in relation to, among other things, fire, noise and odours. In general, it is fair to say that we found our building standards regime to be reasonably robust, but we also found out, in

the course of our deliberations, that the system has weaknesses, some of which are substantial. Those weaknesses were brought into sharp focus by the Cole report, which the Education and Skills Committee has been looking at and which will no doubt be a major feature of the Grenfell inquiry. Given the importance of standards, it is vital that they be robust in their terms and rigorously applied in practice.

The issue of verification has been raised this afternoon, and the NHBC and others have told us that they would like the verification that standards are being met to be made available to the private sector. However, I am not persuaded that such a case has been made. I welcome the committee's recognition that verification should not be tendered to the private sector but should remain within the control of local authorities for

"the benefits of impartiality, accountability and local knowledge".

I have a wider problem with calls for verification to be opened up to the private sector. As many members know, I have long called for the speculative volume-house-building industry model to be scrapped. It is not fit for purpose and does very little to address the housing crisis beyond inflating house prices and delivering overly costly homes with short design lives. The speculative nature of the model also means that the needs and interests of consumers are nowhere in the process. That is at the root of many of the problems that Mr Simpson's constituents brought to him.

In addition, the industry is dominated by a few large players with substantial influence in the wider house-building industry. For example, Nicola Barclay, the chief executive of industry body Homes for Scotland, also sits on the board of "The Consumer Code Scheme" for home builders and on the Scottish committee of the NHBC. An oligarchy of large nationwide businesses now dominates, lobbies on and seeks to assert control of housing policy on the basis of its own agenda.

In the past decade, since the start of the recession, we have seen a sharp decline in the number of small and medium-sized businesses that are operating in the house-building sector. That has proved advantageous for large-scale developers, but it delivers little competition or reliability and assurance for the consumer. That is important, particularly in relation to questions that are raised in the committee's report about the role of a clerk of works and whether that role should be extended in the building industry.

The term "clerk of works" derives from the clerics who were responsible for the supervision of the building of churches from the 13th century onwards. As the Institute of Clerks of Works and

Construction Inspectorate, which has a very long history, notes on its website, the role of a clerk of works is a "very isolated" one; clerks must be "absolutely impartial and independent" and are employed by, and accountable to, the client for ensuring building quality. A health board that wishes to procure a new hospital, for example, will employ architects and planning consultants to design new buildings, and it will then put the construction out to tender. The health board will then employ a clerk of works to check that the work of the contractor is done according to the plans, and the clerk of works will look after the interests of the health board as the client.

By definition, the clerk of works cannot be in the pay of the contractor. That principle poses particular problems when applied to the speculative volume house-building industry, which, unusually in a European context, is responsible for the construction of the vast majority of new homes in the UK. The client in the case of the volume house-building industry is the house-building company. Crucially, though, it is not going to be the owner of the building for very long. The company will sell the building after its completion—indeed, often before completion or even before the work starts—and the ultimate client, the future home owner, has no one looking after their interests during construction in the speculative model.

That is one reason why we need to move to a more European model of housing that is self-procured by individuals, co-operatives, councils and others, which typically accounts for 60 to 70 per cent of all new builds in most continental European countries. It is also the reason why having a clerk of works is meaningless in the speculative volume context, because the interests of the speculative volume house builder are not the same as the interests of the person who will ultimately acquire the house and live in it.

The best way to ensure high building standards is, first, as other members have pointed out, to invest in the building surveying profession in local authorities. In that regard, I welcomed the order that we passed at committee some months ago, which allows councils to increase the charges for building standards services. Secondly, we need to move to a model of self-procurement of housing by individuals, co-operatives, housing associations and others. Such a model would drive up standards by ensuring that the interests of the building owner would be represented and protected from the very beginning of a building project.

I look forward to working with the committee to produce a final report in the light of the speeches that have been made in today's debate. It is important to note that the report that we published

contains a number of recommendations, most of which are expressed in the form of questions. They are designed to be answered by MSPs and others who have been engaged in the committee's work over the length of its inquiry, in order to help us to produce a final report.

15:34

Liam McArthur (Orkney Islands) (LD): As a non-member of the Local Government and Communities Committee, I am not sure that I am in the best position to provide the answers to which Andy Wightman has just referred, but I certainly pay tribute to the committee for the work that it has done and for the recommendations and legitimate and pertinent questions in its interim report. These inquiries are never straightforward, but the committee is to be commended for the way in which it has managed to incorporate the findings of the Cole report and respond to the horrific events of the Grenfell disaster by expanding the inquiry and the evidence that it has taken.

On the latter point, I said last week when Angela Constance made her statement on the work of the ministerial working group that I very much support the three workstreams that she outlined, which Kevin Stewart reiterated. They seem sensible and welcome. However, I also said in response to the statement that, although expanding the role and responsibilities of the Scottish Fire and Rescue Service seems reasonable on the back of on-going work on fire safety, the service is, as Mark Griffin said, already under considerable strain. It would therefore be helpful to understand the resourcing of any expansion of those roles and responsibilities.

I turn to the issue of verification. I have listened with interest to colleagues' contributions and I understand why committee members wrestled with competing interests in considering whether this process and these responsibilities should remain within local authorities or whether they should be outsourced to the private sector. On balance, I accept that, in order to ensure accountability, avoid conflicts of interest and ensure impartiality, the course that the committee recommended is sensible.

However, given that there are capacity issues in a number of local authorities, the option of bringing in support or expertise from the private sector where necessary should remain open. Unison is one of a number of organisations that pointed to the particular strains in local authorities that have resulted from capacity and workload constraints. That applies not simply to verification; we see it arising in relation to building warrants and planning permission, too. The minister made the valid point that any increase in the fees for that

work needs to be directed towards improvement in the service that is provided. That will give it legitimacy and ensure the buy-in of those who are subject to the fees.

The Cole report talked about the need to strengthen the verification process. Exploring mandatory inspections is a sensible route to follow, but we need to be clear about the criteria on which such inspections would be based. We also need to make sure that penalties are enforced so that it does not come across as a superficial exercise. There is a sense that more site inspections are needed, but we also require a culture shift within the industry.

