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Tuesday 12 September 2017

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Scottish Parliament

Tuesday 12 September 2017

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

Time for Reflection

The Presiding Officer (Ken Macintosh): The first item of business this afternoon is time for reflection. Our time for reflection leader is Father Christopher Heenan, the parish priest at St Margaret's memorial church in Dunfermline.

Father Christopher Heenan (St Margaret's RC Memorial Church, Dunfermline): Thank you for the opportunity to address members today.

Many visitors come to Dunfermline, and we are pleased to welcome those who come to visit our beautiful church and the shrine of St Margaret of Scotland. One group that visited recently particularly stands out. It was a group of over 50 Indian children and their leaders. Their origins lie in Kerala in India, but now they all live in and around Edinburgh. They belong to the Syro-Malabar Church, which is one of the eastern rites of the Roman Catholic Church.

The group celebrated mass and prayed in their own language and according to their own rituals. After a break for lunch, I led them around the places in Dunfermline that are associated with St Margaret. I was impressed with how the young people preserve their own culture, and how open and eager they are to learn more of the culture and history of Scotland. At the end of the tour, I was highly impressed with how they had soaked up so much and answered every question that was posed to them.

Even though she died over 900 years ago, Margaret still has much to offer Scotland. Fleeing political unrest, she came as an exile to this land and found a welcome and a home. She worked to further education and to alleviate poverty where she found it. She worked to reform the church and she encouraged merchants to trade. Perhaps her hardest task was to improve the manners of her husband and the Scottish court.

Margaret's love of God and her spirit of prayer flowed into her life and found expression in her love of her husband and family, her love of her adopted country and her care for those in greatest need. She cared for the spiritual and material welfare of her countrymen. She showed the value of being able to welcome those from different backgrounds and cultures, and of learning from them and benefiting from their gifts and talents. She embodied love, compassion, care and

concern with a strength of spirit and personality that changed those around her for the better.

Among St Margaret's treasured possessions was a relic of the true cross—the holy rood or black rood of Scotland. As we gather in Holyrood, we can all learn much from her example as we seek to build an open, welcoming, just and compassionate society.

Business Motion

14:03

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-07639, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, which sets out a revised business programme for today.

Motion moved,

That the Parliament agrees to the following revision to the programme of business for Tuesday 12 September 2017—

after

followed by Ministerial Statement: Response to the Report of the Barclay Review of Non-Domestic Rates

insert

followed by Ministerial Statement: Policing

delete

5.00 pm Decision Time

and insert

5.30 pm Decision Time—[*Joe FitzPatrick.*]

Motion agreed to.

Topical Question Time

14:04

Smyllum Park Orphanage

1. **Clare Haughey (Rutherglen) (SNP):** To ask the Scottish Government what support it will give to families of children who died at the Smyllum Park orphanage in Lanark. (S5T-00654)

The Minister for Childcare and Early Years (Mark McDonald): The information that has been disclosed about the unmarked grave at St Mary's cemetery in Lanark where it has been reported the children from Smyllum Park orphanage were buried is of deep concern to many individuals and, particularly, to the families of those who are affected.

It is a matter of great public concern and I will set out the steps that are being taken to address the issues. The Crown Office and Procurator Fiscal Service and Police Scotland have issued a joint statement this morning. The Crown Office has stated that, as matters stand and based on the information that is currently available, there is no evidence that a crime has been committed or that any deaths require to be investigated. That position will be kept under review. Any allegations of criminality will be thoroughly and sensitively investigated. Similarly, it will be for the Scottish child abuse inquiry to consider the new information alongside the evidence that it already has and the witness sessions that it has arranged to help it to deliver the terms of its remit. Any action for the Scottish Government could only follow from proper consideration through those channels first.

Families that have been affected by the reports are encouraged to seek support through a range of services that are supported by the Scottish Government. Services are currently available from a range of bereavement services such as Cruse Bereavement Care Scotland, the Compassionate Friends and Petal Support. Any survivors who have been affected by the reports can also find support at future pathways, which is the Scottish Government-funded support service that is available to all survivors of abuse suffered while in care in Scotland.

Clare Haughey: I appreciate the minister's answer and I hope that families will take some comfort in the steps that are now being taken to establish the circumstances around the burials. It is also reassuring to note the support services that are available to anyone affected.

Can the minister confirm that the Burial and Cremation (Scotland) Act 2016, which was passed by the Parliament last year, extends legislation over recording burials to include private sites and

that that consistency will prevent a situation like the one that has been discovered at Smyllum Park from happening in future?

Mark McDonald: Clare Haughey highlights an important point. In relation to the unmarked graves that were reported at St Mary's cemetery, the legislation that applied at the time was the Burial Grounds (Scotland) Act 1855, but that applied only to local authority burial grounds. Private burial authorities tended to follow the legislation voluntarily and there was no legal requirement for them to do so or to maintain a register of burials.

The Burial and Cremation (Scotland) Act 2016, which Clare Haughey referred to, introduces a legal requirement for every burial authority, including private burial authorities, to prepare and maintain a register of burials for each burial ground that it operates. Although section 10 of the act has not yet come into force, because it requires regulations to be made that will specify the information that must be recorded in the register, the burial regulations working group has been set up and will be involved in creating draft regulations for consultation before the regulations are laid in Parliament. In the meantime, local authorities continue to be subject to the same requirements and duties to register burials.

Clare Haughey: Finally, what continuing oversight does the Scottish Government have over recording burials in the light of the 2016 act and when does the Government intend to bring forward its plans for an inspector of burials and further provisions to improve burial ground management regulations?

Mark McDonald: The 2016 act gives ministers the power to appoint an inspector of burials, as Clare Haughey identifies. We currently have an inspector of cremation and an inspector of funeral directors. We will bring forward plans for the inspector of burials in due course. The inspector will also have the power to make recommendations and to report burial authorities that are not complying with the legislation to the Scottish ministers.

Queensferry Crossing (Congestion)

2. Alex Cole-Hamilton (Edinburgh Western) (LD): To ask the Scottish Government what action it is taking to reduce congestion on the approaches to the Queensferry crossing. (S5T-00651)

The Minister for Transport and the Islands (Humza Yousaf): The first days of operation of the Queensferry crossing have resulted in increased traffic congestion, including outside of peak hours—most noticeably last Sunday. While that is typical of initial traffic patterns around newly

opened major bridges, the following steps are being taken to reduce congestion.

Fixed message signs have been deployed on the slip roads on to the Queensferry crossing at either end to remind drivers to use the full length of the slip to merge into the main traffic stream. An additional variable message sign has also been positioned on the Queensferry junction northbound slip advising the same. That is being reinforced by Traffic Scotland and social media.

Consideration is also being given to raising the speed limit from 40 mph to 50 mph as soon as the central reserve barrier installation has been completed and it is safe to do so.

Alex Cole-Hamilton: I am very proud to have the Queensferry crossing in my constituency and I congratulate those who built it.

While I share the minister's delight at the improving picture witnessed this morning and yesterday, my constituents should not have to endure another weekend such as the one that we have just had, with many waiting hours in traffic and some even losing income.

Over the weekend, representatives of Transport Scotland said in the media that that spike had been anticipated. Are any other spikes expected? What efforts are being made to encourage commuters to use public transport and cycle routes to reduce congestion across the board?

Humza Yousaf: I thank Alex Cole-Hamilton for the constructive approach that he has taken with me. Over the weekend, he contacted me on behalf of his constituents to reiterate that they were feeling frustration. I accept that drivers who crossed the Queensferry crossing will have been frustrated, particularly on Sunday, but I would like to put that in context. Events that took place on Sunday, including pedal for Scotland and the antiques fair at Ingliston, may have added to the frustration, but tourist traffic is still going across the bridge, looping back and going round a number of times. That is understandable, and we want people to enjoy the Queensferry crossing.

On anticipation, I have said to my Transport Scotland officials that we know that some groups have put off going to the Queensferry crossing for the first couple of weeks and will go later on, because they think that things will quieten down. We are confident that we are seeing an improving picture with the variable message signs that we have put in place and the other measures that we have taken. The reports from the Monday am and pm peaks and the Tuesday am peak this week have shown fewer delays and much-reduced delay times. I will continue to monitor what happens. If Alex Cole-Hamilton wants briefings from Transport Scotland throughout this week, including in anticipation of what will happen this

weekend, I will be more than happy to ensure that those are provided.

Alex Cole-Hamilton: Over the weekend, I suggested that the Forth road bridge might be used as a release valve during the first phase to avoid the kind of congestion that we saw over the weekend. The RAC supported that request. Would it be possible to allow buses and taxis to use the Forth road bridge now, reopen the Echline roundabout for local access and defer some of the repairs and road works on the Forth road bridge until the better weather in the spring, so that we can have the Forth road bridge as a back-up option in case we encounter further spikes and congestion such as the congestion that we have seen in the early days of the Queensferry crossing?

Humza Yousaf: As I said, we are seeing an improving picture. It is important that we see how this week and, indeed, the weekend progress. There may well be a spike in tourist traffic. If the picture is improving and the delays are reducing because of the actions that we and Transport Scotland have taken, we will continue to monitor what other things can be done—for example, in relation to a speed limit.

There are difficulties in Alex Cole-Hamilton's suggestion on the Forth road bridge. We committed to ensuring that the Queensferry crossing and the Forth road bridge as a public transport corridor would be open and operational at the earliest opportunity. Deferring that is not an option that I would like to take, although I understand why Alex Cole-Hamilton made his suggestion.

The works at the north end of the FRB are likely to take around six weeks, but we hope that the contractor—the Forth crossing bridge constructors consortium—can complete them closer to within a four-week period. The weather will, of course, influence whether they can be completed in that time, but although a lot of work has been done, a lot of work has to be done on alignment and to tie in the north end—that is vital. The aim of that work for all concerned is to achieve the full operating status of both the Queensferry crossing and the FRB as soon as possible.

Let us see how the week progresses. I will keep Alex Cole-Hamilton updated at any point when he thinks that his constituents in particular are feeling frustrated by the length of delays. We are, of course, looking at what other options can be explored.

Liz Smith (Mid Scotland and Fife) (Con): Obviously, the Queensferry crossing is a very important and iconic bridge, which we all take great pride in, but there are serious issues. Since 2006-07, a great deal of effort has gone on in the

Scottish Government on the evidence on the traffic flows for the two bridges. Is the minister entirely satisfied that the evidence on which the Scottish Government has based its decisions is accurate? Does the Scottish Government have any plans to review that evidence so that we can address the problems that we have had over the past week?

Humza Yousaf: Traffic modelling takes place with any infrastructure project that we look to commit to. There was, of course, an expectation of increased tourist traffic and increased interest, particularly in the bridge's first week and first fortnight. I suspect that, particularly at weekends, we will continue to see many groups such as motorcycle groups and vintage vehicle groups—which we have already seen—wanting to enjoy the experience of the Queensferry crossing. We are looking to see what more we can do to alleviate some of that pressure, and that approach is working. We have seen congestion reduced during the Monday am and pm peaks and this morning's peak, so the actions that we are taking are working.

I will always happily look at whether modelling can be done better—we will work with experts in that regard. That is the sensible thing to do; we are doing it for the Borders railway, for example. Of course, that is a completely different piece of infrastructure but people have asked us to look at the modelling. Indeed, where it is sensible to review the modelling, we most certainly will. However, this is not an issue of modelling; it is about ensuring that we do everything in our power to reduce the congestion on the Queensferry crossing.

Alex Rowley (Mid Scotland and Fife) (Lab): I welcome the transport minister's comments. I have written to him about my concerns. The congestion did not happen just at the weekend. Last week, the traffic tailed back up the M90 to Halbeath for long periods, which would not be acceptable if it were to continue. Therefore, I welcome the minister's guarantee and ask that he keeps all members up to date on the progress that is being made on both sides of the crossing. This is, after all, a six-lane bridge, and options will be available. I hope that the congestion is due to people wanting to see this amazing and wonderful new bridge and that we get past this period. However, if we do not, action must be taken and we need an assurance that that will happen.

Humza Yousaf: I am happy to give Alex Rowley that assurance. Members should be kept up to date and for those who have asked questions or who want to be kept up to date, I will endeavour to do that in relation to traffic flows during both peak and out-of-peak times, particularly during the weekend.

If we continue to see the congestion that we saw last Sunday, I will do what I can, within in our powers, to alleviate some of it. I assure Alex Rowley that Transport Scotland, the contractor, the operating company and I are working hand in hand to ensure that anyone who is looking to cross the bridge has a seamless journey and experience and gets to enjoy an iconic feat of engineering that all of us across the chamber are rightly proud of.

Mark Ruskell (Mid Scotland and Fife) (Green): In 2010, Alex Cole-Hamilton's predecessor, Margaret Smith, warned that there would be an

"absolute clamour for both these bridges to be open to general traffic"

once the Queensferry crossing was built and open and that, if both were open to general traffic, it would lead to disastrous levels of traffic growth. Does the minister agree with Margaret Smith's assessment?

Alongside welcome commitments to grow active travel on the Forth road bridge, will the Scottish Government give support in order to increase traffic on the Forth rail bridge?

Humza Yousaf: The Government is committed to increasing the number of people who use public transport, whether on our buses or railways. I have said that from day 1 in my job as transport minister. Once we do the work on the FRB, public transport—particularly travel by bus—will be a more attractive option.

All members in the chamber have a duty to promote the use of public transport and I will ensure that we review our messaging to ensure that it is as powerful as possible. However, the opportunity is great not just for those who use the Queensferry crossing in a motorcar, but for those who will use public transport to access the Forth road bridge once the work is done in four to six weeks. I am delighted to be making public transport a more attractive option.

On the rail bridge, we will continue to do what we can to increase patronage on the railways.

Daniel Johnson (Edinburgh Southern) (Lab): The new bridge is critical for my Edinburgh Southern constituents, as it is for people across Edinburgh, Fife and the whole of Scotland. The minister mentioned the modelling work that has been undertaken. I understand that a number of the bridge's traffic management features are not yet operational. Will he please explain the impact on the assessment of the modelling of not having those features operational? He said that the spike was anticipated, but was it in line with the anticipated level of traffic or did it exceed that?

Humza Yousaf: I will try to get Daniel Johnson the specifics on the modelling as best I can in written form. We tried to do the modelling and forecasting to the best of Transport Scotland's ability. On the Sunday, vintage vehicles, motorcycles and cars displaying large flags in a parade-like fashion choose to go across the bridge—only so much modelling can be done to try to capture that. As I said in answer to Liz Smith's question, where we can review the modelling to make it even more accurate, we will.

It was anticipated that there would be a surge in traffic in the first few weeks of the opening of the Queensferry crossing. Such a spike is not unique to Scotland, of course; there is a spike in traffic when any new bridge or new infrastructure opens across the world. We are doing everything that we can to manage the situation, and where we can do more, we will. We are starting to see the positive results in that regard; there was a reduction in congestion at the Monday am and pm and Tuesday am peaks, as I said, and we will see how the rest of the week progresses. If we can do more, we will certainly explore all the options.

European Union (Withdrawal) Bill

The Presiding Officer (Ken Macintosh): The next item of business is a statement by Michael Russell on the European Union (Withdrawal) Bill. The minister will take questions at the end of his statement.

14:20

The Minister for UK Negotiations on Scotland's Place in Europe (Michael Russell): Twenty years ago today, celebrations were taking place in this city and across the country. The day before—11 September 1997—the people of Scotland had voted overwhelmingly for devolution. They had voted for a different Scotland, served by a restored Scottish Parliament.

The people who were celebrating that day did not represent only one party or one strain of opinion, and the campaign to secure that vote was cross party and of no party. As Scottish National Party chief executive at the time, I worked as one of three campaign directors, alongside my Lib Dem and Labour colleagues. We made common cause with many from outside politics who, for many years, had believed in a better, democratic Scotland.

It is in that spirit that I make this statement today. As with that campaign 20 years ago, this is not a party matter. It concerns all of us who care about the future of this country. Then, we joined hands to try to create a better future for Scotland. Today, we must show the same unity in defending the Parliament in which we sit and its role and duty to serve all the people of this country.

In 1997, the proposition that was put to the people of Scotland was clear. The UK Government's white paper, which was published in advance of the 1997 referendum, set out the areas for which it promised that

"the Scottish Parliament will be responsible".

Those areas included law and home affairs, the environment, agriculture, fisheries and forestry, higher education and research.

Since this Parliament was established, the range of policy matters that are our responsibility has increased. Initial expansions that gave the Parliament greater responsibility for transport were followed by the Calman and Smith processes, which expanded our competence—albeit in a limited way—into areas such as taxation and welfare.

That progressive and dynamic development and expansion of devolution has been good for the Parliament and good for everyone who lives and

works in Scotland. It has made a difference to people's lives.

As the First Minister said yesterday in her speech to mark two decades since the devolution referendum,

"After devolution we were able to look, not just south, but all around us, to our fellow European nations and to countries across the globe. And we could contribute our ideas, learn from others and then put those ideas into practice here in Scotland. Far from narrowing our vision, devolution has widened our horizon."

However, the Scottish Parliament's ability to contribute ideas, widen horizons and make progress for each and every citizen is now under threat.

In the European Union (Withdrawal) Bill, the United Kingdom Government proposes that it should, for the first time since 1999, take powers for and to itself in relation to devolved policy areas in Scotland. It proposes to alter, permanently, the fundamental principle of devolution, as approved by three quarters of the Scottish people in the referendum 20 years ago—that is, the principle that what is not reserved is devolved.

We do not believe that that would be good for the people of Scotland. We do not believe that the hill farmers of Argyll, in my constituency, would be better served by policy on less favoured area support being made in London, where such support will never be needed and where knowledge of its vital nature is scanty or non-existent. We do not believe that ambitions for cleaner air and a greener Scotland should be undermined by UK ministers who have very different environmental priorities and who have championed deregulation at every opportunity. We do not believe that the needs of Scottish families who are in crisis will be better understood by those who have constantly undermined the welfare state.

That is why the legislative consent memorandum that was lodged today in the name of the First Minister indicates that we are not willing to bring forward a legislative consent motion at this time. We cannot recommend to the Parliament that it should consent to the bill as presently drafted. That is exactly the same position as the Welsh Government has taken, albeit that its procedures are slightly different. The Welsh Government will today lodge its relevant memorandum in the name of Wales's First Minister.

I will explain some of the detailed reasons for that stance. The present constitutional arrangements in the UK mean that all the UK's legislatures—the UK Parliament just as much as the Scottish Parliament—must act in accordance with EU law. In relation to agriculture, for example,

the Department for Environment, Food and Rural Affairs has at present no greater power than the Scottish Government has to act incompatibly with EU law.

The bill would fundamentally alter that position. It would make the UK Parliament and Government the sole successor to the EU, so that all matters that are currently decided co-operatively among 28 EU member states and Governments would be unilaterally decided by only one: the UK Government. The bill does not provide for a single new decision-making power for any of the devolved legislatures. Everything goes to London, and it is for London to decide what ultimately happens to those powers.

This is not a debate about whether we should leave the European Union. The position of the Scottish Government—indeed, the position of the people of Scotland, as expressed in last year's referendum—is clear on the matter: we do not want to leave. However, the bill is not an opportunity to veto Brexit; such a legal power does not exist. Moreover, we have frequently made it clear that, despite our wish to maintain EU membership, we recognise our obligation to prepare Scotland as best we can for what might transpire. Brexit will be such a dramatic and damaging upheaval to the UK's legal systems and to our laws that it is imperative that we do everything that we can to prepare responsibly for the consequences.

Nevertheless, certain choices in the bill, such as ending the effect of the European charter of fundamental rights, will make the process even more damaging than it needs to be. The Law Society of Scotland warned last week that the UK Government

"should reconsider the removal of the Charter of Fundamental Rights from UK Domestic Law and take stock of concerns which are held by many about the potential for erosion of human rights which may occur".

It is already clear that the Governments of these islands have a lot of work to do to make sure that some stability and continuity can be achieved on exit day, and they will have to work together if that is to be done most effectively. The bill makes that much more difficult, not least because it appears to represent a deliberate decision by the UK Government to use the process of Brexit as cover for taking powers in areas of policy that are clearly within this Parliament's responsibility.

I will be entirely clear about this. It is not a logical or essential part of any withdrawal bill to place new limitations on the Scottish Parliament's powers, on the National Assembly for Wales's powers or on the powers of the Northern Ireland Assembly, but that is what the bill does.

Clause 11 contains a new limitation on devolved competence that is of extraordinary scope. While the bill lifts from the UK Government and Parliament the requirement that they are currently under to comply with EU law, clause 11 will impose on the Scottish Parliament a new limitation that will be tied to EU law as it happened to exist at the date of withdrawal. In areas of Scottish devolved responsibility that are vital to our country's success, such as agriculture, the environment, fisheries, forestry, research and justice co-operation, the Scottish Parliament will have no say over what comes back from the EU on withdrawal or what is done with those important policy areas afterwards.

I will give an example that I have taken directly from the House of Commons briefing paper on the bill, which uses the common agricultural policy to illustrate what that approach would mean for the Scottish Parliament. The paper notes:

"It is an important part of the law on agriculture, a devolved matter, but one which devolved Ministers will not be able to amend ... If the UK left the EU and did not legislate to the contrary, agriculture would fall within the competence of the Scottish Parliament".

However, the report notes:

"While this can be changed for England, or for the UK, by the UK Parliament, devolved legislatures and Ministers will not have the power to modify the type of EU law ... that makes up the CAP."

