



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament

Wednesday 6 December 2017

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

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Scottish Parliament

Wednesday 6 December 2017

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

Portfolio Question Time

Communities, Social Security and Equalities

Child Poverty

1. Tom Mason (North East Scotland) (Con):

To ask the Scottish Government what action it is taking to reduce the number of children living in material deprivation. (S5O-01554)

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): Through the Child Poverty (Scotland) Bill, we are setting ambitious targets to reduce the numbers of children living in material deprivation. Our action to meet those targets will be outlined in the delivery plans that are due under the bill, the first of which will be published by April 2018. The plan will be influenced by a programme of engagement with key stakeholders and interest groups, and by the formal advice that I have requested from the Poverty and Inequality Commission. The scale of the challenge is, of course, significant, and all the more so in the face of the on-going United Kingdom Government programme of welfare reform.

The first delivery plan will be underpinned by our new tackling child poverty fund, which is worth £50 million. That is alongside a range of measures that we already undertake, including almost doubling the funding provision for early learning and childcare by 2020, providing free school meals to primary 1 to 3 pupils and providing a baby box of essential items to give every child the best possible start.

The bill also places a focus on local action, with reporting by local authorities and health boards. In addition, we recently published experimental statistics to help to inform local need.

Tom Mason: The report “Children in families with limited resources across Scotland 2014-2016”, which was published last week, highlights that 20 per cent of children in Scotland live in combined low-income and material deprivation households. The characteristic most likely to impact on children and ensure that they live in families with limited resources is worklessness, with 66.7 per cent of workless families having children who are living with limited resources. That

key finding reinforces the position of the Scottish Conservatives that one of the important elements in combating child poverty is reduction of the number of workless households. Action that has been taken by the UK Government has caused the percentage of workless households across the UK to fall to a record low level, but progress remains persistently slow in Scotland. Will the minister acknowledge that the Scottish Government should be targeting its resources on reducing the number of workless households in Scotland in order to combat child poverty?

Angela Constance: It is perhaps unfortunate that Tom Mason did not, by the sounds of it, pay an awful lot of attention in a debate in Parliament only a few weeks ago, when we unanimously passed the Child Poverty (Scotland) Bill, with Parliament agreeing that statutory income targets are absolutely vital. However, we also agree across the chamber—or, at least, I had thought that we did—that there is a wide range of causes and consequences of child poverty and its drivers. Of course, the member failed to mention that the number of families who are in work and experiencing poverty is on the rise.

In essence, there are three broad drivers of child poverty. Cuts to social security and to support for low-income families are drivers, and income from employment is another important driver. That is why I am pleased that Scotland is the best-performing nation in the UK in that regard, with around 80 per cent of people here earning at least the living wage. Of course, the cost of living is another important driver for pushing families into poverty.

Gillian Martin (Aberdeenshire East) (SNP): Has the cabinet secretary assessed the impact of the austerity and welfare reform policies of the Tory-led UK Government on child poverty in Scotland? Is the Scottish Government getting increased funding as a result of the savings to the UK Treasury from those austerity policies, which take money directly from the poorest households?

Angela Constance: The Scottish Government published a report earlier this year—I think that it was in June—setting out the research evidence on the impact on Scotland of Tory austerity and, in particular, of welfare cuts.

We know—many stakeholders concur with our assessment—that £4 billion will be taken out of welfare support in Scotland by the end of this decade. That will, of course, have its biggest impact on the people who are most in need. Meanwhile, the SNP Government will continue to do everything that it can with the powers and resources that are at its disposal. As I outlined earlier, although the challenge is great, and the challenge to eradicate child poverty is made harder due to the actions—or inactions—of the UK

Government, we are nonetheless determined to proceed and move forward in Scotland. The first step following the passage of our legislation will be to introduce the cross-government cross-cutting delivery plan.

Pauline McNeill (Glasgow) (Lab): In Glasgow, 3,500 families who are eligible for free school meals do not claim them. What can the Scottish Government do to improve take-up? Will it work with local authorities to ensure that more families benefit from free school meals?

Angela Constance: Pauline McNeill has made a very important point. We take a range of actions across the Government to improve provision of information to people about what they are entitled to receive or to apply for. Jeane Freeman, the Minister for Social Security, has led a lot of activity on a welfare benefits campaign about take-up. Other actions are far more targeted, and we work hand in glove with partners. As we proceed with our delivery plan and our journey towards eradicating child poverty, we will work very closely with local partners to find better ways to help families to access quickly the support to which they are entitled.

Sustainability of Council Services (Discussions)

2. **John Scott (Ayr) (Con):** To ask the Scottish Government what recent discussions the Minister for Local Government and Housing has had with councils regarding the sustainability of services. (S5O-01555)

The Minister for Local Government and Housing (Kevin Stewart): Ministers and officials regularly meet representatives of all Scottish local authorities to discuss a range of issues as part of our commitment to working in partnership with local government to improve outcomes for all the people of Scotland. The Cabinet Secretary for Finance and the Constitution has met a number of individual councils and is currently undertaking a series of meetings with the Convention of Scottish Local Authorities ahead of his 2018-19 draft budget announcement next week, which will include the local government finance settlement for next year.

John Scott: The minister will be aware that the Scottish house condition survey of 2015 highlighted that 8 per cent of our housing stock is in extensive disrepair, 33 per cent is in disrepair and requires urgent attention, and 73 per cent of all dwellings have a degree of disrepair. What assessments has the Scottish Government made of local authorities' abilities to fund and repair their deteriorating properties? What funding has the Scottish Government made available to local authorities to address that growing problem?

Kevin Stewart: Local authorities manage their housing budgets through their housing revenue accounts. Beyond that, on affordable housing, John Scott will be aware that the Government is committed to £3 billion of investment over the course of this parliamentary session to deliver 50,000 affordable homes, of which 35,000 will be for social rent.

Budgets would be much easier for all of us to deal with if it were not for the fact that the Tories will cut this Parliament's budget by £500 million over the next two years. That is the Fraser of Allander institute's figure, not the Government's. The Tories constantly carp about spend, but the reality of Tory policy is the Tory agenda of cuts to public services, austerity for the poor and tax cuts for the rich. I wish that John Scott would talk to the Chancellor of the Exchequer to ask for an end to those policies.

Richard Lyle (Uddingston and Bellshill) (SNP): I would have thought that John Scott would have known that a housing budget is entirely separate from a revenue budget. I was a councillor for 36 years, and I know that.

Will the minister confirm whether the 2017-18 finance settlement, including the increase in council tax and health and social care integration funding, means that local government has an extra £383 million, or 3.7 per cent, in support for services, compared with 2016-17?

Kevin Stewart: Richard Lyle is very aware of housing revenue accounts and how councils spend from them: it is a pity that Tory members do not seem to be aware of that. [*Interruption.*] The Tories are snickering from the sidelines: they would do well to do a bit of homework on local government finance.

Richard Lyle is absolutely right. With all the measures that were put in place, including council tax reform, health and social care integration and other moneys, there was an extra £383 million for local services last year. An additional £21 million would have been available for local services if eight Labour-led councils had chosen to increase their council tax revenues, but they chose not to do so. Those councils were Labour-led Aberdeen, South Lanarkshire, Renfrewshire, Inverclyde, North Lanarkshire, Stirling, West Dunbartonshire and West Lothian. It will be interesting to see how they react this time round.

James Kelly (Glasgow) (Lab): I am surprised that the minister did not reference the recent Convention of Scottish Local Authorities report that demonstrated how much the Scottish National Party Government has penalised local government, which has resulted in £1.4 billion of cumulative cuts and 15,000 job losses.

In terms of the common budget, is this Government finally going to get off the fence, use the powers of this Parliament, take some responsibility to promote progressive taxation and give local government the fair funding settlement that it deserves?

Kevin Stewart: Mr Kelly's question is a bit bizarre in some regards: I would have thought that he would point the finger very firmly at the Tory Treasury and its austerity policies, which have led to massive budget cuts over the piece for this Parliament.

In real terms, over the 2010-17 period, local government's share of the Scottish budget has stayed the same. Over the 2016-18 period, local government's share of the budget fell by just 2 per cent. [*Interruption.*] However, Mr Kelly and his colleagues—I can hear Ms Baillie from the sidelines—should go and look at what has happened to local government funding south of the border, where some councils have faced 40 per cent cuts, under Tory rule.

Planning Law (Protection for Live Music Venues)

3. Lewis Macdonald (North East Scotland) (Lab): To ask the Scottish Government how it will ensure that planning law provides adequate protection for live music venues. (S5O-01556)

The Minister for Local Government and Housing (Kevin Stewart): I am committed to exploring the agent of change principle and how it could be embedded into our planning system so that we can protect the established and emerging talent in our music industry. We are currently exploring some options and will continue to engage closely with our stakeholders, including the music industry, in developing the best proposals. I will be happy to lodge amendments to the Planning (Scotland) Bill if I conclude that that is the right approach.

Lewis Macdonald: I welcome the minister's willingness to explore and engage with the agent of change principle. He has previously made the point that live music venues can be unfairly jeopardised in ways that the agent of change principle does not entirely prevent. He will know that that is why the Welsh Government is planning to give local councils the power to designate areas of cultural significance for music to provide an additional level of protection in particular areas. When the minister is exploring those matters, will he consider introducing such a power for Scottish local authorities?

Kevin Stewart: I applaud Mr Macdonald for constructively engaging on the issue, as have other members, including Tom Arthur and Fiona Hyslop—the Cabinet Secretary for Culture,

Tourism and External Affairs—who has a close interest in the matter.

I fully intend to meet representatives of the Musicians' Union shortly, and I will continue to liaise with the cabinet secretary for culture to see whether there are any other issues that we need to think about in dealing with the situation. I assure Mr Macdonald that I will look at what the Welsh Government is undertaking and will have a conversation with the cabinet secretary for culture. Mr Macdonald can be assured that I will continue to keep him apprised of what we are doing in that regard.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I bring the minister's attention to the course of action that has been taken by the United Kingdom Government, which ensures that noise impacts must be properly factored in by planning authorities in cases where developers attempt to turn offices into residential accommodation, which I feel is appropriate. Will the Scottish Government follow suit and show support for live music venues, as the UK Government does?

Kevin Stewart: I am unaware of any proposals by the UK Government to introduce the agent for change principle. As I outlined in my answer to Mr Macdonald, I am aware of the moves that the Welsh Government is trying to undertake. I am also aware that Sadiq Khan, the mayor of London, is looking at that for the next London plan, and I am aware that the state of Victoria, in Australia, has already changed its planning policy. I am unaware of any UK Government proposals in that regard, but I will look to see what it is up to in that area of business.

Homelessness and Rough Sleeping Action Group

4. Ruth Maguire (Cunninghame South) (SNP): To ask the Scottish Government whether it will provide an update on the work of the homelessness and rough sleeping action group. (S5O-01557)

The Minister for Local Government and Housing (Kevin Stewart): I am pleased to say that the homelessness and rough sleeping action group, which was set up in October, has moved quickly to recommend actions to minimise rough sleeping this winter. Last week, the First Minister announced that the Scottish Government has accepted all those recommendations, and we are moving rapidly to implementation backed by a total funding package of £328,000, including £262,000 from the Scottish Government.

Those actions will increase emergency accommodation and outreach provision for people who are at risk of rough sleeping and will be

crucial in supporting and protecting people this winter. The action group has also started work to identify what needs to be done to achieve long-term, sustainable solutions to end rough sleeping for good and to transform temporary accommodation. I thank the action group for its work to date, and I look forward to receiving its future recommendations.

Ruth Maguire: I warmly welcome that answer, and I particularly welcome the additional funding. Does the minister agree, however, that the long-term focus of the action group needs to be—as it is—on sustainable solutions that prevent people from sleeping rough in the first place? Will he confirm that its focus is now on looking at the practical and systems changes that are required to end rough sleeping for good?

Kevin Stewart: I completely agree with Ms Maguire. We asked the action group to move quickly to identify actions that can make a real, direct difference for people who are at risk of sleeping rough this winter. We know that some of the actions that are needed to help people right now, at the point of crisis, such as expanding winter care shelter provisions, are not the right answers for the long term. That does not mean that they are not the right thing to do here and now for those who are at immediate risk of rough sleeping, but they are just the start of the work that is required to meet our shared ambitions.

The action group has begun work on the longer-term challenges that we set it—of ending rough sleeping for good, of transforming the use of temporary accommodation and of moving towards ending homelessness. The Government is committed to tackling and preventing homelessness, and we look forward to the forthcoming recommendations on the longer-term actions that are needed.

Adam Tomkins (Glasgow) (Con): I am glad that the minister is talking about the longer term as well as immediate actions. According to Homeless Action Scotland, one of the main reasons for rough sleeping in Glasgow is relationship breakdown or family breakdown. What action is the Scottish Government taking to mitigate the impact of that problem?

Kevin Stewart: Relationship breakdown is one aspect of homelessness, but what are causing much more grief out there at this moment in time are Tory austerity and social security cuts. Members do not need to take my word for it. The National Audit Office assessment was scathing of the UK Government, saying that the number of homeless families in the UK has risen by more than 60 per cent and that that is likely to have been driven by the UK Government's welfare reforms.

The National Audit Office accuses the Tory Government of having a "light touch" approach to tackling the problem. We, in Scotland, have taken a different approach. We are investing in trying to resolve those difficulties, whereas the Tories are actually adding to the woes and creating even more difficulties for the most vulnerable people in our society. They should hang their heads in shame.

Elaine Smith (Central Scotland) (Lab): I will bring the debate back to the recommendations that have just been published. I welcome them and note that they have a focus on reducing rough sleeping this winter. I note that wellbeing is mentioned under "Other considerations". Will the minister advise us how health fits in? I refer specifically to the health needs of women who are sleeping rough, including access to medicines and, indeed, sanitary products.

Kevin Stewart: I am always happy to engage with Ms Smith on those issues. I know that she takes a great interest in them.

One of the recommendations that the action group has made and that the Government has accepted is that personal budgets should be made available to deal with people's individual needs. I was horrified to read, the other week, the press reports of a woman being forced to use leaves because she had no access to sanitary products. I hope that it will be possible to use personal budgets in that regard over this winter.

As we move forward, the action group will consider in more depth how personal budgets can be used for a number of things including sanitary products and other hygiene products. I hope that the money that has been allocated will go a long way in trying to resolve some of the horrific situations that have been reported of late.

Aluminium Composite Material Cladding (Guidance)

5. James Kelly (Glasgow) (Lab): To ask the Scottish Government what guidance it can provide for owners of properties affected by aluminium composite material cladding. (S5O-01558)

The Minister for Local Government and Housing (Kevin Stewart): We have directed owners and local authorities to guidance and advice issued by the United Kingdom Government on steps that should be taken by owners of properties that might have aluminium composite material on them. That guidance is applicable in Scotland and includes steps to have the material tested and to commission an independent fire safety assessment, as well as information on large-scale fire tests, which will help owners to understand what materials on their building need to be replaced to reduce the fire risk.

I stress that an independent fire safety assessment is key to determining any course of action as, depending on the type of ACM, the extent of its coverage, the design of the overall cladding system and other fire safety features, there may be no need to take further action.

James Kelly: The minister will be aware that there are properties in Glasgow that have ACM cladding. One of my constituents stays in an affected block. Despite being approved at the time when it was put in place, the cladding would not currently gain planning permission. Consequently, the owners are being charged thousands of pounds to have a fire warden on patrol and the replacement cladding will come in at somewhere between £6 million and £9 million. Will the Scottish Government explain what it is doing to help worried property owners such as my constituent?

Kevin Stewart: Glasgow City Council is communicating with owners, factors and others on the buildings that Mr Kelly highlighted. Buildings are primarily the responsibility of owners. However, local authorities have broad discretionary powers to provide assistance for work that is needed to bring any house into a reasonable state of repair. They are best placed to make decisions about what assistance should be provided to address local circumstances and priorities. However, I assure Mr Kelly that I and my colleagues in the ministerial working group—the Cabinet Secretary for Communities, Social Security and Equalities, Angela Constance; and the Minister for Community Safety and Legal Affairs, Annabelle Ewing—will continue to liaise with Glasgow City Council to determine exactly what the situation is.

“16 Days of Activism against Gender-Based Violence” (Support)

6. James Dornan (Glasgow Cathcart) (SNP): To ask the Scottish Government what support it is giving to the campaign, “16 days of activism against gender-based violence”. (S50-01559)

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): The First Minister and I, along with many of my ministerial colleagues, have signed and publicised a pledge to support the 16 days of activism. This is an important period during which we must reflect on progress that has been made and the substantial contribution of activists and organisations in this area. However, the 16 days also serve as an important reminder that much remains to be done.

That is why this Government is taking action. On 24 November, I launched a delivery plan for equally safe, Scotland’s strategy to prevent and eradicate violence against women and girls, and backed that with more than £1 million of additional

funding. The plan contains 118 actions over four priorities, and with it we hope to achieve a step change in this area.

On 28 November we held a parliamentary debate to mark the 16 days of activism. In that debate, I called for men everywhere to stand shoulder to shoulder with women in sending a clear message that violence against women and girls is never acceptable. The strong cross-party consensus in the debate showed that tackling gender-based violence is, indeed, everyone’s business.

James Dornan: What funding apart from that £1 million is the Government providing to tackle violence against women and ensure that victims receive the support that they need? How does the cabinet secretary expect higher education institutions to respond to the delivery plan?

Angela Constance: We are investing significant levels of funding to support a range of specialist front-line services to ensure that women who are affected by violence or abuse are able to access support when and where they need it.

With regard to my equalities portfolio, this year alone I have invested almost £12 million to support the vital work of local women’s aid organisations and rape crisis centres across the country. Earlier this year, I introduced three-year rolling funding for those services, which is vitally important to allow those organisations to plan for the future and to support and enable them to do what they do best.

Nationally, we invest in two national helplines, and the Cabinet Secretary for Justice has invested £20 million over a three-year period to strengthen the justice response in this area and to increase advocacy.

James Dornan raises the important issue of higher education. It is vital that our campuses and institutions are safe spaces for students, and that any student who experiences violence or abuse feels that they are able to report it and that it will be dealt with appropriately. We are working hard with further and higher education institutions to use the learning from the equally safe in higher education project that ran at the University of Strathclyde in order to ensure the safety of students and embed that better understanding of the issues.

Annie Wells (Glasgow) (Con): What actions is the Scottish Government taking to address the disparities that can exist between rural and urban areas when it comes to service provision for victims of rape and sexual assault, particularly in relation to travel issues, forensic examination and access to specialist advocacy groups?

Angela Constance: I appreciate the interest in this area that Ms Wells expresses. I point out to

her that through the work that is led by the Cabinet Secretary for Justice and the resources in his portfolio, additional funding was given to Rape Crisis Scotland to ensure that there is an additional advocacy worker in every project across Scotland. As a result of further work that the Cabinet Secretary for Justice has led, there are now improved services in the northern isles, which were announced earlier this year. Other work that is being done through the task force that is chaired by the chief medical officer is getting into the detailed and sensitive issues around forensic services, in order to ensure that we can implement the highest of standards in terms of care, support and treatment for women and victims across Scotland. Regardless of whether they live in an urban or a rural community, people have the absolute right to expect the same standards to apply to them in this regard.

Mark Griffin (Central Scotland) (Lab): The cabinet secretary will be aware that there is a financial element in nine out of 10 domestic abuse cases, which is precisely why we are pleased that the Government has supported the use of split payments of universal credit to both partners. Will the cabinet secretary or the minister lodge regulations to deliver split payments well ahead of the second reading of the Universal Credit (Application, Advice and Assistance) Bill in March, so that we can ensure that we can deliver automatic split payments in Scotland?

Angela Constance: Mr Griffin raises an important issue. Ms Freeman and I have heard from stakeholders about the potential contribution that split payments could make to women living in controlling and coercive circumstances. We want to take care with implementation; it is our desire to deliver split payments, but we want to be sure that we get implementation absolutely correct. We are still in the depths of the detail of the discussions around that. I am sure that Ms Freeman will want to update members and the Social Security Committee at the earliest opportunity.

Child Poverty

7. Adam Tomkins (Glasgow) (Con): To ask the Scottish Government what progress it is making in developing the delivery plan to tackle child poverty. (S5O-01560)

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): The first delivery plan that will be required under the Child Poverty (Scotland) Bill will be due by April 2018. It will make a comprehensive statement of cross-Government actions to make significant progress towards the ambitious targets that are set out in the bill. A programme of external engagement is under way

with key stakeholders and interest groups, and those with direct experience of poverty.

A formal request for advice has been issued to the poverty and inequality commission and, shortly, I will write to the conveners of all relevant subject committees to seek their views on priorities and actions for the delivery plan.

The Institute for Fiscal Studies has projected that an additional 1.3 million children will be in relative poverty in the United Kingdom by 2021-22 compared with 2015-16. That makes the scale of the challenge associated with the development of the child poverty plan all the more stark, particularly in the face of the UK's on-going programme of austerity and welfare cuts.

Adam Tomkins: I thank the cabinet secretary for a serious answer to a serious question. I was beginning to wonder whether there was a misprint in the *Business Bulletin*, because it says "Portfolio Questions", not "Kevin Stewart's Pantomime".

Let me see whether I can elicit another serious answer from the now frowning cabinet secretary. The recently published Joseph Rowntree Foundation briefing "Poverty in Scotland 2017" says:

"The biggest driver of future poverty is the educational attainment of children when they leave full-time education".

What will the delivery plan say about the action that the Scottish Government is taking to close the attainment gap?

Angela Constance: I assure Mr Tomkins and the rest of the members in the chamber that the delivery plan will account for and articulate the action that we are taking and will take to close the poverty-related education attainment gap.

We always welcome the work of the Joseph Rowntree Foundation, which is always in-depth and thoughtful. My recollection is that it describes the benefits freeze as the single biggest policy driver behind the rising poverty that is hitting families in and out of work.

The foundation has raised other issues. I do not say this to take any comfort, because it is a serious matter, but the fact that Scotland generally has lower poverty than elsewhere in the UK speaks to the progress that the Scottish Parliament has made in a number of cross-cutting areas.

However, we all know that the reality of day-to-day life is that poverty is still too high in Scotland and it is projected to rise, so the advice that our poverty and inequality commission will give to ministers and civic Scotland is very important. That contrasts sharply with the position south of the border, where the members of the UK social mobility commission resigned en masse. That is a

sorry state of affairs for the UK Government, and I have written to it on that matter. Alan Milburn and the other members resigned from that commission because of the lack of conviction on the part of the UK Government in addressing poverty, inequality and social mobility.

We are absolutely serious that our delivery plan will address educational attainment, but it will go broader than that and will tap into the talent and expertise of organisations such as the Joseph Rowntree Foundation. We need to look at issues such as the living wage, housing, the rising cost of living for families and how we support the poorest families to achieve a better standard of living.

Kenneth Gibson (Cunninghame North) (SNP): Does the cabinet secretary agree with the research that has been presented to the Parliament by Sheffield Hallam University, which says that the loss of £4 billion in benefit income has weakened some of Scotland's poorest economies and cost them more than 10,000 jobs following welfare reform, thereby delivering exactly the opposite of the outcome that the Tories claim to advocate—namely, a reduction in child poverty?