I turn to a couple of issues that are tangential to this topic but important nonetheless. I was glad to hear Andy Wightman touch on the fairly centralised approach to the procurement of housing development. In using the Scottish Futures Trust, the Scottish Government has created a situation whereby it is dependent on a few extremely large corporations that are essentially just management contractors. Even when that leads to poor-quality development, there seems to be little risk of recourse and the corporations are not challenged. For example, we would not expect the smallest local authority in the country, Orkney Islands Council, to be capable of taking on Galliford Try, which is a company with a turnover of £3.5 billion.

It strikes me that the portal system for procurement that we have risks locking in monopolistic positions for the major players, which then decide among themselves how they want to divide up different contract opportunities across the country. That is frankly not in the interests of customers, nor is it in the interests of the wider economy, as smaller companies find that their ability to win contracts or secure reasonable margins when they are subcontracted suffers as a consequence. That, in turn, reduces opportunities to develop skills in local economies, particularly in places such as the Highlands and Islands.

My final point is on energy standards in relation to building regulations—the issue will be familiar to the minister, given his various visits to Orkney over the years. There is ample evidence that the application of the building regulations is not necessarily doing what we would expect or want it to do. As the minister will know, I have made the case that Orkney appears to be building in fuel poverty. A fabric-first approach could help to address fuel poverty, reduce bills across the board and reduce emissions. I know that the minister is sympathetic to that argument but, unfortunately, building standards apply the regulations to the letter rather than to the spirit. That needs to be addressed.

I again thank Bob Doris and his committee colleagues for shining a light on a growing landscape where there is clearly work to be done to improve safeguards and to deliver the public policy objectives and the public's expectations for what should be achieved through building and fire safety regulations. I look forward to seeing the outcome of the committee's final report.

15:40

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I am not a member of the Local Government and Communities Committee, but I wanted to speak in the debate because of my casework on developments in my constituency and correspondence from architectural firms that are based in my constituency and because I am mindful of development that will take place in my constituency in years to come.

The report is important and considered, which I strongly welcome. It is significant at a time when house building is so important for the Government's national policy. For example, nearly 9,000 affordable homes were approved in 2016—a 20 per cent rise, which we all welcomed. As we move forward with social housing and private sector development, it is important that we review where we are today and how building standards have affected the previous phase of development, particularly before the financial crash.

The report challenges us to ensure that new builds in the future are of a high standard in their construction and the quality of build, along with the regulatory framework that governs them. I have heard from a number of constituents who have had problems with their new-build developments that were similar to the problems that have been articulated by other members: dampness, poor insulation, poor workmanship and a lack of recourse. In our determination to build more homes amid Scotland's current high housing demand, we must make sure that the standards of build are as high as we would want for ourselves and the population of Scotland.

In my experience, the dominance of a few big firms that work with a multitude of subcontractors can play a part in poor building standards. As the report explores, there should be a more systematic and informed approach to the assessment of risk by the people who enforce building standards. For example, we need notifications to the authorities of poorly performing building and construction firms, with mandatory inspections during building alongside the risk-based approach that is currently adopted.

As the report helpfully notes, careful scrutiny will be needed to determine what the best way is to manage this process and what penalties or

sanctions should be in place to prevent building works from proceeding without the relevant building control warrant or subsequent inspections.

In Edinburgh, as in other local authority areas, attention is needed to ensure that local authorities continue to be the best bodies to act as verifiers for projects in their areas—that point has been made to me through casework in my constituency. Building control departments can fall short on occasion with the care and attention that they bring to projects, and even simple applications can face delays. Constituents have concerns that too few warrant officers visit sites, which can impact on the quality of build as well as causing delay, as architects, builders and clients are stuck waiting for warrant approval.

Local authority control of verification can offer a guarantee of standards only if local authorities are in a position to staff their relevant departments to meet the required level. Therefore, the fees charged for building standards verification need to meet the cost of providing the service, so I welcome the minister's recent action to facilitate raising fees and the report recommendations on the matter.

As the report says, buying a house will be for many people the most significant purchase in their lifetime, and it is understandably distressing for home owners when the build quality is substandard. For constituents, that issue has been particularly pertinent to new builds. Therefore, I, too, am interested in a proposed new ombudsman to shine a light on that part of the housing sector. As part of that change, people who have bought or opted to rent a new home off-plan could be given the right to inspect the home prior to the end of the buying or renting process and be able to defer completion until everything is satisfactory.

Any good build process starts with the standards that are expected of those who build our houses—that is hugely important. The recession pushed out as much as half the construction industry's skilled labour and a fifth of the building workforce is set to retire in the next five to 10 years. Therefore, we face a challenge because of the construction skills gap, and we need to work together to support the education sector in that regard, not least because of the consequences of Brexit on the building construction sector.

An issue in Scotland is that some builders do not have formal qualifications. It is interesting and useful for the debate to make comparisons with Europe in order to consider how we can tackle that and the other challenges together. In my remaining time, I will indicate my understanding of what other European countries do, which is based on constituency correspondence and research.

In Demark, there is a dedicated local government department in every local authority area whose role is to independently survey all newly constructed buildings for quality. Those departments have full legal power and authority to compel builders to rectify all faults before anybody can move into the development. In such cases, the builder is compelled to place a highly visible notice on the property advising that their work is not up to standard and that they have had to carry out repairs. That is an interesting concept.

The Deputy Presiding Officer (Linda Fabiani): You have to come to a close, please.

Ben Macpherson: I could go through other examples, but I will write to the minister in that regard.

I warmly welcome the committee's report and the collective aspiration within it. This is an opportunity, potentially along with the planning and warm homes bills, to make progress on this important issue in our determination to serve our constituents and to enhance the urban environment.

The Deputy Presiding Officer: We must now keep strictly to time.

14:48

Jamie Halcro Johnston (Highlands and Islands) (Con): I will certainly endeavour to do so, Presiding Officer.

I welcome the detailed and insightful report prepared by the Local Government and Communities Committee, and I pay tribute to the work of the members and the clerking team.