The system of farming subsidies, as it has been developed over the past 18 years to meet particular Scottish need, is only one example. Many other areas of present devolved competence would be put beyond this Parliament's powers, including the high standards of environmental protection that the EU has given us, our approach to food standards, the protection of our unique food and drink products, the operation of family law across national boundaries and the recognition of qualifications in our health professions. There is a long list that consists of more than 100 areas in which EU competences intersect with our competences.

The damage caused to the devolution settlement by clause 11 would not end when the process of EU withdrawal ended. As I have indicated, it would permanently change the way in which the Parliament's legislative competence is assessed. The UK Government also wants the inclusion of clause 11 to ensure that it can impose UK-wide frameworks following Brexit and then, in some cases, trade off Scottish rights, privileges and protections in lowest-common-denominator trade talks. Agriculture and fishing are particularly at risk from that approach.

Last December, we set out in "Scotland's Place in Europe" our clear acceptance that common approaches to some matters will be needed

across the UK when the UK withdraws from the EU, but as we and the Welsh Government have repeatedly made clear, those common approaches, the areas that they cover and the way in which they operate must be agreed and not imposed. With clause 11 in place, agreement could never be reached, since the price that the UK Government demands for an agreement would in effect be the reservation of each matter, which would put it and the terms and operation of any framework beyond this Parliament's powers.

The UK Government's approach is not about UK frameworks; it is about UK Government frameworks, which are decided on, operated by and controlled in the UK Government. Returning powers to the Scottish Parliament along the lines of the devolution settlement that is set out in the Scotland Act 1998 would not prevent the agreement of such frameworks. In fact, it would enable that agreement, because mechanisms exist for the two Governments to agree a common or co-ordinated approach—for example, legislation in both Parliaments or in the UK Parliament, with our consent; memoranda of understanding; concordats; and the administrative agreement of common goals.

All those existing mechanisms are based on the existing and well-understood principles of devolution. Regrettably, the bill's approach to UK-wide frameworks suggests a fundamental shift in the UK Government's approach to such relations with the devolved nations. I will again quote from the House of Commons briefing paper on the bill. It warns that, for the devolved nations, Brexit will not bring back control. It says:

"The retention of common frameworks could be seen as an effective centralisation of power".

Power should be devolved according to the current settlement; it should be divided between the Parliaments in accordance with the principles that are set out in the devolution statutes and—incidentally—the strident promises of the leave campaign.

In its recent publication "Securing Wales' Future", the Welsh Government made interesting suggestions about decision-making frameworks at the European level. It said that they should replicate the codecision making that presently exists at EU level, with the four nations of the UK being equal partners in the process. We are keen to explore those ideas but, whatever the outcome, there must be a collaborative rather than a divisive approach if there is to be any prospect of success.

The Scottish Government stands ready to negotiate and agree any common approach with the UK Government and the other nations of the UK that proves necessary. Our only condition is that the UK Government must observe

constitutional due process and enter into discussions on the basis of respect for the founding principles of devolution, as endorsed by the Scottish people in 1997. Unfortunately, it does not seem to wish to do so.

Equally unfortunately, the bill is problematic in other areas, which must also be changed. For example, it gives UK ministers and Scottish ministers powers—so-called Henry VIII powers—to correct deficiencies in law that are caused by EU withdrawal. Of course, Henry VIII was never a king of Scotland, but he did invade the country in the campaign that is now known as the rough wooing. It might not be entirely unfair to use the same term about the UK Government's approach now.

The version of those powers that is to be given to the Scottish ministers is limited in its scope and application compared with what is to be given to UK ministers. That is no bad thing in principle, except that an entire category of the laws that the bill covers—directly applicable EU instruments—is given to the UK Government alone to correct. That includes directly applicable EU laws in policy areas that are the Scottish Parliament's responsibility. That is not just a technical point, because the pieces of legislation in question include significant items. The UK Government would have the unilateral power, by delegated legislation, to change laws in areas of policy that are this Parliament's responsibility without any reference to this Parliament or to the Scottish Government that is accountable to it. That suggests that not only is the UK Government's approach to EU withdrawal designed without the appropriate respect for devolution but that it—wittingly or unwittingly—subverts devolution.

The only appropriate way to divide powers between the Governments is this: powers in relation to policy areas that are devolved must be for devolved ministers and devolved legislatures. Thereafter, there will be space, time and, I say, willingness to agree on co-operation over the shared use of powers in a way that respects this Parliament's responsibility to hold to account those who make decisions in devolved areas.

Our position on those powers in the bill is therefore the same as our position on agreeing common approaches across the UK. We recognise the need for some way of making the current body of EU law workable after Brexit; we have as much of an interest in that as the UK Government does. We stand ready to use such powers in order, so far as we can, to promote stability following the process of withdrawal, but the approach that the UK Government has taken to the bill is preventing that necessary and essential co-operation and co-ordination.

We agree with Opposition parties that powers that broad will require greater scrutiny from this Parliament. We therefore commit to working with the Parliament and its committees to agree a set of principles and a process that will ensure that the instruments that are made under the bill receive the appropriate scrutiny.

I look forward to the Parliament's scrutiny of the bill and of the legislative consent memorandum, which the First Minister lodged today. The Finance and Constitution Committee, the Delegated Powers and Law Reform Committee and members across the chamber will have a strong role to play in that, as the bill will affect the powers and policies that we all want to be used to improve our constituents' lives. I also look forward to giving evidence to those committees and to making sure that the public understand exactly what the proposed EU withdrawal should mean for their Scottish Parliament and—more important—their daily lives from Shetland to Stranraer and from Eoligarry to Eyemouth.

The First Ministers of Scotland and Wales made all that clear to the UK Government when the bill was published, and that built on extensive engagement in the two weeks before, when we were finally given an opportunity to see, but not to change, what was proposed. Thereafter, in our meetings and phone calls with the First Secretary of State, the Secretary of State for Exiting the European Union and the Secretary of State for Scotland, the Deputy First Minister and I have explained in detail the consequences of the bill's approach for the devolution settlement. We have sought to establish a shared understanding of those issues and to build a way forward that allows the Scottish and UK Governments to proceed to the essential work of discussing common frameworks and the programme of corrections to our laws that will be necessary. We have explained that it is the UK Government's unnecessary policy choices, as set out in the bill, that have hindered progress.

Therefore, the Scottish Government still cannot recommend that Parliament should give consent to the bill, and we have set out the reasons in detail in the legislative consent memorandum. We have also been clear about what we expect and require the consequence of withholding consent to be—namely, that the UK Government must make the necessary changes to the bill.

The UK Government has contended that its proposals are the only ones that will avoid the chaos that would arise if no frameworks or legislative structures were in place on Brexit day. That will not happen. We will ensure that it does not happen. If the UK Government is not prepared to make the appropriate amendments, this Government will consider, as the Welsh

Government has confirmed it is considering for the Assembly, the options that are available for rapid legislation in this Parliament to allow us to prepare devolved laws for the shock of Brexit.

That route is not our first choice, however, because a better way forward is still available. As the two First Ministers announced after meeting in Edinburgh last month, the Welsh Government and the Scottish Government will publish a set of suggested amendments to the bill that would, if made, turn the bill into one that we could recommend to the Parliament. Those amendments would remove the unnecessary new limits on devolved competence and rearrange the regulation-making powers so that they properly respected the well-established principles of devolution and the scheme in the Scotland Act 1998 and subsequent Scotland acts, as well as ensuring that the Scottish and Welsh Parliaments had the appropriate role in holding to account their Governments as they made the required decisions to prepare the UK's legal systems for EU withdrawal. We therefore stand ready to work with all parliamentarians in all the Parliaments to bring forward and seek to have accepted those amendments.

The issues that I have outlined, which are covered in much more detail in the legislative consent memorandum, are not arcane constitutional points. We are talking about the role and duty of the devolved Parliaments to help to improve the lives of the citizens they serve. We are talking about the difference that this Parliament has made and can make, and a diminution of its ability to do that. The proposals from the UK Government would cut across, impede and diminish what we do, day in and day out, to serve everyone who lives in Scotland. We cannot allow that to happen.

If there are members in the chamber who have influence with the UK Government, I ask them to use that influence to secure the changes that the Scottish Government and the Welsh Government seek. If any members believe that the right approach is to support the UK Government in actions that go directly against 20 years of the settled will of the Scottish people and the effective operation of devolution by all the parties here, let them say it and be judged accordingly. I think that the vast majority of our constituents would find it astonishing if there were any members elected to the Scottish Parliament who, when faced with such a challenge to the principles of devolution and the powers of the Scottish Parliament, would not put them and the people of Scotland first. Let us therefore hope that we can speak as one on these matters.

The Presiding Officer: There will now be about 40 minutes for questions. I encourage all members

who wish to ask a question to press their request-to-speak button.

Jackson Carlaw (Eastwood) (Con): I thank the minister for sending me an advance copy of his statement, and I welcome his acceptance of, in his words, the

“progressive, dynamic development and expansion of devolution”,

which

“has made a real difference to people’s lives.”

All of that has occurred under Governments led by Labour and by Conservatives since 1997.

Unsurprisingly, Scottish Conservatives challenge the construction placed on the actions and motives of the UK Government now and the ceaseless hyperbole of a so-called power grab, which the UK Government has repeatedly and expressly stated is neither desired nor intended. I understand that the Scottish Government is ever in want of a grievance, but surely not now, so I welcome the absence of that rhetoric in the statement that has just been delivered.

The practical issue at hand is a bill to ensure that arrangements are in place, not at some distant point but in the immediate hours after the UK has withdrawn from the EU in March 2019. Whatever our wishes about the outcome of the vote that the vast majority of us campaigned for last June, we have a duty to prepare for the UK’s departure from the EU.

Last week, in the programme for government debate, I made it clear that Brexit is not politics as normal. If there is a genuine concern matched by an equally genuine resolve to address and overcome this—and the statement and the First Minister’s memorandum suggest that there may be—the Scottish Conservatives here at Holyrood will play our part. The minister challenged this side directly, and in that spirit I respond by saying that both I and Adam Tomkins stand ready to meet bilaterally with the Deputy First Minister and Mr Russell to explore the concerns further, to understand the various remedies and positions and to work where we can to do all that we feel able to do to secure an LCM that the Scottish Government will have confidence in placing before this Parliament.

Will the minister and the Government therefore accept our offer—accepting their offer, I suppose—to move beyond the positioning today and to add further process to substantiate the endeavour shared by us all of securing both an orderly exit from the EU and a substantial and coherent future additional settlement of responsibilities for this Parliament?

Michael Russell: I welcome that suggestion warmly, and I can say immediately that of course I commit myself and the Deputy First Minister to meeting with Mr Carlaw and Mr Tomkins to discuss those matters. That is a significant step forward and I am grateful for it.

There is a way through on the matter. The Welsh Government and ourselves have worked hard to consider what the right approach is. We do not have a monopoly of wisdom, and clearly there may be other issues to consider. In the spirit of the statement that I have made, I absolutely welcome Mr Carlaw’s offer and I commit myself to having that discussion as early as possible. Let us see whether we can speak as one Parliament. That would be a major step forward for all of us.

Lewis Macdonald (North East Scotland) (Lab): I thank the minister for sending me an advance copy of his statement, and I welcome his willingness to work with all parties across the Parliaments and Assemblies of the United Kingdom to seek to protect the devolution settlement and to mitigate the impact of Brexit on those we represent.

The minister is right to say that people of different parties and none campaigned 20 years ago for devolution, but it is also true to say that a Labour Government brought those proposals forward and did so to bring Government closer to the people of all the nations and regions of our United Kingdom and to make our shared democracy stronger.

The bill as it stands seeks to overturn the basic principle of devolution established by Donald Dewar in the Scotland Act 1998 and endorsed by the referendum 20 years ago, namely that what is not reserved is devolved. Mr Russell has talked about amendments that he has discussed and agreed with Labour ministers in Wales. I welcome that work and he will be aware of the amendments that will be proposed by Labour colleagues to address the devolution aspects of the bill at Westminster. Will the minister confirm that if those amendments are passed and the principles of the devolution settlement are protected, a legislative consent motion will then be brought forward by his Government?

The bill would also take away powers from all our Parliaments, including the House of Commons, and place those powers in the hands of ministers. Does the minister accept that, if the bill is amended, simply transferring unaccountable powers in devolved areas from UK ministers to Scottish ministers would not be enough and that, therefore, work to increase the scrutiny powers of the Parliament in relation to those new powers would be all the more essential?

Michael Russell: On the second point, I absolutely agree. I indicated in my statement that we do not regard those powers as acceptable; there needs to be a framework of scrutiny, and I indicated that we would be more than willing to enter into that discussion.

On the first point, I certainly think that it is significant that, last night in the House of Commons, the reasoned amendment that was proposed by Labour, and which contained substantial reference to the issue of devolution, was backed by SNP members and by a range of others. That gives me considerable hope, as does my experience of working with the Government in Wales, particularly with Professor Mark Drakeford, to whom I pay great tribute. He has become a close colleague during the past year. That work will allow us to centre on what can be achieved.

When we are in the chamber, it is sometimes easy to make a great deal of our differences—and there are differences, not least on ultimate destination. However, on this matter, there is a huge correspondence of interest in getting this right. Working with Labour and other colleagues in this Parliament, and working with parties across the board in Wales and—it is to be hoped—some parties in Northern Ireland and the House of Commons, I hope that we can make substantial progress towards making sure that the proposals as presently drafted do not go forward.

I confirm to the member that, were the clear aims that we have set with the Welsh Government and the amendments to be achieved, that would create the circumstances in which a legislative consent motion would become possible. It is not possible at the moment because those changes have not been made. In fact, the UK Government has not made a single change referring specifically to devolution, as Ken Clarke pointed out in the House of Commons last night.

Stuart McMillan (Greenock and Inverclyde) (SNP): Will the minister confirm whether the Scottish Government was involved in drafting any of the UK Government papers that directly impact on devolution, such as those on science or civil justice? Would the minister be prepared to be part of any future UK negotiating team and to work to get the best deal for Scotland?

Michael Russell: I am afraid that we have not been involved in the drafting of any of the papers. As members are aware, I made that point forcefully in a letter that I sent to David Davis last week and which was released to the press. It is completely unacceptable that papers on devolved matters are being submitted within the process without the courtesy of seeking the involvement of the Scottish Government. The papers are normally shown to our civil servants 24 to 48 hours before they are published and there is no opportunity to

change them or to comment on them in any way; they are essentially just delivered. Obviously we want to take part in the discussion on the issues, and that will become more and more crucial as and when stage 2 of the negotiations starts in Brussels.

On involvement with UK structures, Professor Drakeford and I have indicated to the UK Government that we think that there is a role for the devolved Administrations, through the joint ministerial committee process, to fit into the monthly cycle of negotiations. We can see a place in which that would work and we want to continue to discuss that.

It is well known that there has been no JMC since February. I should probably say now, in case the information has been passed to other people who might wish to use it, that, strangely enough, an invitation arrived this very lunch time to a JMC that will take place on 16 October. We will accept that, so there will have been only 8 months and one week between JMCs.

We could fit into a monthly cycle as part of the negotiating cycle and, of course, we stand ready to give information about what is crucial to Scotland in the negotiations.

Adam Tomkins (Glasgow) (Con): I welcome the minister's positive response to Jackson Carlaw's question. Like the minister, I think that a deal can and should be done to enable the withdrawal bill to pass with the Scottish Parliament's consent. In that spirit, when does the minister think that he will be able to share with members the sort of amendments that he considers to be desirable, particularly as regards future UK common frameworks after Brexit?

Michael Russell: I would be happy to share those amendments once they are finally agreed between ourselves and the Government of Wales. We are very close to that. If the member will bear with me, I will be happy to provide those as soon as we possibly can and to start to discuss how they might move forward. I am sure that the member has substantial influence with his colleagues south of the border, so if he were to use that influence to promote the amendments, we would find that very useful. We undertake to make sure that the amendments are made known and, if there are views from Mr Tomkins and others on how they can be improved, we will be happy to listen to those and will arrange to meet and discuss them.

Daniel Johnson (Edinburgh Southern) (Lab): One of the great strengths of the Scotland Act 1998 is its simplicity. Schedule 5 sets out clearly which powers are reserved, with the presumption being that all others are devolved. The withdrawal bill will not directly amend the Scotland Act 1998,

which means that the conflict might be not just one of principle but one of law. Does the Scottish Government consider that that might be the case? Has it taken legal advice on the status that the bill might take? Would it consider a legal challenge to the withdrawal bill if it proceeds unamended?

Michael Russell: It is not appropriate for ministers to say whether they have taken legal advice, but clearly we consider these matters in every possible way, including from the standpoint of the law. Equally, it would be foolish for me to comment at any stage until we have either ruled in or ruled out legal action.

I believe that the matters that we are discussing today are matters of politics and it is a political approach that I outlined in my statement.

I think that the bill is defective; if the political approach changed—if there was an acceptance, as the member says, of the basic simplicity of the devolved settlement of those things that are not reserved being devolved—that would produce a political solution to these matters. I am looking for that political solution.

Ross Greer (West Scotland) (Green): The repeal bill is a power grab not simply for the UK Parliament but for the UK Government over the people of these islands and their elected representatives. The Greens will certainly not be supporting legislative consent for the bill; we believe that the Scottish Parliament and the Scottish Government must hold themselves to a higher standard. If the repeal bill is not adequately amended at Westminster, will the Scottish Government commit to appropriately and democratically restricting the powers that it will be given and to do so, where possible, with the collective agreement of this Parliament?

Michael Russell: Yes, of course I will make that commitment. It is a matter of concern to us all. Even ministers should not wish to exercise untrammelled power of that nature. It is important that we ensure that proper scrutiny and proper restriction are in place.

I am hopeful that we will secure the amendments that we seek. It is quite important to understand the nature of the amendments. There will be a group of amendments, I hope—I am given additional hope by the approach of the Conservative front-bench members this afternoon—that will be agreed between us and the Welsh Government with, I hope, cross-party agreement in Wales. That group of amendments will form a core that might attract support across the House of Commons. That would be very helpful.

There will be a range of other amendments from other parties. The procedures of the House of Commons are arcane and strange to those of us

who work in a modern Parliament, but I understand that last night there was an unseemly rush at the end of the second reading of the bill to make sure that amendments were put on the table. People jostled each other in order to get them there because it is the order of those amendments that in some way determines how they should be taken.

We will, in a calm, professional and modern way, put forward our amendments—until they get to the House of Commons, after which they will presumably be treated just like anything else. However, I hope that those amendments will attract support across the parties. Indeed, if the Conservatives in this chamber are able to persuade their colleagues elsewhere, perhaps there will be a unanimity of view, which would be helpful.

I make the commitment to the member that we have no desire to exercise powers without proper scrutiny and that we will, of course, work right across the chamber and with the committees to make sure that there is that proper scrutiny. It is a major issue for the Westminster bill as well.

Tavish Scott (Shetland Islands) (LD): We on these benches will certainly work with Mr Russell and his Government on strengthening, not weakening, devolution. I hope that he and this Parliament would expect a guarantee from the UK Government that everything that is devolved remains devolved. The amendments that are planned need to be achieved in such a way, including the frameworks, which should rightly be agreed across all Governments.

Mr Russell said in his remarks that the process of Brexit was a cover for taking powers. Does he accept that that assumes a constitutional conspiracy within the United Kingdom Government that I do not believe is the reality? This is a UK Government that cannot sort itself out on its Brexit negotiating position, never mind work out what its position is in relation to Cardiff, Belfast or Edinburgh. In that context, how does the minister plan to make sure that the amendments pass? Will he ensure that that guarantee, which I believe this Parliament should have, is provided without any further delay?

Michael Russell: I am trying to maintain a generous and conciliatory mood, so I will not give in to the temptation to attack the UK Government for its lack of organisation. I will let the member's point speak for itself.

The reality of the situation is clearly that we want to ensure that when the amendments are discussed among the parties, there is an agreement on who will vote for them. Therefore, to that extent, I put the question back to the member. I hope that his colleagues at Westminster will

support the amendments—in both houses, should they require to go to a second house—and I hope that all parties will feel similarly that there is an interest in supporting them. The SNP is certainly in that position, although we do not nominate members to the House of Lords, so if the amendments come to the House of Lords, we will require other people to support them. We know that there will be interest from Labour, Liberals, the Green MP, and, I hope, perhaps increasingly even the Conservative Government itself, which would guarantee that the amendments are passed.

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): Given that the European Union (Withdrawal) Bill makes little provision for EU nationals, does the Scottish Government agree that the UK Government's plans to create a national register of EU nationals is divisive, alienating and deeply disturbing? Does the Scottish Government also agree that, instead of taking 111 devolved powers away from this place, the UK Government should devolve immigration powers here to allow us at least to treat EU nationals in this nation with some respect?

Michael Russell: I very much agree with the member. I should pay tribute to her on the issue. At the weekend, I spoke to Lord Dubs, who has played a crucial role in relation to the issue of refugee children, and he paid tribute to a number of people who have been involved with him in Scotland, including Christina McKelvie. He is grateful to her and to the Scottish Government for the work that is being done. He is an inspirational figure, and we should all learn from him.

The issue of EU nationals is troubling. There was some sign of progress in the papers from the UK Government and it seemed that there was an intention to try to get a settlement with the EU on EU nationals. There was some evidence of growing together, but that has been put into reverse by the leak of the Home Office paper on the issue. Whether the leak was deliberate or accidental, it is very difficult to reconcile the progress that appeared to be being made on EU nationals in the negotiations with that paper, which would be utterly unacceptable to the vast majority of us. The UK Government needs to clarify its position. If its position is to try to get an agreement with the EU on the basis of the papers that are being exchanged, it is not there yet but progress is being made; but if the position is to use the Home Office paper as the basis for an immigration policy, that would be utterly unacceptable.