Angela Constance: As we have debated and discussed many times in Parliament, the stark facts are backed up again and again, whether by the research that Mr Gibson mentioned, the research by the Joseph Rowntree Foundation, which we all quote from liberally, or the work of the Institute for Fiscal Studies, which all demonstrate that the work that the UK Government is doing is counterproductive to tackling child poverty in this country. By the end of this decade, 1 million more children across the UK will be living in poverty. The Joseph Rowntree Foundation points to the progress that we have made in Scotland; it is absolutely right to also point to the fragility of that progress as a result of UK austerity and so-called welfare reforms.

Rough Sleeping

8. Graham Simpson (Central Scotland) (Con): To ask the Scottish Government what progress is being made to end rough sleeping this winter. (S5O-01561)

The Minister for Local Government and Housing (Kevin Stewart): As I said earlier, the Scottish Government has accepted the recommendations of the homelessness and rough sleeping action group on reducing rough sleeping this winter. We have accepted those recommendations and we are providing £262,000 of funding to support rapid implementation of the actions.

Actions were prioritised on the basis of the ability to implement them at speed and to ensure the potential for the most direct and biggest

impact, focused on our main cities. Those actions will be crucial to supporting and protecting people who have nowhere safe and warm to sleep this winter.

Ending rough sleeping is a national priority for this Government, which is why the action group has also been tasked with making recommendations for actions for the Government to take to eradicate rough sleeping for good.

Graham Simpson: I agree with the minister that we need a long-term approach. However, the initial target of minimising rough sleeping this winter is too woolly to mean anything. It allows the Government to claim any reduction as a success. In terms of numbers or percentages, what would the minister regard as a success?

Kevin Stewart: In my book, one person rough sleeping in the streets is one too many. The job that we tasked the action group with was to provide us with its recommendations on what we need to do this winter to do the best that we possibly can for the most vulnerable people in our society. The action group has done so. We have accepted all its recommendations and have come up with the finance and the resource to deal with those recommendations. Now, the job is to get on with doing the best that we can to help all those folks, who are the most vulnerable people in our society.

Personal Independence Payments Assessment Centres (Moray)

9. Richard Lochhead (Moray) (SNP): To ask the Scottish Government what response it received to representations it made to the United Kingdom Government regarding the location of PIP assessment centres and the impact that this has had on claimants in Moray. (S5O-01562)

The Minister for Social Security (Jeane Freeman): I know that the member wrote to the Secretary of State for Work and Pensions, David Gauke, last month on the issue. For too many, the PIP assessment is already a stressful experience, and I fully agree that it is not acceptable to compound that with a requirement—in the case that Mr Lochhead raised—to make a round trip of about 100 miles, with the additional difficulty that such travel involves.

Mr Lochhead will be aware that we have repeatedly called on the UK Government to halt the roll-out of PIP in Scotland. The roll-out has been beset by delays. Many people have had to undergo stressful assessments, and many have lost entitlements, including access to the Motability scheme and linked support to carers allowance and other benefits, with devastating consequences.

Richard Lochhead: I find it difficult to express the distress that some of my constituents have been put through, given that people sometimes find it uncomfortable leaving their home or travelling anywhere, never mind to Inverness for a PIP assessment that might determine their income for the foreseeable future. I have had a response from Michael Hewson, chief client executive of Independent Assessment Services, who told me in response to my concerns that it is going to reduce the number of people who have to travel to Inverness for their assessments and that it will instead offer home consultations.

Given the distress that that journey is causing, does the minister not agree that the answer is for Moray to have its own assessment centre full stop? I have heard of people taking time off work to help others—at their own expense—go through to those assessments, because of the stress that that causes.

Jeane Freeman: I am of course pleased that, as a result of Mr Lochhead's representation, the situation in his constituency might be alleviated. However, it is of considerable concern to me that the Department for Work and Pensions has confirmed that it does not even trouble to know how many people across the country are affected in the way that Mr Lochhead has outlined. Minimising that, which includes conducting assessments at home where appropriate, or as close to home as possible, is exactly the route that should be gone down.

I agree with Mr Lochhead that, for as long as the DWP continues to have responsibility for that benefit, an assessment centre in Moray would be the right way to go. However, we will not be going down that route—we will not be using private contractors to conduct assessments. I am particularly pleased about that, given that Monday's DWP statistics show that very few of its contractors have met its quality standards over a considerable period of time—indeed, since January 2014.

We will reduce the number of assessments that are needed, using evidence at first decision in order to minimise that approach, and where assessments are necessary, we will provide them locally, in an individual's own home or in local premises, and they will be conducted by people with experience of the condition that is being assessed. The long-term answer is, of course, for Scotland to have control of social security.

Police Scotland and the Scottish Police Authority

The Deputy Presiding Officer (Christine Grahame): I will move on very quickly, because there is absolutely no time in hand for the debate. If speakers take interventions, I am afraid that that will come out of their time. The next item of business is a debate on motion S5M-09378, in the name of Liam McArthur, on justice.

14:42

Liam McArthur (Orkney Islands) (LD): I welcome the chance to open the debate on policing on behalf of the Scottish Liberal Democrats, in what is something of a double-header for me this afternoon.

As members in the chamber will be aware, my party did not support the Police and Fire Reform (Scotland) Act 2012 that created the single national police force. Over the past five years, we have also been at the forefront of holding the Scottish National Party Government to account over its botched centralisation of policing in Scotland. We make no apology for that. On stop and search, armed policing, failings within centralised control rooms and other issues, Liberal Democrats have been right to speak up and to challenge.

Let me be clear, though: police officers and staff carry out difficult and often dangerous jobs on our behalf, day in and day, out across Scotland. We owe them a debt of gratitude—as we do all those in our emergency services—and we have every confidence in them. I firmly believe, however, that passing the 2012 act has done them no favours at all.

My colleague Alison McInnes predicted during the passage of the Police and Fire Reform (Scotland) Bill that police officers and staff would be left to make

"the best of a bad job".—[*Official Report*, 27 June 2012; c 10671.]

She was right, and they have been doing so ever since.

The root of the problems can be traced back very directly to the legislation that was driven through Parliament by the then Cabinet Secretary for Justice, Kenny MacAskill—a man who was quite happy to do the wrong thing for the right reason. Attempts by Opposition parties to amend the legislation to take account of the concerns that were felt, not just by the public about the loss of local accountability, but by officers and staff themselves, fell on deaf ears. Ministers, in the opinion of ministers, know best. To compound matters, Mr MacAskill chose Sir Stephen House to

head up the new national force—someone who was even less inclined to build consensus or listen to others than the man who appointed him.

Added to that was a single police authority—the body tasked with overseeing the new force—that appeared to be unclear about its responsibilities, and to be largely dysfunctional and prone to a culture of secrecy. Is it any wonder that we have seen the problems that we have seen over the past five years?

Initially, there was a turf war between Police Scotland and the Scottish Police Authority, which forced Parliament to establish a the Justice Sub-Committee on Policing, effectively to carry out the role that the SPA was failing to perform. Those who are critical of what they see as the politicisation of the police and policing should bear that in mind. It is the legislation, and the flaws within it, that have determined the level of political scrutiny.

Confidence has hardly been enhanced by a succession of resignations, suspensions and early retirements at the top of Police Scotland and the SPA. I accept, of course, that the leading protagonists have changed. I know that Michael Matheson is more consensual than his predecessor. Indeed, his primary role in his first couple of years in office appeared to be to put out all the fires that Mr MacAskill had wilfully ignited in his scorched-earth policy. I also have the utmost respect for the acting chief constable and the new chair of the SPA, Susan Deacon, whose appointment I very much welcome.

However, we have been here before and we have heard the promises about resetting relationships. Fundamentally, as the motion suggests, until we get the structure right and address the flaws that were hardwired into the system by the Police and Fire Reform (Scotland) Act 2012, we will be setting up those who take on those senior roles to fail. Meanwhile, rank-and-file officers and staff are left having to make the best of a bad job.

Funding is key. I welcome the recent decision on VAT, but the mess was of the Government's own making: it was warned in advance and throughout. In the meantime, as Audit Scotland has highlighted repeatedly, the vaunted efficiencies that Mr MacAskill and the SNP heralded as justification for centralisation have simply not materialised. We are left with an organisation in financial distress operating in a structure that is not fit for purpose. That structure has eroded genuine local accountability, as Liberal Democrats warned from the outset, and has replaced it with a top-down, target-driven approach to policing.

Areas of specialist expertise are absolutely essential, but that is not in itself a reason for taking a sledgehammer to the way in which policing is delivered in communities across Scotland. I offer this example by way of illustration. Only last month a member of the environment, protective services and community safety committee in Fife Council had her request for Police Scotland to provide a report on a local murder turned down by the SNP chair. In his opinion, she could just get the information from watching First Minister's questions on the BBC iPlayer. So much for local accountability.

At the same time, unprecedented power has been invested in a small handful of individuals. Taking the "All hail to the chief" approach carries risks, and not only when the chiefs are Kenny MacAskill and Stephen House. The checks and balances have not worked. Concerns were brushed aside, at least initially, with the high-handed arrogance that comes from a lack of proper accountability.

When reports emerged of industrial levels of unregulated use of stop and search, including of small children, ministers insisted that that was an operational matter for police chiefs. Public concerns about armed police on routine duties were dismissed by the Government as scaremongering—so, too, were warnings about overstretched staff following the closure of police control rooms. The deaths of Lamara Bell and John Yuill in the crash on the M9 brought home the sobering reality.

It is an article of faith for Liberals that power is most safely exercised when it is shared. Our current structure of policing cuts against the very grain of that principle. We do not have confidence in that structure and we need change. Scottish Liberal Democrats want to see a comprehensive, properly funded policing plan for each local authority area that is developed and agreed by communities and councillors and is the responsibility of a senior police officer; SPA members appointed by this Parliament on a two-thirds majority to ensure a balanced and representative authority and, sensibly, to dilute the control of the Cabinet Secretary for Justice; and the powers of the chief constable defined in statute, reflecting the need for new democratic checks and balances. The aim is to inject democracy back into our policing.

Those are our proposals, but a broader consensus must be built, which is why we propose an independent commission.

John Mason (Glasgow Shettleston) (SNP): Does the member accept that when I was a councillor in Glasgow, I had no influence or involvement whatever with Strathclyde Police, apart from at local level?

Liam McArthur: I cannot speak to the specifics of John Mason's experience as a councillor. The message that I am getting from councillors to whom I have spoken the length and breadth of the country is that they have seen a dilution of the accountability that they previously had. The illustration that I gave from Fife points directly to that.

Commissions can provide mature, thoughtful, expert responses. They have been game changers in the past. They have got this Government out of holes in the past. We need only think what would have happened had SNP ministers rejected our call to press pause on plans to abolish corroboration and allow Lord Bonomy's commission do its work. Without the commission that John Scott led, the police would still be deploying extensive, unregulated stop and search. That is the kind of reset that Police Scotland needs.

We have every confidence in our police officers and staff. We have no confidence, though, in the structures in which they are being asked to operate. We need change. I urge the Parliament to support the motion in my name.

I move,

That the Parliament does not have confidence in the structure of both Police Scotland and the Scottish Police Authority to deliver resilient and accountable policing at a strategic level; believes that the Scottish Government should take responsibility for this; considers that the Police and Fire Reform (Scotland) Act 2012 has proven to be defective and requiring repair, and calls on the Scottish Government to establish an independent commission with a view to this presenting proposals for change to the Parliament by summer 2018.

14:50

The Cabinet Secretary for Justice (Michael Matheson): Last week, I outlined the significant journey that policing in Scotland has been on to implement one of the most significant public sector reforms since devolution.

The Police and Fire Reform (Scotland) Bill, which Parliament agreed and which established Police Scotland, was supported by the Labour Party and the Conservative Party. Let us remind ourselves that reform was delivered in the context of real-terms cuts to the Scottish budget by the United Kingdom Government—a process that was started by the Tory-Lib Dem coalition.

Of course, the cuts were amplified by the intransigence on the part of the UK Government when it came to the VAT treatment of our emergency services. In government, the Lib Dems were happy to deliver a Treasury windfall of £125 million at the expense of Scotland's police service. Members will recall that the former Chief Secretary to the Treasury, Danny Alexander, now Sir Danny

Alexander, declined all our requests to reclaim the VAT and even refused to engage with the Scottish Police Federation on the issue. When the Lib Dems talk about pressures on our police service, they should take a good look at themselves, given the financial pressures that they helped to create when in government.

The choice that we faced in creating Police Scotland was between transforming, to protect the front line, or allowing the front line to wither, due to austerity. I remain in no doubt that we have chosen the right course. Our communities continue to be served by committed local officers, while the single service has opened up access to a set of national specialist capabilities that allow us to respond more effectively to some of the most difficult societal problems that we face, whether we are talking about terrorism, child protection, major investigations into complex crime, human trafficking or extremism.

The Police and Fire Reform (Scotland) Act 2012, which this Parliament passed, also established the Scottish Police Authority and the Police Investigations and Review Commissioner, to provide a level of scrutiny that simply did not exist previously. It is my belief that policing is more transparent and accountable than it has ever been.

I recognise that major reform always brings challenges. Nevertheless, policing in Scotland continues to perform well against a host of measures. Whether we are talking about recorded crime or public confidence, it is clear that policing remains strong—a point that Detective Chief Constable Iain Livingstone, the Scottish Police Federation and Her Majesty's chief inspector of constabulary have recognised in recent weeks.

Of course, policing is a complex service, which supports a large number of vulnerable people, many of whom are in crisis situations. The people who are dealing with those situations are our police officers and staff, and they do a remarkable job. In that context, it is important that we are able to move on to a more mature and honest debate about the realities of policing and the risks that it carries, however it is structured. As many policing experts with long experience have said, there were many challenges and difficulties under the legacy arrangements—a point that some people choose to ignore.

That is not to say that there are not things that we can learn or things that we can improve. I accept, for example, the importance of strengthening the community focus of our police service, recognising that one size does not fit all. That is why that is a key theme of the strategic policing priorities that were implemented last year and is core to "Policing 2026: Our 10 year strategy for policing in Scotland", which we published in

June this year. That strategy sets a clear direction for policing and I am committed to supporting DCC Iain Livingstone and his team with its implementation.

Progress has been made to improve governance and transparency at the SPA, following a review by Her Majesty's inspectorate of constabulary in Scotland earlier this year. The review of the authority's executive function is in its final stages. It will deliver a new model for how the board can be supported more effectively.

Kenneth Hogg has taken up his post as the new chief officer, and Susan Deacon has taken up her role as chair of the authority this week, with this Parliament having played a direct role in her appointment. The new chair has made it clear that she intends to make the authority much more engaged and engaging when it comes to the public debate around policing in Scotland and to take a more inclusive approach to governance matters.

I believe that our collective focus should be on supporting Police Scotland and its executive team, the SPA board and the wider policing family in Scotland to assist them in driving forward further improvement and to make sure that we build on the progress that has been made to date. I believe that that approach will deliver real benefits quickly, rather than the uncertainty that would be created by another review of policing structures in Scotland.

I move amendment S5M-09378.4, to leave out from "does not" to end and insert:

"acknowledges that the creation of Police Scotland and the Scottish Police Authority (SPA) were among the most significant public sector reforms undertaken by the Parliament; notes that the reform has helped to protect frontline policing during a period of restricted budgets; recognises that, despite current challenges, an effective and resilient police service is being provided in communities by dedicated police officers and staff; believes that the scrutiny of policing is stronger than it has ever been; supports the work of the review currently being undertaken by Nicola Marchant and Malcolm Burr to improve the support that is being provided to the SPA board; recognises that there is scope for improvement in the way that the current accountability model works, particularly with regard to engaging local interests in national governance; welcomes the appointment of Susan Deacon as Chair of the SPA and her commitment to an inclusive model of governance, and calls on all stakeholders to work with her to put her new agenda into action."

The Deputy Presiding Officer: I call Liam Kerr to speak to and move amendment S5M-09378.1. Mr Kerr, you have five minutes.

14:56

Liam Kerr (North East Scotland) (Con): The Scottish Conservatives will support the Liberal

Democrat motion at decision time, but we have also lodged an amendment in my name.

At the outset, let me make it clear that, when we support the motion's reference to "structure", we are referring to the 2012 act and why it should be reviewed. I am interested in the structure and historical shape of policing in Scotland and not operational challenges that may have arisen recently.

Things could always be better, and it is important that we look constructively towards the future. The governance structure that is referred to in the motion is a function of the Police and Fire Reform (Scotland) Act 2012, which established a Scottish Police Authority to maintain policing, to promote policing principles and the continuous improvement of policing and to hold the chief constable to account. The SPA was conceived of as an apolitical arm's-length body sitting between policing and central Government that would provide national strategic oversight and accountability of the single police force. Board members would be appointed on the basis of their specific skills to create an epistocracy.

Yet it is that act and certain decisions that have followed it that have, in effect, hardwired flaws into the structure. Specifically, the only explicit reference to "accountability" in the 2012 act is framed as a duty to hold the chief constable to account. The act does not go on to specify how and it is not prescriptive, which means that the SPA has struggled to establish a performance framework or a set of criteria against which to achieve that endgame. That, in itself, is a function of certain vagueness and ambiguities that were inherent in the previous system, which it borrowed from.

What has developed is, according to research, a board that lacks the confidence to raise or address issues of public concern. It was described by Her Majesty's inspectorate of constabulary in Scotland in terms of "dysfunction" and "fundamental weakness".

Mike Rumbles (North East Scotland) (LD): Will the member take an intervention?

Liam Kerr: I will not, given the time, I am afraid.

The SPA was criticised for conducting financial scrutiny in private, in contrast to the transparency and accountability that are required. Transparency and accountability are hindered by the 2012 act, which confers considerable power on the Cabinet Secretary for Justice. It is that postholder who, from time to time, appoints the chair of the SPA and influences the final composition of the SPA board, and it is that act that gives Scottish ministers formal powers to give certain directions to the SPA.

Among some people, there is a perception that the SPA is an extension of the Scottish Government. In answer to John Mason's point, whether or not that belief is accurate it is an unhealthy perception. Policing operates by collective public consent, and the public must know that those in whom they trust are operating free from political influence.

Specifically, in April 2017, it was reported that SPA board member Brian Barbour had quit over "Government interference". He

"also said the Government received SPA board documents before they were published in a bid to 'control the agenda' and ensure difficult issues 'never made the light of the day'."

Senior SPA figures complained that the Government is too involved, and one individual claimed:

"Every time we try to bite, the government removes a tooth ... I have been shocked ... at the level of government interaction."

The former chair stated that the SPA is not a watchdog as it has no powers of sanction. That has meant that other stakeholders, such as the Justice Sub-Committee on Policing, the media and the public have been seeking to deliver accountability.

The motion proposes a solution: the establishment of an independent commission with a view to presenting proposals for change by the summer of 2018. That seems sensible, as such decisions and considerations should be driven not by politics and politicians but by independent, evidence-led reviews. With that commitment absent from the SNP amendment, we will find it difficult to support it. I invite the cabinet secretary to address that matter in his closing speech and thereby make it easier for us to support the Government's amendment.

I turn to the Conservative amendment. The public like more locally accountable policing. Too many people believe that policing decisions are dictated from above rather than decided in their own communities, so let us ask the experts how to restore local accountability in the current financial and resource climate and with the changing nature of crimes.

The final part of our amendment acknowledges that the force is in the midst of what DCC Livingstone calls "difficult days". Whatever the reasons, this will be a disruptive and challenging time for front-line officers and staff. It is vital that we, in this Parliament, show that we are 100 per cent behind our police and that we are proud of our dedicated officers and staff.

The excellence of police officers and staff on the ground is no excuse for the clear structural failing, which needs fixing. I urge the justice secretary not

to use their professionalism as a shield against legitimate criticism of the structure of the force that his Government created. We all have a common interest in getting the matter sorted and getting it right. We owe it to the public, and we owe it to the police.

I move amendment S5M-09378.1, to insert at end:

"condemns the loss of local accountability, and notes and expresses its gratitude for the hard work of frontline officers and staff."

15:01

Claire Baker (Mid Scotland and Fife) (Lab): I am pleased to take part in today's debate. As I have a short time in which to speak, I will not address all the amendments, but I will set out the reasons for Labour's amendment.

We appreciate the work of all officers and staff in Police Scotland. Although we scrutinise—and sometimes criticise—and hold the Government to account over the legitimate concerns that there have been over policing in recent years, including on call handling, stop and search and front-desk closures, the officers and staff, often working in difficult circumstances, should be recognised for their commitment and their public service.

There is no denying that this has been a bad year for leadership in Police Scotland and at the SPA. We have seen resignations, early exits and now suspensions. Although the Scottish Government and the leadership of Police Scotland and the SPA must answer for the difficulties that we have seen in recent months, we must ask whether there are more fundamental issues to be addressed.

Scottish Labour supported the creation of the single police force. We recognise the benefit to communities across Scotland in having a national force that provides specialised officers and support wherever those are needed. That must be balanced by a commitment to local policing, which too many people consider is being compromised. However, recognising the benefits of a single force does not—and should not—restrain us from raising legitimate concerns about how police reform has developed and the problems that have arisen.

I see some merit in the motion's call for an independent commission, although I have concerns about the timing and its remit. Although I do not question the integrity of a single force, there are areas concerning governance, accountability and autonomy that must be addressed. The scrutiny of the Police and Fire Reform (Scotland) Bill was rushed, and concerns were raised at the time about democratic accountability, local oversight and the appointment process. I accept

that the bill was passed—I voted for it—but the experience of living with the legislation for five years indicates a need for revisiting those areas.

Audit Scotland, HMICS and two parliamentary committees have identified weaknesses in leadership and management. In the previous parliamentary session, as Labour's justice spokesperson, Graeme Pearson published a review into policing, building on some of the growing concerns about local accountability and leadership. The review made a number of recommendations that are relevant two years later. Those include greater parliamentary oversight, better local accountability and a stronger, more robust SPA. In that light, I welcome Susan Deacon's appointment as the SPA chair. Her interview on Sunday was encouraging, and I do not doubt her intention to lead a more transparent organisation, but she is hamstrung by structures that she cannot change.

Although no one doubts the ability and experience of Kenneth Hogg, he is a civil servant on secondment for a year, which is an arrangement that does little to diminish claims of Government interference and overreached influence, which were factors highlighted in Dr Ali Malik's recent research.

The SPA needs to regain the public's confidence and demonstrate that it is robustly autonomous from Government and robust in its scrutiny of Police Scotland. It has an important role to play but, in recent months, it has become the story instead of doing its job effectively. It can be argued that part of the problem is the question of to whom it is accountable.

Susan Deacon's appointment was the first with some limited parliamentary involvement, and I recognise the cabinet secretary's willingness to compromise on that. The First Minister also said that she was not unsympathetic to the argument for that. With the new appointee in place, we must now look at the legislation and consider how Parliament can play a full role in future appointments.