It is clear that many debates in this Parliament inspire passion from all sides—that is only to be expected in a Parliament as a normal part of parliamentary democracy—but today's debate is set against the backdrop of two very serious incidents. The first incident was the tragic deaths suffered as a result of the fire at Grenfell tower in June. The second was the collapse of the external wall at Oxfgangs primary school, an incident that could have had far more serious consequences. Both incidents exposed weaknesses in the construction work on the buildings and potentially weaknesses in how that construction was regulated. However, much of the committee's initial work in its inquiry related to private housing construction rather than to those specific situations.

In all the cases, there are shared concerns on how safety is placed at the heart of regulation. The extraordinary circumstances of the two events mentioned have rightly received further scrutiny through the Cole report and the independent public inquiry into Grenfell. As a result, the

committee's report is wide ranging and looks at the question of building regulation and safety as a whole. I will focus on one key issue in relation to its findings and the evidence that was taken.

As the committee's report acknowledges, a shortage of skilled and well-trained entrants was cited by several contributors as being a significant factor in delays around obtaining building warrants and in undermining compliance with building standards. The Federation of Master Builders echoed the point about a shortage of technical skills across the construction industry in the round and the impact that that has had on building control departments in local authorities across Scotland. The Royal Institution of Chartered Surveyors in Scotland pointed to a lack of action on promoting building standards as a career choice.

We know that there are significant issues relating to providing the skilled workforce that will be required in the construction industry in the future. That is not only an economic issue, as we might find in the future that a shortage constrains ambitious policies around building homes and infrastructure. We have seen some positive work on promoting the construction industry, but more needs to be done, particularly on building standards and related occupations.

There is, of course, the wider backdrop of the availability of employment and progression. That is a matter of providing for a healthy economy that is prepared to build, but it is also a significant issue for the public sector as an employer. That is why it was particularly concerning to see respondents such as Highland Council state candidly that local authority succession management in those areas had seemingly "fallen off the radar". The committee noted Highland Council's view that

"apprentices and trainee surveyors seem to be a thing of the past."—[*Official Report, Local Government and Communities Committee*, 14 June 2017; c 25.]

Overall, the Construction Industry Training Board has identified a need for 12,000 new workers in the construction industry over and above the currently committed modern apprenticeship places. Building safety training is, of course, vital across the industry, but it is equally necessary that the need for specialists does not go unmet and that whatever solutions we find to enhance the protections that currently exist are adequately resourced and skilled.

The minister outlined some of those issues in response to questions asked by my colleague Alexander Stewart in the committee's evidence session in September. I welcome the minister's commitment to working with the industry. He also spoke then about his concern that a number of large firms were not taking on apprentices at the

same level as smaller firms were. That could well be a matter that needs to be addressed.

All those skills and employment issues will, of course, be underlined by the accompanying regulation. The Cole report made a number of proposals on areas for the Scottish Government to consider in relation to inspections of building work and penalties where builders have acted improperly and proceeded without the necessary certification and inspections taking place.

One group of professionals that I have not yet touched on is the Scottish Fire and Rescue Service. I do not intend to dwell too extensively on the service, except to note its substantial role in visits and inspections. Across Scotland, and particularly in the Highlands and Islands, which is my region, it does excellent work in ensuring fire safety and a preventative approach. I particularly draw attention to the committee's recommendations in that area and the concern that the Fire Brigades Union Scotland raised on the handover of new-build properties. Its evidence showed that, with that type of property, there is a considerable problem in identifying the formal changeover of responsibility from building control to the fire service. I am sure that the ministerial working group and others will have looked into that concerning issue.

In looking forward to a future in which safety in construction projects is better regulated, it is essential that we get the fundamentals right. That means a real focus on issues such as skills, capacity and workforce planning. I again welcome the work that the committee has brought forward in its report, but it is clear that that is only a starting point for discussions that must take place.

15:53

Richard Lyle (Uddingston and Bellshill) (SNP): I welcome the committee's report and our focus today on building and fire safety. That topic continually needs to be addressed for the safety and peace of mind of Scottish citizens.

Much has already been said about the Grenfell tower tragedy. I add only that my heart goes out to the friends and families of those who suffered loss of life, home and property. The residents of Grenfell tower expressed concern on numerous occasions about the safety of the building prior to its destruction. The tragedy has made it abundantly clear that the concerns of tenants and home owners are of the utmost importance. I believe that the UK Government inquiry will be far reaching. It must address all the comments and concerns of residents.

The Scottish Government has made listening to the concerns of residents a top priority and, in that way, is working towards preventing any future

disasters. I hope that, through updating fire and building regulations, prevention will be the main cause of a safer Scotland.

Angela Constance, Kevin Stewart, Annabelle Ewing and the ministerial working group have been working hard to assure Scottish citizens of the safety of their homes and buildings. It is of benefit that the Scottish Fire and Rescue Service has extended its campaign to give fire safety advice to those who live in high-rise buildings. Citizens can simply visit its website and see multistorey flat safety information on the front page. In response to current fears surrounding multistorey flats, the Scottish Fire and Rescue Service has issued this reassurance to residents of those properties:

"You are at no more risk of having a house fire than those living in other types of house."

The website is full of useful information and I think that it is important that all of our constituents are aware of what to do in a fire situation.

As the ministerial working group on building and fire safety brings new problems to the forefront of people's attention, it is our job to make sure that the suggested regulations are quickly put in place. There are several three-storey buildings in my constituency that have a form of outside cladding, and some residents had a misconception that it might be unsafe. Cladding that does not meet performance requirements can be unsafe. However, as we know from the report, cladding is made of different materials. I believe that much is being done to remove any hazardous or potentially dangerous cladding. Therefore, I have no concern regarding the external cladding that was used a number of years ago to upgrade those buildings. I note that that issue involving fire safety is addressed in the Scottish building standards, which state that the external wall cladding should

"achieve a non-combustible reaction to fire classification"

or meet the performance levels when tested. If cladding passes the test, residents should feel secure in residing in that building. As evidenced in the report, however, the cladding on any buildings that is the same as was on the Grenfell tower has been removed or is being removed with haste. In fact, the safety of buildings often goes far beyond cladding and is the combination of numerous factors such as installation of fire doors, smoke detectors, heat detectors and so on.