I certainly agree with the member that a devolved migration policy is more needed than ever. I am heartened by the approach of a range of business and other organisations that have moved to that position. For example, the Scottish

Chambers of Commerce and the Scottish Trades Union Congress have made that point. A devolved migration policy applies in other places, such as Canada and Australia. Such a solution would allow us to address our particular problems, including the problem of depopulation. In my constituency, we have a substantial problem with that, which can be resolved only by attracting people into the area. That is why many of us have been so pleased that Argyll has taken more Syrian migrants than anywhere else. A proper migration policy for Scotland, and one that is devolved to Scotland, would be of great importance, and I hope that the UK Government will find its way towards that. Regrettably, the Prime Minister, a former home secretary, has a narrow view of migration; I think that we should take a much more generous view.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): Despite some thinking that the European Union (Withdrawal) Bill is all about attacking the principles of devolution, it means that laws and rules will continue to apply. The truth is that the bill follows the spirit of devolution and the laws that created the Scottish Parliament 20 years ago. The bill keeps the current position to provide certainty for individuals and businesses while we discuss future arrangements. Does the minister believe that the Scottish Government should provide as much certainty and continuity as possible for people and businesses across Scotland as we leave the EU?

Michael Russell: I believe that we should provide as much certainty as possible but, with the greatest respect to the member, it is not the Scottish Government that is creating the uncertainty; it is the UK Government. I do not want to fall out with the member. *[Interruption.]* I hear members groaning—they expect me to fall out with people, but I am trying very hard not to.

The members on the front bench alongside Rachael Hamilton have taken a positive step forward, so I hope that she will endorse that and recognise that we clearly have a genuine difference on whether the bill respects the principles of devolution. I think that if the member was to read it in its entirety, she could not but conclude that it does not respect the principles of devolution. However, let us agree to differ on that and see whether we can find some way to make progress on the matter. That is the position of those alongside the member on the front bench, and I hope that it will now be her position as well.

Pauline McNeill (Glasgow) (Lab): We in the Labour Party will of course seek to protect the principle of the devolution settlement that what is not reserved is devolved. That is the spirit of the devolution settlement and, frankly, it is being undermined by the European Union (Withdrawal)

Bill as it stands. In the minister's statement, he talked about what would happen should there be progress—let us hope that there is—and the Parliament gets to the stage at which it has some scrutiny job to do over the bill. He talked about the co-decision procedure that is used by the EU, which would be an interesting framework for the UK and the devolved nations. How much detail has been gone into on that and have there been any direct discussions with the UK Government on whether it would sign up to such a framework?

Michael Russell: It has been difficult to have detailed discussions with the UK Government because it has not really given the opportunity for such discussions. However, I indicated my considerable interest in the paper that the Welsh Government published. It has thought through many of the issues.

Our position is that we want those structures of co-decision making—the term is important and I am glad that the member has used it—to be replicated as closely as possible. There are a number of different ways in which that could happen. The Welsh paper, for example, considers qualified majority voting. There are some issues in that.

My discussions with UK ministers on the matter have tended to be brief because UK ministers have usually said that they could not imagine circumstances in which any Westminster department would agree to co-decision making. Well, they have to imagine that. If we are going to make the situation work, a shared framework on, for example, agriculture—that appears to be one of the policy areas in which the UK Government wishes to have a shared framework, although we have no confirmation of that—that worked on the principle of co-decision making among the countries would be a step forward, because we would then genuinely be able to influence and be part of decisions. However, a structure that simply said, as tends to be the case with the JMC, that all meetings are held in London, that they are always chaired by a UK minister, that the agenda is always set and that there are no votes would not be a framework to which we could agree.

Progress is being made in that the Welsh have been thinking. We have been thinking, too, and supporting some of their thoughts. We want the UK Government to engage in that. It is unfortunate that Northern Ireland does not at present have a Government and an Assembly. We hope that those will be restored and that, when they are, they will add to that thinking. The Northern Irish have experience of being able to gather decision making in circumstances in which there is considerable disagreement and polarisation.

I am hopeful that we can reach agreement, but it will have to be on the basis of something new, not

simply repeating what already exists at Westminster.

Bruce Crawford (Stirling) (SNP): I am glad that the minister is taking the opportunity to make the statement to Parliament. I am also glad about the spirit in which the questions have been put and answered.

On a wider perspective, item 3 in the terms of reference for the joint ministerial committee (EU negotiations) states that it will

“provide oversight of negotiations with the EU, to ensure, as far as possible, that outcomes agreed by all four governments are secured from these negotiations”.

Will the minister confirm that there has been an opportunity to be so involved, what opportunities have been provided to the Scottish Government and whether the UK Government has provided the appropriate level of respect to the Scottish Government and to the Parliament in that regard?

Michael Russell: Alas, I cannot confirm that that has been the case. I wish that it had been. The two principal terms of reference of the JMC(EN) were, as the member says, oversight of negotiations preceded by seeking to agree the article 50 letter. We did not see the article 50 letter in any form. I think that the meetings stopped in February because there was a fear that the UK Government would have to show us the article 50 letter, so that did not happen.

I remain ever hopeful that things will change and get better and I hope that there is now an opportunity to move to that oversight. The committee has not met since 8 February so, clearly, we have not been able to have any oversight of the first three rounds of negotiations. I make it clear, as I know Mark Drakeford would, that, in each round, there has been an opportunity to talk to David Davis about what is taking place. In one round, it happened somewhat after the round; in the second round, it happened during the round; and, in the third round, it happened after the round. However, those opportunities are not consultations. They are not discussions of what issues are coming up or of positions; they are, in fact, Mr Davis saying what has happened and putting his own spin—I suppose that must be the word—on it.

We need a proper chance to discuss in advance. We know what the issues will be, what the process of negotiation is and what each round will consist of. That would focus the discussion in the monthly cycle and allow the position that we have taken to come to the table. The UK Government may be pleasantly surprised on some occasions that we have a correspondence of position. We do not have such a correspondence on EU nationals, and we published papers separately on that. However, there is always the

possibility that we will find areas on which our insights are useful and helpful. For example, I suspect that Mark Drakeford and I might have noticed that Gibraltar was not mentioned in the article 50 letter and said, “Why don’t you do something about it?”

We stand ready to get involved in that process but, so far, it has not happened.

Mairi Gougeon (Angus North and Mearns) (SNP): Has the minister received any assurances that, should the UK Government not take cognisance of the concerns that have been raised by the Scottish and Welsh Governments, UK-wide frameworks in certain areas will not be imposed by Westminster?

Michael Russell: I have not received those assurances. Quite clearly, were we not able to consent to the bill, the proper procedure would be that the UK Government would withdraw the areas of the bill in question. We have no indication that that would happen. We are in uncharted waters—which is where we seem to have been for the past 12 months—and we will wait and see what happens.

I would have hoped that the opportunity that exists over the next few weeks to get the approach right will mean that we can get to that stage. The clock is ticking on this, so we need to know from the UK Government what it intends to do. I hope that the discussion that we intend to have with the Conservative Party in this Parliament will be part of that process.

Donald Cameron (Highlands and Islands) (Con): Given the spirit of cross-party working that has been emerging between my party and his in the past hour, will the minister undertake to share his draft amendments with my party’s front bench in private before they are published?

Michael Russell: Mr Cameron appears to be in something of a rush on this, I have to say. I am quite willing to do so, but I would want to make sure that my colleagues in Wales were content with that process. I want to take this process forward as speedily as we can and with as much confidence and trust in each other as is possible, and with the ability to talk about these things in a way that is not necessarily going to send us all running to the newspapers.

I have considerable time for Donald Cameron. We spend time together in Argyll on a variety of issues, and the point that he makes is one that I understand. Let us see whether we can build the trust that would allow such things to happen.

Richard Lochhead (Moray) (SNP): I welcome the minister’s statement and his commitment to stand up for the interests of this Parliament and Scotland.

In terms of funding, Scotland potentially faces a triple whammy as a result of the UK’s approach to Brexit: first, as a result of the fact that we are leaving the EU, which means that it will lose EU funding; secondly, due to the fact that it seems increasingly likely that we will have to pay Scottish taxpayers’ money towards compensating the EU for our leaving; and thirdly, because, if the UK Government grabs responsibility for a number of key sectors in Scotland, those key sectors will lose out on funding in the post-Brexit future, because of that Government’s different spending priorities. Does the minister agree that Scotland faces a real possibility of such a triple whammy?

Michael Russell: I agree. I think that the financial issues of withdrawal, which are many and varied, have not been properly explored by the UK Government. There are essentially three major areas in terms of withdrawal. One is workforce, and I think that, increasingly, companies and public bodies are beginning to understand the crippling effect that the lack of EU migrants will have—often, that lack is caused by people simply not wanting to stay, given the circumstances that they now face.

The second area is regulation. There is a cat’s cradle of vital and important regulation. For example, more than 90 per cent of food standards regulation is EU regulation, and there are huge issues there.

The third area is money, and it is one of the most difficult to bottom out, because, as Mr Lochhead knows, given his vast experience of agriculture, there are various levels of support—there is support for agriculture and rural development, there is support in the form of infrastructure funding and there is support for the education sector, in relation to, for example, support for additional college places—the list goes on. There are serious financial issues that need to be addressed in a short time because, although guarantees have been given up to 2020, that is not a long time, and those guarantees do not exist in absolute beyond 2020. There are severe financial problems facing a range of organisations. That is one of the reasons why we have to ensure that we understand what is happening and that we have in place the frameworks that we need in order to cope with that.

However—I am not trying to be divisive, but I have to say this—there are some issues in all that that cannot be coped with. For example, it will be impossible for some organisations to find labour, because it simply will not exist for the work that they do. Some 60 per cent of the abattoir sector comes from the rest of the EU, as does 95 per cent of the veterinary staff in abattoirs. It would not be possible to replicate or replace that. It is important to recognise that. It could not be done in

a year or in five years—it is a generational issue if anything. That is a reality that we are facing, and it is why the only sensible step at the moment is to ensure continued membership of the single market and the customs union. If we are able to guarantee the continuity of the four freedoms, we have a chance of coping with those issues; otherwise, we do not.

James Kelly (Glasgow) (Lab): This is clearly a difficult political situation, and there is obviously support in the Parliament for the minister to take forward appropriate discussions with other parties, the devolved Administration in Wales and the UK Government. How will the minister keep Parliament updated on the progress of those discussions?

Michael Russell: I will be very happy to do so. I seem to be a regular at certain parliamentary committees and I will be happy to continue with that. I will continue to make statements and of course I will be open to questions in the chamber—or two sets of questions, if that is possible to do. I will also be happy to have discussions with individual members. I have made clear from the beginning that I am happy to talk to members about their particular concerns and to share information with them. At each level, I will be happy to do so.

I echo what James Kelly has said: the potential for us to work together to resolve this situation is the important thing. There will perhaps be unusual ways of doing that that we have not done before, but we have to keep close contact between all the parties.

Ash Denham (Edinburgh Eastern) (SNP): The Brexit negotiations have shown that we need a radical shift in how intergovernmental relations are managed between the UK and the devolved nations. What does the minister see as the best way forward?

Michael Russell: In June, Professor Drakeford and I authored a letter together to David Davis that laid out proposals for the joint ministerial committee on European negotiations and which accepted that the experience had not been satisfactory for any of the partners. Anybody who has been at the JMC as a minister will know that it is not a deeply enriching experience. The whole JMC structure has not worked for a long time; indeed, all the academic and parliamentary study of the JMC has drawn attention to the fact that it cannot bear the weight that is put upon it. Unfortunately, we have had no response to those suggestions, but there are positive, constructive suggestions coming from Wales and from Scotland, and it would not take much to try to get it working properly.

In response to an earlier question, I said that the JMC does not operate on anything like a basis of co-decision making. That is one way in which we could move. The JMC has met outside London only once—in Cardiff at the end of January this year—and even that meeting was run by the UK Government. It is always chaired by the UK minister. The balance between the delegations is always pretty astounding. JMC(EN) without the Northern Irish has meant that Professor Drakeford and I have usually faced eight or 10 UK ministers. The balance can be even more dramatic, as Alasdair Allan knows when he goes to the JMC Europe where there can be 10, 15 or—as on one occasion—20 UK ministers with only myself and Rhodri Morgan. That was not really an equity of arms.

There are ways by which we can reform the JMC structure, but there has to be a willingness to talk, and we cannot create a new multilateral structure by bilateral negotiation. The way in which things are going at present is by bilateral negotiations between the UK Government and the devolved Administrations; it needs to develop into a multilateral negotiation, and today we have at least an indication of a meeting with the JMC. That is a small move forward, but it needs to get a move on.

Jamie Halcro Johnston (Highlands and Islands) (Con): Despite the minister's objections to the process of leaving, can members be assured that the Scottish Government is planning seriously for a future outside the EU? With the UK Government stating that we will be outside the customs union, can the minister confirm that work to internationalise Scottish business will focus beyond the EU market on which the new innovation and investment hubs seem to be targeted currently?

Michael Russell: I do not think that the member is fully conversant with the difficulties of being outside the customs union; perhaps he has swallowed too willingly the explanations from Liam Fox about the wonderful new world that exists out there.

There is no evidence of any description that the internationalisation of business will answer those questions, partly because business is already internationalised. The most successful country in Europe with regard to internationalising business is Germany, which is at the very heart of the European Union. I caution the member about believing the spin that has come from Liam Fox.

Our belief is that continued membership of the customs union and the single market is the sensible way forward. We published that belief last December, before the member was in this chamber. We continue to believe that that is the right thing to do, and there are many who have

come to that opinion. We will continue to push that forward as the solution.

Businesses, and others, talk to us all the time about what lies ahead, but many of them look at it with complete trepidation. As I have indicated, if one is involved in workforce, funding or regulation issues, there are no simple answers, and simply and blithely talking about the internationalisation of business perhaps shows that the member does not yet understand that.

Ivan McKee (Glasgow Provan) (SNP): I thank the minister for his work in standing up for Scotland on this important issue. Can he provide an update on the joint working between the Scottish and Welsh Governments on the matter?

Michael Russell: We meet representatives of the Welsh Government regularly. Yesterday, I was with Professor Drakeford, who attended our standing council, and I attended the Welsh standing council in May. Professor Drakeford and I have also met with other ministers present—we met in July along with the Lord Advocate and the Welsh law officer—and there are regular discussions between civil servants.

As I said in my statement, the Welsh legislative consent memorandum is published today alongside ours—they are very similar, although the processes are slightly different—and we will both bring forward amendments. There continues to be an identity of interest. That is what our approach is based on, as we both believe that that is the wrong thing to happen.

I am heartened by what I have heard in the chamber today. We have moved a step forward—it might go into reverse, but I hope that it does not. I made the commitment to meet those members who have asked for discussions and we will take that forward. If the same thing is happening in Wales—I hope that it is—perhaps some opportunities exist that we did not know about as little as an hour and a half ago.

Common Agricultural Policy

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a statement by Fergus Ewing on the common agricultural policy and a plan to stabilise future payments. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

15:17

The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing): The Scottish Government is committed to ensuring that eligible rural businesses that apply to the Scottish Government for support under the common agricultural policy receive their entitlements promptly and in full, which must be done in full compliance with the prevailing regulatory regime.

Although improvements have been made, we have not fully achieved that aim during the current common agricultural policy cycle. Continued action is needed, not just on the substance of how we deliver payments, but on the way in which we conduct our business in order to ensure that our customers are at the centre of our approach.

How we arrived at this point is important in understanding how we move forward. Good progress has been made in delivering the rural payments and services system compared with 2015 and 2016, but challenges remain. The policy and legal environment is extremely complex. Decisions that were taken to design our systems were done in full collaboration with our partners. It was a customer-focused approach, but one that undoubtedly added more complexity.

Further, the future policy and legal landscape is far from clear, when it comes to the United Kingdom's approach to Brexit negotiations, but the risks to Scottish agriculture and farming are very real without clarity, which will be needed soon. Even more concerning is that agriculture policy, which has hitherto been devolved to the Scottish Parliament, is at risk of being reabsorbed by the UK Government through the European Union (Withdrawal) Bill.

Despite all that, my role as cabinet secretary remains clear. I will continue to work to ensure that our eligible rural businesses that apply for funding can be paid in full and on time. My firm commitment is to offer our customers a CAP service and the right tools that are fit for purpose not just today, but tomorrow.

With the closure of the CAP 2016 pillar 1 payment window in June, the Scottish Government has captured lessons from a rapid review of delivery. They complement findings from

Audit Scotland's reports in 2016 and 2017. I am therefore today publishing the "Common Agricultural Policy—Plan for Stabilisation". Copies will be available to members immediately here and online. The plan aims to target specific and sustainable improvements in our strategic approach and our business and information technology processes, and to deliver value for money and compliance with European Union regulations. The plan also prepares businesses for an uncertain future and seeks throughout to improve the quality and timeliness of engagement with customers.

I will cover briefly the areas within the plan. In order to deliver payments in full and on time, we will continue to tackle the major causes of poor customer service, errors and payment delays by investing further in our business and information technology systems.

The plan is based around five aims. First, payments to customers will be made on time, in full and compliant with relevant law. Secondly, customers will have a more consistent and responsive service when interacting with our staff. Thirdly, customers will be empowered to take more direct control over their applications and land information. Fourthly, the tools that we use and share with customers, including our IT, will reflect the needs of customers and the business, now and in the future. Fifthly, we will support the development of our people and we will drive efficiency in our business processes.

Those aims are supported by six focused areas of improvement. I will deal with those in order, starting with what our customers experience. I have visited most of the rural payments and inspections division offices and have spoken to the excellent staff who work in them. They have a huge commitment to their work, and are trusted and appreciated by our farmers and crofters. I and they want to do more and to do better, so we will improve the customer experience through publication of service standards so that customers know what to expect and what their obligations are when applying for funding.

I am also today providing much-needed clarity and certainty for farming businesses by publishing a schedule of dates. The schedule includes all pillar 1 and 2 schemes, application windows, inspection windows and windows for our loans schemes. In addition, we will improve the timeliness and accuracy of customer letters and we will streamline our guidance.

We will improve our relationship with our customers through use of modern communication channels so that we can better understand their needs. I confirm today that we have, in that spirit, already made efforts to contact the few remaining less favoured area support scheme 2015

customers who have neither received their payments nor applied for loans, so that we can to discuss their circumstances.

To stabilise payments for those who have applied recently, I have agreed with the Cabinet Secretary for Finance and the Constitution financial backing so that I can announce today a new loans scheme for eligible basic payment scheme customers who applied this year. The scheme will provide equivalent funding—not at 80 per cent, as was the case last year, but at 90 per cent of their estimated entitlement.

On timing, I understand that the period from November to the year end is often an important time for farmers and crofters to make major spending decisions. That is why I am announcing the loans scheme now, so that—compared to years past when CAP payments would have been paid in December or January—the overwhelming majority of farmers will be able to access almost all their funding from November. There is no doubt that that will be real and practical help, from the businesses' point of view.

That does not detract from my commitment to accelerate CAP payments through the work that is set out in the plan. Customers will begin receiving letters by the end of September: I encourage swift return of the necessary paperwork by farmers and crofters in order that they can be sure of a November payment.

I now wish to turn to the LFASS. By publishing a schedule of dates today, I am making known what I hope to achieve for LFASS customers. For those who applied in 2016, our payment processing is beginning this week, and I expect the majority of payments to be made by the end of October. For customers who applied this year, LFASS 2017 scheme payments will begin in May 2018.

LFASS payments are complex and are, from a technical standpoint, dependent on the full processing and validation of BPS entitlements. That complexity has always meant that they have been subject to possible delay. However, today I commit the Scottish Government to starting payments to LFASS customers in May next year. I will assess progress in early 2018 and, if it is clear that we cannot start the payments in May, I will bring forward a further LFASS loans scheme, in which loans will be payable from April. Payments would be set at 90 per cent of eligible claim value and would ensure that eligible customers would receive virtually all their claim, as expected.

To support that work, we will simplify our business and, in doing so, we will free up capacity to help us to deliver customer service excellence. We will limit the scheme changes that we make that cause complexity, and we will pilot new ways

of undertaking land inspections in order that we can improve efficiency.

We propose to implement from early next year a new system of land information management that will give farmers the ability to verify the data that we hold already and to update it directly, and online. That change represents a major improvement in business efficiency and will, in turn, reduce errors and move significant activity away from a challenging part of the payment cycle.

To complement that change, we will encourage and support all remaining paper customers to apply online through the SAF—single application form—2018, in order to build on the 78 per cent online SAFs that were received last year. That will reduce data errors and improve our ability to process applications on time. As the Cabinet Secretary for Rural Economy and Connectivity, I am doubly aware that some farmers and crofters are still not comfortable with using the internet for that purpose. I have weighed the benefits of a compulsory approach to applications and have decided not to make online SAFs mandatory. Instead, we will provide our customers with all necessary support through our area offices, including one-to-one assistance.

The plan also looks to tackle our historical IT challenges. We have taken on board the many criticisms and comments that have been levelled at our IT system and will continue to build a reliable IT platform that meets customers' expectations, is managed to best industry standards and is in line with a new digital strategy. We have agreed with our IT delivery partner, CGI, refreshed organisational planning to deliver the functionality that is needed to make payments accurately and on time.