Deputy Presiding Officer, I thought that you were indicating for me to finish, but I understood that I had five minutes—I would like to clarify that.

The Deputy Presiding Officer: You have five minutes. That was my fault. Keep going.

Claire Baker: The current arrangements concentrate power for policing in the Scottish Government, which appoints the SPA chair, who, in turn, appoints the chief constable. The Government has the capacity to influence the final composition of the board but it also gives direction to the board, sets the strategic priorities for the police and approves the SPA's strategic police plan. It should come as no surprise, then, if we

hold the cabinet secretary responsible for any problems relating to Police Scotland.

The SPA needs to recognise its role as a public body and to exert itself in its responsibilities. The controversies that resulted in the exits of Andrew Flanagan and John Foley must not be repeated. Although I welcome the reintroduction of public committee meetings, there are still concerns about closed working groups that do not publish their membership, minutes, papers or agendas. That may suit the SPA—it may even suit the Scottish Government and the justice secretary—but the lack of transparency does not benefit the SPA or Police Scotland. Our amendment recognises the weaknesses both in the way that governance, accountability and leadership have developed and the way that they are stipulated in the legislation.

A commission could be the way to go, but it would need a level of agreement about its purpose and, judging by the number of amendments that we are discussing today, we are not there yet. Nevertheless, I ask members to reflect on the issues that require legislative change. We should not be timid in addressing them.

I move amendment S5M-09378.3, to leave out from "does not" to end and insert:

"believes that there is a need for the leadership of Police Scotland and the Scottish Police Authority (SPA) to regain the full confidence of the Parliament and the public; notes the findings of the review by Graeme Pearson, which recommended greater parliamentary oversight and local accountability, and believes that there is an urgent need to strengthen accountability, transparency and autonomy in Police Scotland and the SPA and that the governance arrangements of each would benefit from post-legislative scrutiny, including the power to approve the appointment of the chair of the SPA being transferred to the Parliament."

15:06

John Finnie (Highlands and Islands) (Green):

I pose a question to colleagues: do they remember the times before Police Scotland, when everything was good and there were no issues with policing? If their answer to that question is "Yes", their memories have failed them, they do not know or they are misrepresenting. Policing is a core element of any liberal democracy, and I was proud to serve as a police officer for 30 years. I therefore take grave exception to some passages—not to everything—in the Liberal Democrats' motion, which is an overt attack on Police Scotland. The motion says that

"the Parliament does not have confidence in the structure of ... Police Scotland ... to deliver resilient ... policing at a strategic level".

Mike Rumbles: We do not.

John Finnie: If you do not, that is extremely disappointing. You have to understand—

The Deputy Presiding Officer: Members should not speak to each other across the chamber; they should make a formal intervention.

John Finnie: I beg your pardon, Presiding Officer.

People are entitled to their opinion, but I find it peculiar that the Liberal Democrats focused on—of all aspects of policing—the strategic level.

Mike Rumbles: Will the member take an intervention?

John Finnie: No, I will not.

Organised crime, human trafficking and terrorism are issues that individual forces are unable to deal with and that require to be dealt with collectively. Our amendment argues that the strategic element of Police Scotland is sound.

Nevertheless, most people's experience of policing is local. I have been critical of many aspects of policing, not least of which was the stop and search debacle, which has been referred to by many members, and the role that Stephen House played in that. He was the right man to drive everything forward initially, but, when he looked on the rest of Scotland as a larger version of Strathclyde and adopted policies that were applicable to urban areas in rural areas, frankly, he had lost it. There has been progress on local policing methods but, as our amendment alludes, the frailty in the deployment of armed officers was another failing. It was cynical opportunism by the police at the time, but I am confident that it will not happen again, because we learn from our mistakes. I am reassured in that regard by the consultation that is required to take place between Police Scotland and the SPA about significant community impacts. All along, people said that there should have been a community impact assessment of the implications of the roll-out.

Errors have been sorted out along the way, but we have some way to go. One of the biggest errors latterly was the obsession with an arbitrary figure—17,234—which was a burden on Police Scotland. It meant that many valuable police staff were lost, with the posts being backfilled.

The romantic notion that everything before was good is completely wrong. There was, frankly, an inability to scrutinise things. We heard what John Mason had to say on that matter, and that was the experience in other places. It happened not because people were unwilling to scrutinise but because, through no fault of their own, people at certain strategic levels of the police force did not have the necessary clearance. Complaints processes involving chief officers in the former forces were an absolute joke—I speak from personal experience of that—and decisions were taken outwith committee on matters that could

have led to junior officers being the subject of a report to the Crown Office and Procurator Fiscal Service.

Mention has been made of the Justice Sub-Committee on Policing, which has played a pivotal role in addressing some of the issues. However, there is still some way to go. I hope to address that in my summing up.

I move amendment S5M-09378.2, to leave out from “does not” to end and insert:

“recognises that Police Scotland can address strategic issues such as organised crime, human trafficking and terrorism but that, while some progress has been made in facilitating more local policing methods, the more routine deployment of armed officers has shown a frailty in local consultation and accountability; calls on Police Scotland to adopt greater openness and transparency in all its work; calls on the Scottish Police Authority to start meeting its legislative requirements to scrutinise Police Scotland and to liaise with local committees, and calls for the early and comprehensive devolution of resources, including finance, and autonomy to deliver genuine local policing reflecting community needs, which can be robustly scrutinised by democratically elected committees.”

The Deputy Presiding Officer: We move to the open debate, and I call for tight, four-minute speeches.

15:10

Alex Cole-Hamilton (Edinburgh Western) (LD): The centralisation of Police Scotland was opposed by the Liberal Democrats almost in isolation, and we stand vindicated in that opposition, what with the litany of failures and missteps by the high command of Police Scotland that have undermined policing in this country since the merger, the subterranean morale of our hard-working front-line police officers, and the decimation of back-room support staff, which has led to 999 calls going unheeded and beat cops repeatedly being taken off their task to perform back-room functions. The recent high-profile shambolic travails in the upper echelons of the unified force are just the latest in a long list of disasters to have rocked policing in this country.

I see the social cost of the flawed legislation underpinning Police Scotland in the casework in my constituency surgeries, in my meetings with local police chiefs, and even in how we lock up our house at night. Despite the Government's insistence that community-level policing would remain unchanged, we immediately, from 2013 onwards, felt the irresistible gravitational pull of Strathclyde policing culture on Edinburgh beats: straight out of the traps, there was a major shift in policing on the streets of our nation's capital. Dedicated house-breaking teams were broken up and re-tasked with focusing on responding to the spectre of knife crime that had never actually taken hold in the city. Perhaps unsurprisingly, that

decision led to an epidemic of house burglaries and car thefts. That uptick has endured to this day, with a rash of break-ins in my community of Blackhall just this past week.

Policing of the sex industry was also brought into question, with the soft regulation of tolerance zones and licensed saunas in Edinburgh and the focus on keeping workers safe being challenged by Police Scotland's zero-tolerance approach. That could have driven the industry back into the shadows and removed the protections that were being offered by the city to sex workers. They were Glasgow solutions to Edinburgh problems.

Symptomatic of the reality was that, for Police Scotland, its new-found size came with an inflated sense of power. Liam McArthur has already described the worst excesses of that, in respect of the chief constable's refusal to recognise the will of Highland Council in its opposition to armed officers routinely patrolling Highland communities. That attitude has undermined the principle of policing by consent in this country, and has fundamentally damaged the social contract that had existed between the police and our communities for 100 years and more.

Four years on, the Government is still trying to get it right. I like and am impressed by Susan Deacon, but her appointment represents just another roll of the dice in the SNP's efforts to fix flawed legislation and organisational structure by introducing a personality. As long as the precepts underpinning centralisation remain unchallenged, the culture and flawed structures will continue to blight that founding vision.

I am therefore proud to stand with my colleagues today and call for reform. It is certainly needed, because we need to get to a space in which local communities and councils can once again determine and set the objectives and priorities of local policing, where the Police Authority is democratically appointed by Parliament, and where the police constable's powers are anchored in statute. That would simultaneously restore to this country, and guarantee, that most Liberal principle—policing by consent.

15:14

Stuart McMillan (Greenock and Inverclyde) (SNP): The Lib Dems have been consistent in being against the formation of Police Scotland. We all understand their position and their continual questioning of aspects of Police Scotland, some of which is in their motion. However, the absolute negativity that they regularly espouse does not highlight the positives of delivery by our police officers across the country. The constant attacks do not help morale. If an organisation is

continually told that it is failing, that it is not working and that it is not delivering, it is no surprise when people in the organisation believe that they are not valued. John Finnie spoke a few moments ago of some of the positive aspects of the formation of Police Scotland. I encourage the Liberal Democrats to look in the *Official Report* later at some of John Finnie's comments.

I value our police officers and everyone who is involved in Police Scotland. Are there challenges? Yes, absolutely there are—but there were challenges in the previous forces as well. There are challenges in every organisation. The creation of Police Scotland was always going to be challenging: such a huge public sector reform was going to highlight issues. Some of the things that have happened are being investigated, as we know, so I will not go into those. However, it is clear that the creation of Police Scotland has been more successful than some people in the chamber want the country to believe.

I thought that the Twitter post this morning from Calum Steele of the Scottish Police Federation provided clarity and a complete dismantling of the Lib Dems' position today.

Alex Cole-Hamilton: Will the member take an intervention?

Stuart McMillan: I am sorry, but I have only four minutes.

In addition, David Hamilton, the vice-chair of the Scottish Police Federation, criticised the Lib Dems for their motion, which links two unrelated misconduct matters with a structure that was necessitated by the austerity that was introduced when the Liberal Democrats were in Government.

The Scottish Government is going to put an extra £100 million into the policing budget by 2021, despite the huge cuts to its budget from the UK Government under the previous Conservative-Liberal Democrat Administration and under the current Conservative UK Government. Even more could have been put into the policing budget if the Lib Dems, when they were in a coalition Government with the Tories, had done something about scrapping VAT being charged to Police Scotland. [*Interruption.*]

What was that remark from a sedentary position?

The Deputy Presiding Officer: I have already said that I will have no exchanges across the chamber like that. Members must speak through the chair with interventions.

Stuart McMillan: Okay, Presiding Officer.

The Liberal Democrats have been carping from the sidelines. However, when they were in power in Westminster, they could have done something

about the VAT issue, which would have meant more money going into Police Scotland. If the Lib Dems were so concerned about the finances of Police Scotland, why did they not do something about it?

There have been successes through the formation of Police Scotland. Recorded crime is at its lowest level in 43 years, with 230,651 crimes recorded in 2016-17—the lowest number since 1974. Crime risk is lower in Scotland than it is in England and Wales, at 14.5 per cent compared with 15.9 per cent. In addition, since 2008-9, cashback for communities moneys of £75 million have gone to organisations to help young people across the country. That money is delivering nearly 2 million activities and opportunities across Scotland.

My main frustration with Police Scotland is that we keep losing our divisional commanders in Inverclyde, but that happened under Strathclyde Police, as well. The Liberal Democrats' motion is therefore absolute and utter nonsense. They should support Police Scotland and support our police officers, because it is the Liberal Democrats who are reducing their morale.

15:18

Maurice Corry (West Scotland) (Con): It is important that the public have full confidence in their police force at all levels, from the local officer doing the rounds on the streets to the very top levels of management in the police force. For them to have that confidence in their police force, the public need to know that a structure and framework is in place that will give the police force the best chance to succeed. That is also the very least that our hard-working front-line officers and staff deserve.

Liam McArthur's motion notes that the current system is clearly not working and that we need to look at it again. That is why the call for the establishment of an independent commission to look into the system is a welcome suggestion, and why I shall join my Conservative colleagues in supporting both the motion and Liam Kerr's amendment. The reason for Liam Kerr's amendment is the important principle that decisions need to be made local to those whom they affect. That is why, in my opinion, an important part of a commission's work would be to tell us how we can put local communities back at the heart of policing in Scotland. Putting local accountability at the heart of everything that Police Scotland does should be central to its future core structure and governance.

Far too many people in Scotland feel that policing decisions are dictated from above by a centralised bureaucracy that does not care for

their opinions or thoughts, rather than being decided in their local communities. That is because the public has seen thousands of officers taken off the streets to become part of national or regional resources. Figures show that some police divisions have lost up to 30 per cent of their officers. In turn, that has led to a reduction in the ability of local officers to be adaptable to local needs and to focus on key local priorities.

The public heard Calum Steele of the Scottish Police Federation say that the police force "risks being seen as" walking away

"from certain elements of the communities"

while we talk

"about chasing other parts of it".—[*Official Report, Justice Sub-Committee on Policing*, 20 April 2017; c 23.]

The public sees that crime most affects the people in our society who have least. The risk of being a victim of crime in the 15 per cent most-deprived areas in Scotland remained unchanged between 2012-13 and 2014-15. It is estimated that about 4.4 per cent of adults experience 58 per cent of all crime in Scotland.

It is important that we make policing accountable again. The Scottish Conservatives have offered solutions on how to do that, including Margaret Mitchell's suggestion about changing how the chair of the SPA is selected. Making policing accountable is particularly important while we have a Government that will not accept any responsibility for the failures in a system that it created. The Government and those who manage the police, as do all public sector organisations, need to be answerable to those whom they serve. It is vital that we bring local accountability back to policing in Scotland, so that the public can rebuild their trust in the management of their police force.

15:21

Jackie Baillie (Dumbarton) (Lab): It is true that when Parliament passed the Police and Fire Reform (Scotland) Act in 2012 concerns were raised about implementation, even by people who supported the principle of reform. Two chief constables later, two chairs of the Scottish Police Authority have gone, one chief executive has taken early retirement and there have been a number of high-profile suspensions. It appears now to be an organisation that is in turmoil.

We should make no mistake: that situation is having an impact throughout the police force. Local policemen and policewomen in our communities are demoralised. They are on the front line, keeping us safe and protecting us from crime, but we keep asking them to do even more with even fewer resources. That simply cannot

continue, because they need and deserve our support.

Ultimately, the situation is the Scottish Government's responsibility. I will say a word about so-called political interference. It is undoubtedly the case that there is more scrutiny of the police. It is not a bad thing that there is more accountability; it should be embraced. However, the Scottish Police Authority, which was supposed to oversee Police Scotland and ensure that it was accountable, has been disappointing, to say the least. Its own lack of accountability and its poor governance structures have been exposed in the recent Audit Scotland report: secret meetings, little transparency, inappropriate targeting of board members for disloyalty when they simply asked questions—and the list goes on. When they were before the Public Audit and Post-legislative Scrutiny Committee of this Parliament, the chair and chief executive displayed extraordinary levels of arrogance and complacency.

The Scottish Police Authority was set up to be the arms-length body between Police Scotland and the Scottish Government in order to ensure its accountability and the independence of the police from Government. Instead, we hear that it has been bypassed by the Cabinet Secretary for Justice and that members of the board have reported that the board is useless, “toothless” and a waste of time, and that it is perceived that there is a threat that if board members upset the chief constable, the cabinet secretary would intervene to stop them. The PAPLS Committee heard directly about interference by civil servants on behalf of the cabinet secretary. It sounds as if the cabinet secretary is hands on when he should not be; however, sometimes when it matters he is described as posted missing.

It is true that Police Scotland has not had its problems to seek. Recent reports about mistakes in call handling and the lack of speed in responses have, of course, caused concern.

All that said, I am not in favour of a commission. That would be a distraction from getting on with the job now. We have a new chair of the SPA—Susan Deacon, who is known to many of us because she is a former MSP—and we have an acting chief constable. I have absolute confidence in both of them. Derek Penman of Her Majesty's inspectorate of constabulary in Scotland made significant recommendations about what needs to change at the SPA, so we should implement those recommendations. There is at least one review under way on support for the SPA board, and my former colleague Graeme Pearson, who was a senior ranking police officer, also conducted a review in 2015. Not surprisingly, his review recommended strengthening accountability,

transparency and autonomy. The issues that he raised then are issues that we face now.

We have a Justice Sub-Committee on Policing: I would be interested to know whether it would consider undertaking post-legislative scrutiny. I have enormous respect for the police in what they do, as we all do, especially those in L division in my area. The issue is how we support and resource them. To be frank, we need to do much better at that.

15:25

Fulton MacGregor (Coatbridge and Chryston) (SNP): It is disappointing that the Liberal Democrats are using the current situation to attack the entire police force. I agree with John Finnie saying that the motion is an attack. I feel that the motion is beneath someone such as Liam McArthur, who is usually constructive in committee. To use the alleged and, as yet, unproven actions of a handful of senior officers to try to tar the entire force is shameful and it is beneath the Liberal Democrats.

I completely agree with the new chair of the SPA, Susan Deacon, who said on Sunday that she takes issue

“with the notion that our police service itself is in crisis.”

I also agree with DCC Livingstone, who asked for the service to be “apolitical” and not to be part of, or pushed around in, the political debate. It is incredibly unhelpful for anybody to jump on the issue and to make it political. It damages the reputation of the police force and it has a direct impact on front-line officers, who put their lives on the line for us every day.

As members have said, there are challenges in bringing eight forces together, but the stats speak for themselves. Crime is at a 43-year low and people feel safer now than ever before, and the risk of being a victim of crime is 14.5 per cent, which is down from 20.4 per cent in 2009. The single force allows the amalgamation of railway policing into the force, allowing a faster response to incidents on our railways. Those are just some of the positives that the Liberal Democrats seek to ignore in their motion.

I have some sympathy with John Finnie's amendment with regard to armed officers and the concern in our communities at seeing armed officers patrolling. Having said that, in a recent survey a majority of people stated that they would prefer serving officers to be armed. I am not for a minute suggesting that that is the right route to take—I have my own views on that—but the issue needs more discussion and it is worth reflecting on John Finnie's amendment.

The Liberal Democrats talk about localised policing. They do not have any representation in Lanarkshire, so I will give them a little bit of info about what is going on in my area. I am also all about local policing and what is best, which is accountability and local decision making.

The divisional commander, Chief Superintendent Roddy Irvine, has set up local problem-solving teams throughout Lanarkshire, which is good old-fashioned community policing. Each team is led by an inspector with the support of a sergeant, and two constables are assigned to each local authority ward area. In my constituency, an extra two constables are assigned to the town centre. Early indications are that the teams are having a positive impact locally, and I suggest that the Liberals spend some time finding out what is happening on the ground, rather than just picking up stats. Those officers engage with MSPs, councillors and a wide range of stakeholders.

I am in contact with a lot of local councillors, so when Liam McArthur was speaking, I decided to quickly contact one of my WhatsApp groups to ask what their thoughts were on the policing service. Almost right away, I got responses. Councillor Kirsten Larson said:

“Very good at working with us and fostering a good relationship between councillors, police and the community”.

Councillor Tracy Carragher said:

“Local police in Coatbridge South are very accessible and I am currently working with them towards a joint surgery”.

Real-life councillors gave that indication just minutes ago of how policing is working locally. I ask everybody to get behind their local police.

15:29

John Finnie: It has been an interesting debate, as many would have predicted. I do not doubt for one second the sincerity of my Liberal Democrat colleagues in wanting to make things better, but not everything is about structure. I accept the position that they adopted, but I would like them to join with everyone else in playing their part and not questioning the operational effectiveness of Police Scotland, because everything suggests that the police are effective.

The criticism of the Scottish Police Authority is well documented and entirely merited. That said, Ms Deacon is taking over and I wish her very well. Like others, I am due to meet her in the coming weeks. We know that the first chair was ineffective, disengaged from the real issues and too concerned with an irrelevant bun fight about functions. Quite evidently, the Scottish Police Authority played catch-up on the issues of stop and search and armed policing. In fact, its own

report on its role in armed policing and stop and search was very unhelpful.

The second chair became ineffective, and was certainly inappropriate with a fellow board member, which is entirely unacceptable. He has also been involved in facilitating gardening leave for the chief constable, who, in my view, should be suspended. That failure in itself has caused disaffection, because people want fairness and equity, and that has not always been provided. I alluded to the historic position in regard to allegations of misconduct—which, if committed by officers in the junior ranks, would have been construed as inferring criminality—and how they were set aside in the past.

There has been a frailty in consultation, and I urge Police Scotland to understand where those frailties are. They are in openness and transparency. That can be no more graphically shown than in relation to a matter that is the subject of on-going consideration by the Justice Sub-committee on Policing, which is the counter-corruption. Three other forces are now involved in that issue and the investigation is being strung out. The public quite rightly ask, “If that’s how they treat their own, how are they likely to treat us?” We need to draw a line under that.

We need to recognise that there are elements of policing that are best dealt with at a strategic level, such as counter-terrorism, organised crime, fire arms issues and human trafficking. That has to be informed by local policing, and one of the good bits in the legislation that reformed the police service was the local policing plans. I want a situation—accepting that there is a strategic level, not just in Scotland but in the islands of the United Kingdom and beyond—where the local policing plans are seen as crucial.

I have repeatedly asked about devolving resources, and that does not simply mean money. The bulk of resources is for salaries, but I am talking about devolving decision making, which can mean devolving decision making about some of the resources, because there has been a centralisation of the supervisory structure in some of the specialist units. We need a situation that applied in Northern Constabulary where—bizarrely, some people might think—the two police officers who policed the island of Barra were responsible for their own overtime budget. Who is better placed to say, “We require to work longer tonight, because there are a couple of dances on.”? We may be well short of such a situation, but we need appropriate policing to take place at an appropriate level and be monitored appropriately.

There is no point in scrutinising if there is nothing to scrutinise, which has led to some disengagement from local bodies. That should be the bedrock. We should be doing it the other way.

What we should be talking about is how effective local policing is in delivering those good results. I do not think that the model itself is wrong, but we need to push decision making down and have genuine local policing.

15:33

Claire Baker: This has been a wide-ranging debate, and there has arguably been far too much to consider in the time available to us. There have been comments that there is a romantic notion that everything was good in the past. I recognise that we now have more consistent procedures in place, and that we have national measures and more scrutiny, but with that comes greater responsibility. Jackie Baillie, as acting convener of the Public Audit and Post-legislative Scrutiny Committee, highlighted the well-documented weaknesses that we are seeking to address.

Although today's debate is focused on structure, we have all recognised the hard work of officers. We would do well to acknowledge the recent evaluation of police and fire reform, which found that morale among officers is low, with many no longer considering it a job for life. Although Police Scotland's budget has been protected in real terms, the survey also found that Scotland's police officers have become less visible to the public, and we have all heard complaints about response times from the 101 number. Although a debate about governance and scrutiny is valuable and relevant, that is what is really important.

There have been some persistent issues around increasing local responsibility. It has been argued that the centralisation of policing has been to the detriment of local policing. The Government's amendment talks about the

"scope for improvement in the way that the current accountability model works, particularly with regard to engaging local interests in national governance",

but it does not detail how that will be progressed or developed. Local accountability is identified as a weakness by members around the chamber, so how do we address it? How can we increase scrutiny and accountability at that level?