I note the comments that have been made this afternoon regarding building standards. We must address them.

It is the responsibility of those who are building a structure to make sure that they have adhered to all regulations and that no corners have been cut. However, I also believe that it is important that local authorities retain the control to prevent

unsafe buildings from being built. Local authorities should ensure that no detail goes unnoticed by undertaking regular site observations of all new-build projects and of buildings that are being retrofitted. That removes the possibility of a conflict of interest, since a verifier from a local council would primarily be interested in the future safety of the residents. Most councils have done much to improve their performance and I believe that local council verifiers are still the most adept for the challenge at hand.

The Scottish Fire and Rescue Service does a great deal for the people of Scotland and deserves a special tribute to its efforts. We can only imagine the day-to-day life of firefighters. They make sacrifices by working odd hours and by training diligently and, ultimately, they put at risk their own safety to save Scottish lives. We must ensure that the Scottish Fire and Rescue Service is equipped to deal with and adapt to any and all situations that it must face.

I would also like to pay my compliments to building standards officers and the others who work in those departments. Their work is essential to ensuring the safety of Scottish citizens. In my years as a councillor, I dealt with building control issues on many occasions, and helped constituents with building control and warrant issues. I am grateful to those who dedicate their lives to making our country a safe one. Their job is vital, and they are often under a lot of stress to deliver excellent work in making sure that buildings are up to par. I note the comments about staffing levels that have been made this afternoon. Councils must address that issue.

It is important to remember that buildings are much more than just steel, stone, glass or mortar. Rather, they are where families live, where children learn and where parents work. I commend our Government for proceeding in updating standards with care and concern for our citizens, and all those who work towards making a safer Scotland. I am sure that, in the coming years, we will constantly review building procedures in order to ensure that they are kept up to date.

I thank the committee and the convener for this excellent report, and I look forward to further debates on the issue.

15:59

Gordon Lindhurst (Lothian) (Con): Building regulations and standards, completion certificates, temporary safety certificates—all of those phrases have been the talk of the town in Edinburgh in recent days, as well as over the past 18 months. Even colleagues from other parts are likely to have heard about the new main stand at Tynecastle stadium and the concern, particularly among

Hearts fans, that it be completed on time. Its successful completion ended days and weeks of speculation in the city over whether the stand would receive its temporary safety certificate, as building works continued 24 hours a day in the lead-up to the deadline. The fact that the deadline was met was down to excellent and commendable co-operation between the club and City of Edinburgh Council officials.

Tynecastle stadium has acted as a lifeline for school pupils in Edinburgh in recent times. It was used as a temporary school facility for Edinburgh pupils who were displaced as a result of the schools defects scandal that rocked the city last year. The Cole report arising from that scandal was cited extensively in the committee report. Its findings are far reaching. Professor Cole himself highlighted that lessons learned should extend to procurement and construction in the public and private sectors.

A quotation from the Cole report captures the importance of the issues that we are discussing. In relation to the original incident at Oxfords school in January 2016, the report said:

“The fact that no injuries or fatalities to children resulted from the collapse of the gable wall at Oxfords School was a matter of timing and luck. Approximately 9 tons of masonry fell on an area where children could easily have been standing or passing through. One does not require much imagination to think of what the consequences might have been if it had happened an hour or so later.”

That stark statement declares the critical importance of building standards. The message is that cutting corners and bypassing responsibility can lead to loss of life. That is why the Local Government and Communities Committee report is so important and so welcome.

What have we learned from such a major incident, not just for building schools? Cole found that the funding model of public-private partnership was not to blame for what had happened, although it may have affected the mindset of local authorities when it came to responsibilities for projects. Whatever funding model is used, however, there is no excuse for lack of essential scrutiny. There must be a rigorous system of checks and balances that does not simply pass the buck and assume that the contractor is delivering what it has promised. A central part of Cole’s findings was that the City of Edinburgh Council should not have delegated away responsibility and that, instead, independent scrutiny should have been in place.

Cole’s recommendation that public bodies act as “intelligent customers” in procurement processes is highlighted in the Local Government and Communities Committee report. Surely it should be a given that the schools that our young people spend so much time in are safe for them.

How is that to be achieved? Among the many recommendations in Cole's report, I was particularly taken with the idea that a clerk of works should be present at building sites, which appears to be one potential step towards public bodies gaining confidence and becoming intelligent customers.

In the Edinburgh schools case, that could have made all the difference. Problems identified, such as lack of wall and header ties and other brickwork accessories, were parts of the construction that could have been observed during building, before they were covered up by external walls. In the case of the Edinburgh schools scandal, those vital elements were missed. Not only could a traditional clerk of works have identified those problems at the time but, as suggested in Cole's report, the mere presence of such a person can positively influence the quality of work being done by contractors. Worryingly, though, as Cole states, the inspection role

"traditionally undertaken by a combination of resident architects, resident engineers and Clerks of Works ... has dramatically reduced over recent years, yet the essential role they played does not appear to have been effectively provided for by alternative arrangements within the forms of procurement currently in vogue."

As seen in Edinburgh, and as the minister recognised in his evidence to the committee, that is false economics.

Many other recommendations in the report are worthy of consideration. However, if the Government takes those on board, it will need to assist in addressing skills shortages in relevant parts of the construction industry, including the availability of properly qualified clerks of works, in partnership with industry itself. The safety of our buildings and those who use them demands it.

To follow on from Ben Macpherson's comments about the options available in the Danish system, perhaps we even need to consider bringing back the dean of guild court.

16:04

John Mason (Glasgow Shettleston) (SNP): It can be a challenge for those of us who have not been on a particular committee during an inquiry to take part in the subsequent committee debate. Committee members have been steeped in the subject for weeks, if not months, and other members cannot possibly have the level of in-depth experience that comes from actually preparing the report. However, we can bring a fresh pair of eyes to look at the topic and my comments today are from that perspective.