Finally, we will continue to implement major changes to our planning and governance systems, and to use those to deliver enhanced benefits and value for money. We will continue to improve knowledge transfer and disaster recovery plans across all our business areas.

I recognise that farmers, foresters, crofters and businesses need to forward plan, often years ahead, so I am doing everything that I can to provide stability to help them. The UK Government claims to be doing the same. It talks about EU funding for—I quote—"farm support" being matched until 2022, but businesses can take no comfort from that so-called guarantee, because there is no clarity about what it actually means, and the only scheme-specific commitments that we have so far from the UK Government are for pillar 1 and LFASS payments for those who will apply in 2019.

In the meantime, farmers need certainty to plan their crops, foresters need certainty to plan new woodlands, and rural businesses need certainty to plan for growth. The Minister for UK Negotiations on Scotland's Place in Europe, the Cabinet Secretary for Finance and the Constitution and I are seeking clarity about that as a matter of urgency.

In summary, I have listened carefully to what farming businesses, crofters and national bodies have said. I have been told that people want a system that provides certainty: certainty is the bedrock of confidence, and confidence is vital if businesses are to invest. That is why I took action to implement the loans schemes last year, that is why I am implementing a BPS loans scheme for this year, and that is why I am pre-announcing a possible loans scheme for LFASS for next year. All the while, I am taking the tough decisions that ensure that the underlying CAP payment systems are stabilising and improving so that one day we will not need loans, at all. Above all, the plan puts the customer first and prepares us for the uncertain world ahead.

I am happy to take questions.

The Deputy Presiding Officer: The cabinet secretary will take questions on the issues that were raised in his statement. I have up to 30 minutes for questions, after which we will move to the next item of business. Members who want to ask a question should press their request-to-speak buttons.

Peter Chapman (North East Scotland) (Con): I refer members to my entry in the register of members' interests.

I thank the cabinet secretary for prior sight of his statement and I welcome the promises that are set out in it. It is about time that we had a coherent plan on the next steps for CAP payments. I welcome the loans scheme, which I called for in my speech last week, and I welcome the simplification of systems and processes.

To farmers and crofters, what Fergus Ewing has outlined today is too little, too late. Nonetheless, it shows an appreciation of a problem that needs to be solved. Let us never forget that, this year, we have seen farms' debt rise by another £113 million to an all-time high of £2.23 billion. We have seen farms' incomes fall by 75 per cent over five years and by 48 per cent in the past year alone, to a completely unsustainable level of only £12,600 a year per business, and we have seen three years of chaos on farm payments and farmers in despair and unable to pay their bills.

The cabinet secretary has made promises today that the IT problem that was created under his watch is partially fixed. With that in mind, will he get on with the job of turning around the fortunes

of Scottish farming? He should have been concentrating on that in all the years when the CAP fiasco was unfolding. How will he resolve the basic unprofitableness of Scottish farming, which has continued to worsen under his Government?

Fergus Ewing: First of all, I am pleased that the Conservative spokesman welcomes the loans scheme, which I believe will be welcomed across the farming community. It is a pragmatic and practical response to the difficulties that we have had. I have learned from the many farmers whom I have met as I have travelled thousands of miles around the country over the past year, that farmers are pragmatic and practical people. They have to be. Therefore, payment of 90 per cent of a claim in November will be welcomed as a practical step. I hope that the statement about the undertaking that an LFASS loan will be available, should one be required, will also provide the certainty that farmers look for.

I am aware, of course, of the publication of information about levels of farm debt. From the information that has been made available to me, there are two sectors in the UK economy in which debt has risen and banks have been lending: one is farming and the other is utilities. The situation is broadly similar across the UK, which suggests that rising debt might be substantially because farmers have sought—I welcome this—to invest and to improve their holdings, including investing in a new combine harvester or shed. That might partly explain the rising debt levels.

However, the figures that I have from banks on farm debt show that debt levels have been rising since 1994—for the past 23 years. The statistics also show that the level of debt—this is an average figure from a total for the sector—is equivalent to 8 per cent of the capital value of the farm. Therefore, it is not correct to conflate borrowing with financial difficulties.

I make the final point that I have, where farmers are in serious financial difficulty, instructed rural payments and inspection division offices to treat cases of financial hardship sympathetically. That is important—especially because farmers tend to be proud people who are perhaps not prone to seeking help as quickly as others might. Help is available in extreme cases, and I am grateful for the opportunity to make that clear today.

Rhoda Grant (Highlands and Islands) (Lab): I thank the cabinet secretary for giving us prior sight of his statement.

The cabinet secretary said that sorting out this shambles was his top priority. That was 16 months ago, but he appears to have made no headway. Today we are told that the fiasco is on-going, with the announcement of a further loans scheme. A 90 per cent loan is cold comfort to someone who has

not received any of their 2015 payment or who is afraid to take out a loan because they are unclear about their entitlement.

Will the cabinet secretary give us an indication of when the system will be fit for purpose and when farmers and crofters will be paid in full and on time?

Fergus Ewing: I am sorry that the Labour Party has not welcomed the loans scheme. That seems to be a little churlish, but there we are. That is really up to the Labour Party.

I do not accept the picture that has been painted by Rhoda Grant, and here is why. In respect of the basic payment scheme for 2015, we have paid 99.9 per cent. In respect of the basic payment scheme for 2016, we have paid more than 99 per cent. In respect of the LFASS payments for 2015, all but 312 have been made. Only 26 businesses have not received either a payment or an LFASS loan to provide interim financial support, and some of those businesses might not be eligible for the LFASS. However, 16 appear to be eligible and were offered an LFASS loan previously, but declined it. We are in the process of contacting those businesses to discuss their precise circumstances.

I mention those figures because it matters greatly to me that we help people who have not received either a loan or a payment. However, those people are now a very, very small minority. Those are the facts, and I hope that at some stage, Opposition politicians in the Labour Party will acknowledge that we are performing, that the system is fit for purpose and that we have a plan—*[Interruption.]* Well, 99.9 per cent is quite a good exam result, by any standards.

My consideration is not political posturing; it is getting on with the day job, and that is what we are doing.

Emma Harper (South Scotland) (SNP): I remind members that I am the parliamentary liaison officer to the cabinet secretary.

I am delighted to hear that the majority of farmers in my area should expect to access almost all their funding from November, which will bring some stability in what is an uncertain future. Will the cabinet secretary expand on whether the ambiguity around Brexit and the potential threat that it poses to Scotland's farmers and rural communities helped to prompt that action from the Scottish Government?

Fergus Ewing: We announced the plan today and the loans scheme and potential LFASS loans scheme because that is the right thing to do and will, I think, provide a degree of the certainty that is required, especially in light of the uncertainty and lack of clarity that Emma Harper mentioned. After

all, we are only 18 months away from the proposed Brexit day. Farmers plan things over a long period, and there is no answer on, confirmation of or clarity about what schemes—the LFASS, for example, or pillar 2 payments—the UK Government will support post-2019. That means that on forestry, on LEADER programmes, on RPID programmes and on environmental programmes there is no certainty—indeed, no information whatever—about schemes post-2019, which is only 18 months away.

My advice to Michael Gove is to get on with the day job and start proposing some answers and, above all, providing clarity and certainty to our farmers and crofters.

Edward Mountain (Highlands and Islands) (Con): I refer members to my entry in the register of members' interests.

At last I can welcome some suggestions from the cabinet secretary. They come too late, but they are an acceptance of fault.

The plan lacks ambition, with 95 per cent of basic payments still to be made by the EU deadline and no solution to the original problems. Given that the plan is the cabinet secretary's own, he should be aware that if he is unable to meet key dates and times Scotland will not accept the simple solution of his investing more money and taking on extra staff to resolve the issue. Is he therefore prepared now to accept full responsibility for what is definitely his own plan? A yes-or-no answer will do.

Fergus Ewing: I have never shirked responsibility in any way whatsoever. The buck stops with me, and that continues to be the case. I am confident that we will meet the BPS 95 per cent target this year. Last year, we were at 90 per cent and, sadly, fell short, which was a frustrating experience. Most important was the impact on those farmers who did not receive their full payments on time, which troubled me greatly.

I accept the responsibility—my answer to Mr Mountain is yes—and I am confident that, this year, we will reach the main target of 95 per cent. Why? Because we have a strengthened management team who have been in situ and have got their feet under the desk, and they have worked with me over the summer months to produce this solid plan. We have also strengthened governance, and we have had collaborative and successful dealings with CGI. Over the summer, as I have travelled around shows, RPID offices and Forestry Commission conservancy offices, I have made it my business to see that the staff, too, are appreciated for the work that they have done, because they are the ones at the sharp end and they are hugely trusted and appreciated by the farming community.

The buck stops with me and I entirely accept the responsibility. Failure is not an option this year—I am entirely confident of that.

Mike Rumbles (North East Scotland) (LD): You said that last year.

The Deputy Presiding Officer: Your turn will come, Mr Rumbles.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Has the cabinet secretary seen that the UK Tory Government is setting aside £230 million for fines to cover its CAP basic payment failures in 2015-16? That suggests a pro rata cost in Scotland of around £41 million. What is the Scottish figure?

Fergus Ewing: I am aware of reports of the scale of the disallowance that was experienced in 2015-16 in England, which was reported to be £230 million. We are not forecasting disallowance on that scale here in Scotland. As was previously reported to Parliament, we have estimated late-payment penalties for 2015 at around £5 million and for 2016 at around £500,000 to £700,000. However, it will be some time before the final totals are available following the due diligence that is being carried out at EU and UK levels. All member states carry the risk of wider disallowance, and Scotland is no different. Nevertheless, over the past 10 years disallowance has amounted to around 1 per cent of the total CAP expenditure, which is broadly within tolerance levels and compares reasonably with the figures for other parts of the UK. My job is to get on with the work in Scotland, and that is what I am focusing on.

Jackie Baillie (Dumbarton) (Lab): I welcome any improvement in the funding streams that will ensure that farmers and crofters get their payments on time.

Let me push the cabinet secretary on whether a risk assessment has been carried out in relation to financial penalties imposed by the European Commission. He mentioned late payments in 2015 and 2016, but Audit Scotland also estimated that the penalty for control weaknesses could be as much as £60 million. What amounts have been set aside and in which budget year will they fall?

Fergus Ewing: I thank Jackie Baillie for what appears to be a welcome for the loans scheme. Rhoda Grant did not welcome it, but Jackie Baillie does—at least, that seems to be the case, but maybe there are two views.

If I recall the Auditor General's figures correctly, the report for 2015 opined that the total aggregate penalties and disallowances would amount to between £40 million and £120 million. As I say, our indicative figure is £5 million. The Auditor General estimated that the total for 2016 would be

up to £60 million, whereas our figure for late-payment penalties is around £500,000 to £700,000. Jackie Baillie asks, "What about disallowances?" Disallowances are thoroughly considered, and I am considering these matters in great detail with officials. I assure her that such assessment is a routine, necessary, standard and continuing part of government. I work closely with my colleague and friend Derek Mackay and his colleagues in the finance department to ensure that the taxpayer in Scotland is protected against any disproportionate penalties and disallowances. As soon as the figures have been clarified—which will not be for some considerable time—I will, of course, inform the Parliament, as I always do.

Mark Ruskell (Mid Scotland and Fife) (Green): I thank the cabinet secretary for the advance copy of his statement that he provided and the schedule of key payment dates that accompanied it. In reading that schedule, I notice that the environmental co-operation action fund will remain under review, as it has been for the past two years. Given that the fund is—to use the cabinet secretary's own words—a practical and pragmatic way to support farmers who want to co-operate with one another on vital issues such as flood management, when will it be reopened so that we can allow farmers to do the important job of protecting our rural towns from flooding?

Fergus Ewing: Mr Ruskell makes a very important and constructive point. There were audit issues with the environmental co-operation action fund. Of course, there are other funds, such as AECS—the agri-environment climate scheme—that have been operating to ensure that environmental payments are made, but I will look into the matter and will write to Mr Ruskell as quickly as possible with a detailed reply on when we expect the environmental co-operation action fund—which, as he says, along with other schemes, makes an important contribution to alleviating flooding in various ways—to reopen.

Mike Rumbles (North East Scotland) (LD): When will the cabinet secretary take action to call in stakeholder experts from producers, environmentalists and consumer groups to design the bespoke system of agricultural support that Scotland actually needs post-Brexit?

Fergus Ewing: We have already taken a number of steps to involve experts. That followed a parliamentary debate in which an amendment by Mr Rumbles was accepted. We are already doing what he asked us to do by having a panel of advisers—our national council, which I will meet later this month—who will provide advice on the opportunities and the challenges in Scotland. I engage with the stakeholders that Mr Rumbles referred to all the time.

Of course, we want to be able to design our system in Scotland, but the UK Government has not yet given us clarity that there will not be a power grab of the powers relating to agriculture and fisheries that rest with the EU. We have no clarity about that, nor do we have—as I said earlier—any clarity about what the future funding arrangements for pillar 2 and certain other payments will be post-2019, or whether the UK Government proposes that the in-farm support that it has promised will be allocated on the same basis as it is in the existing schemes or on some other basis. We do not know, either, what the budget for rural payments will be, despite the fact that, during the Brexit campaign, several senior UK Government ministers promised that funding would be at least matched.

Once we get some clarity from the UK Government—I am to meet Mr Gove on 25 September—we will be able to carry on with the task of designing a better system in Scotland. We are already taking substantial steps and detailed advice, as well as engaging with stakeholders, to proceed with and progress that work.

Clare Haughey (Rutherglen) (SNP): The added certainty for farmers and crofters that the cabinet secretary has provided is most welcome, and I whole-heartedly agree that we should get the money into the pockets of our farmers, where it belongs, as soon as possible.

I note that the cabinet secretary said that farmers will be receiving letters by the end of September. How does the Government plan to advertise that to farmers across Scotland to make them aware of the welcome news and ensure the swift return of the necessary information to be sure of a payment in November?

Fergus Ewing: The letters of offer will be issued at the end of this month. Clare Haughey is quite right that we need to promote this. I know that the specialist agricultural press will do that very effectively, as always. The purpose is to make sure that all farmers and crofters are fully aware that the money in question is for them.

I want to say something about the loans scheme, too. Last year, we found that only 74 per cent of the basic payment offers were accepted. Members might ask why 26 per cent were not accepted. I want to make a number of points to farmers.

First, there is no interest on the loan, except in the unusual and very rare event of the loan exceeding the entitlement, but even then there is no interest unless the recoupment of the excess over the entitlement is paid after 30 days. There is no interest and therefore farmers should not worry about burdening themselves with loan interest.

Secondly, this money is for farmers. Some farmers, perhaps because of altruism or moral integrity, feel that they would be taking money away from the national health service, hospitals or schools, but that is not so. The money is for farmers. They are entitled to it and we want them to take up the maximum value of the loan. I am grateful to Clare Haughey for giving me an opportunity to make those points clear.

John Scott (Ayr) (Con): I, too, thank the cabinet secretary for an advance copy of his statement. I declare an interest as an LFA hill farmer.

Although I welcome the cabinet secretary's intention to start the 2016 LFASS payments next month—in October—he will be well aware that that means that the payments are five months late this year. To forestall all this happening next year, he is pre-announcing today next year's LFASS loans scheme for May 2018. All the loans schemes and the IT uncertainty add costs to an already hard-pressed industry that is now £2.3 billion in debt to our banks.

When will the IT system finally work, when will the part payments cease and when will farmers be paid in full—on the due date—what they are entitled to? Will the cabinet secretary apologise in advance to our farming community for next year's anticipated failure to deliver their agreed entitlements in full and on time?

Fergus Ewing: I believe that most farmers and crofters welcome the loans scheme as a pragmatic solution to a problem that arises, as problems do in life. I am sorry that we have not been able to make all the payments on time. Of course I am, and I have made that absolutely clear. That remains the case and I have never tried to shirk or get away from that in any way whatsoever. However, I think that if someone receives £90 in November as opposed to £100 in January, that is a pragmatic solution; it is not perfect, but it is a pragmatic solution. I have said that the time schedule for basic payments is that 95.4 per cent have to be made by 30 June next year. I have committed to that timescale and I am confident that it will be met. We came close to meeting it last year and I am confident that we will meet it next year. However, in the interim, it is correct and prudent for me to say right at the beginning of this parliamentary term that we want certainty and clarity for farmers. That is why I have pre-announced a possible LFASS loans scheme, if it proves to be necessary.

Fulton MacGregor (Coatbridge and Chryston) (SNP): By not making the online single application form mandatory and by offering support, including one-to-one assistance, the Government will significantly reduce the pressure on some of our farmers. Does the Government

have any estimate of how many of our farmers it expects to help with that form of support?

Fergus Ewing: We made significant progress last year on the number of applicants who submitted the SAF—the basic application form—online. From memory, I think that the figure is now 78 per cent, so the majority are using the online route. However, we want to do more, and we will be offering to those who require or wish them digital appointments—in other words, one-to-one sessions, probably in an RPID office where there are confidential office facilities. We will also be holding various briefing events on other aspects, such as land measurement and the process of transferring that measurement into a digital format, which is an extremely complicated process. As part of improved customer service, considerable effort will be made to help more farmers and crofters get online. I believe that that process will see a greater number using the online route this year. However, I did not think it right to make it compulsory and we are not doing so. Those who choose to make paper applications will continue to be able to use that route.

The Deputy Presiding Officer: Could someone get a glass of water for the cabinet secretary, please? He has been reduced to stealing other people's.

Colin Smyth (South Scotland) (Lab): It is difficult to follow that, Presiding Officer.

Despite the cabinet secretary stating that the Scottish Government has

“taken on board the many criticisms and comments that have been levelled at our IT system”,

it seems that the solution being proposed today is simply to pour more money into an existing IT system that has so far failed. Can the cabinet secretary tell us exactly how much more money will be spent on an IT system that has lost the trust of the farmers and crofters who have been so badly let down?

Fergus Ewing: In response to Colin Smyth's question, I would say that we have completed the capital budget for the futures programme and that we are now in the process of annual maintenance and remediation, which is part of the normal process of any IT system. In other words, there are always costs post completion of the original capital expenditure budget for any IT system. We have been over that several times with the Rural Economy and Connectivity Committee. This year the budget for the total spend, which will include those matters and the online functions, is £10 million. I believe that that will be a substantial and positive investment in assisting many more applicants to do their applications online. There will be some benefits for them and for us, and I think that it will prove to be a good investment. Of

course, it will be an investment for the period post-2019, whatever that future may hold. It is an asset for Scotland. The digitised map showing 55,000 land holdings and 4 million hectares of land is a great asset. The difficulty at the moment is that we have no idea what the UK Government proposes should be the support schemes following that date—if, indeed, it is proposing such schemes.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): As the cabinet secretary said, LFASS payments are vital to farmers and crofters in rural areas, and he has already touched on the short-term plans. What is the long-term future of targeted support for the most fragile rural areas?

Fergus Ewing: As I have made clear, this Government strongly believes that we must support our farmers to produce high-quality food and to be the custodians of our landscape in Scotland. Those things require support. The high standards of production must be maintained, as must regulation, if we are to access EU markets and for health and safety reasons. That is, in short, our aim. In particular, we are all concerned about hill farmers, and in places such as Lochaber in Kate Forbes's constituency hill farmers will be the preponderance, so we are concerned that there should continue to be financial support for them.

I have held two summits—one in Lanark and one in Dingwall—at which I have met hill farmers and listened carefully to what they have to say. They are worried. It is not political; they are worried because they do not really know what the future will hold. That is why I pressed Michael Gove, at the short meeting that I had with him at the Royal Highland Show, to provide confirmation as soon as possible that the UK Government will continue to accept that payments such as those made under the LFASS play an essential part in the support system for farming and indeed for the countryside in Scotland as we know it.

Finlay Carson (Galloway and West Dumfries) (Con): I echo my colleagues in welcoming any assistance that brings stability to the rural sector. However, it is also clear that today's statement is an early admission of the challenges and the failures that the Scottish Government is facing for the third year in a row with this disastrous CAP payment system. The question has been asked before, but could the cabinet secretary please inform Parliament how much the additional improvements to the IT system will cost and when payments will be made accurately and on time, removing the need for all the mitigation and the loan systems?

Fergus Ewing: As I said in response to Colin Smyth, the budget for the procurement of the future IT programme has been completed. As I also mentioned, the commitment is to spend £10

million this year. I will double-check the record and will come back to Mr Carson if I have oversimplified things, because it is sometimes possible to err when quoting so many statistics, but that is my understanding. It is a good investment that needs to be made.

We are seeing considerable progress in the operation of the IT system. IT fixes have been made with more rapidity, and the number of problems that have arisen in respect of the IT process has substantially reduced. That is why I have expressed confidence in achieving the aims that we all want to see realised.

John Mason (Glasgow Shettleston) (SNP): In his answer to Jackie Baillie, the cabinet secretary referred to the Audit Scotland report and the very high figures that it suggested for disallowance and penalties. Can he give any explanation for why Audit Scotland came out with figures that are so much higher than those that we have seen in practice?

Fergus Ewing: That question is best addressed to Audit Scotland.

Barclay Review of Non-domestic Rates

The Deputy Presiding Officer (Christine Grahame): The next item of business is a statement by Derek Mackay on the response to the report of the Barclay review of non-domestic rates. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

16:01

The Cabinet Secretary for Finance and the Constitution (Derek Mackay): Three weeks ago today, Ken Barclay published his report on non-domestic rates in Scotland. He and his team of Professor Russel Griggs OBE, Isobel d'Inverno, Nora Senior CBE and David Henderson produced a thorough report and I take the opportunity to thank them again and commend them on their contribution.