I can see that the Government can argue that the scrutiny of policing is stronger than it has ever been, given the existence of the SPA and the fact that we have a parliamentary sub-committee on policing, but there are well-documented weaknesses. It has taken freedom of information requests, investigative journalists and questioning academics to shine a light on a number of issues, including stop and search, the financial arrangements of the British Transport Police merger and the recent suspension of officers. I appreciate much of what the cabinet secretary said in his opening speech, but the protection of

front-line officers has led to a significant reduction in support staff, which makes it difficult for officers to do their jobs, so I cannot completely accept his argument about protecting the service.

Although there is much that I agree with in John Finnie's amendment, it is too prescriptive for us to support.

A number of members mentioned political interference. The Deputy Chief Constable Designate Iain Livingstone is recognised as an experienced, intelligent and highly skilled officer and has our thanks for taking on the acting chief constable's role. His call at the weekend for less political interference is interpreted as a call for less political debate, but it is not the Opposition parties that have been identified as overly influencing policing or as interfering in the SPA's role; it is the Government. We need greater clarity over roles and responsibilities.

The Green amendment talks about the need for scrutiny of more controversial decisions. However, if we compare the information on policing that is routinely published with that which is published in England and Wales, we find that much more information is available in the public domain there. I appreciate that there are issues with the legacy forces' way of collecting information and with old technologies that are incompatible, but we should have a strategy to deal with that. We should have an ambition to be more open and transparent. That approach would help to build confidence in police actions and decisions.

The creation of Police Scotland was a move to increase efficiency, protect public services in difficult financial times, bring consistency to the police response throughout Scotland and strengthen specialist policing to respond to growing challenges such as human trafficking, serious and organised crime and online fraud. However, it brought a different dynamic to policing in Scotland. It brought with it greater political scrutiny, and the intensity of the scrutiny that is placed on the chief constable makes that role a unique job within Scotland's public sector. The SPA, whose role is to provide checks and balances, is sometimes seen as an alternative power base. Therefore, increasing capacity and devolution in both organisations could be a good thing and we need to consider it seriously.

15:37

Margaret Mitchell (Central Scotland) (Con): Almost five years ago, the Police and Fire Reform (Scotland) Act 2012 led to the creation of Police Scotland. At the time, serious concerns were expressed about the fact that no full business case had been produced and about the lack of checks and balances in the act's provisions as Scotland's

eight regional forces moved to a single force. It is evident that those misgivings—which were swept aside by the then Cabinet Secretary for Justice, Kenny MacAskill, in much the same way as the current cabinet secretary has attempted to do—have come home to roost. The estimated efficiency savings that the Scottish Government asserted would be realised have, instead, translated into a deficit.

The SPA has a remit to scrutinise the governance of the new single force and to hold the chief constable to account, so the cabinet secretary is correct that there has been more scrutiny. However, time and again, the SPA has been found to be on the back foot, having become aware of a problem after it has imploded in the public domain. Therefore, I very much welcome the appointment of Susan Deacon as the new SPA chair. However, the fact that she is the third person in less than five years to occupy the post tells its own story.

I wish Susan Deacon well in the post. As she settles into her role, I once again seek an assurance from the cabinet secretary that she and any other holder of the office will not have to rely on the good will of Government ministers to continue in it. In other words, it is now time for the 2012 act—in particular, the appointment process—to be revisited to ensure that the Parliament as a whole selects and, crucially, reappoints the SPA chair.

The creation of Police Scotland has meant that, rather than there being eight police commanders, there is now only one. On the one hand, that puts all the power in the hands of one individual; on the other, it leaves that individual vulnerable to shouldering all the criticism for the failures in the force. Perhaps it is not surprising therefore that, in less than five years, Scotland is seeking a third chief constable. That hardly inspires confidence in the act's provisions and is, again, a powerful argument for revisiting them.

Regardless of the difficulties that are experienced in Police Scotland, the Scottish Police Federation has done sterling work in bringing to the fore the issues of concern that affect front-line police officers every day. Those officers continue to do an outstanding job as the responders of first and last resort. Despite that, their issues of concern have all too often been ignored by the Government. Those issues involve the loss of localism that has been a feature of the centralised force, examples of which include the introduction of the 101 number, the closure of local police counters and stations and the centralisation of control rooms.

More generally, the demands of front-line officers have not been acknowledged or reflected in the Government's crime statistics, given that

only one in five incidents that are attended by the police results in a crime being recorded.

I support the amendment in the name of Liam Kerr and call on the cabinet secretary to take responsibility for addressing the problems that the provisions of the legislation have produced.

15:41

Michael Matheson: I have listened closely to a range of the comments that have been made this afternoon and I will deal with some of the points that have been raised by members, although I will not be able to touch on all the issues in the limited time that is available.

In his opening speech, Liam McArthur raised a number of issues, including armed policing, stop and search powers, call handling and local police plans, and I want to pick up on several of them.

There is no doubt that concerns have been raised about how Police Scotland deployed its armed police officers in the early stages of its existence. That issue was raised on an on-going basis by John Finnie. However, I am sure that members will also recognise that Police Scotland has dealt with issues relating to armed policing differently in recent times. It has recognised that it needs to engage much earlier in the consideration of such issues and to ensure that it hears the views of local elected members before making any final decisions. I am sure that members welcome the way in which Police Scotland has taken the matter forward.

Liam McArthur will recognise that I have addressed the issue of the stop and search policy through the expert group that I appointed under John Scott, which considered the matter. We are now in a much more robust and effective position than previously as a result of the work that I instructed to look at how Police Scotland should conduct itself in these matters.

There is no doubt that there have been a number of significant issues relating to call handling. However, Liam McArthur will also recognise that my instruction to HMICS to conduct a deep review of call handling in Police Scotland resulted in 30 recommendations being produced, which have been taken forward by Police Scotland in a consistent and methodical way. Some 27 of those recommendations have been discharged and good progress is being made on the remaining three.

It is important to highlight the fact that, when Police Scotland is making improvements in a system that deals with almost 4 million calls a year, it is not helpful for it to find itself being attacked for collating information relating to notable incidents, which was one of the

recommendations that were made by HMICS in the interest of ensuring that, where mistakes are made, they are learned from. It is simply not helpful for Police Scotland to find itself being attacked for the very improvements that it is making to ensure that mistakes are learned from. That sort of politicisation of policing does not support police officers or the organisation as they try to drive through these reforms.

Margaret Mitchell: Will the member take an intervention?

Michael Matheson: I have no time; I must make progress.

I say to Liam McArthur that local policing plans for each local authority area that allow for engagement through the local scrutiny panels are already being taken forward.

I turn to Liam Kerr's point about policing structures. The Tories are not in a strong place when it comes to policing structures, especially given the mess that they have made in England and Wales. Liam Kerr's was a speech of contradiction. He talked about how we need to make sure that policing is apolitical, but not a day goes past when he does not tell me that I should roll up my sleeves, get in there and start running the police service. If the member is committed to being 100 per cent behind police officers in the job that they are doing, supporting a motion of no confidence in Police Scotland is a bizarre way of going about it. I suspect that the member will come to regret that in due course.

Claire Baker commented on Susan Deacon. Susan Deacon will bring significant leadership to the role of the SPA chair. Although she might feel as though she is hamstrung by some of the provisions within which she has to operate, we will wait to see how she gets on as chair. If she raises specific issues with me, I will give them due consideration. I also assure Alex Cole-Hamilton that the appointment of Susan Deacon is about more than just appointing a personality. Susan Deacon was appointed because of her ability and I believe that she has the ability to do the job.

Claire Baker also raised the issue of the strategic policing plan and ministers being accountable for it. I think that the member might be referring to the strategic policing priorities, which are set down by Government. They are arrived at through a public consultation exercise that takes place over a number of months, and they are agreed with the Convention of Scottish Local Authorities. Along with COSLA, we set out what the priorities should be—localism and protecting local communities—and it is for the police service and the SPA, operationally, to make sure that that is translated into action on the ground. The approach that we took when I

redrafted the policing priorities was welcomed by COSLA as showing more commitment to joint working with local authorities on these issues.

John Finnie's contribution this afternoon gave us a dose of reality. The strength of the police service here in Scotland lies in the people—the individual police officers and the staff. I see their dedication to our local communities every day, and I am confident in the strength of the leadership of Police Scotland.

15:47

Willie Rennie (North East Fife) (LD): This morning, I saw that the First Minister took the trouble to draw attention to an extended Twitter thread from Calum Steele of the Scottish Police Federation. Perhaps our debate has touched a raw nerve with the First Minister, and I do understand that Calum Steele was a strong supporter of the centralisation of Police Scotland and has found it difficult to come to terms with the failings of that reform.

The Scottish Government is responsible for the budget of Police Scotland. Lord Smith did not merge the British Transport Police with Police Scotland. Ministers knew what they were doing when they centralised the police. They knew that they would be required to pay VAT, so there is no point in drawing attention to any other weaknesses elsewhere when the weaknesses are squarely with the Scottish Government.

We have repeatedly been told to pipe down, not to ask questions, and to get behind the Government. The acting chief constable tried it at the weekend.

Let us look at all the chaos of the past four years—the M9 crash response; armed police on routine duties; the loss of experienced civilian staff; the imposition of an alien target culture; stop and search; and the closure of call centres. I am glad that we warned about all this. I am glad that we spoke up and were not cowed into silence by the SNP.

I was amused by Fulton MacGregor's contribution. A poll of SNP members on WhatsApp has found that the SNP Government is doing rather well on the police.

Fulton MacGregor: Will the member give way?

Willie Rennie: Not just now. Liam McArthur referred to another attempt to silence us last week. It involved the tragic death of Elizabeth Bowe in St Andrews. Liberal Democrat councillor Margaret Kennedy asked for Fife Council to receive a report on the case so that it could be debated after the PIRC found major errors in the handling of Elizabeth's call. That request for a report was denied by the SNP councillor responsible. He

referred Councillor Kennedy to the BBC iplayer and First Minister's question time, which is no substitute for proper local accountability, and that shows what kind of sham we have with the 2012 act.

Police Scotland has a budget of more than £1 billion a year. It is responsible for keeping us safe. I pay tribute to the officers and the work that they do to keep us safe. Police Scotland deserves proper scrutiny, but this Government has not given up any of its Government chamber time to debate the state of Police Scotland. It is again up to us, as a party that has led the scrutiny of Police Scotland, and as the only party that voted against centralisation, to carve out the time for the state of Police Scotland to be debated.

I have been a long-time critic of the centralisation of the police, but even I did not believe that it would get to this stage. I did not think that the troubles of Police Scotland would endure for the whole four years since it was created, with the devastating consequences since. We must conclude that we have no confidence in the structure of Police Scotland.

Others have quite rightly dwelled on the problems with Police Scotland over that time, including Maurice Corry, Alex Cole-Hamilton, Jackie Baillie—who made a really good contribution—and Margaret Mitchell. They have identified the failings of Police Scotland, so I will not dwell on that aspect. However, I found John Finnie's defence of the current police structure extraordinary, especially as his two colleagues in the previous parliamentary session voted against the 2012 act.

We have our preferred model—a comprehensive, adequately funded policing plan for each local authority area in Police Scotland, which is developed and agreed by communities and councillors, and is the responsibility of a local senior police officer. The membership of the Scottish Police Authority should be appointed by the Scottish Parliament by a vote of two thirds of the Parliament—

John Finnie: Will the member take an intervention?

The Deputy Presiding Officer: Mr Rennie is in his last minute.

Willie Rennie: —in a similar way to other commissioners, to ensure a balanced and representative authority and to remove the role of the justice secretary in making appointments.

The powers of the chief constable should be defined in statute to reflect the fact that the historical tripartite structure has been changed and that new democratic checks and balances need to

be created. The aim is to inject democracy back into our policing.

These are our proposals, but we need to build a broader consensus, which is why we proposed an independent commission. I am pleased that some members in the chamber indicated support for that today. This is the kind of reset that Police Scotland needs. We have no confidence in the current structures and therefore the time has come for a change.

The reason for such a change is clear. Members will recall the turf war between Stephen House and Vic Emery over who was in charge. That was a direct result of flawed legislation. Members will also recall the decision by Stephen House to put armed officers on routine duties without proper scrutiny. There was the decision by the chief constable to impose detailed targets in a one-size-fits-all, Strathclyde-writ-large approach to policing in Scotland. There was also the Audit Scotland report, which highlighted weak financial leadership in Police Scotland.

We are told that the police are accountable to local communities but we just have to look at the Highlands, where they voted against armed police on routine duties yet were overruled by the chief constable, to see that local accountability is a sham.

That is why we need change for Police Scotland. We need change to the structures. That is the best way to back our police and to get back confidence in our police too.

Ferry Services (Fares and Funding)

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-09379, in the name of Liam McArthur, on finance.

15:54

Liam McArthur (Orkney Islands) (LD): Over time, most Governments are eventually overwhelmed by the weight of the promises they make. Initially, faced with public anger on any issue, ministers will happily blame the previous Administration, before going on to promise faithfully that everything will be different from now on.

The Scottish National Party Government has raised the bar on blaming others—shoulders do not get much slopier. It has also racked up its fair share of promises over the past decade. In trying to be all things to all people in pursuit of independence, SNP ministers have, from day 1, carpeted the country in love bombing. They have popped up here, there and everywhere, the length and breadth of Scotland, offering assurances that they will sort things out.

To be clear, it is a good thing for politicians to get out and about, particularly ministers, who are most at risk of ivory tower syndrome. Over time, though, the promises and the nods and winks that are offered to find favour for political ends start to mount up. Individually, they may be deliverable; collectively, they are not. The more that that carries on, the more it speaks to a cynicism at the heart of government—playing one interest off against another, kicking the can down the road, and redefining each commitment as the reckoning approaches. That is not acceptable. It is treating people and communities with contempt, and it is where Parliament has a responsibility to stand firm.

I appreciate that most colleagues do not live and breathe lifeline ferries as Tavish Scott and I do. Likewise, I recognise that the future funding of internal ferry services in Orkney and Shetland is less of an immediate concern to those representing other communities that are facing their own pressures and challenges. However, I believe that the issue speaks to a wider interest that we all share: the need to shine a light on the promises made by ministers to communities across Scotland and for this Parliament to hold those ministers accountable.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): As an MSP who also represents lifeline services, can I ask Liam McArthur who is

delivering cheaper fares for ferry routes to Orkney and Shetland next year and who has delivered that for the Western Isles?

Liam McArthur: Absolutely. After 10 years of the case being made, those fares were introduced on the west coast to competitive disadvantage and, with no good reason, they were not introduced in the northern isles.

However, I believe that the issue we are debating today speaks to that wider interest. On that basis, I hope that the Parliament will support my motion and reject Humza Yousaf's request in his amendment to be allowed to keep kicking the can down the road for years to come. This Government's attitude is entirely cynical. It is holding communities to ransom over lifeline links, as Jamie Halcro Johnston's amendment rightly suggests.

In truth, some of our most fragile communities rely utterly on the connections that are provided by Orkney Ferries. For around 15 per cent of Orkney's population, including those on the island of Sanday where I had the privilege of growing up, those ferries are the primary means of transporting people and freight, enabling people to access essential services including health and education. It is no exaggeration to say that, without those services, or in the event of them having to be scaled back, some communities in my constituency simply could not survive. Of course, the Cabinet Secretary for Finance and the Constitution knows that. As a former Minister for Transport and the Islands, he is well aware how crucial those specific ferry services are. He also knows that the current model of provision is unsustainable.

Mr Mackay and Mr Yousaf have heard it time and again from me and from Tavish Scott. They have also heard it directly, repeatedly and in detail, from the local councils in Orkney and Shetland over the years and, not so long ago, the message appeared to be getting through. Faced with a backlash in the islands against centralisation, and demands from Orkney, Shetland and the Western Isles for more decision-making powers, the Scottish Government was forced to act.

So it was that, in June 2014, the former First Minister swept into Orkney with all due pomp and ceremony to declare that his Government

“understands the significant financial challenges that can fall on individual local authorities, and is committed to the principle of fair-funding in the provision of ferries and ferry infrastructure.”

It was as if there was a referendum pending and there were islanders to placate. In hindsight, we should have had Mr Salmond carve it into one of our standing stones. Yet, even after the

referendum was lost, the promise held. The then transport minister, Derek Mackay, assured me that

“the provision of transport services should not place a disproportionate financial burden on any council, particularly with reference to revenue support for ferry services and ferry replacement costs for internal ferry services.”—[*Official Report*, 26 November 2014; c 12.]

So are those services placing a “disproportionate financial burden” on Orkney Islands Council and Shetland Islands Council? Emphatically yes, Presiding Officer.

Running the internal ferry service in Orkney accounts for 14 per cent of the council’s total annual budget. Unlike the situation for similar services elsewhere in Scotland, however, the Government funds only 40 per cent of those costs. That leaves Orkney Islands Council in debt to the tune of £5.5 million a year. For Scotland’s smallest council, which is already having to deal with a £12 million budget shortfall over the next four years, the consequences are potentially horrendous: deep cuts to health, care, education and other core services, including lifeline ferries.

Some argue that Orkney Islands Council should just dip deeper into its reserves. Yet the same ask is not made of others, whose lifeline ferry services are funded by the Government. Moreover, imagine the reaction if, for example, Highland Council was invited to raid its common good fund to run the rail services north of Inverness.

The ferry services in Orkney are not Rolls-Royce ferry services. The Government’s ferries plan from 2012 showed that, on cost, frequency and capacity, island communities in Orkney are being short-changed. That is not a criticism of Orkney Ferries, but with ministers signing off further pay increases for Caledonian MacBrayne employees, the current disparity with their counterparts in Orkney Ferries is set to grow bigger. As a consequence, industrial action on Orkney’s internal ferry network is now a distinct possibility, which threatens the island communities that depend on the services and underscores the urgency of getting things sorted. That is why the Government must now honour the commitment that Derek Mackay made in 2014, and which Humza Yousaf repeated in March last year, to deliver fair ferry funding for the northern isles. There is an opportunity to do just that in next week’s budget, through direct funding rather than grant-aided expenditure.

The Cabinet Secretary for Finance and the Constitution (Derek Mackay): Will the member take an intervention on that point?

The Deputy Presiding Officer: The member is in his last minute.

Liam McArthur: The cabinet secretary can pick up that point in his winding-up speech.

Derek Mackay must take that opportunity in the budget if he is to have any credibility. If he does not, and if he continues to hold people in Orkney and Shetland to ransom, any trust in him, the Minister for Transport and the Islands and the Government will have been lost. Ministers must be held accountable for the promises that they make and Parliament has a responsibility to ensure that that happens. I urge Parliament to support the motion in my name.

I move,

That the Parliament notes the commitment from the Scottish Government to “the principle of fair-funding in the provision of ferries and ferry infrastructure” and the statement from the former transport minister and now finance secretary, Derek Mackay MSP, that “the provision of transport services should not place a disproportionate financial burden on any council, particularly with reference to revenue support for ferry services”, and therefore calls on the Scottish Government to set out to the Parliament how it intends to honour these commitments in relation to Orkney and Shetland internal ferry services.

16:01

The Minister for Transport and the Islands (Humza Yousaf): I welcome this debate. It is a good chance to put on record all the good and great things that we are doing for our Scottish islands, including Orkney and Shetland.

Liam McArthur started what I thought was a generally ungracious and unfair contribution—it is not like him to make such speeches—by talking about promises. I find it difficult to take a lecture about keeping promises from the Lib Dems, but nonetheless I will soldier on.

This Government’s current priority and its 2016 manifesto commitment—its promise—was to reduce ferry fares on services between the Scottish mainland and Orkney and Shetland. In line with that commitment, on 22 August this year I announced that ferry fares to Orkney and Shetland will be significantly reduced in the first half of 2018. I know that Liam McArthur and his colleagues will welcome that.

Fare reductions will be delivered on ferry services between the mainland and the northern isles in the first half of 2018 through the roll-out of road-equivalent tariff and an RET variant, which will see foot passenger fares cut by an average of more than 40 per cent, while car fares will be reduced by an average of more than 30 per cent on the Pentland Firth routes and the routes from Aberdeen to Kirkwall and Lerwick.

We are also taking forward real, tangible, practical measures in our Islands (Scotland) Bill, which is committed to improving outcomes for everyone who lives and works on our islands. Evidence of that can be found in the suite of commitments contained in the bill.

I turn to the issue at hand. The Scottish Government has of course treated local government fairly, despite the cuts to the Scottish budget from the United Kingdom Government.

James Kelly (Glasgow) (Lab): Will the minister take an intervention?

Humza Yousaf: Taking this year's local government finance settlement, plus the additional £160 million announced on 2 February and other sources of support available through the actual and potential increases in council tax income, and the support through health and social care integration, the overall increase in spending power to support local authority services amounts to more than £400 million, or 3.9 per cent in cash terms.

Graham Simpson (Central Scotland) (Con): Will the minister take an intervention?

Humza Yousaf: I will make some progress first.

Liam McArthur is right that those who live on the islands have specific and special needs. There is of course the special islands needs allowance—Orkney Islands Council receives £5.8 million and Shetland Islands Council receives £5.7 million. I will take an intervention from Graham Simpson.

Graham Simpson: I apologise for laughing when the minister said—

The Deputy Presiding Officer: Excuse me, Mr Simpson, but your microphone is not on. I can see from here that your card is not in.

Graham Simpson: You are right, as always, Presiding Officer.

I could not help laughing when the minister said that local government had been treated fairly. The revenue budget for local government has gone down year on year. Thirty thousand jobs have been cut across local government since the Government came to power and the Convention of Scottish Local Authorities has said that it needs £540 million just to stand still. How is that treating local government fairly?

Humza Yousaf: The member should not be laughing, because it is his party colleagues down in Westminster who are reducing the resource budget by £500 million over the next two years.

Let me stick to the issue at hand, if I can. I stress that Orkney Islands Council and Shetland Islands Council are currently responsible for their internal ferry services. We have never pledged to automatically assume responsibility for those services. Only last week, Orkney Islands Council changed its position, and instead of asking for a top-up I understand that it is requesting the transfer of responsibility, a decision that Tavish Scott seems to have described as “puzzling”.

The discussions that we have had with both councils have been extremely constructive—and those are not just my words. Derek Mackay and I chaired a meeting with the council leaders, and the leader of Shetland Islands Council, Cecil Smith, said that it was the most positive meeting that he had had and that it was extremely constructive. James Stockan, the leader of Orkney Islands Council, also described our meetings as extremely positive.

On the Scottish Government's responsibilities, Liam McArthur mischaracterises the commitments that the Government has made. The Government has promised to engage constructively on the transfer of responsibilities. Let me quote from the “Scottish Ferry Services: Ferries Plan (2013-2022)”. In paragraph 27 of chapter 2, on page 12, it says:

“Agreement would also have to be reached about the levels of capital funding that would form part of any transfer of infrastructure taking account of its current condition and future investment requirement.”

On page 52, it says:

“Ultimately, however, it may not always be agreed that a transfer of responsibility goes ahead. In addition, the Scottish Government cannot guarantee to be in a position to provide any additional funding.”

The commitment is absolutely there to engage in meaningful dialogue and conversation.

There is a window of opportunity for Liberal Democrat members of the Scottish Parliament. Either they can engage positively in the budget, have a discussion about this important issue and side with their constituents, or they can play party politics. I look forward to hearing what they have to say over the next eight days. In the meantime, this Government will continue to move forward with our ambitious plans for the islands, in relation to not just the ferry services that we fund but a range of other initiatives that we are taking forward for the wellbeing of our island communities.

I move amendment S5M-09379.2, to insert at end:

“; welcomes the Scottish Government's plans to significantly reduce fares on ferry services between the mainland and the Northern Isles in the first half of 2018 through the roll-out of Road Equivalent Tariff (RET), and an RET variant, which will see foot passenger fares cut by an average of more than 40%, while car fares will be reduced by an average of more than 30% on the Pentland Firth routes and the routes from Aberdeen to Kirkwall and Lerwick; notes that the Scottish Government is committed to improving outcomes for everyone who lives and works on all Scotland's islands and that the measures in the Islands (Scotland) Bill will ensure that there is a sustained focus across government and the public sector to meet the needs of island communities, and notes the continuing constructive dialogue between the Scottish Government and representatives of Orkney Islands Council and Shetland Islands Council over the principle of fair funding for the provision of ferries and ferry infrastructure.”

16:07

Jamie Halcro Johnston (Highlands and Islands) (Con): I welcome the opportunity to debate this issue in the chamber. From my home on the mainland of Orkney I can watch the MV Hoy Head, the ferry that serves the islands of Hoy and Flotta, travel across the waters of Scapa Flow, carrying people to and from the islands, as it does every day and in all weathers.

For those of us who live in Scotland's island communities, ferries are our lifeline. That is why, to many of us in Orkney and Shetland, the discussion around ferry funding strikes at the heart of fairness. The Scottish Government itself made a commitment to "fair" ferry funding. By implication, such a commitment means that the Scottish Government recognises that the existing situation is unfair. On numerous occasions, members from several Opposition parties have challenged the Scottish Government to outline its plans, but no response has been forthcoming.

We therefore come to the Parliament today to seek clarity on a pledge that the Scottish Government itself made. Liam McArthur's motion and his speech have encapsulated that well. He pointed to some of the occasions on which commitments to "fair funding" have been made and repeated. Those pledges are longstanding.

Humza Yousaf: Will the member give way?

Jamie Halcro Johnston: I am afraid that I will not. The minister has had ample opportunity to make the position known.

Above all, it is the councils and the people of Orkney and Shetland who deserve clarity. That is what I have been seeking from ministers throughout the process. We know that action on the commitment has been moving at a snail's pace—if it has moved at all. More than that—

Derek Mackay: Will the member take an intervention?

Jamie Halcro Johnston: I think that the Government has had ample opportunity to provide clarity.

Derek Mackay: Does the member want a bit of clarity?

Jamie Halcro Johnston: More than that, we barely know what the commitment means or how the Scottish Government intends to deliver on it.

Let me give an illustration of the Scottish Government's approach in recent months. When I raised the issue with cabinet secretary Fergus Ewing in the chamber on 2 November, he chose to answer a question about the ferries that run between the mainland of Scotland and the northern isles.

Today's Scottish Government amendment seeks to do the same: to distract attention from the issue at hand—the need for clarity on fair funding of the islands' internal ferries—by trying to focus on the ferries that run between the mainland of Scotland and the Northern Isles.

I then sought clarity from the transport minister by writing to him on 6 November. I received an acknowledgment on 16 November and today, 6 December, I am still awaiting a substantive reply.

Those who live on the islands that make up the Northern Isles deserve reliable ferry services that will be sustainable into the future. Those services are vital, lifeline connections that serve communities where alternative transport options are often either not available or prohibitively expensive.

The economic and social benefits that the internal ferries bring to the islands cannot be overstated. They are used by the farmer or crofter to take his produce to the mart; by companies that rely on the ferry to export their products or services; by the general practitioner to reach patients or connected practices; by the elderly person who frequently crosses to access medical services or whose carers travel to provide services to those they look after on the islands; and by children and young people who travel daily to access secondary education, college or apprenticeships.

This is not simply about transport. It is about ensuring that our islands have vibrant and diverse communities—communities with a long-term future.

Derek Mackay: Will the member take an intervention?

Jamie Halcro Johnston: I am just in my last bit.

Over the years, we have heard much from the Scottish Government about the sustainability of rural and remote communities. Yet here, where they could put action behind their rhetoric, we get only delay and distraction.

Orkney and Shetland are a long way from Edinburgh, and their interests often seem drowned out against the cacophony of larger and louder and closer mainland local authorities, but the Northern Isles authorities have done the right thing. They have worked together. They have worked with opposition parties and those of us who represent them. They have lobbied Government. [*Interruption.*]

The Deputy Presiding Officer: Excuse me, Mr Halcro Johnston. Could we have less of the double act on the front bench, please?

Jamie Halcro Johnston: Thank you, Presiding Officer. They have made their case and they have brought it to the attention of this Parliament and Government, aided by those of us from the islands who recognise only too well the importance of their case. They deserve to be heard and they and the people of Orkney and Shetland whom they represent deserve to be told the Scottish Government's plans on an issue that is of vital importance to their islands' future.

Now is the opportunity for the Scottish Government to provide clarity on how it intends to meet its commitment to "fair ferry funding", to recognise the potentially devastating impact of its obfuscation on the issue and to accept the vital, lifeline nature of Orkney and Shetland internal ferries.

I move amendment S5M-09379.1, to insert at end:

" , and recognises that these are vital lifeline links, which provide considerable social and economic benefits to the communities that they serve."

16:12

Neil Bibby (West Scotland) (Lab): Scottish Labour welcomes this Liberal Democrat debate. I, too, declare that I am a member of the Unite trade union and the RMT parliamentary group.

The debate is about two important and related issues: how the Scottish Government funds local government and how the interisland ferry services in Orkney and Shetland are funded and provided.

Humza Yousaf said that local government has been fairly funded and then commented that people laughed, but that was because that was a laughable statement. Since 2011, £1.5 billion has been stripped out of council budgets. Right now, councils across Scotland are preparing for another round of cuts that is still to come. Local authorities have already had to find £1.4 billion of efficiency savings since 2012, resulting in the loss of 15,000 full-time equivalent staff across Scotland.

John Mason (Glasgow Shettleston) (SNP): Will the member give way?

Neil Bibby: If Mr Mason wants to tell us that that is councils being fairly funded, on you go, Mr Mason.

John Mason: It was to ask whether, if you think that local councils should have £1.5 billion more, that should come off the health service?

Neil Bibby: I do not know whether Mr Mason has been paying attention over the past couple of years. Scottish Labour has been making the argument for using the powers of the Scottish Parliament to raise revenue to invest in local services. He really should keep up.

He should also keep up with what COSLA is saying. As has already been mentioned, it needs £545 million more just to stand still. That should come as no surprise to John Mason or to the Scottish Government, because they have been warned time and again that their cuts to councils cannot be sustained.

For Orkney and Shetland, there are substantial additional costs and liabilities associated with providing interisland ferry services. Scottish Labour, and indeed the Scottish Government, I think, do not believe that those costs and liabilities should put Orkney and Shetland at a disadvantage—that is part of the Liberal Democrat motion—because cuts to councils are cuts to local communities.

Derek Mackay: Is Neil Bibby aware that the negotiations on local government finance take place in partnership with local government? Whatever one thinks about the quantum, distribution is a matter of joint agreement between the Scottish Government and COSLA. The distribution methodology is changed only if I have an approach from COSLA. Is Neil Bibby suggesting that my decision is unilateral, rather than made in the traditional manner by engaging with local government on distribution?

Neil Bibby: I am saying that councils should be properly and fairly funded; I am saying that Orkney and Shetland should be fairly funded for their lifeline ferry services. The cabinet secretary must take cognisance of the situation because Orkney Islands Council and Shetland Islands Council are warning him—and us—that unless they receive additional funds, their lifeline services could be cut.

Orkney Ferries carried more than 320,000 passengers on 20,000 sailings in the past year alone. That is more than were carried by Serco NorthLink and Pentland Ferries combined.

Orkney and Shetland councils are in a unique position. Across Scotland, ferry services that are publicly owned through Transport Scotland attract significantly more funding. We know from Orkney Islands Council that, in 2016-17, there was a funding shortfall of £2.8 million, which is £381,000 more than its ferry service budget. On top of that, the nine vessels in the Orkney Ferries fleet have a combined age of 258 years, which is an average age of nearly 29 years. An ageing fleet requires repairs and replacement and it is extremely difficult to see how that will be done without an impact on services.

There are also pay issues. There is a pay dispute between Orkney Ferries and the recognised trade unions, RMT, Nautilus UK and Unite, after members rejected the employer's latest pay offer. The dispute should be resolved

but is unlikely to be resolved while working to the current budget.

The transport minister is well aware of all these issues. He has made much of the road equivalent tariff announcement, but he is yet to address the huge capital costs for new vessels and repairs, which is leaving the Orkney and Shetland councils in limbo. The Scottish National Party's amendment provides no clarity; it simply refers to on-going talks

Providing the additional funding needed to run an appropriate ferry service, which is estimated to be £11.2 million a year, might only be a short-term solution. As the RMT points out, serious consideration must be given to the inclusion of interisland ferry services in a redrawn contract for northern isles ferry services from October 2019. That option should be assessed as part of the Scottish Government's on-going ferry law review.

The question remains: when will the Scottish Government make good on its promises? We do not seem to have a firm commitment or, indeed, an answer from Humza Yousaf; we do not seem to have that from Derek Mackay either.

Today, we have no decision from the Government on the funding of a major lifeline for the people of Orkney and Shetland. The people of Orkney and Shetland need and deserve certainty about the future financing of the ferry services. Promises have been made; now it is time to deliver. The Scottish Labour Party will support the motion in Liam McArthur's name.

The Deputy Presiding Officer: We move to the open debate. The speeches will be of four minutes. We are really tight for time, so I am going to be particularly narky this afternoon.

16:18

Mike Rumbles (North East Scotland) (LD): The motion that we are debating is straightforward. Every MSP in the chamber should be able to support it at decision time. Why am I suggesting that every MSP should be able to support it? All that the motion does is ask the Scottish Government, in particular Derek Mackay, the finance minister, to honour the commitments already made to the Orkney and Shetland islanders.

Derek Mackay: Will the member take an intervention?

Mike Rumbles: I have just started. I am glad to see Derek Mackay in the chamber—it is good to see him here. He knows that, when he was the transport minister, his response to a parliamentary question from my colleague Liam McArthur, which bears repeating, was:

“provision of transport services should not place a disproportionate financial burden on any council, particularly with reference to revenue support for ferry services”.—[*Official Report*, 26 November 2014; c 12.]

However, as I understand it—and there is an opportunity now to correct me if I am wrong—Mr Mackay has appeared to abandon that commitment as he does not intend including the funding in next week's budget.

I recently visited Orkney with the other members of the Rural Economy and Connectivity Committee. We were there as part of the process of taking evidence on stage 1 the Scottish Government's Islands (Scotland) Bill. There is much to be said for the islands bill, but there is a real concern among islanders that if it becomes an act of Parliament, it may not lead to real change and may just be warm words. However, the Scottish Government could signal right now that it intends to promote real change for island life by supporting the motion.

Derek Mackay: Will the member take an intervention?

Mike Rumbles: If you say that you will support the motion and give islanders the money, I will be happy to do that. Obviously, if you are not going to do that, you can sit down.

Judging by its amendment, it would seem that the Scottish Government wants to wriggle out of its commitments, but that will not work. Its amendment deserves to be defeated. It should be seen for what it is—a poor attempt to pull the wool. The Government does not even have the courage to attempt to change the Liberal Democrat motion. The cabinet secretary and the minister know that if they were in the right—[*Interruption*.]

Humza Yousaf: Will the member take an intervention?

Mike Rumbles: I ask Humza Yousaf to listen. I said that I am more than happy to take an intervention if the Government will give Orkney and Shetland the money that it has promised them. The minister and the cabinet secretary obviously do not want to do that and, therefore, they do not want to honour the commitments that they have made. They have the opportunity now and I have invited them several times to do so but they will not.

If they were in the right, they would have tried to amend our motion. They are simply trying to dodge the issue yet again—and we have seen it on the front bench—by trying to swamp the motion with other issues.

Humza Yousaf: Will the member take an intervention on the subject of the motion?

Mike Rumbles: I am in my final minute.

The Deputy Presiding Officer: It is quite plain that no intervention is being taken.

Mike Rumbles: There is no wriggle room. If the Parliament supports the motion, then the obvious next step for the Government would be to include a financial provision in next week's budget to honour the pledges that it has made. Words must be followed by action. If the Scottish Government continues to talk the talk but not walk the walk, then it is not just the people of the Orkney and Shetland islands that will notice—this will have repercussions throughout Scotland.

16:22

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): As this was headlined as a finance debate, for good measure, I remind the chamber that I am the parliamentary liaison officer to the Cabinet Secretary for Finance and the Constitution, who is present. This is clearly a debate of significant interest to him—if anybody will let him intervene.

As an MSP for island communities, I share much of the sentiment of Liam McArthur's motion and agree with the points that he made about our constituents' dependence on lifeline routes. I firmly believe that rural residents should have access to equitably priced products and services, which is why I am speaking in the debate. I will happily thank anybody who brings forward debates on matters of importance to the people of the Highlands and Islands, because the principles of equity and fair funding are especially acute when it comes to transport. A ferry fare is an extra cost that is always tacked on to a holiday, an educational trip, a hospital visit, a shopping trip or a visit to spend time with family and friends.

The Scottish Government evidently gets that, too, as the minister is honouring the promise in our manifesto to reduce ferry fares on services to Orkney and Shetland, as he has reduced fares for my west coast constituents. In advance of the roll-out of the RET, in early 2018, which is not far away, and an RET variant on routes from Aberdeen to Kirkwall and Lerwick, I can say unequivocally that the tariff has made a tremendous difference to my island-based constituents because ferry fares have plummeted. The RET will, no doubt, make just as much of a difference to the constituents of Mr McArthur and Mr Scott, which is good news. It was the SNP that delivered the RET on the west coast routes, and it will be the SNP that will slash fares on the northern isles routes. That will be a promise delivered.

It is budget time again, which is not just my favourite time of the year but an opportunity for every party. Clearly and understandably, internal ferry fares continue to be of concern to people in

Orkney and Shetland, but the cabinet secretary is in the chamber and he is listening. With the obvious caveat that internal ferries are a matter for councils, there is no better time than the week before the Scottish Government publishes its budget to discuss spending priorities. The more support that there is for the Highlands and Islands, the better.

I agree with Liam McArthur, but I have a question for him. If the money for internal ferry fares was in the budget, would he vote for it or would he vote against it as he and his colleagues voted against the extra funding for education, broadband, house building and further empowerment of island communities in last year's budget?

Every party in this chamber has the opportunity to deliver actual, real and tangible change by working with the cabinet secretary on the budget. Ultimately, the question for the Liberal Democrats and every other member who has spoken on the motion is whether, when it comes to the issue of internal ferry fares in the budget, their priority will be their party or their constituency.

16:25

Tom Mason (North East Scotland) (Con): For many thousands of people who live in our island and coastal communities, ferry transportation is a vital resource for day-to-day living. Whether we are talking about going to work or school, improving economic activity, the movement of goods and services or delivering public services such as policing and healthcare, ferries are of the utmost relevance in discussions about improving the lives of those in island and rural communities. That is not to mention the massive boost that the many thousands of tourists provide each year to local economies. The benefit of the ferry services is clear to see.

I was pleased to read in Audit Scotland's report, which was published in October, that, last year, among the ferry services that it considered and after accounting for adverse weather, 99.7 per cent of scheduled sailings took place and 99.6 per cent of those sailings were on time. That record is better than ScotRail's, and I pay tribute to all those who work tirelessly to maintain such high performance standards throughout the year.

The finance secretary has made a commitment to what he describes as fair funding. Although such a commitment is admirable, I am not alone in recognising that there are questions to ask about its implementation. Indeed, the joint statement from the leaders of Orkney Islands Council and Shetland Islands Council explained that, without an appropriate resolution, it is almost certain that ferry services will have to be reduced. One cannot

overstate how grave the consequences of that would be for our island communities. Therefore, we need much more clarity from the Scottish Government on how it intends to address the issue and prevent the sustainability of service provision from being called into question.

I also note the disparity in funding mechanisms between the ferry transport that is provided to the Western Isles and that which is provided in the north of Scotland. Services to Orkney and Shetland are designated as non-subsidised ferry services, but their equivalents in the west are subsidised by Transport Scotland without any need for local authority involvement.

Humza Yousaf: Will the member give way?

Tom Mason: No. The minister will have his say later.

We cannot say that such a situation is close to fair. The finance secretary needs to set out clearly his approach to that fundamental issue in determining whether the funding settlement is truly fair and equitable to all who rely on the services across Scotland. Unfortunately, until now, the silence from the Scottish Government has been deafening. Those communities and their lifeline services deserve better than the delaying tactics that we have seen all too often from ministers.

John Mason: Will the member give way?

Tom Mason: No.

Those communities deserve fair access to the opportunities that our economy can provide, and working with the island councils to address sustainability issues would be a good first step.

Although the Scottish Government's commitments on the funding of ferry transportation are welcome, I am concerned that delivery has simply not matched the rhetoric. I hope that the finance secretary will take on board the legitimate issues that the Parliament and stakeholders have identified and return with a solution that properly satisfies every stakeholder.

16:29

Rhoda Grant (Highlands and Islands) (Lab): I am grateful to the Liberal Democrats for bringing the issue up for debate. It is not new. Indeed, I have written to the Scottish Government on many occasions over the years about this looming problem, which is getting more and more serious as time passes. I therefore find it incredibly cynical of the Scottish Government to respond by telling MSPs to back the Government's budget, after which it will see what it will do. If that is not playing party politics, I really do not know what is.

Nothing that I have heard to date leads me to believe that the Scottish budget will be anything

other than catastrophic for the islands and the rest of Scotland. So much for the pledge that the

“provision of transport services should not place a disproportionate financial burden on any council, particularly with reference to revenue support for ferry services.”

The same Government is taking the Islands (Scotland) Bill through the Parliament to ensure that island communities are not disadvantaged and, on the other hand, is refusing to treat the islands equally.

The Scottish Government-owned ferry company provides interisland services for most other council areas. It provides them between the Argyll islands and the mainland, and it provides interisland services in the Western Isles.

Humza Yousaf: Will the member take a quick intervention on that specific point?

Rhoda Grant: Yes, if it is a very quick intervention.

Humza Yousaf: Does the member acknowledge that Argyll and Bute Council funds the Islay to Jura and Seil, Easdale and Lismore services; that Highland Council funds several internal ferry services, including the Corran ferry; and that Strathclyde Partnership for Transport funds the Gourock-Kilgroggan service? Orkney and Shetland are not the only councils to fund internal ferry services.

Rhoda Grant: That was not a short intervention. If Mr Yousaf had been listening to me, he would know that I said “most”, not “all”. It is clear that an awful lot of interisland ferry services are funded by the Government.

The ferries that are in service in Orkney and Shetland are old and long past the time for replacement. Frankly, they are not fit for purpose, and some of them do not even have adequate disability access, yet the Scottish Government refuses to help. Had it intervened earlier, we would not now have such an urgent problem. Surely, it would make sense for Caledonian Maritime Assets Ltd, which provides ferries to other councils, to provide ferries to Orkney and Shetland. At the very least, that would provide economies of scale and the ability to share ferries when there were problems. In other council areas, CalMac also runs ferry services, and that could be replicated throughout all our islands.

The wages that are paid to staff on the interisland ferries are out of line with those that are paid for similar jobs elsewhere. They are significantly lower than the wages that are paid by CalMac to its staff for providing similar services, and I understand that there is real concern that ferry workers will take industrial action because of that. No one disputes that they are underpaid

compared to others who are doing a similar job, but the councils tell us that they do not have the resources to pay them fairly.

The Government amendment refers to services between Orkney and Shetland and the mainland, but there are also concerns about freight costs and the capacity to transport freight from the northern isles to the mainland. Although passenger fares have been reduced, other costs are rising, including those for freight and for access to berths for the ferries. In reality, that is a tax on every islander and the goods coming from the islands. If the Scottish Government is committed to supporting island communities, it must take the lead and provide them with a level playing field, redressing the disadvantage that living on an island creates.

Cuts in local government funding by the Scottish Government are making the situation worse. Therefore, it would be much more fitting for the Scottish Government, rather than posturing, to honour its previous promises and find a way of providing high-quality interisland ferry services for people living on those islands. Failure to do that would show that the Government has no interest in island proofing or supporting our islands, only in providing warm words and little action. The Scottish Government needs to honour its commitment to the northern isles.

16:33

John Finnie (Highlands and Islands) (Green):

I declare an interest as a member of the RMT parliamentary group. I thank Lib Dem colleagues for lodging the motion, and I thank various people for their briefings, not least my hard-working Green colleague Councillor Steve Sankey.

We do not live in an equal world, and to treat people equally and fairly does not mean that we treat them the same. However, on the ferries issue, we have neither equality nor similarity. The Scottish Green Party will support the motion at decision time. Nevertheless, I say to the minister that I do not know what the maritime equivalent of the long grass is, but that is how the Scottish Government amendment appears to us.

There are a number of ferries issues for me, as a representative of the Highlands and Islands. There is the issue of the Corran ferry, which has been alluded to, as has the issue of the Kilcreggan ferry, and there are the aspirations of people in Dunoon regarding the ferry there. However, the big difference with those routes is that none of them is a lifeline route. We will therefore support the Conservative amendment, which refers to recognising that those routes

“are vital lifeline links, which provide considerable social and economic benefits to the communities that they serve.”

We must not lose sight of that fact.

Both Orkney and Shetland councils want what is best. I have met the convener and leader, and I know that there is consideration of the transfer to Transport Scotland. If that ultimately happens and it is adequately funded, that will be good, but that is not what the Scottish Green Party would like to see. Local operation of those ferries by the local authorities is the appropriate way forward.

Not for the first time, I will talk about £6 billion of expenditure on two roads and £0.75 billion of expenditure on the M8. Government is about decisions and choices, and politics is about choices. With regard to the dualling of the A9 and the A96, the minister enjoys the support of all the other parties in the Parliament but he does not enjoy my support.

I will compare and contrast the options. Travel between our capital city and our largest city has a number of rail options, a subsidy for the bus service and a subsidy for the road—we have to start thinking in those terms. However, when a person on Hoy or Whalsay goes to the mainland of the islands, the local authority pays for that. Someone suggested that Highland Council should utilise the common good fund for road building—I take that as a tongue-in-cheek suggestion. There is no parity or equality.

It would be churlish not to acknowledge what has been said about the northern isles and the mainland ferries. However, the issue is choices, and there are important factors such as the suitability of the fleet, which Rhoda Grant alluded to. I find it distinctly embarrassing that a ferry that is not compliant with the Disability Discrimination Act 1995 is being operated in the public sector in Scotland.

Humza Yousaf: Will the member take an intervention?

The Deputy Presiding Officer: Very quickly, minister.