Grenfell and the Edinburgh schools have been a major cause of public concern and are reflected in the report. Our thoughts continue to be with those

affected and other members have spoken specifically about those events.

However, I want to focus my remarks on new private homes, as that is probably the sector about which I have had most local casework during my years as a councillor, a member of Parliament, and now as a member of the Scottish Parliament. My constituency of Glasgow Shettleston includes an extensive boundary with both North Lanarkshire and South Lanarkshire, where once was green belt. That area has been very popular with builders and households for new housing over the last 20 years.

Paragraphs 68 to 83 of the committee report, on the verification and certification process, and paragraphs 114 to 141, on the accountability and responsibility of builders, were of particular interest, so I will focus on them.

Paragraph 71, on the risk criteria for an inspection plan, was interesting; I was particularly interested in point 6 of that paragraph on contractor competence. Paragraph 73 considers situations in which there have been previous problems with a builder. It has been my experience over nearly 20 years that there are some building companies about which I have seldom, if ever, had complaints from constituents, while there are others about which I have had regular, and in some cases, numerous, complaints. As paragraph 139 suggests, a home is the biggest purchase that most people will make—most members seem to have referred to that—yet sometimes it seems that someone gets more help if they buy a faulty children's toy or have a dodgy meal in a restaurant.

I will give a recent example and refer to the builder, but I should point out that there have been other builders in similar situations and that this is simply the most recent example. I refer to the new development by Persimmon Homes at what is called Lowlands in Baillieston. I have visited several homes in that development where the internal walls moved when pressed. I also visited a room that was absolutely freezing because the insulation had just been missed out.

If a builder is still on site, I have known residents to paint a large X on the front door by way of warning other prospective buyers about potential problems on that estate. That has proven to be an effective way for the resident to get a builder round to their house quite quickly to sort out problems, although it only works if the builder is still on the estate.

The building tends to be the main focus of attention, but if someone has bought a house at £150,000 or £200,000 and the back garden is subsiding away gradually, or the grass will not grow because the drainage is substandard, those

are also serious and potentially expensive problems.

It seems pretty clear that some builders are riskier than others. Being an accountant, I wonder whether there might be lessons to be learned from the audit process that most larger organisations have to go through. The amount of work and detailed checking that external auditors will do depends hugely on assessing risk, including looking at internal controls and internal audit. If those internal controls are strong, the external auditor can rely on them more and reduce the detailed checking that they do, although they can never entirely eliminate it.

Reading the committee report, I wonder whether council building control departments are really assessing risk site by site and builder by builder as thoroughly as they could be. I was concerned by a few things in paragraphs 114 to 141 on accountability. Paragraph 121 quotes City of Edinburgh Council evidence, which included the comments that

“The housebuilding industry needs to be educated to take more responsibility for its actions”

and that

“Greater accountability and traceability should be introduced to encourage individuals to take personal responsibility”.

The use of words such as “educate” and “encourage” strikes me as indicative of a less-than-robust system. That concerns me. I cannot imagine a finance department being encouraged or educated to take responsibility for the organisation’s finances; it is responsible for them.

Paragraph 123 of the committee report mentions an idea that has been recommended in England: that of having an ombudsman—or ombudsperson, perhaps—to mediate between the consumer and the builder or the warranty provider. I have also wondered whether trading standards could be involved. When I have tried that approach in Glasgow, trading standards seem to have relied entirely on the NHBC and the like, but as has been said, the NHBC has a slightly different role, and I do not think that it is seen as being independent in the same way.

On the question of who should verify building standards, I have met the NHBC, and I felt that it put forward quite a strong case. The fact that there are delays in the present system and faults that have been missed suggests that something needs to change. I was interested in its point that the committee asked no questions on that section of the report, whereas it did on others.

The fees system for building warrants is dealt with in paragraphs 43 to 67. The report asks whether the fees should be ring fenced or linked to

improvements. Having been a councillor for 10 years, I have some sympathy for local authorities and bit of concern about ring fencing. If there is to be a requirement to keep fees in that service, councils should be allowed to keep full costs such as rent and council overheads.

My final point is one that has been raised with me by a few constituents. Given that the Government is putting money into new homes through, for example, the help-to-buy scheme, some people assume that the Government is giving some kind of stamp of approval with regard to the quality of those homes. Constituents have found it particularly galling that the Government encouraged them and helped them to buy a home, but the home turned out to be substandard.

Anyway, I congratulate the committee on the work that it has done and I encourage it to continue its work in the sector, which is a hugely important one for me and my constituents.

The Deputy Presiding Officer: As that was the final speech in the open debate, I would have expected everyone who took part in the debate to be back in the chamber by now.

We move to the closing speeches.

16:11

Daniel Johnson (Edinburgh Southern) (Lab):

I can safely say that it has been an interesting, engaging and in-depth debate that has raised some big, fundamental questions about what one can expect when one is buying a new-build home and about the safety of our schools and public places. It has also reflected on the tragic events at Grenfell tower and on what we need to learn and do to ensure that our buildings will be safe in the future.

Many members have mentioned the Edinburgh schools crisis. I think that it is incumbent on me to reflect on that, given that it affected my constituency directly in that the catchment area of Oxfangs primary school, which is the school whose wall fell down in January 2016, lies largely within my constituency. St Peter’s primary school, which is also in my constituency, was affected, too. As Gordon Lindhurst pointed out, it was a matter of sheer luck that the 9 tonnes of masonry that fell to the ground did not do anyone any harm, let alone take any lives. We need to bear that in mind as we approach the debate and think about the requirements for building standards.

As Professor Cole pointed out, there needs to be improvement in the level of scrutiny and checking at every stage of the building process. We must ask two fundamental questions. First, how can we change how our buildings are built in the future to ensure that they are checked and

verified properly? Secondly—just as important—what steps do we need to take to verify that the buildings that have already been built are safe?

I welcome the debate, and I commend the committee for the novel approach that it has taken of asking Parliament questions and seeking to incorporate the debate on those questions in its report. I think that the committee's asking of blunt questions about what we should expect, why we should not approach buying a house in the same way as we approach buying other consumer products and what we must do to make our buildings safe has added to the debate.