As members will recall, I said that when I received the report, I would respond quickly. Last week, in the programme for government, the First Minister set out that we would immediately take forward four of the recommendations from the Barclay review: holding more regular revaluations; introducing a new relief for day nurseries; expanding fresh start relief to create a greater incentive to bring empty properties back into economic use; and reviewing plant and machinery valuations.

A key matter is the frequency of revaluations. I agree with Barclay about the need for more regular revaluations and, as the review suggests, after the 2022 revaluation, they will take place every three years. Crucially, we will also ensure that the tone date is brought forward from two years prior to one year prior. In combination, those measures will help to ensure that our ratings system is more flexible in the changing economic circumstances that businesses face, and they will reduce large shocks, such as those that some experienced earlier this year.

I propose that the new relief for day nurseries will commence on 1 April 2018 and will be a full 100 per cent relief. Scotland has always been a leader in education and childcare, and this is the first relief of its kind anywhere in the United Kingdom.

Fresh start relief, which I introduced in 2013, will also be expanded from 1 April. I accept the Barclay proposal that the relief should increase from 50 to 100 per cent for the first year of new occupation and that it should be available after a property has been empty for six months rather than the current 12. Those changes are suggested

to help to bring empty town centre properties back into use. However, to stimulate the whole economy and reduce the number of properties that are sitting vacant, I will go further still and make relief available for all types of property, including industrial property.

The Barclay review of plant and machinery will commence shortly, and I will ensure that it fast tracks the valuation of hydro schemes, as an early look at that is essential to secure inward investment in Scotland.

Following on from our swift acceptance last week of those four recommendations, I will now outline my fuller response to members. My response has been informed by a number of meetings that I have held with a range of organisations since publication to discuss the report and how it should be implemented.

It is a measure of the importance that we place on the economy that we commissioned the Barclay review in the first place. The report made 30 recommendations to boost economic growth, improve administration and increase transparency and fairness. It did so within its remit of revenue neutrality.

Of the recommendations that the programme for government did not cover, I confirm that I intend to move now to implement the vast majority, subject to any legal or regulatory considerations, the budget process and, of course, the will of Parliament. We will consult further on some before taking a final decision before the end of this year.

The first recommendation in the report—the flagship recommendation—is the business growth accelerator. Of all the recommendations, Barclay felt that that would give Scotland the edge in attracting investment and growing the economy, and I agree. Developing our economy and supporting business to invest and grow is central to the Government's activity. I accept the recommendation and I will include the accelerator in the draft budget for 2018-19. My firm view is that it will give Scotland's businesses a competitive advantage and provide the economy with a welcome boost.

However, on this crucial recommendation, I will go beyond Barclay. From 1 April next year, I will ensure that no new-build property pays a single penny in rates until it is occupied for the first time. I have met the assessors and they have agreed to the principle of delaying the entry of new property on to the valuation roll. I will also withdraw the 2009 completion notice guidance that is issued to finance directors. I urge the business community and developers alike to consider precisely what that means. A new-build property will not pay rates until it is occupied, and its tenants will then benefit from one year without rates through the growth

accelerator. Combined with the more favourable rates of land and buildings transaction tax on commercial transactions, that will mark Scotland as the most competitive place in the United Kingdom for businesses to grow and invest.

I will set out our position on each of the other 19 recommendations. I note that Barclay concluded that the large business supplement should be reduced to 1.3p and, over this session of Parliament, I will do that should it become affordable. I will consider that for future years' budgets.

Barclay made a number of recommendations about the provision of information and standardised billing, and today I issued invitations to stakeholders to sit on an advisory group to inform some of the administrative reforms. In the longer term, that group will also feed into the development of online billing. I agree with Barclay that transparency over how relief is awarded will also help to improve understanding, so I accept recommendations to publish data on which properties are in receipt of relief.

The Government is committed to the small business bonus scheme. However, as Barclay recommended, a review will be undertaken to ensure that we maximise the scheme's economic and social benefits.

Barclay recommended that assessors need to improve their service in a number of areas and, having met the Scottish Assessors Association last week, I can confirm that action to address that is already under way. I have asked the association to present me with its implementation action plan by the end of this month.

Ratepayers must also play their part in improving the system; ratepayers need to provide assessors and councils with the information that they need to do their job, so I accept recommendations on creating new civil penalties. If the information that goes into the system is better, that should mean that valuations are more accurate and that reliance on appeals is reduced. I agree with the principles that should underpin the appeal system as it moves into the Scottish tribunals in 2022, and I agree that the appeal system should allow rateable values to be corrected upwards as well as downwards from that point onwards.

Councils also need to improve the service that they offer. I remind them of the need to issue prompt repayments to ratepayers. Debt recovery for both local taxes—council tax and non-domestic rates—needs to be brought into line, so the time for rates debt recovery will be brought forward.

The Government is committed to reducing tax avoidance and, where we have control, we have taken steps to do just that. I welcome the Barclay

recommendations on closing off specific known avoidance tactics and on the creation of a general anti-avoidance rule to help to future proof the rates system by closing loopholes and addressing avoidance tactics that may emerge over time.

In the shorter term, a commercial rateable value finder product will help to ensure that all property that should pay rates does pay rates. Errors may also occur in the award of relief and, with immediate effect, the Scottish Government will initiate administrative checks of the various data that it receives for errors.

After engaging with stakeholders, I believe that a small number of recommendations merit further thought and engagement. That is entirely in keeping with Barclay's recommendation 8 that, wherever possible, the Scottish Government should consult on changes to the rates system in advance of their implementation. The recommendations that require further consideration and engagement are those on removing charity relief for certain recipients, including arm's-length external organisations, independent schools and university accommodation; on reforming relief for sports clubs, empty properties and properties in active occupation; and on the levying of rates on parks.

On each of those areas, I will continue engagement to fully understand the impact and any wider implications and possible unintended consequences, before outlining my position in the implementation plan that I propose to publish later this year. The issues will be considered individually and the most appropriate route forward will be taken for each.

Finally, I have decided not to take forward two recommendations at this time. I will not progress the option to put farms on the valuation roll or the option to levy rates on commercial agricultural processing. Those recommendations would create a significant administrative burden on the assessors at a time when their focus must be on improvements to the service that they provide and the move to more frequent revaluations. More important, in not taking forward those recommendations, I want it to be clear to the sector that the Government recognises the invaluable contribution that it makes to our economy.

My message to business after announcing this package is clear: come to Scotland, invest in Scotland and grow your business in Scotland. Today, I publish a full response to the Barclay report and I commit to producing a full implementation plan before the end of 2017. As members will be aware, a range of actions are required to enact the recommendations that I have accepted.

Before I close, I take the opportunity to announce that the cap for offices in Aberdeen city and Aberdeenshire and for all but the largest hospitality properties will continue next year, with an additional 12.5 per cent cap in real terms. I encourage the sector and assessors to work together to explore alternative methods of valuation. Additionally, until the review of hydro plant and machinery valuations has concluded and until any recommendations are implemented, I will offer a new relief of 60 per cent for hydro schemes from 1 April 2018, subject to an upper value threshold.

The Government leads and innovates in using the limited economic powers that are at our disposal. Today, I am using those powers to create a fairer and more transparent rates system that better supports economic growth.

This statement outlines the Government's position on the Barclay review. The recommendations that we will take forward and the additional measures beyond Barclay that I have announced demonstrate our ambition for the economy and our desire to work with the business community to deliver on that ambition. Once the measures are implemented, we will have a rates system that is fairer, more responsive and geared for growth.

I commend the statement to the Parliament.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues that his statement raised. I intend to allow 30 minutes or so for questions, after which we must move to the next item of business.

Murdo Fraser (Mid Scotland and Fife) (Con): I thank the cabinet secretary for his statement and for providing advance sight of it. I join him in thanking Ken Barclay and his team for producing their report, which gives us all much to consider.

We agree with a great deal of what the cabinet secretary announced. In particular, I welcome the move to three-yearly revaluations, the standardisation of bills, the new relief for day nurseries and the new exemption for hydro schemes. I also welcome the proposals to exempt from rates empty new-build properties and the indication that there will be a reduction in the large business supplement, although I gently point out to the cabinet secretary that, in both those cases, he is simply reversing damaging policy choices of his predecessor, Mr Swinney.

I have two questions for the cabinet secretary. First, the cap on increases for hospitality premises and offices in the north-east is stated to be an additional 12.5 per cent in real terms for next year. For the avoidance of doubt, will he confirm that that figure is cumulative with this year's cap, which will mean that the affected businesses will face

increases of up to 30 per cent or so over two years?

Secondly, I note that the cabinet secretary is keeping alive the possibility of ending rates relief for sports clubs and local authority arm's-length organisations that run swimming pools, gyms and leisure centres. As I have pointed out before, that measure would undermine Scottish Government policy on encouraging active lifestyles and tackling obesity. Why will he not join us in ruling out that damaging Scottish National Party swim tax?

Derek Mackay: I am now not surprised that the Conservatives did not submit evidence to the Barclay review and that, when they were challenged after the report was published, they did not submit any thoughts for me to consider in advance of the statement. In fact, the only political party in the chamber that took the review seriously was the Scottish Green Party, which offered suggestions. It appears again that, other than welcoming a range of actions to which I have committed the Government—I welcome Murdo Fraser welcoming much of what I propose—the Tory party is bereft of ideas for how to improve the rates system. I can only imagine how depressed Murdo Fraser was when he read my statement and realised what a fantastic package we were proposing for Scotland.

On the two questions that he asked, there are areas that I have said require further consideration and engagement. The recommendation on ALEOs and sports clubs is in that category. In keeping with the Barclay review's recommendation to engage further, that is what I will do. The Government has moved swiftly on the issue, but it is appropriate to take the time to get it right. The Conservatives are again arguing for more spending and tax cuts at the same time, which shows the economic mess that they are in and shows that they do not understand what is before them.

The member made a request in relation to the cap that I propose for the hospitality sector and offices in the north-east. I have had correspondence from that sector and from businesses in the north-east. When asked what would feel like a fair increase, given the recommendations of the assessors—who are independent of the Scottish Government, although the Government intervened to place a cap on the increases in the hospitality sector and on properties in the north-east—they welcomed the 12.5 per cent real-terms cap. The Aberdeen and Grampian Chamber of Commerce and the British Hospitality Association felt that an additional cap of 12.5 per cent would be fair, and that is exactly what I propose.

Jackie Baillie (Dumbarton) (Lab): I welcome much in the cabinet secretary's statement and the

Barclay recommendations, particularly the exemption for children's nurseries, which my Labour colleague Daniel Johnson suggested. I also welcome the relief for hydro schemes, which will potentially help projects in my constituency.

At the start of the review, the cabinet secretary said that it needed to be revenue neutral. Today, he announced measures that I believe are well in excess of £55 million but gave no indication of revenue-raising measures. Is the review still revenue neutral and, therefore, does he anticipate the gap being taken up by sports clubs, local authority arm's-length organisations and others?

I welcome the extension of the 12.5 per cent cap, but businesses are still struggling. Business organisations tell me that local authorities are managing the cap in very different ways. Some manually adjust the bills so that the cap applies immediately. Others insist that businesses apply for a rebate. That takes time and, in the meantime, businesses have to pay in full. That is also true for businesses that are caught up in the appeals system. Will the cabinet secretary take practical action now so that businesses can benefit fully from the 12.5 per cent cap?

Derek Mackay: That could be characterised as quite a generous contribution from Jackie Baillie, but I would point out that the Labour Party also failed to submit anything to the Barclay review and failed to give me anything in terms of priorities.

Daniel Johnson (Edinburgh Southern) (Lab): Come on.

Derek Mackay: The Barclay review was commissioned before Daniel Johnson was a member of Parliament, so it is some feat if he was able to influence it then. That said, I think that the new relief for nurseries will be warmly welcomed. It is very much in keeping with this Government's policy of supporting nurseries and the expansion of childcare provision.

It is good going for the Government to receive a request from particular sectors—by that, I mean specifically a request for a 12.5 per cent real-terms cap—and for the Government to agree to that. That is why we have been able to take a range of actions before, during and after revaluation to support businesses. I look forward to the response of the business community to the recommendations that I have accepted today. Indeed, I have gone beyond Barclay in terms of ensuring that our strategy is geared for growth.

On the issue of revenue neutrality, it is correct to say that the remit of the Barclay panel was to be revenue neutral in its recommendations. However, the decisions that the Government takes will be taken in accordance with the budget and the negotiations that I have, and it will ultimately be for Parliament to approve the budget. Today, I am

announcing the Government's intentions, and that will of course require parliamentary support. I look forward to the positive engagement of all parties in this chamber in working with me to deliver a budget that delivers the recommendations that the Opposition parties tell me that they support. In that sense, it is a wee bit harder to do all the good stuff and not tackle some issues for revenue raising. However, on those areas that I am not progressing with today, as I have said before and will say again, I want to explore them thoroughly and ensure that I engage with and consult stakeholders and take into account their views. That is what I have been doing since the publication of the Barclay report.

The Deputy Presiding Officer: Fifteen members want to ask questions—the clue is in the word “questions”. I ask for concise questions, and concise responses would be helpful.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I welcome that the Scottish Government will consult before any reforms of rates relief to ALEOs. I ask the cabinet secretary to approach any change with great caution to ensure that people using leisure facilities such as those that are run by Glasgow Life do not suffer any unintended or detrimental consequences. I also ask him to be similarly wary of any blanket exclusion of ALEOs applying for sports club relief, which might have similar unintended consequences.

The Deputy Presiding Officer: I think that that was a question.

Bob Doris: It was two!

Derek Mackay: I will take the time to engage with people to ensure that we have a balanced approach on that and other matters.

Dean Lockhart (Mid Scotland and Fife) (Con): The cabinet secretary will be aware that a number of organisations have raised concerns about the methodology that is used to calculate rates in the hospitality sector; I reminded him about that in writing only yesterday. Rates in this sector are calculated—

The Deputy Presiding Officer: No, I want a question.

Dean Lockhart: What substantive measures will the cabinet secretary take to change the methodology that is used in the hospitality sector to calculate rates, because the temporary sticking plaster of a cap does not address the underlying concerns that have been raised by the Scottish Licensed Trade Association—

The Deputy Presiding Officer: No, you are going on too long.

Derek Mackay: First, let us see what the hospitality sector says about the package that I have announced today. I am beginning to wonder whether Dean Lockhart has read the report or, indeed, understands that I cannot direct the assessors in the fashion that he has described. It is a matter for the assessors to judge what methodology they use. However, I agree—I have said this to assessors—that they should consider issues of methodology. Further, no matter what, I am proposing a cap for that sector, in order to support it as the issues of methodology are considered in the interests of finding out whether there is a better way to value those particular premises. I know that that will be warmly received by the sector and that assessors will engage in the process in a constructive manner.

Gillian Martin (Aberdeenshire East) (SNP): As a north-east MSP representing Aberdeenshire, I am pleased to hear that the transitional relief for the north-east will be continued by the Government. The cabinet secretary will know that Aberdeenshire Council and Aberdeen City Council—

The Deputy Presiding Officer: Question, please.

Gillian Martin: —have implemented local relief schemes. Will he join me in calling on both councils' administrations to match the Scottish Government's commitment to the region with the continuation of these local relief schemes?

Derek Mackay: Yes, I concur with that point. Under the Community Empowerment (Scotland) Act 2015, any council can devise any scheme that is appropriate to reflect local circumstances. Three councils have chosen to use those powers, and I encourage all councils to look at those powers to see what else is appropriate to local circumstances. I encourage those areas that have delivered a local scheme to continue, especially in view of the commitment by the Scottish Government to continue with the support that we have announced today.

Andy Wightman (Lothian) (Green): Given the remit of the Barclay review and the fact that it asked only one question, does the cabinet secretary agree that such a narrow remit and one solitary question is not the thorough and comprehensive review of the whole system that was promised by him in 2013?

In his statement, the cabinet secretary claimed that adding farms would be a "significant administrative burden". As most farms will soon be on the roll anyway, because of the reintroduction of sporting rates, will he therefore reconsider his opposition?

Derek Mackay: On agricultural matters, if there is no intention to tax those properties, I do not see the value in adding them to the roll.

On the matter of the wider consideration of alternatives to a property tax, it is not true to say that Barclay did not consider that matter. It did, and it said in the report why it ruled it out and came to the conclusion that, while a property tax is not perfect—it did not find a perfect property tax anywhere in the world—with refinement, it can absolutely deliver.

Willie Rennie (North East Fife) (LD): As the Cabinet Secretary for Finance and the Constitution has effectively admitted that the proposals will not be revenue neutral, how much will the measures cost?

The Deputy Presiding Officer: That is an absolutely sparkling question—you taught them all that, Mr Rennie.

Derek Mackay: My estimation of the cost of the announcements today is approximately £80 million.

Daniel Johnson (Edinburgh Southern) (Lab): Given that some nurseries in my constituency were facing a doubling of their bills, I welcome the fact that the cabinet secretary has listened to my calls and advice on nurseries—I am very appreciative of it. However, that raises the question about how the revaluations were arrived at. I note the moves on data collection, but what reform will the cabinet secretary take forward to improve the transparency of the calculation on revaluation, so that all businesses can understand how their rates bill was arrived at and not just how much it is?

Derek Mackay: That was a nice try by Mr Johnson to take credit for my announcements, but I am afraid that my announcements are my announcements. In the spirit of consensus, if the Labour Party has any further ideas that it would like me to consider, I ask it please to do so constructively within the budget process.

On the specific question of how the assessors arrived at their values, maybe Mr Johnson, like many other members in the chamber, should realise that it was not me who undertook the revaluation; it was the assessors, who are independent of Government. Mr Johnson would be well advised to direct his question to them.

Kenneth Gibson (Cunninghame North) (SNP): The cabinet secretary rightly focused on growth and investment to make Scotland more competitive. What impact does he anticipate that those changes will have on economic growth on an annualised basis, once they are fully implemented?

Derek Mackay: That is a very good question. It is difficult to quantify at this stage what the changes will mean by way of growth. I am convinced that the recommendations that I am progressing with today will generate growth, support our economy and allow for a fairer and more transparent rates system. With regard to showcasing what Scotland can do, that will give us a competitive advantage on non-domestic rates and will set up, in a number of areas, advantages that do not exist elsewhere that should deliver on our economic strategy.

Bill Bowman (North East Scotland) (Con): What assessment has been carried out on the affordability of reducing the large business supplement in this year's budget?

Derek Mackay: It may be news to Mr Bowman, but I have not produced this year's budget. I understand from announcements that the United Kingdom budget may well be on the 22 November, so I look forward to constructive dialogue with all the parties on what may be in this year's budget. I hope that the Conservatives will take a far more constructive approach than they did last year.

Richard Lochhead (Moray) (SNP): I warmly welcome the cabinet secretary's statement, in particular the on-going 12.5 per cent cap for hospitality businesses and exemption for nurseries in my constituency, which I too called for, very loudly. Is the cabinet secretary aware that the rates revaluation had a disproportionately negative impact on Moray businesses, which was out of sync with local economic factors? His reference to the sector and assessors having to work together to explore alternative methods of valuation is extremely important if we are to avoid that in the future. Will he attach a timescale of when he expects to hear back from that work?

The Deputy Presiding Officer: The question in there was: is the cabinet secretary aware? That was a cute way to do it.

Derek Mackay: Mr Lochhead has been proactive and vocal on those matters, including on the implementation of the reliefs that were announced, if memory serves me correctly, in March this year. I agree with the points that Mr Lochhead made.

Elaine Smith (Central Scotland) (Lab): Given that the Barclay review states that unfair advantage has been gained by private schools due to charitable rates relief and that it should be removed by 2020, with which I agree, when will the further report on that come forward? What opportunity will there be to scrutinise the Government's decision on that specific issue?

Derek Mackay: By any standard, the Government's response has been swift. We received the report some three weeks ago and the

First Minister responded on the first day back in Parliament. I am addressing matters now and will publish a statement of intent on our policy position on the recommendations. Further, as I have said, there will be an implementation plan, because some of the recommendations will require statutory legislation, some will require secondary legislation, and others will require guidance or directions. Therefore, I propose to come back with a position on the implementation plan, which will be concluded by the end of the year, and on all remaining matters.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Will the cabinet secretary expand on the measures that he is taking forward on the back of the Barclay review to ensure that more vacant property—such as in my constituency of Coatbridge and Chryston, particularly in the town centre—is brought back into use?

Derek Mackay: The Barclay review specifically suggested looking at empty property rates relief and further incentives for occupying empty properties. As one example of that, I will expand the fresh start relief that I introduced in 2013, which I hope will be a further stimulant for the reoccupation of empty properties.

Liz Smith (Mid Scotland and Fife) (Con): What assessment has the Scottish Government taken in conjunction with local authorities about the likely economic impact on small independent special schools, which look after some of our most vulnerable children? Should those schools no longer be eligible for charitable relief?

Derek Mackay: I want to get the detail absolutely right on that, so I will write to the member. However, from the review's recommendations and the proposals that I made today, it is my understanding that there is no change to the status of those schools. I will confirm that in writing.

Clare Haughey (Rutherglen) (SNP): Will the cabinet secretary outline what measures he is taking in response to the Barclay review to support the development of the renewable energy sector?

Derek Mackay: The support that we will expand includes the small business bonus and other things that renewables can benefit from. The expansion of the hydro relief will certainly be welcomed by the renewables sector.

James Kelly (Glasgow) (Lab): Will the cabinet secretary guarantee that the £80 million funding measures that he announced today will not result in a consequential £80 million cut to the local government funding settlement?

Derek Mackay: The funding package is a matter for the budget, but it would be a misdirection to suggest that today's announced

measures will be funded through a reduction in the local government settlement. That will all be part of the budget negotiations that I undertake with parties when I present the draft budget in due course.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): Following the publication of the report of the Barclay review of non-domestic rates, how will the Scottish Government support small and medium-sized enterprises in the hospitality sector, such as those in Leith in my constituency?

Derek Mackay: Generally, we have lowered the poundage for all ratepayers and we have expanded the thresholds for the small business bonus and the large business supplement. Specifically, the cap for hospitality businesses will continue in the fashion that I described, which will be welcomed around the country.

To return to Liz Smith's question on special schools, she said "independent special schools", if I heard her correctly, and I want to give her clarity on that point. I think that there is no change for schools that provide a service of that specialist nature, but that is different from the overall category of independent schools. I will ensure that the member gets that detail.

The Deputy Presiding Officer: I suspend the meeting for a few minutes to allow those on the front benches to take their place for the next item of business.

16:34

Meeting suspended.

16:40

On resuming—

Policing

The Deputy Presiding Officer (Christine Grahame): The next item of business is a statement by Michael Matheson on policing. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

The Cabinet Secretary for Justice (Michael Matheson): I am grateful for the opportunity to update Parliament on leadership in Police Scotland and the Scottish Police Authority following the announcement last week that the chief constable is to take temporary leave of absence until investigations into his conduct conclude. I recognise that those investigations and the chief constable's absence will create a degree of uncertainty, so I am pleased that Deputy Chief Constable Iain Livingstone has reconsidered his plans to retire in the autumn and will continue in post to provide leadership to Police Scotland in the chief constable's absence.

DCC Livingstone, who is Police Scotland's deputy chief constable designate, has over 25 years' experience in policing and is held in high regard by officers of all ranks. As DCC designate, he has all the powers of the chief constable during the chief constable's absence. He is one of a number of experienced officers in Police Scotland's team, who include DCC Rose Fitzpatrick, who celebrated 30 years in policing last week, having served three different forces. More recent appointments, such as DCC Johnny Gwynne and Deputy Chief Officer David Page, have further boosted the capacity and capability of Police Scotland's senior management team, and all eight assistant chief constable posts are currently filled.

DCC Livingstone's own assessment of the leadership situation is that Police Scotland has a strong and resilient command team in place that is supported by thousands of dedicated and hard-working police officers and staff who remain committed to providing an excellent service. That reflects my own assessment that the success of Police Scotland relies not on one individual, but on a strong and experienced senior leadership team and on the professionalism and dedication of many thousands of police officers and staff at all levels. As the second biggest force in the United Kingdom, Police Scotland has a breadth and depth of experience that is almost unparalleled.

Let me turn to the complaints that have been made against the chief constable. I am sure that members will understand that it would not be appropriate for me to comment on the specifics of

any complaints while independent investigations are on-going. I respect the chief constable's decision to request a temporary leave of absence while the matters are being investigated, and the fact that the Scottish Police Authority agreed to his request. There is a clear process in place through the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013 for handling those complaints, and it is important that that process is able to take its course. The chief constable has confirmed that he will co-operate fully with the process. I urge all members to show restraint and avoid making assumptions about what the investigations may find or conclude.

In light of recent commentary, I reassure Parliament that I do not see any immediate impact on the programme to integrate the British Transport Police in Scotland into Police Scotland. That programme is being led by the Scottish and UK Governments through a joint programme board that includes a wide range of organisations with a role in delivery. Work within Police Scotland has been progressed under the leadership of Assistant Chief Constable Higgins and the programme management arrangements are in the process of being strengthened. The proposed date for integration is April 2019. I see it as premature to suggest that there would be any impact on that timetable.

As members will be aware, two key changes are taking place in the Scottish Police Authority's senior leadership. Andrew Flanagan will leave his role as SPA chair once his successor has been appointed. That process is well under way. The post was advertised on 21 August and applications close on 21 September. Interviews are scheduled to take place in October, and I aim to make an announcement as soon as possible after that.

The chair has agreed to stay until a successor is appointed, and the creation of the SPA deputy chair role, which is being ably filled by Nicola Marchant, will help to ensure the smooth transition to a new chair; it will also help to ensure that there is no gap in leadership. The wider board contains people with a range of expertise and experience that is ensuring that business continues to be progressed.

The chair's post is a public appointment and is regulated by the Commissioner for Ethical Standards in Public Life in Scotland. A number of party spokespersons have indicated a desire to play a role in the appointment round for the SPA chair. Their preference is for the responsibility for making the appointment to be delegated to Parliament. However, it is a statutory requirement of the Police and Fire Reform (Scotland) Act 2012 that Scottish ministers appoint the SPA chair. The situation is not the same as for the post of Scottish

Information Commissioner, where Parliament's role is set out explicitly in the relevant legislation.

Nevertheless, as I mentioned to some of the party spokespersons last week, and as the First Minister stated at First Minister's questions, the Scottish Government is not unsympathetic to the Parliament's wish to have a role in the appointment of the SPA chair. I have instructed officials to explore with the office of the Commissioner for Ethical Standards in Public Life in Scotland whether there are any options for involving Parliament in a way that would be compatible with the "Code of Practice for Ministerial Appointments to Public Bodies in Scotland". I will be in touch with justice spokespersons within the next few days to discuss what might be possible within the framework of legislation and the code.

Over the summer, the SPA chief executive officer, John Foley, announced that he will take early retirement. That follows Her Majesty's inspectorate of constabulary in Scotland's review of forensic services and the associated changes that are being made to that service, which will now report directly to the SPA board.

The chief executive officer has agreed to remain in post until the completion of the SPA's accounts for 2016-17. The SPA has started the process to recruit an interim chief officer on a 12-month appointment.

Parliament will recall that I have commissioned a review of the SPA's executive to ensure that the board gets the support and the advice that it needs to fulfil its functions effectively. The review is being led jointly by the SPA deputy chair and Malcolm Burr, chief executive of Western Isles Council. The review expects to report later in the autumn. However, the appointment of the interim chief officer will allow the new chair of the SPA time to consider the outcome of the review and the second phase of the HMICS thematic inspection of the SPA before making a permanent appointment.

There will be no gap in SPA leadership: recruitment is under way for both the chair and the chief executive; the Scottish Government and the SPA are working to clear timescales to make appointments; and the current chair has agreed to remain in post until a successor is found.

Let me finish by again paying tribute to police officers and staff. We have a dedicated workforce that is focused on keeping all our communities safe and providing an excellent service to the public, every day. DCC Livingstone is a very able and experienced officer who commands the respect of that workforce. He is part of a strong and resilient leadership team. I am actively working with the SPA and Police Scotland to

support them through this period, and I stand ready to help them in any way that I can.

The Presiding Officer (Ken Macintosh): The cabinet secretary will take questions. We have at least 20 minutes—possibly more.

Liam Kerr (North East Scotland) (Con): I thank the cabinet secretary for the advance sight of his statement.

At the outset, I thank all our officers and staff for their continued professionalism and dedication during this time of uncertainty.

There has been a catalogue of failures at Police Scotland and the SPA since the single force was created. The cabinet secretary's standard response is that he does not interfere in police matters. However, the report card reads: one chief constable apparently removed by the Government; another chief constable under investigation and on leave of absence; three SPA chairs stepping down in four years; a catalogue of errors arising from control room centralisation—although for the record I say that I am aware that the staff are doing their absolute best; consistent financial mismanagement; and a culture of cover-up and secrecy. When the report card reads like that, surely the time is long overdue for the cabinet secretary to step up and take responsibility.

The new structure was the brainchild of the Scottish National Party and came about on this Government's watch. What will the cabinet secretary personally do to ensure that we are not here again in three months' time?

Michael Matheson: For a moment there I thought that we were going to hear something constructive from the Conservatives about supporting our police officers in Scotland, but—as ever—that was lacking.

We have a dedicated police force, and we have a strong leadership team in Police Scotland who I am confident will take the organisation forward. I am also confident that the process that has been put in place to consider the issues that relate to the chief constable will be taken forward appropriately, as set out in police regulations.

As I said in my statement, a range of work is going on around some of the issues to which the member referred. For example, he referred to the way in which the SPA operates; a review of that is currently going on. He also referred to call handling; clearly, he is completely unaware of the work that has been carried out by HMICS, under my direction, to improve call handling. If he cares to read HMICS's most recent assessment of Police Scotland's processes in relation to call handling, he will see that they have improved significantly.

I assure the member that we will continue to support Police Scotland in moving the organisation forward in the way that was set out in its 2026 vision, to ensure that we have a police service that serves the people of Scotland effectively and keeps people safe.

Claire Baker (Mid Scotland and Fife) (Lab): I thank the cabinet secretary for the advance copy of the statement.

In the four years of Police Scotland's operation, this Government has lost two chairs and a chief executive and is now on its third chief constable. Over the past year, there has been critical report after critical report, culminating in the vacuum at leadership level that we now face. It is a disgrace that Scotland's police force has reached this state of affairs under the SNP's watch.

The situation requires scrutiny. The chief executive of the SPA has announced his early retirement. When will we know the details of his financial package? Until last week, the chief constable was staying in post. Was the cabinet secretary consulted about his application for a temporary leave of absence?

The number of early exits from the SPA suggests that we have a flawed appointments process that is in need of reform. There is a consensus in the Parliament on the need for robust parliamentary scrutiny in appointments. Will the cabinet secretary commit to a review and legislation, if necessary?

Michael Matheson: Let me pick up the three points to which the member has referred. The first related to the financial package for the departure of the chief executive officer of the SPA. As the SPA announced at the time, it will publish the details of that package once the chief executive officer has left. It is in line with the standard public sector retirement package for someone in that type of post. That information will be placed in the public domain once the person has left the organisation.

The second issue relates to the chief constable's leave of absence. I correct the member in pointing out that we have had two chief constables, and we continue to have a chief constable for Police Scotland—Phil Gormley continues to be in post although he is taking a period of leave of absence. The decision on the matter is for the SPA, which decides how to deal with conduct issues, and any request for a leave of absence goes from the chief constable to the SPA. Such decisions are made by the SPA board, and that is exactly what happened last week when the decision was made.

The member's final point concerned the appointment process for the chair of the SPA. As I indicated to her last week, I am sympathetic to her

request but the legislation is very clear about the process. That is why—as I set out in my statement—we have been engaging with the office of the Commissioner for Ethical Standards in Public Life in Scotland to look at what process could be put in place to facilitate some parliamentary involvement at this stage. I advise the member that not only has the process already started, but applications for the post have been received on the basis of the process that has been approved by the Commissioner for Ethical Standards in Public Life in Scotland. Nevertheless, we have engaged with the commissioner to see whether we can facilitate parliamentary involvement within the existing legislation and the existing code of practice. I will be happy to explore that with the member later this week, once we have had feedback from the commissioner.

John Finnie (Highlands and Islands) (Green): I thank the cabinet secretary for early sight of the statement.

DCC Livingstone is an extremely able officer, and it is significant that, as the cabinet secretary says, he commands the respect of the workforce. That is very much the case. He is to be commended for setting aside detailed personal plans in order to step in and do an important duty. As the cabinet secretary also said, DCC Livingstone has the support of hard-working staff.

I think that the leadership team is sound, as is Police Scotland's structure, but what is not sound is the scrutiny of Police Scotland at the Scottish Police Authority level. The cabinet secretary mentioned the review. What role does he see for Parliament as a result of the review when it has concluded? Does he agree that there should be a greater role for local police committees in the whole structure?

Michael Matheson: I welcome the member's contribution on the issue. I know that he has a deep knowledge of police matters given that he is a former police officer.

The review that is being carried out by the SPA deputy chair, Nicola Marchant, and Malcolm Burr, the chief executive of Western Isles Council, is looking at the existing structures that support the board and the executive function of the SPA. It is due to report in the autumn, and the intention is that the report will come to me. I will ensure that a copy of it is made available to the Parliament. The incoming chair of the SPA will then consider the report alongside the thematic inspection that HMICS has said that it will conduct later this year. It will then be for the new chair to determine how the structure that supports the board in its role and the way in which it operates with Police Scotland can be the most effective possible.

I recognise that there is room for improvement, I instructed the review in order to look at how we can achieve that improvement more effectively. I have no doubt that one of the committees of the Parliament—whether the Justice Committee or the Justice Sub-Committee on Policing—will want to explore that with the SPA and the authors of the report. I will ensure that a copy of the report is submitted to the Parliament, and I would welcome and encourage parliamentary engagement on the issue.

Liam McArthur (Orkney Islands) (LD): I, too, thank the cabinet secretary for early sight of his statement and for acceding to my party's request for the statement. However, the statement could best be characterised as saying, "Crisis? What crisis?"

Will the justice secretary confirm that he had no involvement in the chief constable's decision to step aside? Given the chief constable's earlier refusal to stand aside, what does the cabinet secretary think has changed that resulted in his recent decision to stand down?

Michael Matheson: I was not involved in the chief constable's decision to ask for a period of exceptional leave. That request was made by the chief constable to the SPA, and the SPA board considered the matter. There is no ministerial involvement in that process.

I am determined to make sure that we and the SPA provide the necessary support to Deputy Chief Constable Livingstone over the coming weeks and months. Because the process to investigate the complaints about the chief constable will be taken forward by the Police Investigations and Review Commissioner, the timeframe is somewhat uncertain at this stage. I assure Liam McArthur that I will continue to give Police Scotland and the SPA whatever support I can at this particularly uncertain time for the service.

Rona Mackay (Strathkelvin and Bearsden) (SNP): While acknowledging that there is always room for improvement, does the cabinet secretary agree that the record low levels of crime demonstrate that Police Scotland is delivering robustly and providing a comprehensive service in communities across Scotland?

Michael Matheson: I recognise that policing can be part of the usual political to and fro that always goes on in Parliament. However, the reality is that the Police Service provides a very high standard of service to the public of Scotland and has achieved a 42-year low in recorded crime.

Given the dedication of police officers, whom I meet daily, and the staff who support them, I have no doubt that they will continue to provide an excellent service, and I am sure that that will

continue to be the case under the leadership of Deputy Chief Constable Livingstone in the weeks and months ahead.

Margaret Mitchell (Central Scotland) (Con):

The cabinet secretary correctly states that the success of Police Scotland relies crucially on a strong and experienced senior leadership team and the professionalism and dedication of many thousands of police officers and staff. However, given the comments by the general secretary of the Scottish Police Federation, Calum Steele, that that same workforce is “scunnered” and “regularly disregarded and ignored”, what is the cabinet secretary doing to resolve the situation and to achieve the effective standard of communication at all levels of Police Scotland that has been talked about relentlessly but never realised?

Michael Matheson: As Margaret Mitchell might be aware, one piece of work that is being done in Police Scotland is on improving the way in which the service meets the wellbeing needs of its officers and staff. Deputy Chief Constable Livingstone has been leading that work. He sees it as a priority to make sure that the organisation is much more effective in addressing the needs of its officers and staff, and in taking their views into account. He has been leading a major piece of work on that over recent months.

I think that that illustrates Iain Livingstone's commitment to improving the welfare needs of staff and officers. It also demonstrates the will of the organisation to address such matters, and I have every confidence that that will continue to be the case while DCC Livingstone heads the organisation in the coming weeks and months.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I declare that I have a close family member who serves in the Police Service of Scotland.

Does the cabinet secretary agree that we require the highest standards of personal integrity for everyone who works in the Police Service? I understand that he is to address the Police Service's conference on ethical standards on Tuesday next week. Does he expect that he will be able to congratulate all who attend on their continuously high standards of ethical behaviour, and on the commitment to public good that is exemplified by all but the tiniest of tiny minorities in the service?

Michael Matheson: I am impressed that Stewart Stevenson has such insight into my diary for the coming week. I will attend that conference to address it on ethical standards in policing.

The vast majority of our police officers and staff uphold very high ethical standards in discharging their responsibilities. I would expect that of not just police officers and staff in Police Scotland but of

anyone in the public sector and beyond. I have absolutely no doubt that that will continue to be the case with officers and staff in Police Scotland, as the organisation moves forward.

Mary Fee (West Scotland) (Lab): A leaked report last week confirmed what we already knew to be the case, which is that the Scottish National Party Government's merger of the British Transport Police in Scotland into Police Scotland lacked a detailed business case and was politically motivated. The rail unions have called the merger “ludicrous” and the workforce does not support it, and the continuing disarray at the top of Police Scotland has done nothing to reassure them that they are being moved into a stable organisation. Is not it the case that the Government is in total denial when it comes to fundamental weaknesses in the case for integrating the British Transport Police in Scotland into Police Scotland? Is not it the case that that merger should be stopped, and stopped now?

Michael Matheson: The answer is no—that is not the case. Are there challenges? Yes, of course there are challenges. There are always challenges when changes of that nature are being taken forward. No doubt there will be significant challenges when the UK Conservative Government goes ahead with the abolition of the BTP and merges it with the Civil Nuclear Constabulary and the Ministry of Defence Police to create infrastructure policing. I suspect that that will cause even more difficulties in how some of the challenges will be met.

However, having reflected on the matter, I am confident—as I said my statement—that the position with the chief constable will have no impact on the existing timetable for the merger here.

On the idea that the merger was politically motivated, given that our submission to the Smith commission set out clearly the reasons why we believed that the BTP in Scotland should become the responsibility of this Parliament and that it should be integrated into Police Scotland, it should come as no surprise to anyone that that is the Government's view. We have set out on a number of previous occasions why we believe that having a single overriding command structure for infrastructure policing in Scotland will help to ensure that we can deliver greater security on our railways. We have set that out when appearing at parliamentary committees and during debates on the issue in the chamber. As I set out in my statement, I am confident that it would be very premature to consider that the work that has been taken forward around the integration of the BTP in Scotland into Police Scotland will be affected by the present situation with the chief constable having a leave of absence.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): Regarding the complaints that have been made against the chief constable and his decision to request a temporary leave of absence while the matters are being investigated, does the cabinet secretary agree that complaints that are made internally in Police Scotland should not be politicised, because that can prevent those who make complaints and those who are accused from being heard in a fair environment?

Michael Matheson: Ben Macpherson has raised a very important issue. There have already been some questions in which it has felt to me as though members have been jumping to conclusions about the future of the existing chief constable. It is incumbent on us all to allow the process for dealing with the complaints—which is set out in police regulations that were part of the subordinate legislation process of this Parliament—to take its course. We should not jump to conclusions before that process has been completed. It is only fair that members be careful about expressing their views on the matter, given that due process has still to be completed.

Gordon Lindhurst (Lothian) (Con): The chief constable has taken a temporary leave of absence, so he is not currently acting as chief constable. Deputy Chief Constable Livingstone was to retire, but he is now, I presume, temporarily acting in place of the chief constable. Andrew Flanagan is about to leave as SPA chair and I think that John Foley, who is the chief executive officer of the SPA, has just announced his retirement. So, setting aside the professionalism and commitment of the individuals in Police Scotland, does not that give the public an impression of an effectively leaderless force, as matters stand? Surely, based on any view, it is time to stop, take stock and reconsider whether this is the point at which the British Transport Police integration should go forward.

Michael Matheson: Gordon Lindhurst may have slightly misunderstood the process within policing. The deputy chief constable designate is the person who has the authority to act as a chief constable in the absence of the chief constable, so if the chief constable is on leave, on sickness absence or is absent for any other reason, the deputy chief constable designate has the authority and ability to fulfil that function. It is a legally defined post, and the person who holds that post is the deputy chief constable designate, Iain Livingstone. He was the designate prior to the chief constable taking a leave of absence, and he is now fulfilling that role. The member should be clear about the process, which is a well-defined one that is set out in statute.

Turning to his question about leaderless organisations, I have to tell Gordon Lindhurst that

the chair of the SPA and the existing chief executive officer of the SPA remain in post. The chair of the SPA will remain in post until his successor is found, so that organisation continues to have its chair and its chief executive. Both the processes for finding their replacements have started, and one of them is well en route to appointing a new chair for the organisation. I hope that that reassures the member that leadership remains in the organisation, and that the process to identify their replacements has already started.

Monica Lennon (Central Scotland) (Lab): In the most recent evaluation report of police and fire reform, officers warned of low morale, with strained budgets and resources, which means that they are constantly expected to do more with less. Is the cabinet secretary concerned to hear that? If so, what is the remedy?

Michael Matheson: I acknowledge some of the financial pressures that Police Scotland is experiencing. That is why the Government has committed—my party was the only party to commit to this during the most recent Scottish Parliament elections—to protecting the police budget in real terms. That will allow us to invest an extra £100 million in our police.

Alongside that, we have increased the police reform budget in order to allow the police to continue to invest in certain areas, to improve their efficiency and to improve the way in which they operate as an organisation. That demonstrates the commitment that the Government has to ensuring that we provide the necessary financial resource to Police Scotland.

Of course, that could be aided by the UK Government changing the VAT rules, so that the £25 million a year that it costs Police Scotland and the £10 million that it costs the Scottish Fire and Rescue Service could be recovered. They are unable to recover that VAT and are the only territorial police force and fire service on the mainland UK that are not able to recover their VAT. Changing that would help considerably to support the services, given some of the financial pressures that they currently face, but to date the Conservative Government at Westminster has been unwilling to do so. That is typical of the Conservatives. They are not interested in Scotland, although they will change the rules when it suits them. Members can be assured not only that we are making a financial commitment to Police Scotland but that we will continue to fight our corner here in Scotland against a Conservative Government in London that is depriving the police of the ability to reclaim that VAT money.

Maree Todd (Highlands and Islands) (SNP): Does the cabinet secretary agree that DCC Livingstone's decision to delay his plans to retire in

order to take over leadership of Police Scotland demonstrates the commitment of officers and staff throughout Police Scotland?

Michael Matheson: I have known DCC Livingstone for a number of years now, and I know that he has a strong reputation for his commitment to policing in Scotland. I welcome his decision to remain at Police Scotland and to continue in his role as deputy chief constable designate. As I mentioned in my statement, we will offer him what support and assistance we can in the weeks and months ahead.

Maurice Corry (West Scotland) (Con): I welcome the cabinet secretary's undertaking to ensure that Parliament has a role in the appointment of the new chair of the Scottish Police Authority. Could the cabinet secretary provide more detail on his preference for what that role might be?

Michael Matheson: As I mentioned, officials have already engaged with the Commissioner for Ethical Standards in Public Life in Scotland to look at the potential options. I am committed to meeting with party spokespersons later this week to set those out and to discuss them in more detail.

James Dornan (Glasgow Cathcart) (SNP): Can the cabinet secretary guarantee that the issues that are currently being dealt with by Police Scotland will not have any impact on the delivery of the policing 2026 strategy?

Michael Matheson: Policing 2026 sets out the first national strategy for policing in Scotland. It sets out a range of detailed ambitions that the organisation has in order to make sure that it delivers an effective policing service in Scotland during the next 10 years. Police Scotland is already undertaking a significant amount of work on the delivery plan for achieving that vision, and I have received assurances that that work will continue in the weeks and months ahead. Given that DCC Livingstone was heavily involved in that process, I have no doubt that he will continue to be involved while he is carrying out the functions of the chief constable during his leave of absence.

Motion without Notice

17:15

The Presiding Officer (Ken Macintosh): Given that we are slightly ahead of business as planned, 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 5.15 pm.—[Joe FitzPatrick.]

Motion agreed to.

Decision Time

17:15

The Presiding Officer (Ken Macintosh): Members will be delighted to hear that there are no questions as a result of today's business.

Serve Scotland

The Deputy Presiding Officer (Linda Fabiani): The final item of business is a members' business debate on motion S5M-07149, in the name of Kate Forbes, on Serve Scotland.

Motion debated,

That the Parliament welcomes the establishment of the Serve Scotland coalition of church-based community groups; recognises the positive work undertaken by these groups, providing services such as foodbanks, debt advice, night shelters and refugee support work in communities across Scotland, including in Skye, Lochaber and Badenoch; pays tribute to the many thousands of volunteers who provide these services, and believes that such community work undertaken by churches and other faith groups is a mark of a healthy civil society and is to be welcomed as part of a modern, plural Scotland.

17:17

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): I thank colleagues who will participate in the debate, and I acknowledge those in the public gallery who have come to listen, while acknowledging the many others who would have been here if they had been able. Thank you very much.

To many people, religion or the church evokes images of damp walls and cold pews, or of an empty but iconic building standing tall and proud—perhaps too tall and proud for some people's sensibilities—yet at the heart of the Christian faith is the story that Jesus told about the Good Samaritan. That title might be the stuff of Sunday school stories, but it is every bit as relevant today as it ever was.

It is the story of somebody who was left battered and bruised, confused and alone by all that life threw at him. There are still too many in Scotland who are in that situation because they are living with abuse, addiction, homelessness, loneliness, poverty and fear. They are forgotten, abandoned and alienated from society as victims of this world's selfishness, greed and evil desires.

Those who know the story of the Good Samaritan will know that individual after individual, with all the right clothes and all the right qualifications, who looked every bit the story of success, hurried past this poor guy who was left in the gutter of life with barely a glance and certainly no helping hand. The man remained still forgotten, still abandoned and still alienated from society until a stranger came along—someone who was vulnerable himself, who was from another part of the world, who had perhaps been subjected to abuse and who was certainly not in step with contemporary culture. He stopped and

"took pity on him. He went to him and bandaged his wounds."

The Good Samaritan looked after the man until he was ready to face the world again.

That story motivates people in churches across Scotland to serve the most marginalised in our society.

David Stewart (Highlands and Islands) (Lab):

Is the member aware of the excellent work of the Inverness street pastors? I have previously had the opportunity to go out on one of their patrols and I was inspired by the work that they do. Does she agree that, like the Good Samaritan, they did not walk on the other side of the road?

Kate Forbes: That is a great example of what I was about to talk about. There are so many people from charities and churches who choose to stop—they do not walk on by; they stop to help the helpless and give their time, care and effort to those who need it. Often, when we are tucked up in bed, they are out in the cold, the wind and the rain. They follow in the footsteps of those in Scotland who have been a voice for the voiceless and advocates for the marginalised for centuries.

In fact, many church-based charities were established decades ago, when the public sector was much smaller and it was left to individuals and churches to care—people such as Thomas Chalmers, with his commitment to education, or Tom Allan, with his desire to see social work established in Glasgow.

Of course, the public sector has an important role to play and I thank the Minister for Local Government and Housing, Kevin Stewart, for taking part in the debate. However, tonight we are highlighting Serve Scotland, which is a network of charities such as Blythswood Care, Bethany Christian Trust and Glasgow City Mission. Those charities follow gospel teachings to radically love their neighbour and see every human being as born with inherent dignity and worth.

Voluntary work by faith charities produces almost £100 million of economic impact in Scotland every year. Although that is a whopping big number, the impact on the lives of individuals and families cannot be quantified. At its heart, the debate is about people across Scotland who see the need; who recognise the brokenness in our society; who hate—with such a vengeance—the injustice that is endemic in our society; who hate the abuse of children; who hate the loan sharks that heap debt on vulnerable people; who hate the revolving door of homelessness; who hate the poverty that entraps families; and who hate the fact that we live in a world that is so rich and yet people starve. However, rather than just hating injustice, they are also loving others and showing compassion.

I am grateful to colleagues who will speak tonight and I am sure that they will highlight

examples from their constituencies of how church-based work and faith communities have helped individuals and families. I started with a story about the Good Samaritan and I would like to finish with a story. The problem is that there are so many stories that I could not pick just one to finish on.

There are stories of children who were living and sleeping on the streets of India and who are now safe. There are stories of men and women who have been homeless in our cities for years and years and who now have their own place to stay. There are stories of mothers and fathers who had been borrowing food from other people and skipping meals to feed their children. All those stories have a positive outcome because of volunteers, some of whom are in the public gallery, and because of the churches across Scotland. Those volunteers chose not to just sit in a pew and talk; they chose to get out and act on their faith.

For all the stories that we hear, there are plenty more that do not have a positive outcome yet. That is why I start the debate by applauding the vital work of churches, who hate injustice like we do, who love people and who will not be content until peace and love reign supreme in Scotland. *[Applause.]*

The Deputy Presiding Officer: I ask those in the public gallery not to clap—and not to cheer, boo, hiss or do anything else. Perhaps we will have time at the end of the debate to show appreciation.

17:24

John Mason (Glasgow Shettleston) (SNP):

Many thanks to Kate Forbes for bringing this important debate to the chamber. As she said, there are many examples of great work being carried out by church-based community groups, and I will mention one or two of them.

For example, in recent years during the winter in Glasgow, a night shelter has provided shelter for people who otherwise would be sleeping outside. That has been organised by Glasgow City Mission and is hosted in the building of the Lodging House Mission—which was an offshoot of the Church of Scotland—but it is helped by many individuals. At first, Glasgow City Council was sceptical as to whether the shelter was needed and whether there really were people sleeping rough in Glasgow but, sadly, in recent winters, there have regularly been 40 homeless folk using it each night who would otherwise have been sleeping outside. I am glad to say that the city council has become much more involved in recent times and has been engaging with those in the shelter—they are mainly men, although there are a few women—to

try to get them settled more quickly into proper accommodation.

That is a good example of the public and third sectors working together. We perhaps have to accept that the public sector will always be a bit cumbersome and bureaucratic, whereas third sector organisations, be they faith-based or otherwise, can be a bit more nimble.

Another example, which is linked to Bethany Christian Trust, is Safe Families for Children, which has a base in the east end of Glasgow. Its basic concept is to help and support families—often those where there is just a single parent—who otherwise would not quite manage to cope on their own. Safe Families for Children can step in before things go as far as fostering or other more permanent and formal options. A single parent who is looking after their children full time can get a few days respite while the children are looked after by another family.

The church that I am involved in, which happens to be a Baptist church, is in Easterhouse in Glasgow. As people might know, that area has changed a lot over the years. The needs have changed and so the church input has changed, too. For example, we used to run a breakfast club because schools were reporting that kids were arriving at school in the morning having had no food. In fact, the only meal that many children had was their school lunch—they had no other food at all. However, Glasgow City Council has started running breakfast clubs in schools, so the need for churches and other groups to do that is not the same.

Easterhouse has changed over the years. When I moved in 27 years ago, the population was almost entirely white and English speaking, but there are now many more people from ethnic minorities. We have a number of folk whose English is pretty limited, so my church has started running English for speakers of other languages classes, often in a more informal way than the colleges can do.

We run a cafe with free tea and coffee and inexpensive food, which is attractive to adults with learning disabilities and their carers. Many of them used to go to the day centres that Glasgow City Council ran until it closed them down, which left folk with nowhere to go. The carers are often on a very limited budget, so they appreciate being able to bring their client somewhere warm and dry for a friendly chat.

I argue that our church is not unusual and that many Christian and other faith-based groups do similar work. However, I wonder whether there is a bit of a bias in some quarters against church-based community groups. That is certainly the feeling of some individuals and churches. In

certain circles, the feeling is that the modern way to go is secular and humanist and that all faith-based activity is second rate. However, the motion mentions a “modern, plural Scotland”, and my understanding is that the term “plural” or “pluralistic” means that we are a tolerant society that accepts that there is more than one way of doing things.

For example, if we agree that the aim of food banks is to provide food for people who do not have enough, it should not really matter who supplies the food. I come from a faith background, and I am delighted if a humanist or anyone else supplies that food, but I hope that someone from a more secular background would also be delighted that Christians were doing such work.

I again thank Kate Forbes for bringing the motion to the Parliament for debate.

17:29

Maurice Corry (West Scotland) (Con): I thank Kate Forbes for lodging her motion for debate and bringing the work of the Serve Scotland coalition to the Parliament’s attention. It is good to have in our gallery members of Serve Scotland, with whom I spoke this afternoon at their stand outside the chamber. We welcome them here warmly.

Churches and the organisations that they support in our communities have great capacity to bring about positive change in the lives of individuals, communities and the nation. Research by the Cinnamon Network shows that churches and other faith groups are running more than 9,000 social action projects and thereby providing more than 9 million volunteer hours and 2.2 million paid staff hours, which cumulatively contributes £93 million to our economy.

In the West Scotland region, numerous churches and Christian organisations work hard to run groups and projects that support the community, with the help of Serve Scotland. For example, the Milngavie United Free church runs a craft group that supports local charities and organisations. The church’s website highlights a few examples of the group’s work. For instance, the blankets that it has knitted have been

“given to local day care centres, care homes and maternity units.”

It has also made hats, which it has

“sent to the Sailors Society, hospital baby units, our troops on active service overseas and to the homeless”,

and support has been given to our armed forces veterans in several ways. Members of the craft group have also knitted poppies, which they have sold, with the proceeds going to Erskine Hospital and Poppyscotland.

Another example is the Way Ahead Group (A Stroke Club for Bearsden) run by Killermont parish church, which supports people who have had strokes by holding weekly afternoon sessions that include a varied programme of physiotherapy run by professional physiotherapists, board games, carpet golf or bowls and afternoon tea.

A third example of the sterling work that various organisations do is the work of the street pastors, who play an active role in strengthening our communities and making our streets safer. Groups of street pastors are working in Inverclyde, Kirkintilloch and Paisley.

Serve Scotland's work is useful to those groups because it provides a network where they can share best practice, ensure that there is no local duplication of work and create a clear picture of provision and the gaps in the services that are provided in our communities. To help with those aims, Serve Scotland set up four strategic aims, which are to represent the church to national and local government on issues that relate to the great community social action work that it does; to facilitate the network of Christian social action leaders to allow the sharing of best practice; to inform the church of national and local community social action policy development; and to resource local volunteers with advice on fundraising and development work to help them to continue their work.

All those aims are welcome because, if Serve Scotland was not doing that work, it would be necessary to create an organisation to do it. When I met the third sector initiative team in Helensburgh and Lomond yesterday, I witnessed the importance of Serve Scotland to meeting the community's needs, which demonstrates its great work.

17:32

Graeme Dey (Angus South) (SNP): I apologise to the Presiding Officer and members. Owing to my being required to host an event in Parliament shortly, I will have to leave the debate before it concludes.

Last night, I shared with my 80-year-old mum, who is a lifelong churchgoer, the fact that I intended to contribute to the debate. Her response was, "Well, that'll be interesting." She was, to put it mildly, amused by the prospect. Although I was raised in a Christian household, I have turned out to be—there is no other way to put it—an avowed atheist. I think that my mum fears another collapsing-beam episode, if not the full chamber roof falling in, should I rise to praise the activities of religious groups, but at the risk of tempting fate, I genuinely congratulate my friend and colleague Kate Forbes on securing the debate.

We absolutely should recognise good work of the nature that Serve Scotland seeks to co-ordinate, assist and promote and, in so doing, we should celebrate the contribution of religious groups to making Scottish society the society that it is. I am increasingly unsettled by the push by some people to denigrate and marginalise people of faith—any faith—and to dismiss their views and their right to hold them. I was raised to respect the reasonable and deeply held beliefs of other folk, however much I might struggle to understand them, and—more than that—to be appreciative of the positive contribution to society that they might make.

As an MSP and prior to becoming one, I have seen many examples of faith groups converting their beliefs into welcome praiseworthy actions. In Arbroath, in my constituency, churches have been running a street pastors project for the past six years. As Kate Forbes and Dave Thompson highlighted—

David Stewart: Stewart.

Graeme Dey: I apologise, Mr Stewart.

As Kate Forbes and David Stewart highlighted, when those of us who are not hitting the pubs and clubs are comfortably in bed, street pastors are out providing a listening ear and making sure that people who may well be feeling the effects of having had too much alcohol are okay. For example, they provide flip-flops to make the walk home that bit easier. Those who are involved with the scheme go through extensive and regular training, including in drug awareness.

Last year, I was delighted to attend the 10th anniversary celebration of the Havilah project, which is run by members of St Andrew's parish church in Arbroath. Havilah began in response to the desire of some members to reach out to the many people in the local community who, for whatever reason, often find themselves excluded, isolated and unloved. It helps people who are struggling with addictions. Volunteers have also visited some of the service users who have been sent to prison, and some people, on leaving prison, make Havilah their first port of call because they know of the welcome that they will get. Angus Council and the Church of Scotland's go for it fund provide financial support and, in 2015, the project was presented with the Queen's award for voluntary service.

St Andrew's church also works alongside Arbroath old and abbey church on operating a food bank in the town. As well as members of the two kirks donating food, supplies come from other churches and individuals beyond Arbroath. Having visited the food bank, I know of the invaluable service that it is providing to people who are in times of crisis.

The saying may well be that charity begins at home, but Angus South churches also play their part further afield. Kate Forbes touched on the Blythwood Care shoe box appeal, which delivers presents to children in eastern Europe who might well be going without the joys of Christmas, and Kirriemuir old parish church joins many other churches in acting as a collection point.

Returning to St Andrew's church in Arbroath, I note that, 10 years ago, the Dalitso Project was started there after a group of seven young people visited Namisu orphan village and saw the tough conditions that the children were living in. Now an independent charity, it operates two day-care centres and orphan residences in Malawi, which care for more than 300 children and provide jobs for 30 staff. It is also working to build another classroom and pay for another teacher, and is currently working with local government to build a health centre so that people do not need to take a long trip to receive medical attention. It has responded to flooding and food shortages in the communities.

I welcome the co-ordinating role that is being taken by Serve Scotland across churches and other services, and thank all the church groups that are playing active roles in my constituency and across Scotland.

17:37

Rhoda Grant (Highlands and Islands) (Lab): I congratulate Kate Forbes on securing this debate highlighting the excellent work that is carried out by the Serve Scotland coalition, which is a coalition of church-based community organisations that look at the needs of their local communities and provide services for them.

Ahead of the debate, Serve Scotland provided me with a list of the organisations that it is involved with that are working in the Highlands and Islands. Although I was aware of them all, reading the list I was struck by the fact that every age group is covered by one project or another. There are projects working with people from the very youngest to the very oldest people in our society.

In my region, street pastors are a common sight—from the city streets of Inverness to small towns. Kate Forbes and Graeme Dey mentioned that they are normally tucked up in bed when the street pastors are working, but I have seen street pastors working on cold, wet nights, helping people who are perhaps the worse for wear, and stopping to have a chat with people who are perhaps not clear about what they are going to do next. Sometimes, they must feel like tourist guides in the summer, because people ask them where they should go and what they should do, but they are a lifeline to people who find themselves in

difficult situations. They work with other organisations—voluntary and statutory—to help people, and their presence also makes people feel safer. I have felt much safer when I have been walking home and have seen a street pastor, because I know that I am not on my own on the street. The street pastors are very hands on.

Other organisations have developed to offer a range of services. Kate Forbes talked about Blythwood Care. This might give away my age, but I remember when Blythwood Care started. Where I grew up, a local minister called Jackie Ross, who was also very active in the community, saw the plight of Romanians and decided to send practical help. A number of other people got involved by collecting goods and shipping them to Romania; I remember a great community effort to collect useful items that could be sent. I recently spoke to a friend who was one of the volunteer drivers, and he regaled me with stories of those times—some hilariously funny and some terrifying. It is hard to imagine now how difficult and trying those times were, but the volunteers brought much-needed help and practical support to the people for whom they catered.

Blythwood Care continued to work in Romania and extended beyond it to other parts of the world, but it is now better known at home for its work providing food banks locally. I am pretty sure that the founders never foresaw the circumstances in which the need that they catered for abroad would manifest itself on their own doorstep. That is something that we all wish was not required, but Blythwood Care now provides much-needed assistance at home as well as abroad. It employs 125 people and has in excess of 1,000 volunteers to provide those services. Although I truly wish that people did not need their help, many people owe their lives to them.

The debate highlights the practical impact of members of the Christian community who cater for need in their communities and beyond—often to people who do not share their religious belief. That does not matter, as long as they can help. Those organisations depend on volunteers who give of their own free time to help others. It is right that Parliament pays tribute to their work.

17:41

Kenneth Gibson (Cunninghame North) (SNP): I thank Kate Forbes for lodging the motion and securing the debate. It will undoubtedly help to raise awareness of the invaluable work carried out by churches and other faith groups across Scotland and encourage more people to get involved in this invaluable initiative.

The topic of community empowerment has featured strongly in many discussions and debates

in the chamber over the years and is certainly a matter that has always been of great significance and importance to the Scottish National Party Government. Although there are many ways by which a community can seek to be empowered, one sure-fire method is to create the necessary channels to enable people who have the ability and desire to be of help to connect with those who are in need of that help. That is perfectly embodied by the services undertaken by Serve Scotland.

After Serve Scotland's official launch in November 2015, I have been greatly interested in following the development of its mission

"to change Scotland for good".

The umbrella group brings together the Christian voluntary sector at both a national level and a local level, and it is inspiring to see that almost two years on it is still growing and positively influencing communities.

In challenging times, people often find themselves seemingly alone when dealing with hardship and difficulty. However, they are not alone. Churches and faith groups are there to offer invaluable support that can make all the difference, from helping people to make ends meet by setting up food banks and community cafes to running night shelters and addiction services for those who are most at risk. Their dedication to serving poor, vulnerable and marginalised people in their own communities and beyond is invaluable.

However, I also recognise the need for this national initiative to be a touchstone for the voluntary sector and those who seek to connect with it. Since its inception, Serve Scotland has helped to bridge the gap that can appear when secular groups or local authorities need to work with local churches. It achieves that by establishing networks of churches of all Christian denominations, and, by doing so, granting those diverse bodies the ability to band together to better identify community needs and joint areas of concern and to access funding streams. That ultimately allows their efforts to be more far reaching than those of individual organisations.

Although Serve Scotland currently operates only in certain pilot areas, it is a long-term project that is constantly expanding. That expansion is most welcome. I understand that it is already undertaking research to show the value and volume of work that is being carried out by churches and Christian organisations throughout Scotland.

Having witnessed this first hand, I know that in my constituency of Cunninghame North such organisations play a vital role in many lives and go out of their way to offer invaluable support to many

families and individuals, regardless of their background or denomination. I am sure that that evidence is mirrored in, arguably, every community around the country in which those organisations are present. I believe that the findings of the research will be welcome and effective in improving their services even further. That will be crucial, not only in recognising the positive impact of voluntary work but in gauging the future needs of communities. Serve Scotland's mission to identify needs and to work to deliver transformational projects that meet those needs is testament to the strong sense of community spirit that drives so many people in Scotland, and it is a mission that I fully support.

With Serve Scotland's overarching and universal goal of helping those who are less fortunate, regardless of background or denomination, I congratulate everyone involved with the group thus far and look forward to seeing what further positive influences it will bestow on communities in the future.

I also pay tribute to all those who volunteer to provide the services that have been discussed in the debate, from food banks to support work and beyond, in my constituency and around Scotland as a whole. The community work that is undertaken by churches and other faith groups inspires just that—faith. It inspires faith that Scotland is working towards an increasingly tolerant, inclusive and plural society, and that, as Serve Scotland expands, so will the abilities of the organisations encompassed within it to continue making a difference to the lives of people in need.

17:45

Ross Greer (West Scotland) (Green): Like colleagues, I thank Kate Forbes for bringing the debate to Parliament and giving us the opportunity to celebrate the huge but often unrecognised contribution that communities of faith make around Scotland.

It has been the case for some time that, when faith-based organisations make the news, the coverage is more often negative than positive, yet those organisations provide such a range of services and support in every city, town and village in our country that, if they were to go, we would not be able to cope. That is particularly true in this era of austerity, of public services being hammered by cuts and of a concerted effort to reduce the supportive role of the state.

From my own congregation at Bearsden Cross church, I know the sheer volume of services that volunteers provide. An example is our church's mind that song? club, which is run with Alzheimer's Scotland for those with dementia and their carers. The club uses singing to bring

together people who can often feel isolated and overwhelmed, and uses the well-documented ability of music to bring back long-forgotten memories.

Over the past few months, our church has worked with others in East Dunbartonshire to welcome four Syrian families who have settled in Scotland through the resettlement scheme. Every week, the families—adults and children—come to our church halls to learn English and to discuss the support that they need to build their lives here. Working alongside paid staff from the local council, much of that activity is driven by volunteers such as my friend Peter Drummond, who has recently given up to 40 hours a week to do everything that he can to make our new community members feel welcome.

Those are relatively recent examples but, for more than 30 years, the churches in my area have also been involved in beam, which is Bearsden and Milngavie's talking newspaper for those with sight and other accessibility challenges.

We are not the only ones, of course. Here in Edinburgh, Broughton St Mary's church has done wonderful work with the lesbian, gay, bisexual and transgender community and with other congregations, denominations and faiths who want to improve the support that they can provide to LGBT members of their own faiths and of the wider community.

Those are some examples of the thousands of projects that Church of Scotland congregations are involved with, but the kirk is not the only organisation doing such work. For example, I know of the exceptional work of Glasgow City Mission, which has transformed the lives of thousands of vulnerable people in and around the city with the mission's emergency night shelter, parenting classes and services to help those who are trying to find employment after or during periods of homelessness or who are facing addiction or other challenges. The mission's ethos includes a commitment to unconditional acceptance, which is rooted in its Christian foundations.

Such wonderful work is far from the exclusive domain of Christians. In my region, the Jewish community, though small, provides a huge number of services. Jewish Care Scotland, for example, organises everything from kosher food banks to mental health support and projects to integrate refugees and asylum seekers into their new communities.

The likes of crossreach, which is run by the Church of Scotland, and Cosgrove Care provide high-quality care services—colleagues will be aware that I am having technical issues—for those with additional support needs, the elderly,

vulnerable young people and many others and are among the largest social care providers in the country. Indeed, I believe that crossreach is the largest provider of such services outwith local government in Scotland. *[Interruption.]* Members will have to indulge me for a second.

Kate Forbes: Will the member take an intervention?

Ross Greer: That is much appreciated.

The Deputy Presiding Officer: That is very nice of you, Ms Forbes.

Kate Forbes: Now I have to think of a question.

In what way does Ross Greer's church membership shape his politics?

Ross Greer: I very much appreciate that intervention from my colleague; it serves me right for relying on technology—and it takes me nicely to what I was reaching for.

For me, the Christian motivation to provide for one's community, which led me into politics, can be neatly explained by a wonderful quote that I found in an article that was written by a young Christian social justice activist from Australia. He said:

"Jesus was overtly on the side of the poor, the excluded, the ignored, the disenfranchised and the exploited. He was on their side when it damaged his reputation, his earning potential and any hope he had of moving up the ranks of religious or political power. He was on their side when he drove out the price-manipulators and rent-seekers in the temple courts and he was on their side when it cost him his life."

That is what has always motivated me in my faith and my politics: the desire to serve others.

Our faith communities have given so much—and are still giving so much every single day in this country. In almost every case, they do so without asking for recognition and often they do not receive any. So, again, I thank Kate Forbes for the opportunity to stand here today and say thank you.

The Deputy Presiding Officer: The technical issue did not mean that your time was cut, did it, Mr Greer?

On that note, due to the number of members who want to speak in the debate, I am minded—and the minister has agreed—to accept a motion without notice to extend the debate for up to 30 minutes.

Motion moved,

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

Motion agreed to.

The Deputy Presiding Officer: I now call—I cannot remember who came next. I call Stewart Stevenson.

17:50

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I thought I was nearly as memorable as Kate Forbes, whom I congratulate for providing the time for the debate.

Serve Scotland aims to empower the poor, the vulnerable and the marginalised. It unites local churches and community organisations. It facilitates communication among those organisations. It documents what has been done so that churches and organisations generally can learn from those experiences.

The beauty of Serve Scotland is that it is a nationwide organisation but it facilitates local actions. For example, in my constituency of Banffshire and Buchan Coast, the River Church has been a presence in Banff since 2001. It houses a thriving food bank, which is stocked both by donations from local people and through a partnership with Tesco supermarket in Banff. It also has a Well Café that offers a weekly hot meal and company for those in need. Services like that, in Banff as elsewhere, require the local power of volunteers—people who sacrifice time and bring their talents to make the efforts possible.

Another example—as in Inverness, as referred to by David Stewart—is the Peterhead street pastors, an organisation that began in 2003. I was privileged to attend the induction of some new street pastors recently. It is a living, expanding, terrific organisation. They walk the streets of Peterhead during the wee small hours of the night. I have been out with the police several times on a Saturday night in the environment in which the street pastors work, and I know the challenges that they are inevitably meeting. Without any side and without any bias, they care for, listen to and help those who may be out and about and in difficulty of any kind.

True to the goal of Serve Scotland, these groups are a light that shines

“in the darkest places of society”.

These particular groups help to secure the basic needs of food and safety for people who are on the margins. Other groups provide shelter, education or addiction recovery support, to name a few services. Among them, again in Peterhead, is the Salvation Army that I visited recently at the weekly lunch that it provides for precisely such disadvantaged people. I must say that the soup and pudding were first class. The group works with others to get the raw materials that it prepares for those who need them.

Groups do much more than simply address people's basic needs. By reaching out in love, they anchor themselves and the people whom they serve to their communities. They create ties that strengthen the civil fabric of our towns and of Scotland as a whole.

Serve Scotland assists local organisations by exchanging information. It links groups together to share experiences. It helps churches and voluntary bodies to get the word out about projects so that they get the help and support they need. We are in uncertain times, and it is heartening to see that effort: to see engagement and education, not elitism; to see generosity and altruism, not greed; to see service and tolerance in place of self-interest.

In our contributions, we all gratefully acknowledge the local volunteers and organisations for their time and efforts to reach out in their communities. We commend the wider coalition of Serve Scotland for its bold vision of a tolerant, contemporary and co-operative Scotland.

17:55

Finlay Carson (Galloway and West Dumfries) (Con): I am delighted to speak in this members' business debate on Serve Scotland, and I congratulate Kate Forbes on giving us the opportunity to speak in it.

Serve Scotland, which was launched less than two years ago, is a passionate movement that brings inspiration and creativity to encourage the Christian faith community to serve the poor, the vulnerable and the marginalised. It helps to highlight the invaluable role that church-based organisations can play in our modern world.

I will never forget a sermon that was delivered by a minister of mine who will remain nameless. He said that it was really important for Christians not to expect thanks or praise for the work that they did in the community on behalf of the church. He was often seen as very ungrateful, although I know that he certainly was not. That sermon sat uncomfortably with lots of people in the congregation, because words of praise and thanks can be a spur for a lot of people. I know that they did not do things just for the glory, but a little pat on the back often helps.

Serve Scotland has become the champion of those individuals and groups. It does not exist to promote any one church or organisation; rather, it promotes all the good work that is being done by churches and organisations for the good of all people and communities in Scotland.

I thank Serve Scotland for its briefing and allowing us to thank communities and individuals who help. I also thank it for giving us some idea of

the work that is carried out across Scotland. It has been estimated that, in Scotland, there are 9,000 social action projects that are run by churches with £93 million-worth of economic impact, 9 million volunteer hours and 2.2 million paid staff hours. All those numbers are massive but, as Kate Forbes said, we must remember that they relate to individuals.

The church has been an important part of my life, as I know it has for many people in the chamber and across Scotland. It is now about much more than Sunday mornings. Of course it is about faith, community and responsibility, but it is increasingly about churches without walls. It is not about damp and dingy walls; it is about getting out into the community. That has always been the case; it is not a new thing. We have heard about loving our neighbour and the story of the Good Samaritan.

Organisations such as Serve Scotland are an important part of the church community. Thousands of volunteers take time to serve those who really need a bit of help, whether in food banks, with debt advice, in night shelters or in refugee support. Such social action is important to a prosperous and compassionate society.

I want to touch on two fantastic examples of that Christian social action through Serve Scotland in my Galloway and West Dumfries constituency. The good companions project, which is run by Maxwelltown West Church of Scotland in Dumfries for its senior members, provides regular meetings that give its members lively companionship, speakers and entertainment for the young at heart.

There is also the new life church in Castle Douglas. As well as its regular services, it provides a range of groups and projects for the local community, including the helping hands food bank, the elderberries lunch club, the hub youth club, parentalk and the cap debt centre.

I always remember getting little tubes of Smarties in my own church. We ate the Smarties and filled the tubes with 20p pieces for WaterAid abroad.

Gatehouse community church provides music and youth club events for all the young folk in the village.

Those people are examples of people who have contributed. It is important to recognise that they are showing their Christian responsibility to help the poor and vulnerable and that they are taking action. Serve Scotland is empowering those organisations to ensure that their work has the best possible impact on our communities.

I wish Serve Scotland all the very best in its continuing journey.

17:59

Fulton MacGregor (Coatbridge and Chryston) (SNP): I, too, thank Kate Forbes for her motion and for securing the debate. I also congratulate Serve Scotland on its establishment and the work that it does. It is fitting that the debate comes on the back of last week's members' business debate on the Boys Brigade juniors 100th anniversary.

As I say regularly in the chamber, my constituency sits in part of Scotland's old industrial heartland. Unfortunately it has—this fate has befallen many such areas—fallen into deprivation. Although we are all working towards changing that, the community still struggles. However, out of that adversity—as is always the case—springs good. The church and faith groups are very much leading that work.

Since I became an MSP last year, I have learned first-hand exactly how much work is going on. I could not possibly mention in the three minutes that I have left everybody who has contacted me or whom I have had contact with in my constituency who is involved in church-based community groups, so if anyone is watching this I ask them, please, not to be offended if I do not mention them.

I will mention a few of the organisations in the time that I have, starting with Teen Challenge's project in Coatbridge, which is a team of volunteers from churches within my constituency. Its bus ministry is a place where vulnerable people with addictions can meet for a couple of hours for food, company, advice and support. Addiction support workers are on hand to support people who are in the beginning stages of recovery. Upwards of 40 people can attend the individual sessions, which take place outside the high-rise flats at Jackson Court. I mention that area specifically because it was recently placed in the top 10 of the Scottish index of multiple deprivation. The church groups, having noticed that information, responded to it. I have been to the bus ministry a couple of times and witnessed its work.

Another example is the helping hands soup kitchen. In 1996, the Society of St Vincent De Paul in Coatbridge realised that the town needed a soup kitchen. The purpose is to relieve the need, the hardship and the distress of people by offering practical assistance—especially by providing a meal of hot soup or sandwiches free of charge. The soup kitchen is open 361 nights of the year. The main service users are young men and women with alcohol or drug addiction issues. The volunteers come from churches throughout Coatbridge.

I will touch on the Conforti Institute, which is a global interreligious and intercultural organisation that promotes integral liberation. I am proud that that global organisation is based in Coatbridge. Its work includes a volunteer prison ministry and faith-rooted social justice activism. It also operates a food bank in the town. In 2016, the food bank supported 1,389 adults, 924 children and 338 pets.

I will stick to food banks—a topic that other members have mentioned. The Basics Food Bank for Lanarkshire, which is based in Coatbridge, is run by the Coatbridge Baptist church. I understand that 51 per cent of all referrals are benefit and/or state-welfare related. In August 2017 alone it gave out 148 food parcels, of which 48 went to families and 100 to individuals.

I want to mention the Coatbridge community orchard, which was set up initially through the Hope church in Coatbridge, which is involved in a range of other activities. The orchard helps a lot of people who are struggling with addiction issues to come together to find and to use other skills. I attended the opening of the orchard and am proud to have planted a tree.

There are so many more organisations that I could mention, including the Chryston parish church, which provides a clothes bank, and the go between project in Townhead, which provides a job club.

I will end with a point similar to that which was made by Ross Greer. Where would Coatbridge and Chryston be without those organisations? It has taken my becoming an MSP to realise the full extent of their work, and it is my job to speak in debates such as this one, and to promote the good work that they do and to do everything that I can as the local MSP to help them to continue. I leave it at that, Presiding Officer.

18:04

Murdo Fraser (Mid Scotland and Fife) (Con): I congratulate Kate Forbes on securing the debate and commend her for her opening speech. The length of the debate and the number of members who have participated in it are perhaps illustrative of the volume of interest in Parliament on the topic. We are aware that hundreds of church organisations and faith groups work across Scotland to make it a better place, and we want to acknowledge their efforts.

I echo the thoughts of everybody who has spoken and join them in welcoming Serve Scotland. It is creating a formal place for church-based community groups to exchange ideas and best practice, and it provides a forum to highlight projects that are making a big difference to people across the country. The good work has been going

on for many years, if not decades. All that Serve Scotland is doing is shining a new light on it, which is very welcome.

There is a general view that, across Scotland, church congregations are dwindling—at least, that is what recent censuses and surveys have told us. However, perhaps what we are learning from the debate is that, as Finlay Carson said, bums on pews—if that is not unparliamentary language, Presiding Officer—on a Sunday morning might be less important than the holistic work that churches do, particularly in the wider community, in reaching out with the gospel and in their other outreach work.

Such work is a practical illustration of the Christian faith, in offering help and relief to, and demonstrating love for, those who are less fortunate. The nature and shape of relief has changed over time, and some of the partner organisations that have been mentioned in the debate are helping Scots with debt, poverty, hunger and mental health problems. In times of crisis, the church is often the crutch to which people turn.

I want to mention three projects in my area, which Serve Scotland has identified. We do not traditionally associate beautiful rural areas such as highland Perthshire with poverty, but poverty is just as aggressive and damaging in places such as Aberfeldy and Pitlochry as it is in the bigger cities. Residents in Perth and Kinross have some of the highest levels of personal debt in Scotland, and a recent citizens advice bureau report revealed that there has been a 60 per cent increase in the number of people who are seeking charitable support in Perth alone.

In response, Christians Against Poverty was set up to provide people with the tools to deal with their debt and to give them the precious perspective that is difficult for a person to have when they are in debt over their head. As a result of its work, Christians Against Poverty has won numerous awards and has been recommended by organisations including Money Saving Expert.

In 2016, I had the privilege of visiting one of Christians Against Poverty's centres, in Aberfeldy, which serves highland Perthshire. I was struck by the support that the charity offers and by the number of clients who were making use of its resources. There are no conditions on that help: a person does not need to be associated with a church or even to be a Christian to make use of the charity's services. There is no judgment—there is just a place where people can be listened to and helped. That is the Christian faith at its best. I hope that the Aberfeldy centre can continue to grow and provide vital services.

Ross Greer mentioned that his church has been welcoming refugees from Syria. Last year, St John the Baptist episcopal church in Perth started an enterprising initiative to make migrants and refugees feel welcome. St John's produced more than 3,000 little postcards with the words, "You are welcome here" and "Thank you for your contribution to the life of the community" in a number of different languages, and distributed them to homes and businesses across Perth. It is a simple and effective way of improving community relations, and it is just the sort of message that is needed in the wake of public discussions on immigration.

Finally, I congratulate Perth street pastors. David Stewart, Graeme Dey and Stewart Stevenson talked about their experience of street pastors, so I need not say much more about the excellent work that they do. A short time ago, I had the privilege of spending some time with street pastors in Perth and seeing their excellent work. There are street pastors in many towns and cities across Scotland, and I look forward to hosting a reception in the Scottish Parliament in December to mark the 10th anniversary of the Ascension Trust, which runs the street pastor programmes across Scotland. I will invite fellow members of the Scottish Parliament to attend, and I hope that many of them will be able to come along.

This evening's debate has shown how important Christian organisations and the Christian faith are to many communities throughout Scotland. I wish Serve Scotland all the best as it continues its important mission.

18:08

The Minister for Local Government and Housing (Kevin Stewart): I congratulate Kate Forbes on securing this important debate to highlight the work of Serve Scotland. I thank all the volunteers who are here in the public gallery and, more important, I thank them and all Serve Scotland's volunteers for the time that they give. The Government appreciates their efforts.

Kate Forbes has told me that people whom Serve Scotland supports often go on to volunteer. That is a tribute to the volunteers and to the organisation as a whole. In my experience as a constituency MSP, I have found that folk who have benefited from others volunteering often take on the role of volunteer, and long may that continue.

I thank Shirley Berry, who was at the Serve Scotland stall earlier today, for the leaflet that shows the projects in my patch of Aberdeen, many of which I am aware of. Like other members during the debate, I have nothing but praise for the Aberdeen street pastors, who do an amazing job in my city. I am always struck by how church

organisations rally round. The living well project cafe that I recently attended at Ferryhill church is another prime example of people doing good things.

Our country has a strong sense of social justice, and faith communities, including Christian communities, play a key part in that. Often, they are among the first to speak up for social justice and against poverty and inequality and to set up charities or projects to take practical steps to make a difference. We still see that today, and their role is vital.

I pay tribute to the range of projects that Serve Scotland covers. It provides, on average, 10 million hours of volunteering and paid work annually across Scotland, which is a truly remarkable achievement. Its approach to engagement with communities nurtures and encourages the historical and theological concept of selflessness and encourages loving one's neighbour—words of faith put into action. The work of projects supports local organisations to grow effectively in their work of providing services in areas of poverty and debt advice, homelessness, addiction, refugee support, food banks and night shelters, as well as the many other areas that we have covered in the debate.

Partnering with organisations that adopt a faith-based but not faith-biased approach allows Serve Scotland to use best practice from existing projects to respond to the pressing and particular needs of local communities. I am sure that we all agree that the power of volunteers provides tremendous strength to the work in communities across our country. Those helpers and volunteers are taking positive action and giving their time up for others—not for fanfare or reward but because it is right and because of the rewards that volunteering brings them. That is the golden thread that runs throughout our families and communities; it gives pace and innovation to change and makes a difference every day.

We continue to face challenging economic circumstances and, unfortunately, people continue to live in poverty in Scotland. With further UK Government welfare cuts due to bite deeper, and with the roll-out of universal credit and certain policies due to push more families into poverty, the reality is that such work will continue to be important in reacting to local need.

A fairer and more equal Scotland is at the heart of the Government's ambitions. Last year, the fairer Scotland action plan included the key message that it will take all of us to build a fairer Scotland. However, we are clear that our actions need to go hand in hand with those of community-based organisations, among others. Serve Scotland is an important part of those efforts and actively works to achieve equality for all by

alleviating food poverty and building more connected communities day in and day out. That kindness and compassion is helping to improve the lives of people all over Scotland.

Glasgow's and Dundee's local Serve networks are unique, with many churches—including the independent churches and Christian organisations—involved in community projects. The networks create bridges between councils and faith groups, and the richness is that volunteers can attend and share their experiences directly with council representatives.

The networks contribute to greater interfaith dialogue. The launch event for Scottish interfaith week, which this year is taking place in Dundee, creates an opportunity for different faith communities to connect and engage in dialogue to foster mutual understanding and acceptance. The focus this year is on creativity and the arts. Scottish interfaith week will commence on Sunday 12 November and end on Sunday 19 November. It is an opportunity for people of all faiths and none to highlight their way of life, whether it be through artwork, architecture, music or dance.

We have heard from many members about the role that Serve Scotland has played in helping refugees and newcomers to our country. Serve Scotland's contribution in that regard is clear. Scotland has a strong reputation as a country that welcomes people of all nationalities and faiths, including those who are seeking refuge and asylum from war and terror elsewhere. I pay tribute to the response of faith organisations and communities in supporting refugees who have come to Scotland. Our nation's values are clearly apparent in the humanity that has been displayed to those who are most in need. People who have fled persecution, war, rape and displacement have found a warm welcome in Scotland, and the way in which our communities have responded has played a big part in that. I am immensely proud that, under the Syrian resettlement programme, we have received around 1,850 Syrian refugees since 2015. Serve Scotland and other similar organisations should be proud of their endeavours in making folk welcome here.

It is powerful to hear that more local networks will be developing in the coming months. Faith groups and community organisations such as Serve Scotland will continue to play a vital part in creating the Scotland that we all want to see. Modern Scotland is a strong multifaith and multicultural society, and I believe that our fundamental commitment to diversity and our celebration of difference will help to make this country a better place for everyone.

Finally, I thank all the folks who have volunteered for Serve Scotland—more power to their elbows.

Meeting closed at 18:17.

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.

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