Humza Yousaf: Given that the ferries are the responsibility of Orkney Islands Council, does John Finnie not find it strange to attack the Scottish Government for the fact that Orkney Islands Council has not built a new ferry since 1996?

John Finnie: There is a lot of talk about the building of military vessels and options for the construction of ferries. I thought that the Raasay ferry, which is plugged in and uses renewable energy at night, might be an option, but I am told that it would be unsuitable for the waters between the Orkney islands. I had better get the terminology right. Hydro, hybrids and hydrogen for the Orkney ferries, with electricity from the

turbines in Westray, Rowsay and Shapinsay—what could be better than that?

There are decisions to be made, and I hope that they will meet all the interests and reasonable aspirations of the residents of the northern isles.

16:37

John Mason (Glasgow Shettleston) (SNP): I want to state how important islands are to Scotland. I am a mainland MSP—in fact, I am a city MSP—but I love the islands. We have a responsibility as a country, including the central belt of Scotland, to ensure that our islands and other remote areas are in a healthy state. That is not just a duty or a responsibility. We all benefit from Scotland having so many islands; they are a key part of our heritage as a country and they are part of what defines us as a nation.

It was a bit sneaky of the Lib Dems to call this debate a finance debate and then focus on internal island ferry services. We should maybe call every debate a finance debate on the grounds that there will always be a financial angle to anything and everything that we discuss here. However, I am happy to take part in this debate for two reasons. First, I have a personal interest in islands and I have used internal island ferries to visit Yell, Unst, Bressay, Fair Isle, Hoy, Rousay, Shapinsay, Westray and Papa Westray, if memory serves me correctly—I might have missed one. Secondly, as Mike Rumbles said, the Rural Economy and Connectivity Committee, of which I am a member, has visited islands in recent months and has visited Orkney.

The bill is fairly high level, but on the islands that we visited, transport was the main topic to be raised with us by local folk on every occasion, and on Orkney that certainly included the issue of interisland services. When travel to the mainland is taken into account, it is clearly more expensive to live on islands, and that extra cost increases again for those who live on an island other than the main island. One example that we heard was that of a youngster from Rousay who wanted to play rugby in Kirkwall, but had to stay there overnight in a bed and breakfast because the ferries did not run late enough.

When I was in Shetland, I found the ferry fares pretty inexpensive and I was amazed at how little it cost me to get a boat to Fair Isle. However, I accept that the ferry journey is only part of the journey and, if other transport is needed, the costs start to mount up. I thank Orkney Islands Council for its briefing, and I think that we all accept that the islands face financial challenges on ferries.

The suggestion that the Scottish Government could take over all ferry services in return for a reduced grant to the island councils should be

considered, and it sounds attractive on the surface. However, the downside might be a loss of local control. For example, we heard dissatisfaction in Mull that there was no direct ferry to Coll and Tiree, despite their close proximity, so that lack of local control would need to be considered.

When we think of ferries in Scotland other than those that are run by CalMac or NorthLink, it is important that we remember council-run and independently run ferries—some of which are lifeline services—because if money is to be found for Orkney and Shetland, it has to be found for those other services, too.

On finance, island authorities get more per head than mainland authorities, and rightly so. If there is to be extra money for island ferries, it has to come from somewhere and there have not been many suggestions this afternoon about where it would come from.

16:41

James Kelly (Glasgow) (Lab): I welcome the opportunity to speak in this afternoon's Liberal Democrat debate and to speak in support of the Lib Dem motion.

In many ways, it is quite a straightforward debate. The Lib Dems have, in essence, made a demand that the Government must honour previously made commitments about fair funding of ferry services to Orkney and Shetland, and the debate should be about whether Parliament accepts that demand. It is a reasonable demand and the reason that it has been made is that, as members from all parties have acknowledged, ferries play an important part in the country not only in terms of links between the mainland and islands and between islands, but in supporting local people and local economies. As Neil Bibby pointed out, there are 20,000 sailings per year carrying 320,000 passengers to Orkney alone, which shows the scale of the operation.

The Government's response, as Rhoda Grant noted, has been particularly disappointing, and its amendment to the motion wanders around a whole lot of other issues. It is as if the minister, Humza Yousaf, is auditioning for a role at the Scottish Storytelling Centre, because he tells a number of stories rather than dealing with the issue that the Lib Dems have brought to the chamber. There is an element of disappointment for us in that and it shows how the Government goes about business. As Liam McArthur said, the issue goes back to June 2014, when the former First Minister visited the islands and made that promise.

Derek Mackay: Who does James Kelly think is better positioned to say what the content of those

meetings was: the politicians who are trying to score cheap political points, or the member of the Government who was in the room every step of the way in negotiating the position with council leaders, who are very satisfied with the progress that they are making? The question that the council leaders have is about why their constituency members are letting them down.

James Kelly: The fact of the matter, as Liam McArthur said, is that the proposal was outlined on two occasions, first by Alex Salmond in June 2014 and then later in the year by Derek Mackay himself, when he committed to a fair funding settlement. If he is challenging that, let him get on his feet and tell us that he did not commit to a fair funding settlement.

Derek Mackay: What was committed to in the islands prospectus and in the subsequent manifestos on which this Government was elected, specifically on inter-island ferries, was that we would engage in meaningful negotiations with the councils, which is exactly what we have done. The question that the councils are asking is: why are their constituency members not supporting an insertion in the budget that they would support if it was put in the budget?

James Kelly: There is only one thing to say, Presiding Officer. There you have it—another SNP U-turn.

The Lib Dem MSPs, as I said at the start, have brought a simple demand to the chamber, and the SNP has simply tried to talk it out. Parliament and the people of the islands deserve better than that. They deserve respect and they deserve a fair funding settlement.

16:46

Jamie Greene (West Scotland) (Con): As the famous travel writer Henry Morton wrote,

"If you want to be really well known go to live in the most solitary place on earth! In an island there are no secrets."

Scotland is a unique part of the UK in that we host the majority of our islands communities—communities that contribute to our economy, heritage and culture. Orkney and the Shetland Islands are unique in the Scottish landscape, too. Secrets there may not be, but there is one thing that local people will always want to talk about, and that is ferries. As we celebrate the unique contribution that those communities make to life in Scotland, let us not forget the unique challenges that they face. The issue of transportation to and from the mainland and interisland travel is much more than a bletcher over a bitter in the bothy.

Today's debate has illustrated quite well the social and economic importance of island connectivity. Getting from A to B affects tourism,

inward migration, repopulation, access to economic markets and access to education, health and social care. How we approach ferry infrastructure and funding is arguably the most striking part of how we look after our islands.

The motion is an important one because it asks the Scottish Government for greater transparency on its plans for fair funding. The Scottish Government committed to the principle of fair funding, but little detail has been given since the position was outlined in "Empowering Scotland's Island Communities" three years ago.

My colleague Jamie Halcro Johnston said that the issue is not simply about transport. It is about the preservation, and indeed the cultivation, of the diverse communities on our islands. We do not often talk about the importance of interisland trading, but we know that it is hampered if there is no way to transport goods and people from one island to another. Tom Mason illustrated that well when he talked about the potential impact of reducing interisland services.

When summing up, I like to include constructive contributions from across the chamber, and I had reserved a page in my speech for constructive SNP contributions. The blank page that I am holding up speaks for itself. We have heard nothing but excuse after excuse after excuse.

As a member for the West Scotland region, I know the enormous difficulties that island residents experience when services are disrupted. That is why we have added specific wording in our amendment to stress the fact that those ferry services are "lifeline links". It seems an obvious statement to make but, alongside aviation, ferries remain the vital connector. Despite being paramount to the future of our island communities, Scotland's ferries are suffering from a severe lack of direction, as was noted by Audit Scotland, which recently said that to date there has been no Scotland-wide ferries strategy.

Transparency is critical, and that is the basis of the Lib Dem motion. The Scottish Government should lay out its proposals, both for the future structuring of Scottish ferry routes and for their funding.

Humza Yousaf: Will the member take an intervention?

Jamie Greene: I am in my final minute. Perhaps the minister can respond in his summing up.

In 2016, Transport Scotland announced a Scottish transport appraisal guidance-style report on internal ferries. To my knowledge, no conclusions have been publicly released. Perhaps the minister can explain why. Island residents, ferry operators and businesses deserve to have clarity over their future so that they can plan

ahead. Local authorities, which are already challenged by budgets, also require certainty. We share OIC's and SIC's concerns.

The Scottish Government has made public commitments about ferry funding. The Lib Dem motion asks it to set out how it intends to honour them. We support that motion and we await the Government's response with bated breath.

16:50

Humza Yousaf: I stress once again that the Government's priority and promise was to reduce ferry fares on services from the Scottish mainland to Orkney and Shetland, in line with our 2016 manifesto commitment. This might be novel to a number of parties, including the Lib Dems, but we intend to honour the commitments and promises in our manifesto. That is exactly what we have done.

Let us address the central issue, because time is short. Mike Rumbles said that we could fix the issue next week, and the Liberal Democrat constituency members for Orkney and Shetland said that it is all about finance. Let us make it clear right here and now: will they intervene to tell me whether, if money for internal ferries for Orkney and Shetland is in the budget in eight days' time, they will support it? [*Interruption.*] Will they support it? They can intervene. [*Interruption.*] There is complete and utter silence from the Liberal Democrats, who put their party position ahead of their constituencies. [*Interruption.*]

The Deputy Presiding Officer: Can we stop this right now, please?

Humza Yousaf: How interesting is that? [*Interruption.*]

The Deputy Presiding Officer: Can we stop this right now, please, Mr Yousaf?

Humza Yousaf: They could not intervene.

The Deputy Presiding Officer: If there is to be an intervention, members should please stand up and offer to make one. Please do not shout from a sedentary position.

Humza Yousaf: It is telling that the Liberal Democrats are not standing to intervene. I give them the chance right now to put their constituency interests ahead of their—

Tavish Scott (Shetland Islands) (LD): I am intensely grateful to the minister for giving way. Will he put that in the budget next week: yes or no?

Humza Yousaf: That was not an answer to the question whether he would vote for it if it was in the budget. That tells us everything, and it will not play well in Orkney or Shetland.

Let us talk about some of the other issues that were mentioned. It was somehow suggested that Orkney Islands Council and Shetland Islands Council are treated unfairly—they are not treated similarly to other local authorities. I record once again that it is not only Orkney Islands Council and Shetland Islands Council that fund internal ferry services. Argyll and Bute Council funds a number of internal ferry services, as does Highland Council and, as we have heard in the chamber before, SPT funds the Gourock-Kilcreggan route.

I will address the central point about what was promised and committed to. We have a trio of transport ministers on the front bench. At least a couple of us have been involved in the discussions, and were involved as recently as a couple of weeks ago. As we sat in that conversation with the leaders of Orkney Islands Council and Shetland Islands Council, Derek Mackay and I promised to continue constructive dialogue. The response from the leader of Shetland Islands Council, Cecil Smith, as reported in *The Shetland News* online—members can check this—was this:

"I am more optimistic than I have ever been before".

He said of Derek Mackay that

"He took all that on board, and I think the meeting has been more positive than"

he could have thought. The dialogue continues constructively. The only people who are playing party politics with the matter are the Liberal Democrats.

Jamie Greene: The minister mentioned constructive dialogue. The promise was made in 2014, there were further updates in 2015 and 2016, and we are now at the end of 2017. How long will the "constructive dialogue" take?

Humza Yousaf: We say that clearly in the ferries plan. I have already quoted page 12, and paragraph 4 on page 52. We promise constructive dialogue but, ultimately, the responsibility for fair funding lies with Orkney Islands Council or Shetland Islands Council. I do not understand how Jamie Greene has not a tad of shame for standing there and demanding that we spend more while his party cuts taxes and cuts the Scottish Government's budget by £500 million over the next two years.

We will continue with the great initiatives that we are implementing for island communities: fulfilment of our manifesto commitment to reduce ferry fares from the mainland to Orkney and Shetland; the establishment of the islands housing fund, which is helping to tackle depopulation across the islands; and the introduction of the historic Islands (Scotland) Bill, about which some members have been rather negative, which surprises me because it is viewed positively on the islands where I have

travelled. We will also continue the constructive dialogue with the leaders of Orkney Islands Council and Shetland Islands Council.

In my final remarks, I say to Liam McArthur and Tavish Scott once again that they can side with their constituencies and engage positively, as the leaders of Shetland Islands Council and Orkney Islands Council have done, or they can choose to play party politics. I sincerely hope that they choose to engage positively.

Our collective ambition is to see our island communities thrive. We will continue to move forward with that ambition: I hope that other political parties will join us in doing that.

16:55

Tavish Scott (Shetland Islands) (LD): After that performance, I can say that I could not be anything like as good at playing party politics as Derek Mackay and Humza Yousaf are.

Michael Anderson's boat, Guardian Angel, will land boxes of whitefish at Cullivoe in Yell this week. His catch is trucked to Lerwick and finishes up in French and Spanish markets. His haddock and cod, which are part of Shetland's annual £300 million-worth of seafood exports, are exported because of the interisland ferries. Those ferries carry people, freight and fish to the Shetland mainland. Only then can those exports be ferried to Aberdeen and beyond. To those who ask why Parliament is debating local ferries this afternoon, that is the answer. Government cannot talk about a food and drink strategy unless the food that makes up such a strategy—including fish, salmon and mussels—can get to the market, and that happens because of interisland ferries.

As Liam McArthur has explained—as our motion explains—nationalist ministers have accepted their financial responsibility, but what they have not done is pay. Ferries have become part of the usual nationalist game. Who can they find to take the blame? Messrs Mackay and Yousaf have spent the past four years telling isles' councillors that all will be well. They have layered on the charm and the doublespeak. We have heard a lot this afternoon about the never-ending discussions with the island councils.

However, I will now present the reality—not the spin from the Government front bench. In addition to the Salmond visit in 2014, which Liam McArthur talked about, there was the November 2014 joint statement that was agreed by the then transport minister that set a target of having a fair funding position resolved by the middle of 2015. The crux example is this: on 10 March 2016, the leaders of the councils received a letter from the minister confirming the understanding of that financial ask, acknowledging the urgency of it and committing to

reaching a fair funding position within five to six months of that date. What bit of that has the Government not answered? What bit of that has the Government misled the leaders of our councils about?

Finally, the councils have advised me that information on that financial ask has been presented by Transport Scotland to ministers as part of its budget proposal for 2017-18. I do not think that matters can be much clearer than that. The discussions are over: there are no more discussions to be had. The Government knows exactly what it needs to do and it should accept—

Derek Mackay: Will the member give way?

Tavish Scott: If Derek Mackay is going to tell me that he is going to put that settlement in the budget, I will of course give way.

Derek Mackay: Of course, there is a window of opportunity between now and the publication of the budget on 14 December. I will respond directly to Tavish Scott. If I put that in the budget, will he vote for it?

Tavish Scott: As the leader of Orkney Islands Council said in November, the Government

“needs to honour its commitment to the Northern Isles fair ferry funding rather than playing politics with the issue”,

which is exactly what Derek Mackay is doing. *[Interruption.]*

The Presiding Officer (Ken Macintosh): Order.

Tavish Scott: I agree with the leader of Orkney Islands Council, and I ask Parliament to do the same.

Next Thursday will be another acid test of another nationalist policy—in this case, island proofing. That means the Government ensuring that whatever it does takes into account the needs of islands. I agree with that approach, which is a sensible one. However, Derek Mackay cannot love the principle and then sell out on the practice, but that is what he is going to do next week.

This Government funds many other local ferries across Scotland, as many members have noted. It is right for those members to continue to make that case. Our argument is that much of the case that we have made today applies equally to other areas. All that investment would be absolutely fine if we had a level sea and a calm and evidence-based approach to ferries policy. However, as always, the SNP is playing politics with people's livelihoods. Fishermen, fish farmers and other businesspeople in the outer islands of Orkney and Shetland deserve the same support as those in other areas. They do not deserve to be discriminated against; they deserve to be

recognised for their commitment to the wider Scottish economy.

I ask Parliament to vote for the motion in the name of Liam McArthur instead of kicking the issue into the deepest part of the North Sea, which is what will happen if the Government amendment is voted for today. If Liam McArthur's motion wins today, Derek Mackay should accept the will of Parliament and do what he promised to do in 2016 and make the payment to the councils.

My final point is something that people in the islands feel incredibly strongly about. I say this to Mr Yousaf, to Mr Mackay, and to every minister. When a part of Scotland does not vote for the SNP and rejects independence, that is not a reason for political, economic or financial discrimination. Read the ministerial code! Read the ministerial code! You are there to deliver for all of Scotland! *[Applause.]*

The Presiding Officer: That is quite enough.

Tavish Scott: Do not make cynical political calculations about who to support based on their likely voting intentions.

The Parliament should back Liam McArthur's motion and reject the Government's amendment.

Business Motion

17:00

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motions S5M-09402, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 12 December 2017

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Debate: Year of Young People

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 13 December 2017

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Finance and the Constitution;
Economy, Jobs and Fair Work

followed by Scottish Conservative and Unionist
Party Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 14 December 2017

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.00 pm Parliamentary Bureau Motions

2.00 pm Ministerial Statement: Scottish
Government's Draft Spending and Tax
Plans for 2018-19

followed by Scottish Government Debate: A Fairer
Scotland – Delivering Race Equality

followed by Final Stage Proceedings: Writers to the
Signet Dependants' Annuity Fund
Amendment (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 19 December 2017

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

Wednesday 20 December 2017

2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions
 Environment, Climate Change and Land
 Reform;
 Rural Economy and Connectivity
followed by Stage 3 Proceedings: Wild Animals in
 Travelling Circuses (Scotland) Bill
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 21 December 2017

11.40 am Parliamentary Bureau Motions
 11.40 am General Questions
 12.00 pm First Minister's Questions
followed by Parliamentary Bureau Motions
 12.45 pm Decision Time

and (b) that, in relation to First Minister's Questions on 14 December, in rule 13.6.2, insert at end "and may provide an opportunity for Party Leaders or their representatives to question the First Minister".—[Joe FitzPatrick].

Motion agreed to.

Parliamentary Bureau Motions

17:01

The Presiding Officer (Ken Macintosh): The next item of business is consideration of four Parliamentary Bureau motions. I ask Joe FitzPatrick, on behalf of the Parliamentary Bureau, to move motions S5M-09279, S5M-09280, S5M-09403 and S5M-09404, on approval of Scottish statutory instruments.

Motions moved,

That the Parliament agrees that the Criminal Justice (Scotland) Act 2016 (Consequential and Supplementary Modifications) Regulations 2017 [draft] be approved.

That the Parliament agrees that the Criminal Justice (Scotland) Act 2016 (Modification of Part 1 and Ancillary Provision) Regulations 2017 [draft] be approved.

That the Parliament agrees that the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment (No. 2) Regulations 2017 [draft] be approved.

That the Parliament agrees that the Fishing Vessels and Fish Farming (Miscellaneous Revocations) (Scotland) Scheme 2017 [draft] be approved.

Decision Time

17:01

The Presiding Officer (Ken Macintosh): There are a number of questions to be taken at decision time. I remind members that, if the amendment in the name of Michael Matheson is agreed to, the amendments in the name of Claire Baker and John Finnie will fall.

The first question is, that amendment S5M-09378.4, in the name of Michael Matheson, which seeks to amend motion S5M-09378, in the name of Liam McArthur, on justice, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)

Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Ind)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)

Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 59, Against 61, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S5M-09378.1, in the name of Liam Kerr, which seeks to amend the motion in the name of Liam McArthur, on justice, be agreed to. Are we agreed?

Members: No.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Ind)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)

Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)

Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 55, Against 65, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: I remind members that, if the amendment in the name of Claire Baker is agreed to, the amendment in the name of John Finnie will fall.

The next question is, that amendment S5M-09378.3, in the name of Claire Baker, which seeks to amend the motion in the name of Liam McArthur, on justice, be agreed to. Are we agreed?

Members: No.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Ind)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)

Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)

Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 20, Against 100, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S5M-09378.2, in the name of John Finnie, which seeks to amend motion S5M-09378, in the name of Liam McArthur, on justice, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)

Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Ind)
 Rumbles, Mike (North East Scotland) (LD)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)

Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 6, Against 114, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S5M-09378, in the name of Liam McArthur, on justice, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)

Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Ind)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)

Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 35, Against 85, Abstentions 0.

Motion disagreed to.

The Presiding Officer: The next question is, that amendment S5M-09379.2, in the name of Humza Yousaf, which seeks to amend motion S5M-09379, in the name of Liam McArthur, on finance, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)

Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Ind)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)

Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 60, Against 60, Abstentions 0. The result is tied. As Parliament has been unable to reach a view on the amendment, I will use my casting vote. In line with previous examples, I will vote against the amendment.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S5M-09379.1, in the name of Jamie Halcro Johnston, which seeks to amend motion S5M-09379, in the name of Liam McArthur, on finance, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S5M-09379, in the name of Liam McArthur, on finance, as amended, be agreed to.

Motion, as amended, agreed to.

That the Parliament notes the commitment from the Scottish Government to “the principle of fair-funding in the provision of ferries and ferry infrastructure” and the statement from the former transport minister and now finance secretary, Derek Mackay MSP, that “the provision of transport services should not place a disproportionate financial burden on any council, particularly with reference to revenue support for ferry services”; therefore calls on the Scottish Government to set out to the Parliament how it intends to honour these commitments in relation to Orkney and Shetland internal ferry services, and recognises that these are vital lifeline links, which provide considerable social and economic benefits to the communities that they serve.

The Presiding Officer: The next question is, that motion S5M-09279, in the name of Joe FitzPatrick, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to.

That the Parliament agrees that the Criminal Justice (Scotland) Act 2016 (Consequential and Supplementary Modifications) Regulations 2017 [draft] be approved.

The Presiding Officer: The next question is, that motion S5M-09280, in the name of Joe FitzPatrick, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to.

That the Parliament agrees that the Criminal Justice (Scotland) Act 2016 (Modification of Part 1 and Ancillary Provision) Regulations 2017 [draft] be approved.

The Presiding Officer: The next question is, that motion S5M-09403, in the name of Joe FitzPatrick, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to.

That the Parliament agrees that the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment (No. 2) Regulations 2017 [draft] be approved.

The Presiding Officer: The final question is, that motion S5M-09404, in the name of Joe FitzPatrick, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to.

That the Parliament agrees that the Fishing Vessels and Fish Farming (Miscellaneous Revocations) (Scotland) Scheme 2017 [draft] be approved.

The Presiding Officer: That concludes decision time.

Parcel Delivery Charges

The Deputy Presiding Officer (Christine Grahame): The final item of business is a members' business debate on motion S5M-07776, in the name of Richard Lochhead, on unfair parcel delivery charges. The debate will be concluded without any question being put.

Motion debated,

That the Parliament understands that, compared with other parts of the UK, people in Moray, the north of Scotland and other rural areas are often charged excessive rates for parcel deliveries; understands that recent examples of this practice include Halfords charging £50 to send towels, which cost only £5.99, to Speyside, and LloydsPharmacy charging £50 to send a mobility scooter to a terminally-ill woman in Keith, despite advertising free UK delivery online; recognises what it sees as the frustration of consumers living in postcodes such as IV and AB, who have to pay these charges, which it considers unfair; welcomes both Halfords and LloydsPharmacy reported decision to review their charging policies in response to public concern; acknowledges the importance of challenging companies over such policies, and notes the view that there is a need for the relevant authorities to address this issue, which it believes affects many thousands of households and businesses.

17:10

Richard Lochhead (Moray) (SNP): I thank the many members who signed my motion and are attending the debate. The cross-party support for an issue that affects homes and businesses across the country is most welcome.

I pay tribute to Drew Hendry MP, Citizens Advice Scotland, Highland Council and the many community campaigners—including Rebecca Wymer who runs Stacks bistro in John o' Groats and who started her own petition in July—formerly highlighting the issue that we are debating. I say to all of them, and to members in the chamber, that I believe that December 2017 will go down as a turning point, when, with household budgets already under pressure, the people of Scotland will say enough is enough—no more rip-off parcel delivery surcharges. Hopefully, the authorities will also accept that real action is now required to address the issue.

More Scots than ever will shop online this Christmas, because better digital connectivity allows us to part with our cash without ever leaving our homes. For their part, retailers know that in today's marketplace they need to sell online to compete. In rural areas in particular, the internet can be a godsend, especially for goods that are not available on our own doorsteps. Yet, for a large part of our country, online shopping comes with a big, expensive drawback. Many households and businesses are being ripped off by retailers who are charging jaw-dropping and completely unjustifiable sums for delivery.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): Richard Lochhead mentioned jaw-dropping examples and I am sure that he is about to give some. Does he agree that in the island communities the situation is extreme? I can think of a constituent in Harris who was charged £61 on top of the £145 price for a parcel, even when the constituent offered to pick up the item in Inverness. I am sure that the member will agree that the situation is extreme in all our island communities.

The Deputy Presiding Officer: I will give you extra time, Mr Lochhead; that was a long intervention.

Richard Lochhead: Thank you. I absolutely agree with Alasdair Allan. His constituency is, of course, very much affected; I will refer to that later.

Many retailers deliver free or at low cost elsewhere in the United Kingdom, but impose hefty surcharges to much of Scotland: a delivery fee of £50 was demanded for despatching a £5.99 pair of handtowels to a Speyside constituent of mine; a £60 surcharge was levied for sending a small £8.99 item—a nozzle for a washer—to Fochabers; and another Fochabers constituent purchased spare car parts from Germany with free delivery, rather than pay up to £45 for delivery from elsewhere in the UK.

What started as a Moray campaign has gone national. I have been contacted by people from throughout the country via fairdeliverycharges.scot and social media and I have learnt a lot. I can tell Alasdair Allan that I have been told that a pair of boxer shorts—not ones that I would wear personally—sold by the Lincolnshire-based Internet Fusion Ltd store and costing £19.91 can be delivered to Barra for an extra £33.94, but it costs only an extra £19.15 to get the order to Bulgaria, according to the website. I think that we can all agree that that example is completely bonkers.

There are many issues, of which lack of transparency is one. Disgracefully, consumers are sometimes not told about the surcharge until after they have completed their purchase. A lady near Inverurie bought an exercise bike at £155 plus £15.99 for delivery, which she thought was reasonable. The next day the company informed her that there would be an additional £34 surcharge due to her AB postcode.

Citizens Advice Scotland estimates that 1 million Scots are affected. It is important to be clear that not all retailers impose these surcharges and that others keep them reasonable. However, many do not keep the surcharges reasonable—they are like a delivery tax that costs much of Scotland millions of pounds a year. There is such an inconsistent picture. Some retailers offer free delivery to some

or all postcodes, or minimal surcharges, but others apply huge surcharges. There is no rhyme nor reason to how many of the surcharges are calculated.

I have heard of cases in which the surcharges for delivery to addresses in Elgin, on the A96, with IV postcodes, are higher than delivery charges to nearby rural villages with AB postcodes, and cases in which the opposite is true. The blunt use of postcodes is a big problem. I visited a community in Moray where the boundary is a field. The houses with IV postcodes at one end of the field are subjected to huge surcharges, such as £32.99 delivery for a referee's whistle and mini-wallet costing £7.95, while the houses at the other end get charged only £4.95 delivery for the same item. To add to the absurdity, delivery lorries using the A96 drive past the houses that are charged the higher surcharges. No wonder the public are completely exasperated.

According to the courier company Menzies, whose depot I visited and which delivers to all corners of the Highlands, many of the higher charges, such as a £74.99 surcharge for delivering a £61.99 kids toy, which was bought through Tesco Direct, are unjustifiable.

We know that it is not nearly as common for Scottish companies based in the north to surcharge customers in the far south of England. Johnstons of Elgin, for example, charges the same for delivery anywhere in the UK, yet Groupon, Kiddicare and others have been criticised for refusing to even deliver to the north of Scotland.

There is often geographical ignorance and flawed computer software. One lady told me that she was asked to pay a £70 surcharge for an item advertised as coming with free delivery. The reason for the surcharge was that her AB postcode put her in the Highlands. She explained that she lives in Stonehaven, next to the A90, but that did not wash. One man from mainland Argyll sent me his paperwork, which showed that the retailer had applied a £7.99 surcharge because his home was deemed to be offshore.

As we all know, astonishingly, some mainland Scottish postcodes are not mainland UK, according to many retailers. The banners emblazoned with claims boasting of free UK delivery are absolutely worthless once the customers get to the small print at the end of the ordering process—if there is even any small print there.

There have been attempts to tackle these rip-off surcharges. In 2014, ministers working with the industry and consumer groups drew up a statement of principles for retailers to follow. Some retailers stick by them; others ignore them. Principles relating to location, discrimination and

transparency are being flouted by many retailers and courier companies. They are voluntary and are aimed only at retailers, not couriers, and they are largely ignored.

I recently met stakeholders in the Parliament and I was delighted to learn today that the minister plans to host a similar event. There is an appetite for more action, because too many Scots are being treated as second-class customers. UK, rather than Scottish, ministers have legislative responsibility, so it is time for them to investigate and regulate. After ruling out regulations in September, UK ministers this week seemed to be softening their position.

The Office of Communications regulates only the Royal Mail, the universal service provider. Regulating parcel deliveries, either through the Post Office legislation or consumer protection rules, which is a reserved issue, should be urgently considered. We must ensure that there is transparency before orders are placed, through better enforcement or better regulation.

Many retailers seem to be acting illegally, given the behaviours that I have outlined in the past few minutes. If delivery is free to what is referred to as the UK mainland, that must obviously include all of mainland Scotland.

In the meantime, customers can shop around and name and shame the worst offenders. Big retailers such as Halfords and LloydsPharmacy reviewed their charges after I contacted them, so they can change.

To end rip-off delivery charges, we need common standards by which all retailers and couriers must abide. I urge the minister, whom I met recently to discuss this issue, to take up the cudgels on behalf of customers and the people of Scotland, take the case to the retailers and couriers, lobby his UK counterparts and use the Scottish Parliament's new powers over consumer advocacy and advice to tackle this issue. I ask Scottish and UK ministers to deliver an early Christmas present to up to 1 million Scots by pledging to tackle these rip-off delivery surcharges.

The Deputy Presiding Officer: We come to the open debate, in which 10 members wish to speak. I ask for speeches of four minutes.

17:19

Gail Ross (Caithness, Sutherland and Ross) (SNP): I thank Richard Lochhead for bringing the debate to the chamber. I imagine that it is one debate that will find consensus across all parties. All members will have stories about ridiculous delivery charges. There are stories from my constituency, Caithness, Sutherland and Ross, as

well as stories from all over the Highlands, Moray and even as far down as Perth.

There is ambiguity about where the charges actually go. Do they go to sellers, or is it the delivery companies that make the charges?

The situation in the far north has become so frustrating that a local Wick man, Gary Gunn, has set up his own delivery company, to counter the excessive charges. He says that he took a gamble in leaving his job but although he has been in business for only four weeks he has been inundated with orders. On his Facebook page, he tells people where he is heading on certain days and he takes orders for certain companies. His feedback shows that he is already building up a happy and loyal customer base.

We all have stories about excessive, disproportionate and frankly ridiculous delivery charges to some postcodes. My postcode, KW, originates in Wick but is often mistaken for a postcode that is exclusive to Kirkwall. It is hard to ascertain whether that is a genuine mistake or merely mischief making on the part of the companies involved. Let me make it clear by referring to that font of all knowledge, Wikipedia—as well as reliable sources, I must add. Wikipedia says:

“The KW postcode area or Wick postcode area is a group of postcode districts in the far north of Scotland. Though the area includes all of the Orkney Islands, it is named after Wick, the largest town in Caithness and the post town of the KW1 district. Districts KW1–KW14 are on the mainland of Scotland, roughly corresponding to the boundaries of the historic county of Caithness. The area comprises the post towns of Berriedale, Brora, Dunbeath, Forsinard, Golspie, Halkirk, Helmsdale, Kinbrace, Latheron, Lybster, Thurso, and Wick, as well as Kirkwall, Stromness, and the rest of Orkney.”

As is probably the case with all members, I have been sent loads of examples of excessive charges. If I had more than four minutes for my speech, Presiding Officer, I could probably relay them all. I will not do that, but I will read out some. Gary told me:

“Euro Car Parts—Delivery to ‘GB Mainland’ is free. Delivery to ‘Scottish Highlands & Islands’ is £5.95. What particularly annoys me about this, aside from actually living on the GB Mainland, is that they have a store located in Inverness.”

The company should know better.

James told me:

“Not extortionate but The Whisky Exchange charge £5 surcharge for Highlands & Islands which they classify with Isle of Man, Isles of Scilly and Northern Ireland.”

Shona wrote to Kiddicare, which Richard Lochhead mentioned,

“You advertise that you do free delivery to UK mainland. I think what you mean is that you deliver to some parts of the UK mainland”,

and said that the company replied that it currently delivers only to specific areas and has no plans to change that.

I have had other examples sent to me:

“Ebay—many of their sellers have the message, ‘NO delivery to the Scottish Highlands’”.

“Why are FlexiFlue charging more to deliver to the Highlands than they charge to deliver to the islands and to Ireland?”

“Amazon—Please educate your sellers. The Scottish Highlands IS part of the UK mainland!”

“These actually contravene Trading Standards! If something is offered as free to the UK mainland, then make it free to the UK mainland.”

So what is the solution? It is all very well to say that people should shop around, but why should we have to tell people to do that? A solution that is being mooted is a network of distribution centres or pick-up points, but such an approach is almost impossible to implement if some companies will not deliver to the area in the first place.

We can name and shame—and keep doing it. The campaign is gaining momentum, and the more stories that we get, the more we can bring the issue to the fore and report companies to trading standards.

Another suggestion is a website—

The Deputy Presiding Officer: I am afraid that you do not have time for another suggestion. Your suggestions have all been very good. Please sit down.

17:23

Jamie Halcro Johnston (Highlands and Islands) (Con): I congratulate Richard Lochhead on bringing the debate to the Parliament.

Unfair delivery charges are something with which members from across northern Scotland are, unfortunately, very familiar. We have heard about a number of individual experiences and will, no doubt, hear about more in the course of tonight’s debate. It is regrettable that the charges impact most on those who rely on delivery services. In rural and remote areas, the alternative is often a long round trip to the nearest major town. In our island communities, accessing goods and services can take longer and be even more complicated.

Excessive charges are sometimes entirely incomprehensible. For example, people in the town of Elgin and the city of Inverness have experienced many issues. Over recent weeks, constituents have been writing to me a great deal on the subject, and I will share some of their experiences.

In Orkney and Shetland, the main problem appears to be firms often refusing to deliver at all. My mailbag has named a mix of both small firms and major global companies in that context, some of which are even based here in Scotland.

In the mainland Highlands, the examples tend to point more to charges and costs. In one case, a gentleman was faced with a delivery charge that was considerably greater than the value of the item that he was having shipped. After negotiation, he managed to get agreement to have it shipped by Royal Mail at less than an eighth of the cost that was initially proposed.

From Elgin, I was given the example of a delivery charge being inflated by over £50 compared with delivery to Inverness. It was almost in the realms of it being cheaper to have the parcel chauffeur driven for the remainder of the journey.

Another constituent in Elgin bought from a UK-based company that advertised itself as being able to post to the "UK mainland". However, the offer was retracted even though the company was prepared to ship across the Channel to continental Europe.

Those are just a handful out of many experiences that take place all the time in my region, and not just among individuals—the issue is also faced by businesses across the Highlands and Islands.

The motion makes reference to the cost of delivering a mobility scooter to a woman in Keith. That one example represents a wider problem that arises when specialist medical equipment is delivered and people in the region can be excluded, although people in most of the UK take such services for granted. All of us in the chamber will recognise that, sometimes, there are additional costs for deliveries to the Highlands and Islands. In many cases, they are reasonable; however, in many cases, it is clear that they are not.

I welcome, in particular, the briefing from Citizens Advice Scotland for today's debate, as it recognises many of the problems but also proposes some solutions.

In many cases, it will be business that has to adapt, but I commend the interest of the Government, too. The minister, Paul Wheelhouse, has previously noted that the UK consumer protection partnership, which is chaired by the Department for Business, Energy and Industrial Strategy, is reviewing parcel delivery surcharging. Similar problems arise in other parts of the UK, such as Northern Ireland. My colleague and the member of Parliament for Moray, Douglas Ross, who has campaigned extensively on the issue, today raised it with the Prime Minister. He will have further discussions with the Secretary of State for Business, Energy and Industrial Strategy,

which shows how seriously these problems in my region are taken at Westminster. I commend the Scottish Government for its interest in the area, which will be helpful in tackling problems.

For now, it is positive that members are keeping up the pressure on businesses that apply unfair delivery charges or whose actions lead to delivery black spots. Individuals and businesses across the Highlands and Islands have suffered as a consequence of them, and where we see unfair delivery practices applied they must be challenged.

I look forward to more businesses recognising these problems and acting responsibly to address some of the many concerns we have heard about today.

17:27

Kenneth Gibson (Cunninghame North) (SNP): I congratulate Richard Lochhead on lodging his motion on unfair parcel delivery charges and securing this afternoon's debate. It has taken a lot of work locally and nationally to garner support for the campaign, and I congratulate everyone involved.

The issue affects many parts of Scotland including my constituency. I first raised the issue in early 2012, in my motion entitled "Time for a 21st Century Revamp of the Parcel Delivery Service", which highlighted the fact that rural and island areas are worst affected by our outdated and unjust delivery structures, with many customers facing high surcharges and refusals to deliver by operators.

Five years later, that situation still pertains. For those living in urban areas, it is easy to take delivery services for granted, but, as we have heard this afternoon, analysis from Citizens Advice Scotland shows that up to 1 million Scots will be affected by extra parcel delivery charges this Christmas.

Some people might be tempted by offers of free delivery during this time of giving, but more than 20 per cent of Scots live in areas where parcel surcharges are applied. Ironically, it is those who live in rural areas and on our islands who are most likely to rely on online orders, given the shortage of shopping options and their distance from high streets.

That often leads to the almost unbelievable scenario of it being cheaper for a customer living on Arran to have their parcel delivered to a collection point in Ardrossan and purchase a £7.80 return ferry ticket to collect it than to have the parcel delivered to their home. The same can be true for my constituents who live on Cumbrae, who pay £3.20 to travel to Largs to collect their parcels.

That situation is neither practical nor sustainable, especially for island and rural businesses that require frequent deliveries or for constituents with limited mobility. One Arran constituent recently faced a £10 delivery surcharge on a folding walking stick that cost just £12. Although such products may be picked up in most high street pharmacies, for islanders, being able to access them online is a vital lifeline.

In browsing the Marks and Spencer website, I noticed that it proudly declares that the company delivers to 30 countries around the world including Australia and the USA. That makes it even more mystifying that it refuses to deliver what it terms “large” items to Arran, and it gives no guidance as to how such items are classified.

Since the postal service was fully liberalised, in 2006, ending Royal Mail’s monopoly over the sector, the market has been flooded with firms offering low-cost delivery alternatives. Sometimes, though, that low cost has been at the expense of good service.

As the universal service provider, overseen by the communications regulator, Ofcom, Royal Mail must commit to at least one delivery of letters every Monday to Saturday to every address in the United Kingdom, and it must offer postal services at an affordable, uniform tariff across the UK. Meanwhile, unlike Royal Mail, rival companies are allowed to operate unregulated. For customers, that can translate into surcharges and even refusal to deliver. It also means that there is no ombudsman to arbitrate complaints, making it difficult to make consumer voices heard.

In the Scottish Parliament today, we must support our constituents, make their feelings known and challenge those companies on their discriminatory practices. There is a voluntary code to which many companies subscribe, but it is surely time to move beyond that.

The postal redress service, which is run by the dispute resolution consultancy the Centre for Effective Dispute Resolution, or CEDR, accepts complaints only against regulated member companies unless a non-member agrees to be bound by its decisions. The alternative dispute resolution scheme for communications invites dissatisfied customers to refer unresolved issues with unregulated couriers and postal companies, but there is a problem: it can deal only with firms that are signed up to its scheme. Currently, none are named on its website, and it has not responded to my request for a list of members.

During my five years as the convener of the cross-party group on postal services, we raised the issue time and time again with the Westminster Government, so I sincerely hope that this high-profile campaign is the wake-up call that

it needs to tackle the persistent lack of understanding of Scotland’s geography and infrastructure, which is punishing many of Scotland’s communities, especially on our islands.

I support colleagues in this campaign to resolve the issue, and I look forward to engaging with industry and public sector representatives to bring our parcel delivery services into the 21st century.

17:31

Rhoda Grant (Highlands and Islands) (Lab): I congratulate Richard Lochhead on securing the debate and on his campaign to highlight the unfair delivery charges that we face in the Highlands and Islands.

The rise of e-commerce has been a great benefit to the UK—especially to those of us living in the north of Scotland and the islands. When it is not uncommon for people to have to travel long distances to access shops and services, being able to shop online from the comfort of their own homes has been a fantastic development. However, what is not fantastic is being ripped off for merely utilising the same opportunities that are open to all other consumers. Additional delivery charges are not just an occasional nuisance but a common and unjust burden placed on people in the Highlands and Islands.

Evidence from Citizens Advice Scotland confirms that we pay more, on average, and most of us have our own stories to tell in that regard. I recently bought some furniture online. Although the delivery cost was quite high, I really liked the items, so I went ahead. A couple of days later, I got an invoice for an additional charge for delivery to the Highlands and Islands that would have doubled the delivery costs. I immediately got in touch and asked the company to cancel the whole order. It got back to me pretty quickly and waived the additional charge. The moral of the story is not to accept that additional charge.

At the very least, delivery costs should be clear and defensible. I have a principle of cancelling orders from companies that have inflated delivery surcharges. At this time of year, it is sometimes easier for me to buy presents online and have them posted straight to the person if I will not see them before Christmas. On occasion, I have had reasonable delivery costs for those gifts going south only to find that those going north can be totally over the top. When that happens, I cancel every item—for both north and south—and the company loses the whole order. Like many others, I often decide to go elsewhere.

I have found that, when I shop online at small local companies, they do not charge exorbitant prices. By shopping locally, I support the Highlands and Islands economy and I also get

beautifully unique gifts to send to friends who live a distance away. Frankly, it is a win-win situation.

Although I agree with campaigns that highlight bad surcharge practices and that name and shame those who charge those fees, for the most part they have little long-term impact. In reality, companies that unfairly charge Highlands and Islands customers consider that they have no need to court our business, because it is not as profitable. Online shops often contract out their delivery to other companies, and, for the most part, that is based on the lowest contract price. However, those low prices are achieved by targeting the places that are easy to deliver to and by charging exorbitant prices to areas that are more challenging to deliver to.

To see a meaningful difference, we need a universal rate for all deliveries. Companies should be allowed to set their rates, but they must be universal for all customers. At the very least, online shops should be willing to send items by Royal Mail or Parcelforce when their preferred contractors exercise such discriminatory practices. The fear for delivery companies will be that, by carrying higher costs, they will become less competitive than their rivals. That is a glaring example of market failure, and we cannot allow the market to operate unfairly. Discriminatory postal and delivery charges plainly highlight the requirement for public ownership. Until we are at the point where that is possible, we need regulation of all delivery companies. Regulation would allow us to ensure that companies did not undermine other businesses while protecting all Scottish areas from disadvantage.

I appreciate that postage is not a devolved matter and that, therefore, we need to work with colleagues at Westminster to raise the issue there as we campaign for fairness for all areas. Nevertheless, we should explore how we can use the Parliament's new powers to address the issue as well.

The Deputy Presiding Officer: Due to the high level of interest in the debate, I am minded to accept a motion without notice, under rule 8.14.3, to extend the debate by up to 30 minutes.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[Richard Lochhead]

Motion agreed to.

17:36

Gillian Martin (Aberdeenshire East) (SNP): I thank my colleague Richard Lochhead for bringing the issue of delivery charges before the Parliament. For too long, there have been huge disparities in the amount that constituents have

had to pay, including in Aberdeenshire East, which I represent. At a summer meeting with the chair of the Turriff Business Association, I was told that unfair delivery charges are its biggest issue. That Aberdeenshire town is classed as being in the Highlands and Islands by many companies, which think that being in the Highlands and Islands is an excuse to charge more. Turriff is only 40 miles from Aberdeen. One business owner in the town told me that some UK companies expect a minimum spend of £250 to qualify for their advertised free delivery. The charges go through the roof for any amount less than that. Even worse, some will refuse to deliver at all unless the minimum spend is at least £250.

The UK-wide Consumer Protection Partnership has promised to tackle the retail side of the issue and encourage more transparency from retailers, which I welcome, but the main issue is with carriers. In a meeting that Richard Lochhead organised with stakeholders last month, representatives of Royal Mail, which is obliged to apply equal delivery charges, was present, but no other carriers were represented. We are talking not just about the small couriers but about the large carriers, some of which operate globally. They are silent on this because they are not serving the whole of Scotland or the whole of the UK in an equitable manner. My challenge therefore is this: when retailers award delivery contracts worth a tremendous amount, they must ensure that they do not disadvantage their customers by choosing a carrier that charges more for delivery to the north, because the reputational damage will be done to them, not the unseen carriers. It is time for the retailers to be part of the solution.

How much more will a rural household spend on delivery at Christmas time than an urban one will? More money spent on delivery means fewer stocking fillers and, as any of Santa's helpers will tell you, that will not go down well. One family in Aberdeenshire told me:

"When ordering a basketball hoop they were going to charge about £60 to deliver to my address luckily I have family in Carlisle who were coming up the road so I sent it there for about £10 and this is not the first time I've experienced over charging which I find ridiculous just for a few more miles".

Another resident said that two online firms would not deliver to Aberdeenshire at all.

However, rural businesses are affected severely all year round. North East Boiler Sales & Services Ltd said that it experienced higher delivery charges in the AB53 postcode in Turriff, often being classed as being in the Highlands and Islands or, in some instances, "not on the mainland". Turriff is not even near the sea. The firm said:

"The majority of our goods are shipped up from England and Wales and it is annoying that we and other businesses are penalised by higher charges."

Many people will go to retail companies in Europe rather than pay extra when dealing with a UK company, which is not good for the UK economy. A speciality food shop that moved its premises from Aberdeen to Turriff now finds itself classed as being in the Highlands and Islands and paying extortionate charges for its niche stock. Many local businesses also find that they are unable to get next-day delivery at all, so they cannot provide a speedy service when filling customer orders. Traffords cafe in Turriff tells me that it is constantly quoted a minimum of £15-plus for carriage when its suppliers have previously stated that delivery will be free.

I commend Richard Lochhead for bringing this issue to wider public attention. We should all continue to call out unfair delivery costs wherever we see them, and I urge people in my constituency to report instances either to Mr Lochhead's campaign or to me directly.

17:40

John Finnie (Highlands and Islands) (Green):

I, too, congratulate Richard Lochhead on bringing to the chamber an issue that, as he has rightly pointed out, is not new. I go along with giving credit to Drew Hendry and others for their work, but there is no doubt that Mr Lochhead has displayed real tenacity in this.

I have been paying delicate attention to a lot of what has been said this evening. Mr Halcro Johnston said that the MP for Moray was raising the issue in the House of Commons today; I noted Mr Lochhead's example of the cost of relaying a referee's whistle to Moray, and I had to wonder whether the two were not entirely unrelated. [*Laughter.*]

We know that there is a disproportionate impact on the Highlands and Islands. A lot of nice phrases such as "statement of principles" have been used; we understand that competition law applies; and I noted the point about extra costs and low volume. This is, of course, called capitalism, but as many of the examples that have been highlighted show, people in these areas cannot vote with their feet and go to an alternative provider.

The report "The Postcode Penalty: The Distance Travelled" was illuminating in that respect. As we know, Parcelforce has a single tariff for mainland Scotland. Moreover, Ofcom has no or limited powers over this. I know of someone in Mr Gibson's constituency who, despite living on the mainland, was told by a retailer on the phone that they would have to pay a significant surcharge

because they lived in rural Scotland. When it was explained to the retailer that the person lived literally 15 miles from Glasgow, it changed its tune.

I am interested to hear that there will be collaboration on what has been an issue for long enough. Obviously, we need transparency on this. We will all have examples like this—and I have to say that I never thought that I would be talking about fishing waders in the Scottish Parliament—but I was contacted by a constituent who wanted to name and shame the Glasgow Angling Centre, which is now known as Fishing Megastore. The gentleman in question lives in Forres in Moray while his son lives in York, but even though York is further from Glasgow than Forres, the son gets his fishing waders delivered for free while his father in Forres has to pay what now seems the quite modest sum of £9.99. The gentleman said to me:

"You know I am mild natured but when a Scottish firm does this to its own people I get a bit annoyed ... I had a logical discussion with them a few years ago but I might as well have been talking to the squirrels in the garden."

When I wrote to these squirrels, I got a very peculiar reply. They said:

"I have received your letter regarding our delivery charges and find it a bit strange for an MSP to chase this up".

However, I was then asked for details. I have chased up the matter with the retailer, and I am now chasing it up with UPS.

Clearly, UK ministers can play a role here, but we need to see whether there is any willingness to look at the devolution of these powers. I would certainly support my colleague Rhoda Grant in her call in that respect. The more powers we have here, the more we can address this self-evident rip-off.

At this point, I should also say well done to Mr Gunn from Caithness. If I ever have cause to transport parcels there, I will turn to him.

I recall as a child in rural Inverness-shire that most of the buses had a grilled-off section at the back for parcels; in fact, parcels, prescriptions and so on came in the bus, and I think that we have to look at such options. It would, of course, be very difficult to get competing companies to co-operate, but such an approach would have environmental implications. Indeed, perhaps it could be adopted in urban areas, too.

We need to keep talking, but I commend Mr Lochhead for his work and look forward to hearing the minister's comments.

The Deputy Presiding Officer: Thank you very much. I wonder whether the squirrels ever felt like replying to your constituent.

17:44

Liam McArthur (Orkney Islands) (LD): Like others, I congratulate Richard Lochhead not just on securing the debate but on his on-going work, including the recent round-table meeting in Parliament. As others have said, the debate has generally been consensual, although I took exception to Gail Ross planting a flag in the KW postcode and claiming it for Wick. However, let us move swiftly on.

I also pay tribute to Citizens Advice Scotland for its latest "Postcode Penalty" report and its on-going work over a number of years.

I remember lodging a similar motion back in 2012, but it is right that Parliament is returning to the issue. I think that there is consensus across the parliamentary parties that progress has not been fast enough or gone nearly far enough and that we are determined to continue to press for more action.

The postcode penalty reveals, as others have said, that as many as 1 million consumers in Scotland are asked to pay at least 30 per cent more on average to have their parcels delivered than consumers elsewhere in Britain are. For those living on islands, as Alasdair Allan rightly pointed out, such as those whom I represent in Orkney, the figure is even higher, at around 50 per cent, always assuming that we can persuade online retailers to deliver there at all.

We all know what the problems are because, as others have said, they have been around for years. We can all, as many have, cite egregious examples of eye-wateringly exorbitant charges, often exceeding the value of the product that is being ordered. Only those in Barra who do not wear boxer shorts can be happy with the news that Richard Lochhead relayed in his speech. There are also cases where the existence of our islands as part of the wider UK is flatly denied by obstinate online retailers.

However, CAS deserves particular credit for setting out some potential solutions for the problems, with a call for delivery firms to collaborate more effectively with one another and with the public sector; for consideration to be given to whether the Post Office network in the Highlands and Islands could have a role in reducing delivery costs for consumers across that region; and for the potential for pick-up and drop-off networks in some areas to be explored. I recall that, when Parliament debated the issue in 2015, Derek Mackay, who was then the transport minister—I know that I have spent the afternoon trying to hold him to account, but here we go—said that Transport Scotland would be examining the possibility of creating collection hubs at ferry terminals as a way of making delivery charges

cheaper. Perhaps the Minister for Business, Innovation and Energy might be able to update us on that in his wind-up speech.

Companies—although not necessarily the society of squirrels that Mr Finnie has been engaged with—can be persuaded to look again at their practices and charges or, at the very least, to improve the transparency of the fees that they charge. Much more needs to be done, so I very much welcome the unfair delivery charges campaign. I wish it well and offer it my support. Again, I thank Richard Lochhead for bringing the debate to the chamber and for his wider efforts on what is an important issue for those in both our constituencies and well beyond. On their behalf, I hope that we will now see a stepping-up of the collaborative effort that CAS has called for, involving the private and public sectors, and with both the UK and Scottish Governments—and Ofcom—playing their full part.

17:47

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I thank Richard Lochhead for bringing the debate to Parliament.

In 1812, my great-great-great-grandfather, David Berry, who had served in the British Royal Navy between 1780 and 1782, required a duplicate copy of his service record so that he could claim his pension from a predecessor to the current Ministry of Defence. That letter cost him £1 and 10 shillings to be delivered. When Rowland Hill introduced the penny post in 1840, he transformed the whole nation—the whole island—by creating a uniform delivery charge of a single penny, which was fundamentally different from what my great-great-great—three greats—grandfather had to pay for his letter. Interestingly, the uniform delivery charge saved money, because it turned out that the cost of calculating how much individual letters cost exceeded the amount of the higher-rate charges that were foregone. Uniform charges can therefore have economic benefits in some circumstances—we just need to get computers out of the equation.

We would think that we are particularly disadvantaged in Scotland by our delivery system, but the reality is that Edinburgh airport is one of the three airports in the United Kingdom that is a huge—I mean really huge—transport hub, together with London Stansted and East Midlands airports. Edinburgh airport transports huge amounts around the UK every night, and it is not terribly far away from Inverness, Aberdeen, my constituents and the constituents of many of the members in the chamber. The infrastructure is therefore present.

It can be done slightly differently elsewhere. I like a particular kind of shoe for leisure wear that comes from Australia. Historically, I have ordered them from Australia; they arrive in 48 hours and the delivery charge is £15. The shoes are not expensive—they are about £40, so the company is not making a profit in other ways. If the company delivers those shoes to Great Barrier Island, off the coast of North Island in New Zealand, the charge is £8.50. That island is five miles further from Auckland than Stornoway is from Ullapool—compare and contrast. The shoes that go from Australia to New Zealand have a three to four hour flight and then they go on to Great Barrier Island. We know that it can be done differently elsewhere.

Like other members, my constituents have told me about their problems. A garden centre website advertises free delivery for orders over £50—unless the order is for Aberdeenshire, where delivery costs £20. Apparently, “free delivery” means only to England and Wales. Wayfair says:

“FREE Delivery within Great Britain (excluding extended areas)”.

For some of my constituents, the delivery charge was £25 instead of free.

Every member here has contributed in a cross-party and consensual way, and everyone has told the same kind of stories. My wife, in an attempt to please me, ordered gooseberry and blackcurrant bushes to plant next year in the garden. An extra charge was levied and her teeth are still grinding. It is time that we did something about it, if only to stop my wife’s teeth from grinding.

17:51

Donald Cameron (Highlands and Islands) (Con): I commend Richard Lochhead for bringing this debate to the Parliament and the contributions from across the chamber. There cannot be many debates that unite Stewart Stevenson’s great-grandfather—

Stewart Stevenson: Three greats!

Donald Cameron: —with squirrels, fishing waders and referee whistles. The issue is clearly very important and it has affected more than 1 million people in Scotland. I am more than happy to have signed Richard Lochhead’s motion and I support his comments.

It cannot be stressed enough why people in the Highlands and Islands and other rural areas should not be subject to exceedingly high surcharges that are based on where they live. It is fundamentally unjust and we should do all that we can to protect people in rural areas from such high costs. The period 2012 to 2015 saw an increase of 17.6 per cent in surcharges for Highland customers and a 15.8 per cent increase for island

customers, excluding inflation. The problem is getting worse; unless we see real change, the people who live in our most remote communities will only suffer more.

We need to dismantle barriers to communities in rural areas and reduce the disadvantages of living in Scotland’s remoter regions. Encouragement of private consumer spending will drive economic growth and help to reverse depopulation, which has become problematic in many parts of the Highlands and Islands, especially in Argyll and Bute.

I pay tribute to Douglas Ross, the MP for Moray, for his efforts to raise awareness in Westminster of unfair postage charges. Earlier this year, he raised the problem in his maiden speech, when he said that high delivery charges are disrespectful to the Highlands and Islands, inexcusable and plain wrong. In addition to pressing for a debate in the Commons, he has called on the Scottish Affairs Committee to hold an inquiry into the issue. I hope that the committee will hold a debate, so that the issue can be discussed on a cross-party basis at Westminster in the same vein as our discussion today. As Jamie Halcro Johnston mentioned, Douglas Ross raised this issue at today’s Prime Minister’s questions, taking the matter to the heart of the UK Government. The Prime Minister committed the business secretary to meeting Douglas Ross to discuss the issue, which I am sure will be productive.

It is incumbent on us all to work together on the issue, as we have demonstrated in today’s photocall and in this debate. Through our efforts here in Holyrood and the work of those in Westminster, we can jointly tackle the problem. In an increasingly digital world in which online purchases are becoming commonplace, it is inexcusable that some parts of our country have fallen behind and are discriminated against due to their geographical location.

I know from my mailbag that there have been some extraordinary examples of individuals and small businesses that have been hammered by charges. One constituent from the Western Isles told me that, when he tried to order some floor panelling from a company in England, the company sought a delivery charge of just over £100. Another island constituent told me that he initially gets his business parcels delivered to a small mainland courier, which delivers the item to him for a fraction of the cost that the larger couriers charge. He told me that plenty of people now make orders in that way.

I commend many of the great local couriers, such as Woody’s Express Parcels, which is based in Stornoway, for offering realistic and fair delivery prices, particularly for smaller items. However, the exorbitant surcharges that are imposed by

mainland couriers are unacceptable. Remote areas of the Highlands and Islands rely heavily on imported goods and we cannot expect our citizens to pay ridiculous surcharges for products that they cannot find in their local stores.

I trust that the debate will raise awareness of the struggle of those in rural areas of our country and I call on the Governments in Holyrood and Westminster to bring fairness to all. I thank Richard Lochhead again for bringing the debate to Parliament.

17:55

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): It is 6 December and I am embracing the Christmas festivities only in so far as I have eaten a solitary advent calendar chocolate. For me, Christmas shopping is usually a 5 o'clock on Christmas eve affair, by which point most of the shops have closed and I end up with an assortment of truly random things to bestow upon my predictably disappointed family.

However, even for those who have put the tree up, cranked up the Michael Bublé and are halfway through their Christmas shopping list, the season can have its gift-purchasing disappointments. That is particularly true for my constituents, when so many online retailers think that it is acceptable to charge over the odds to deliver gifts and goods to the Highlands and Islands. Not only do those retailers charge more—sometimes more than the product costs—but they justify it by classifying the mainland Highlands as overseas. Sometimes, there is not even the luxury of paying over the odds for delivery, because the retailer flatly refuses to deliver at all.

I go home to Dingwall from Edinburgh every week on the Thursday train and I have never needed a passport yet, though who knows what will pan out this week. I have never needed a boat either, and I double-checked Google maps to see whether the faultline that runs through the Great Glen had widened, casting us adrift into the North Sea. However, despite storm Caroline, there is nothing to report and we are still firmly, unalterably and irrefutably part of the British mainland.

Despite that, Christmas shoppers living north of the Highland boundary line, which runs from Helensburgh to Stonehaven, and those in the islands will most undoubtedly face extra delivery charges over the festive period. It is not just that the mainland should be classified as the mainland—the islands need a fair deal, too. Every day, the Royal Mail delivers parcels up to a weight of 20kg for a flat fee to nearly every home in Scotland, whether urban, rural, island or mainland, so there is no excuse.

It is time, as my colleague Gail Ross and many others said, that we named and shamed the retailers who are getting away with it. Just last night, I was tweeted a map of the United Kingdom that highlighted in green where Groupon International delivers and in red where it does not. The red areas were classified as “not being mainland Scotland” and, miracle of miracles, included all of Highland mainland.

I will give just one story of a retailer, as many good stories have already been shared in the debate. The retailer is in County Durham and its standard delivery charge is £6. That includes its deliveries to Land's End, which is 500 miles away from the retailer. However, to deliver to Fort William, which is 250 miles away, or the rest of the Highlands, the charge is three times that at £18. It costs three times more to deliver something half the distance. To add insult to injury, deliveries to Belgium, France, Germany and Luxembourg are all cheaper than a delivery to the Highlands.

I pay tribute to my colleague Drew Hendry MP for his efforts to introduce the Consumer Protection (Distance Selling Delivery Charges) Bill in the UK Parliament. If the bill had been passed, it would have required distance sellers to provide purchasers with the lowest available delivery cost option, introduced a quality mark for responsible retailers and penalised vendors who advertise free delivery but impose charges or conditions. It is time that we all worked together to do something along those lines.

17:59

The Minister for Business, Innovation and Energy (Paul Wheelhouse): I start, as others have done, by paying particular tribute to Richard Lochhead. I congratulate him not only on securing this important debate, but on his tireless work on behalf of his constituents, and of the constituents of many members in the chamber. We are all grateful for the effort that he has put in, not just in recent times but during his many years as a minister. That is a superb example to people outside the chamber of how an MSP can make a real contribution to tackling an issue that is of great public interest, so I congratulate him. I welcome all his efforts, and those of others who have been named today—in particular, Drew Hendry, who was mentioned by Kate Forbes.

Richard Lochhead even managed to make the front page of the *Daily Mail* last week, which is a remarkable achievement, and I commend the *Daily Mail*, the *Sunday Post* and other papers for supporting his campaign. Given Mr Lochhead's remarks, I am sure that he will agree that, although some progress has been made, much more has to be done to stamp out the unfair practices that we have heard about today.

The Scottish Government is committed to continuing that progress, both to protect consumers and to support the businesses that depend on their transactions, and to do the right thing and treat customers well.

Before I talk about the role of the Scottish Government, let me first say that I appreciate the tremendous work that many other people in Scotland are doing to improve the situation. The trading standards department of Highland Council is leading the way in enforcing consumer protection laws in respect of internet sales. Citizens Advice Scotland is also working on delivery surcharge issues, especially in relation to parcel delivery operators. Indeed, the research that CAS published yesterday is yet more evidence of the size of the problem. It makes clear the extent to which consumers from a wide area of the northern half of Scotland are seriously affected by substantial additional delivery costs that are, to be quite frank, totally unacceptable and deeply unfair.

The research also shows that retailers are losing out on potential sales by imposing unfair charges. The report states that 83 per cent of consumers are more likely to buy more goods online if they feel that there are no unfair surcharges being applied to postage, so it makes business sense to stop discriminating against customers purely based on where they live, and to value customers who could become repeat customers if they were fairly treated. Citizens Advice Scotland will now use the evidence that it has gathered to search for practical solutions. I also welcome the fact that CAS is working with partners to identify how co-operation can help to reduce delivery costs and inefficiency in delivering goods to the areas of Scotland that are affected.

All the work that has been done on the issue by MSPs including Richard Lochhead, by CAS and by others shows many examples of unacceptable charges being imposed. Often, there seems to be no logical explanation for the amounts that are demanded, and I will refer later to a few such examples. Richard Lochhead highlighted some frankly absurd practices, such as its being cheaper to get goods from Germany than it is to get them from England. It should not be a difficult concept to understand that Ellon and Elgin are on the mainland. We have heard other examples, such as the crazy conclusion that Turriff is in the North Sea.

I am happy to write to companies where bad practice has been identified and to invite an explanation for such practice, and I would be grateful if members from across the chamber could either give me details of the companies that they know about or feed them through to Richard

Lochhead, so that we can tackle companies directly about their practices.

Of course, I know that what we need is systemic change and long-term solutions. I reassure members across the chamber that the Scottish Government is working hard to find such solutions. My predecessor Fergus Ewing chaired parcel delivery summits in 2012 and 2013, which eventually led to a statement of principles for retailers. I know that Richard Lochhead was also involved in that. We worked closely with representatives from the retail, courier and consumer sectors to achieve a positive change and to share good practice, including efforts to ensure that charges reflect actual delivery costs, and to provide the widest possible delivery coverage.

I believe that those principles have helped to raise awareness of the issue, have supported good business practice and have reduced the number of customers abandoning purchases that they would otherwise have made. However, although Scottish Ministers can promote good practice—I can say in response to Rhoda Grant that we will certainly use the powers that we have in respect of consumer advice and information to do that—the regulation of prices for parcels is still reserved to Westminster.

Richard Lochhead: Will the minister take an intervention?

Liam McArthur: Will the minister take an intervention?

Paul Wheelhouse: I have competing requests. I will take Mr Lochhead first.

Richard Lochhead: Perhaps the minister could add *The Press and Journal*, *The Northern Scot*, STV and the BBC to the list of outlets that have been sympathetic to the campaign. On the question of UK ministers softening their position, has he noticed how, in the past few days, there have been comments from UK ministers who may now be more sympathetic to regulation?

Paul Wheelhouse: I will add those, and I apologise to other media outlets for leaving them off the list. I am certainly pleased that they have supported the campaign and I have noted a change of tone, to which I will refer later.

Liam McArthur: I assure the minister that *The Orcadian* and Radio Orkney also take a close interest in the issue. Before he moves on to what he will legitimately say are the responsibilities of UK ministers and regulators, will he update us on progress on potential drop-off points at, for example, ferry terminals, which I mentioned in my speech?

The Deputy Presiding Officer: Minister, I suppose that more people will mention more newspapers in due course.

Paul Wheelhouse: I will come on to the matters that relate to the UK Government. I acknowledge the positive suggestion in Citizens Advice Scotland's report, and the one to which Mr McArthur referred, about looking for sensible opportunities to use central pick-up points for goods. Indeed, that may be a solution to a wider issue that we face with local high street retailers, which are often open during the day when the resident population has commuted to work, and are closed when they come back. That could be a solution to more than one problem, so I will be happy to pick up the suggestion on ferry terminals with Mr Yousaf.

Unfortunately, the UK Government initially refused to adopt the statement of principles, but we were pleased when, ultimately, it announced a change of heart and adopted them throughout the UK. From a pragmatic perspective, we need more such positive actions from Westminster, because many internet retailers are based outside Scotland. Indeed, the issue does not affect Scotland alone: an MP from Northern Ireland secured an adjournment debate at Westminster in September 2016, which led to the UK Government producing a leaflet outlining retailers' responsibilities. The Scottish Government welcomed that step at the time, but meaningful change will happen only if the UK Government takes a far more active role in the matter.

I am reassured that the UK consumer protection partnership, to which Jamie Halcro Johnston referred, is chaired by the UK Government's Department for Business, Energy and Industrial Strategy. The partnership is reviewing the evidence on parcel delivery surcharging and intends that there will be co-ordinated action by partners to address consumer detriment. That will be welcome, if meaningful action is the result. I firmly believe, and it is clear from Mr Lochhead's data, that examples of unfairness will emerge from that work, so I will seek to ensure that UK ministers deliver much-needed change in cases where charges discriminate against communities in Scotland.

I was encouraged last week when the UK Minister of State for Digital, Matt Hancock, said that the UK Government would look into the matter. We need that to translate into affirmative steps to address unfairness. About a year ago, I wrote to Margot James, the UK Minister for Small Business, Consumers and Corporate Responsibility—with whom I have a good relationship—to explain the continuing importance of the issue. UK ministers took no action at that time, because they believed that it should be left to

the market, but I will write again after the debate to convey the concerns that have been expressed by members around the chamber, given the apparent movement that Matt Hancock has indicated. Richard Lochhead, Citizens Advice Scotland, other campaigners and the media can take much credit for that change of heart.

I will refer briefly to a couple of members' comments: we have heard some useful speeches from around the chamber. Some highlighted specific examples that demonstrate the extreme unfairness at local level. I endorse those points and remind members that we are keen to get practical examples that I can use in subsequent discussions.

The debate is, of course, a welcome addition to the discussions on improving the online shopping experience for all consumers. There is much going on and I promise that the Scottish Government will continue to play its part in helping to find solutions that are tailored to Scotland's circumstances. A meeting of key partners that the Scottish Government hosted in August highlighted the value of collaborative working to find sustainable solutions. Following my meeting with Richard Lochhead to hear evidence that he had gathered, I plan to host a round table to take forward that process.

Let me be clear: there are no easy solutions to the long-standing problems that we have been discussing, but we can build on the progress that has been made. That will involve a range of initiatives and players, all with the aim of delivering the real change that is needed in order to eliminate the unfairness that is experienced by many members' constituents throughout Scotland. I look forward to the support of members from across the chamber in doing that.

I commend Richard Lochhead and all members present for making clear the impact on their constituents. Whether it is waders from Glasgow or shoes from Australia, there have been some great examples of how ridiculous the situation is. I hope that we can work together to ensure that this is the last Christmas when customers in the north of Scotland face such prejudice in the online markets.

Meeting closed at 18:09.

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

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