It is a shame that Andy Wightman is not in the chamber now, because the points that he made went right to the heart of the Cole report. Although he did not mention Cole directly, the question that he asked about who does what, for whom and on whose behalf is the fundamental question that Cole asked. He went through the whole process, from procurement to design, build, handover and maintenance, asking what had gone on at every stage.

The fundamental problem was that local authorities had been treating those building contracts as black boxes, with a reluctance to inspect because, in the words of the report, they were worried about incurring liability themselves. That is fundamentally what has to change. We need the structural components to be certified and checked as they are added.

A number of members have referred to the clerk of works issue in that context. That is a fundamental insight from the Cole report; however, as Jamie Halcro Johnston pointed out, it is also about individual contractors and tradespeople being properly trained. Although we need those skills, we also need those skilled people to take responsibility for their work. That is another key point in the report.

I am glad that the report refers to building control and what we should expect. Sandra White did an excellent job of getting to grips with what the jargon means. Surely, if a building has a certificate, it should be safe. It is remarkable that we have to question that. Sandra White said that we need to “open up” the buildings to check what has been done, and she is correct—that is exactly what we must do. However, that is not happening, because beneath the guise of the risk-based approach there is huge variation in what is being checked and verified. Greater standardisation is, therefore, needed. The tragedy is that that is not happening because of resources.

When we asked those questions at the Education and Skills Committee, the reply was that building standards sections are unable to provide guarantees because they do not have the

resources to do so. A significant increase in resources is needed if we want building standards sections to do that. When I put those questions to the minister, he acknowledged that much greater investment is needed if that is what we want. We all know what “greater investment” is a euphemism for in this context but, as Mark Griffin pointed out, building standards is a vital local service that underwrites safety.

Kevin Stewart: I have made myself clear on the issue of investment. That is one of the reasons why I took the decision to allow an increase in charges for the first time since 2005. The committee and I have made it plain—as have others in the debate—that local authorities must use those increased resources to build up their building standards sections. If they choose not to do that, I will have to look at that at a later date.

Daniel Johnson: There was a long period—from 2005 to 2017—until the fees were increased. We should question what happened in the meantime.

A number of members mentioned the ministerial working group. Bob Doris was right to urge the Government to instigate an on-going process that will look at the scope of, and undertake, the fundamental work that is needed to make sure that the right safety standards and procedures are in place. Likewise, David Stewart rightly questioned the scope of the work.

There has understandably been a focus on high-rise residential buildings and cladding because those are what triggered the reports, but we must continue to question and probe, because we do not know whether there are other issues. One of the key findings of the report was the failure to install fire-stopping measures in buildings. In evidence to the committee, Professor Cole said that we do not know how big that problem is. As long as we have those “unknown unknowns”, as Donald Rumsfeld put it, we must keep pushing and challenging our building and fire safety regulations. We need an inspection regime that is properly resourced to ensure that all our public buildings are safe.

The Deputy Presiding Officer: It is disappointing to note that we still do not have in the chamber a full complement of members who have taken part in the debate.

16:19

Alexander Stewart (Mid Scotland and Fife) (Con): I am grateful for the opportunity to close on behalf of the Conservatives and as a member of the Local Government and Communities Committee. Members have heard about the opportunity that the committee had to deal with all the issues in its inquiry. We wanted to ensure that

we took on board the events that had taken place. The report on the independent inquiry into the construction of Edinburgh schools gave us a lot of food for thought, and the main reason why our inquiry was expanded was the tragic events at Grenfell tower. Many members have outlined the issues relating to the safety of that building and the situation that people found themselves in.

Local authorities are responsible for the enforcement of building regulations, and the Building (Scotland) Act 2003 gives them the power to deal with work that has been done without a building warrant. The committee wanted to examine the parameters and see what is happening with regard to verification across Scotland. In 2005, the building standards system in Scotland was changed to permit the appointment of verifiers and a balanced scorecard approach. We wanted to see how that approach has progressed.

The committee gathered lots of evidence and information. I pay tribute to the organisations and individuals who told us about their situations, including those who told us about the nightmare scenarios that they have faced or the situations that they have found themselves in. The crux of the matter is that individuals told us the facts about how things are and how they should be. They told us their stories of what they have gone through.

More than 90 per cent of the respondents to our online survey talked about the undertaking of verification. Half of them believed that the ability to deal with verification should be extended beyond local authorities, whereas 40 per cent thought that it should remain with local authorities. Notwithstanding that, in March this year, the minister appointed the 32 local authorities as the verifiers for their own geographical areas. Nevertheless, some people believe that the verification role should be extended and expanded, as we heard in evidence.

The minister appointed the local authorities as verifiers for different periods of time, depending on their performance. If some local authorities continue to underperform, they should face the possibility of verification being moved. I welcome the comments that the minister made about local authorities being challenged if they are not doing the job. It is vital that we give the industry and the sector confidence that that will happen. The roles and responsibilities as well as people's rights must be protected. I thank the minister for those comments.

We have heard many good speeches, but I pay particular tribute to the other Conservative member on the committee, Graham Simpson. He is to be congratulated and commended, because he endeavoured to ensure that all of us took the issue on board. He and I were previously local

councillors, and we know about the difficulties that we dealt with in our wards. He had the tenacity to ensure that the report became a reality, and I commend him for that. The evidence spoke volumes about the problems that individuals face.

The committee's convener, Bob Doris, set the context of the report and talked about how the committee has tackled the issue. He talked about the evidence and about accountability and our being able to monitor the minister's working group as it progresses. It is vital that we have that contact.

Michelle Ballantyne gave a passionate, knowledgeable and understandable speech, and I pay tribute to Sandra White, who talked about the problems that she faces in her constituency. She mentioned the anxieties that individuals have to deal with daily. Not all of us have that kind of constituency to manage, but we appreciate that it must be a real challenge for Ms White to ensure that her constituents have the information that they require.

David Stewart spoke passionately about his idea for a Scottish solution on fire sprinkler systems. I commend him on his attempts to achieve that. I look forward to seeing his member's bill on the subject progress and to the discussion that we can all have at that time.

Jamie Halcro Johnston talked about the weaknesses in the industry and said that safety issues should be at the heart of the process, which is what we all want. He talked about the skills shortages in the building industry and the action that is required.

Andy Wightman, who unfortunately is not in the chamber at the moment, talked about the robustness of the system that we have, but said that there are weaknesses in it. I see that Mr Wightman has just arrived in the chamber. He also talked about the crisis that exists in the housing sector because of its speculative nature. That has to be managed, and we must realise that it is a major problem as we go forward.

Liam McArthur thanked the committee for its work and talked about accountability and capacity issues. We all understand that there are capacity issues. Anyone who has been in local government—I was in it for 18 years and other members were in it for similar periods—will know that there are certainly capacity issues that need to be addressed. I am sure that we will continue to challenge ministers and the Government on that.

Ben Macpherson talked about the affordability of homes, the review of building standards and some of the difficulties that he faces in his constituency, which is very different from Sandra White's constituency. In more affluent areas, people might be trying to achieve different things. There is a

balance to be struck between affordability and what individuals aspire to have.

Gordon Lindhurst hit a nerve when he talked about our approach going forward and the risk to lives.

I thank all members for their speeches. As I have said, we need to have confidence that the system has in place the safeguards that will protect the people in our constituencies.

I pay tribute to the clerks and other staff who supported the committee throughout the inquiry process.

16:25

Kevin Stewart: I thank all members who have spoken for expressing their views. I assure them that, as we progress our work, I will give careful consideration to what they have said. I apologise, because I will not be able to mention every point that has come up in today's debate or acknowledge every member's speech.

I very much thank the Local Government and Communities Committee for its wide-ranging and considered investigation into building standards in Scotland. I also thank the Education and Skills Committee for its previous inquiry. Much of that work will inform and feed into the various reviews that my officials are taking forward.

We all want the houses that we live in and the buildings that we use every day to be as safe as possible. Good building standards underpin the safety of us all. We spend nearly 90 per cent of our time in buildings, so it is vital that we make every possible effort continually to improve our standards.

The safety of people in and around buildings is of paramount importance to ministers and is at the core of the Scottish building standards system. Daniel Johnson and Gordon Lindhurst talked about what happened at Oxfords. That should not have happened, and it was indeed a matter of "timing and luck" that no one was injured. We need to ensure that we get such things absolutely right.

If our buildings are to be safe, everyone involved needs to play their part. People must all understand their roles and responsibilities and they must understand the roles and responsibilities of other people in the construction chain. That applies all the way through, from procurement and initial and detailed designs, through construction to—most important—final sign-off. We must ensure that everything is done properly.

Local authorities have a role to play, as verifiers. Verification has been the subject of some debate

today. I took different steps to my predecessors when I appointed verifiers earlier this year, and I will continue to monitor what is going on across the country. Last week, the City of Edinburgh Council faced an audit from my officials, and Glasgow City Council will face an audit next week. That work will continue, to ensure that there is a drive towards improvement.

Let me turn to the points that members have made, which are the most important aspect of a debate such as this. I assure members that I have made comprehensive notes, so if I do not mention everyone, I will ensure that their comments are fed into the processes that we are undertaking.

David Stewart has a long-standing interest in building standards and fire safety. He has had conversations with the cabinet secretary and has taken part in a number of fora in the Parliament, including events that I have attended. I appreciate his input. On his call to fit sprinklers in new and existing social housing, we have gone further on sprinklers than have other parts of the UK. The review of building standards under the ministerial working group will take account of all relevant evidence, including what is going on in Angus, Fife and Dundee. Anything that makes the people of Scotland safer in their own homes has to be looked at very carefully: we will do that and take action based on the evidence.

Daniel Johnson made some comments about the ministerial working group focusing too much on high-rise buildings. We said that the working group would be a short-term ministerial working group, and that short term has disappeared. We have also said that we will work through the evidence methodically. Obviously Grenfell took our attention, so the first thing that we needed to do was to ensure the safety of folk who live in high-rise properties in Scotland. We will continue to work along those lines until we are absolutely certain that we have captured all the information that we need, and have taken appropriate action. We will then move on to other aspects of building standards and fire safety. We will not ignore those other aspects; we will look at them all.

David Stewart talked about folk in deprived areas who are more at risk of fire. We need to take an evidence-based approach to see exactly what is required to keep people safe, so I assure Mr Stewart that we will look at that in some depth.

Another major issue that has been raised is clerks of works. I expect the roles of clerk of works, and of other professionals, in reassuring building owners who are carrying out work, to be considered again within the remit of the building standards compliance and enforcement group, which is chaired by John Cole.

This morning, I had the great pleasure of meeting a clerk of works at a Link Housing development in Edinburgh. I am always impressed by the detailed knowledge of clerks of works, and by what people have to say about their new homes or buildings when a clerk of works has been involved. Snagging does not seem to be such an issue when that is the case.

The other thing that I did this morning was something that I always do when I visit such sites: I spoke to apprentices. They are the future. We must all encourage more people to go into the construction industry. It has a great future and members from across the parties have a part to play in ensuring that folk enter the industry.

I realise that I am running out of time fast. The setting up of the ministerial working group should reassure Parliament that the Government is committed to ensuring that lessons are learned and action is taken to make buildings safe. We are ready to respond to any new evidence that emerges, whether from the UK or further afield, from our own working group, or from the two review groups on fire safety compliance and enforcement. We will consider the findings in the committee's report and what has been said in today's debate, and we will identify the actions that need to be taken.

We will be open and transparent. We appreciate the folks who have fed in to what we have done thus far, and I will appreciate it if all members continued to do so.

The Deputy Presiding Officer: I now call Bob Doris to close the debate on behalf of the Local Government and Communities Committee. Will you take us to decision time, please, Mr Doris? That is 4.40, not 5 o'clock.

16:33

Bob Doris: I am delighted that it is not 5 o'clock and I think that everyone else is, too.

On behalf of the Local Government and Communities Committee, I thank the clerking team, SPICe, which has helped to inform us, all those who gave written and oral evidence, and fellow MSPs. I also thank building control officers the length and breadth of Scotland who do a difficult job in challenging circumstances. This inquiry is no slight on them.

I thank everyone who has given their thoughtful contributions and views today. I am sure that they will assist the committee when we return to the issues next year.

It would be usual for the deputy convener to sum up a committee debate, but Elaine Smith is not able to be with us this afternoon so members are stuck with my second speech. However, I will

begin by raising an issue that I know Elaine Smith would have raised had she been here, and that is clerks of works.

Clerks of works were once a regular feature in public construction, acting on behalf of the client to ensure that buildings were constructed to a high quality and helping to ensure that any defects were rectified at the time they arose. However, we have learned that their use has declined over recent years, although some have suggested that a few companies might be beginning to use them more often than they have done.

The presence of clerks of works was recognised in the Cole report as impacting positively on the approach of site operatives to the quality of their work. The minister also commented that the use of clerks of works might involve some spending on the ground but will save a lot more in the future.

Although we recognise that the Cole report was in response to a particular set of circumstances in Edinburgh schools, we are keen that the lessons learned there are considered in a wider context. Therefore, we have recommended that consideration should be given to using clerks of works in a wider range of public sector construction projects, such as those that are high value or very innovative. The positive impact that clerks of works can have on build quality and in addressing defects as they arise was the key reason in persuading us that they should be used more widely.

Also, I note that, in its report on school infrastructure, which followed the Cole report, the Education and Skills Committee said:

"unless there are clear reasons why another method of quality assurance would be more suitable, the employment of a Clerk of Works reporting to the client should be part of every capital project in the public sector."

I am delighted that, in correspondence to the Education and Skills Committee, the minister signalled that the guidance might be updated to suggest that that should be the case.

This afternoon, we heard from the minister, who said that there should be a risk-based assessment for building warrants and the verification process. The committee believes that there should be a mandatory aspect to that, which does not currently exist. We believe that the use of clerks of works would lend itself to there being less risk in a project, which might then require less attention in the form of on-going checks throughout the construction process. Perhaps we should look at the experience of the builder or the architect, or at the track record of the developer, when deciding how often we should inspect works on the ground.

Kevin Stewart: One of the things that I meant to address in summing up was comments that were made by Liam McArthur and other members

about making sure that penalties are in force. We need to look at that very carefully and I assure the convener that we will do that as we progress.

Bob Doris: I thank the minister for that information.

Generally, across the board in the chamber, we have identified that clerks of works drive up standards in the construction sector. I note Andy Wightman's contribution on the conflict over who the clerks of works would be accountable to, which needs to be ironed out, and I appreciate the point that he made about the private sector.

The minister said that we have to attract and retain people with the right skills to the sector, and he mentioned a recent industry summit. Jamie Halcro Johnston, David Stewart and Mark Griffin all made similar points on making sure that the skills are there and are funded in local authority building control departments.

I note that a recent fee increase will give an additional £3.5 million to local authorities, but that money will not be ring fenced and there is some debate about whether it will allow full cost recovery for all the expenses of building control departments. That has to be part of the debate.

I was fascinated by the part of Graham Simpson's speech about his constituents' experience of foundation and roofing issues in the construction process. The key thing that I recognised is that the developers dealt with the issue but that, legally, they did not have to. They did so out of good will—as they should—but it should also be an issue of compulsion and enforcement.

John Mason talked about not just bricks and mortar but gardening and landscaping.

I want to put on record my respect for the work that David Stewart has done on fire suppression systems. The committee remains open minded on their use and will listen carefully to the information that David Stewart brought to the chamber. We will also listen carefully to Sandra White. Her suggestion that it is costing £2,000 a day for fire safety in Glasgow harbour sounds as though a private company is profiteering from fire safety, which is not acceptable.

I note that most of us—indeed, just about everyone—want local authority verifiers to be retained, but that does not mean that we do not want standards to be improved in local authorities.

My time is almost up, so I want to finish by saying that our committee will return to the inquiry in the new year and that we look forward to the minister's updates. However, it would be wrong of me not to finish the debate as we began it—with a comment about Grenfell. One of the issues with Grenfell was that tenants and residents were not

listened to and not empowered and that their fears and concerns were not acted on. Richard Lyle put it very well when he said that buildings and houses are not just steel, stone, glass and mortar—they are homes for families—and what our housing associations have done very well in response to Grenfell has been to develop a social community contract with all their residents in high-rises to reassure them that good-quality fire safety measures are in place.

However, we can never be complacent. Our committee will return to the matter in the new year, and we look forward to updating Parliament on it.

The Presiding Officer (Ken Macintosh): That concludes our debate on building regulations and fire safety in Scotland.

Parliamentary Bureau Motion

16:41

The Presiding Officer (Ken Macintosh): The next item of business is consideration of Parliamentary Bureau motion S5M-09170, on committee membership.

Motion moved,

That the Parliament agrees that Daniel Johnson be appointed to replace Richard Leonard as a member of the Economy, Jobs and Fair Work Committee.—[Joe FitzPatrick]

Motion without Notice

16:41

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

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 4.41 pm.—[Joe FitzPatrick]

Motion agreed to.

Decision Time

16:41

The Presiding Officer (Ken Macintosh): There are two questions to be put as a result of today's business. The first question is, that motion S5M-08968, in the name of Bob Doris on behalf of the Local Government and Communities Committee, on building regulations and fire safety in Scotland, be agreed to.

Motion agreed to,

That the Parliament notes the conclusions and recommendations in the Local Government and Communities Committee's 9th Report 2017 (Session 5), *Building Regulations and Fire Safety in Scotland* (SP Paper 213), and welcomes contributions from Members on the key issues and questions set out in that report.

The Presiding Officer: The final question is, that motion S5M-09170, in the name of Joe FitzPatrick, on committee membership, be agreed to.

Motion agreed to,

That the Parliament agrees that Daniel Johnson be appointed to replace Richard Leonard as a member of the Economy, Jobs and Fair Work Committee.

The Presiding Officer: That concludes decision time.

Meeting closed at 16:41.

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

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

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba