



OFFICIAL REPORT
AITHISG OIFIGEIL

Rural Economy and Connectivity Committee

Wednesday 19 June 2019

Session 5



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RURAL ECONOMY AND CONNECTIVITY COMMITTEE

21st Meeting 2019, Session 5

CONVENER

*Edward Mountain (Highlands and Islands) (Con)

DEPUTY CONVENER

*Gail Ross (Caithness, Sutherland and Ross) (SNP)

COMMITTEE MEMBERS

*Peter Chapman (North East Scotland) (Con)

*John Finnie (Highlands and Islands) (Green)

*Jamie Greene (West Scotland) (Con)

*Richard Lyle (Uddingston and Bellshill) (SNP)

*John Mason (Glasgow Shettleston) (SNP)

*Mike Rumbles (North East Scotland) (LD)

*Colin Smyth (South Scotland) (Lab)

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*Maureen Watt (Aberdeen South and North Kincardine) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Michelle Ballantyne (South Scotland) (Con)

Miles Briggs (Lothian) (Con)

Maurice Corry (West Scotland) (Con)

Liam Kerr (North East Scotland) (Con)

Tom Mason (North East Scotland) (Con)

Michael Matheson (Cabinet Secretary for Transport, Infrastructure and Connectivity)

Pauline McNeill (Glasgow) (Lab)

CLERK TO THE COMMITTEE

Steve Farrell

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Economy and Connectivity Committee

Wednesday 19 June 2019

[The Convener opened the meeting at 08:01]

European Union (Withdrawal) Act 2018

Marketing of Horticultural Produce and Bananas (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/169)

Seed and Propagating Material (EU Exit) (Scotland) (Amendment) (No 2) Regulations 2019 (SSI 2019/190)

The Convener (Edward Mountain): Good morning and welcome to the 21st meeting of the Rural Economy and Connectivity Committee in 2019. I remind everyone to ensure that their mobile phones are switched to silent.

Agenda item 1 is the sift of two EU exit Scottish statutory instruments under the European Union (Withdrawal) Act 2018. The Scottish Government has allocated the negative procedure to both instruments. Is the committee content with the parliamentary procedure allocated by the Scottish Government?

Members *indicated agreement.*

Subordinate Legislation

Marketing of Horticultural Produce and Bananas (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/169)

Seed and Propagating Material (EU Exit) (Scotland) (Amendment) (No 2) Regulations 2019 (SSI 2019/190)

08:01

The Convener: Item 2 is consideration of the two negative instruments. No motions to annul have been lodged, and no representations have been received, in relation to the instruments.

Does the committee agree that it has no recommendations to make in respect of the instruments?

Members *indicated agreement.*

European Union (Withdrawal) Act 2018

Pesticides (Amendment) (EU Exit) Regulations 2019

08:02

The Convener: We have received a consent notification on one United Kingdom statutory instrument on pesticides. The instrument is being laid in the UK Parliament under the withdrawal act.

If members have no comments on the instrument, does the committee agree to write to the Scottish Government to confirm that it is content for consent to the instrument to be given?

Members *indicated agreement.*

08:03

Meeting suspended.

08:04

On resuming—

Transport (Scotland) Bill: Stage 2

The Convener: I ask those people who have just come in to ensure that their mobile phones are on silent.

Under item 4, we will continue our consideration of stage 2 amendments to the Transport (Scotland) Bill. I welcome the Cabinet Secretary for Transport, Infrastructure and Connectivity and his supporting officials. I also welcome the non-committee members who are present.

I will briefly explain the procedure. There will be one debate on each group of amendments. I will call the member who lodged the first amendment in a group to speak to and move that amendment and to speak to all the other amendments in the group. I will then call any other members who have lodged amendments in that group. Members who have not lodged amendments in the group but who wish to speak should catch my eye. If he has not already spoken on the group, I will then invite the cabinet secretary to contribute to the debate. The debate on the group will be concluded by me inviting the member who moved the first amendment in the group to wind up.

Following the debate on each group, I will check whether the member who moved the first amendment in the group wishes to press it to a vote or to withdraw it. If they wish to press it, I will put the question on that amendment. If a member wishes to withdraw their amendment after it has been moved, they must seek the agreement of other members to do so. If any member present objects, the committee will immediately move to a vote on the amendment.

If any member does not want to move their amendment when called, they should say, "Not moved." Please note that any other member present may move such an amendment. If no one moves the amendment, I will immediately call the next amendment on the marshalled list.

I remind everyone that only committee members are allowed to vote. Voting in any division is by a show of hands. I remind committee members to please keep their hands clearly raised until the clerk has recorded the vote—members should put their hands right up in the air because otherwise it is difficult for the clerks to record the vote. I am sure that everyone will be looking around the table to make sure that everyone else is voting.

The committee is required to indicate formally that it has considered and agreed to each section of the bill, so I will put a question on each section at the appropriate point. We will not go beyond amendments to part 5 of the bill today.

Section 48—Imposition of penalty charges

The Convener: The first group of amendments is on enforcement of parking prohibitions. Amendment 145, in the name of the cabinet secretary, is grouped with amendments 311 to 313.

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): The bill as introduced allows a person employed by a local authority, or a person employed by a body with which a local authority has made enforcement arrangements, to issue penalty charge notices in connection with breaches of parking prohibitions. Amendment 145 is a technical amendment that will ensure that authorised enforcement officers can either be directly employed or appointed and engaged other than under a contract of employment.

Colin Smyth's amendment 311 seeks to enable regulations to be made to exempt local authorities without decriminalised parking enforcement powers from the need to enforce the parking prohibitions in the bill. Amendment 312 would then permit regulations to set out alternative arrangements for the enforcement of the parking prohibitions in the bill in those local authority areas.

As the bill sets out national parking prohibitions that will apply consistently across Scotland, I do not consider it appropriate to have a power to make separate arrangements for those local authorities that have not yet applied for DPE powers. Such an approach would risk creating confusion and undermine the consistent national enforcement of the new prohibitions.

It is also unclear from amendment 312 what is intended by way of alternative enforcement arrangements for the non-DPE areas, or why the enforcement arrangements set out in the bill may not be appropriate for local authorities without DPE powers. As I have previously stated, local authorities have the option either to contract enforcement via private companies or to enter into an arrangement with a neighbouring local authority for the purposes of enforcement.

Jamie Greene's amendment 313 seeks to amend section 54 so that it states that when a local authority enters into arrangements with third parties in connection with the performance of any of the local authority's functions regarding the issuing of penalty charges, enforcement and removing, moving or disposing of vehicles, the local authority will still be responsible for those functions.

Amendment 313 is unnecessary, as the bill confers statutory duties on local authorities. Although the bill enables local authorities to contract out the performance of some of those

duties to third parties, that does not in any way absolve the local authority from legal liability for its statutory obligations, as a matter of basic legal principle.

I therefore ask the committee to support my amendment 145. I ask Colin Smyth not to move amendments 311 and 312, and Jamie Greene not to move amendment 313. If those amendments are moved, I urge the committee to reject them.

I move amendment 145.

Colin Smyth (South Scotland) (Lab): Amendment 311, in my name, would remove enforcement duties from councils that do not have decriminalised parking enforcement powers. Those councils will be required to enforce pavement parking regulations—in other words, just one type of parking violation—without having the power to enforce others. They will be able to ticket a car that is parked on a pavement but not one that is parked on a double yellow line right next to it. In practical terms, some councils might have to set up an entirely new team to undertake that one task. That seems completely absurd.

Enforcement in relation to pavement parking violations should be in line with enforcement in relation to other parking violations. In areas that have decriminalised parking enforcement, councils are responsible; in other areas, the police are responsible. If the Government's position is that new offences should be enforced only by councils and not the police, why is it not dealing with councils that have not decriminalised parking enforcement, instead of simply creating an anomaly?

Members will recall that the committee urged the Government to consider the onerous process for councils of decriminalising parking enforcement. I am disappointed that the Government has not done so. In the absence of action from the Government, I lodged amendment 311.

It is not clear whether enforcement responsibilities would automatically fall to the police if they were to be removed from councils, so amendment 312 would simply allow the Government to make regulations to clarify that enforcement should be carried out by the police.

Jamie Greene (West Scotland) (Con): The cabinet secretary eloquently described the purpose and intention of my short amendment 313 and I was pleased to hear that he thinks that there is a strong legal basis for local authorities' responsibility for administering enforcement. Amendment 313 really stemmed from a conversation that I had about concerns about the contracting out of enforcement to third parties, such as happens with private parking, and how the process might be administered. On the basis of

the cabinet secretary's comments and assurances, for which I thank him, I will not move amendment 313.

I support the cabinet secretary's amendment 145.

The amendments in Colin Smyth's name raise an interesting point, which we might discuss later when we come to my amendment 316, on enforcement of parking violations around schools. Colin Smyth has raised a wider issue about not what is or is not legal but who enforces what and how easy it will be for wardens in decriminalised parking areas and the police to enforce regulations that arise from the bill, whether we are talking about pavement parking, double parking or inconsiderate and obstructive parking in our towns. We will support amendments 311 and 312.

Michael Matheson: I emphasise that the decision to decriminalise the enforcement of parking regulation in a local authority area is a matter for the local authority. As it stands, some 21 local authorities have decriminalised the process. Another two are presently considering that approach. We encourage the other local authorities to consider doing the same, but it is entirely in their gift to take forward the process, which is a fairly straightforward one.

It is important that we have national consistency in the approach that we take in these matters, which is what amendment 145 seeks to achieve.

Amendment 145 agreed to.

08:15

The Convener: Jamie Greene wants to say something about amendment 146, in the name of Graham Simpson.

Jamie Greene: I have spoken to Mr Simpson and, given the lack of support for his amendment 115, he does not want to move his other amendments in the group in which amendment 115 was the lead amendment, including amendment 146. I am happy to list the amendments or to leave it at that.

Amendment 146 not moved.

Amendment 147 moved—[Michael Matheson]—and agreed to.

Section 48, as amended, agreed to.

After section 48

The Convener: The next group is on parking prohibitions penalty charges: application of penalty charges. Amendment 310, in the name of Jamie Greene, is grouped with amendments 314, 157 and 315.

Jamie Greene: These short amendments deal with the penalty charges that will be collected as a result of the prohibitions in the bill. Amendment 310 sets out a framework for how I think local authorities should use the revenue.

During discussion of low-emission zones, there was, I think, wide acceptance that revenues that are raised from the zones should be put to good use. However, with low-emission zones, there is a structure for setting objectives; the revenues that are raised will be linked to those objectives. That is the right approach—we all agreed on that when considering the related amendments. Given that there is a lack of objectives in the bill regarding prohibition of pavement parking and double parking, there is nothing on which to peg responsibility for where that revenue will go.

In subsections (a), (b) and (c) of amendment 310, I have listed three categories—

“public transport services ... roads, and ... other transport infrastructure”—

to link the money back to the transport theme. That is simply to ensure that the local authorities that raise the money spend it on improving public transport, roads and transport infrastructure, and that the money does not get sucked into a black hole of local authority finance, which is perhaps the case with other forms of parking levies or charges that have been introduced. That is the premise of amendment 310.

Amendments 314 and 315 are technical consequential amendments to amendment 310.

We are happy to support the cabinet secretary's amendment 157.

I move amendment 310.

Michael Matheson: Section 55 of the bill will enable the Scottish ministers to make regulations regarding

“the keeping of accounts by local authorities in connection with”

the enforcement of parking prohibitions, and regarding

“the purposes for which a surplus”

in those accounts may be used.

Amendment 157, which is in my name, is a technical provision that will ensure that the regulations may make provision for publication of statements of accounts. That will ensure consistency in what the statements of accounts contain, and is in keeping with the regulation-making power for local authority accounts for low-emission zones under section 22.

Amendment 310, which is in Jamie Greene's name, would constrain how local authorities could use the income that would be derived from

enforcement of the parking prohibitions in the bill, and would provide that the income could be used only for certain transport-related purposes in the local authority's area.

Amendments 314 and 315 would make related changes to Scottish ministers' powers to make regulations about local authority accounts. They would remove the power to specify in regulations how a surplus in a local authority account could be applied, and would add a new power for ministers to specify the information that the accounts must contain about how local authorities have complied with their duties under amendment 310.

I have sympathy with what Jamie Greene seeks to achieve with his amendments. It is my intention that, in making regulations under section 55 of the bill, it would be specified that any surplus in accounts that are connected with enforcement of parking prohibitions will be required to be used for specified transport-related purposes.

In my view, the flexibility that is afforded by regulations is important in order to ensure that the transport purposes for which funds may be used are not drawn too narrowly, and to allow scope to respond to changing priorities. That said, I am happy to consider before stage 3 whether it can be made clearer in the bill that the purposes that may be specified in regulations are limited to transport-related purposes.

I therefore ask Jamie Greene to seek to withdraw amendment 310 and not to move amendments 314 and 315. I ask that the committee reject them, if he does press amendment 310 and move the other amendments. I also ask the committee to support my amendment 157.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I am out of step with all my political colleagues and with almost every member of the Parliament in that, as a matter of principle, I oppose hypothecation. That is because I believe that it is perfectly proper that funds are raised and penalties imposed for public purposes, and that they should be allocated to things that serve a public purpose regardless of where the money came from.

There is also a practical issue about hypothecation, which applies in this case, as it applies in others. The success of penalty charges should lead to their raising no revenue whatsoever, which would impoverish the practical purposes for which one would hypothecate money.

However, I understand that the introduction of hypothecation in policy areas is often a lever for persuading the general public that the policy intention is a good one because the money will be spent for good purposes. I have no objection to

charges being made for services that are rendered, of course.

I do not intend to make an issue of this when we come to make a decision, but I have a permanent objection to hypothecation. I always feel uncomfortable about this sort of suggestion and will continue to do so, although I recognise that there are probably only two other members in the entire Parliament who agree with me.

The Convener: I ask Jamie Greene to wind up, and to press or seek to withdraw amendment 157.

Jamie Greene: I thank Stewart Stevenson for his comments, although following them, I am still entirely unclear about whether he supports my amendments. It is rather early in the morning to be talking about hypothecation policy. However, I am sure that the cabinet secretary is all over the matter.

I appreciate the feedback. I lodged my amendments earnestly and in good faith to try to give the public a general message that the revenues that will be raised from prohibitions will be put to good use. I think that Mr Stevenson alluded to that.

As we discuss low-emission zones, it is important that we take the public with us on a positive journey in order to improve driver behaviour, and it is important that they see the consequences in terms of financial penalties and where the revenue from them might be spent.

I appreciate that putting into a bill a prescriptive list about how money can be spent might come across as a constraint, but that is not the intention. The intention is to have a narrow focus of guidance on how the money will be spent. If the cabinet secretary and his team are willing to discuss with me and others before stage 3 how we can use the bill to strengthen that, so that it is not just up to the whim of regulation—we have not seen what regulations might state, so it is hard to tell whether they will meet the intention of my amendments—my office and I will be happy to have a productive conversation about how we can come up with some words to that effect for stage 3. On that premise, I seek to withdraw amendment 310.

Amendment 310, by agreement, withdrawn.

Section 49—Enforcement of parking prohibitions

Amendment 148 not moved.

Amendment 149 moved—[Michael Matheson]—and agreed to.

The Convener: The next group of amendments is on parking prohibitions penalty charges: accessibility of information. Amendment 217, in

the name of Pauline McNeill, is grouped with amendment 218.

Pauline McNeill (Glasgow) (Lab): It was recently drawn to my attention that parking penalty notices in Glasgow lack plain English in relation to the right to challenge or appeal a notice. The right of appeal or to challenge a decision is an essential requirement of any such system.

The public are suspicious that local authorities are driven by revenue considerations in issuing tickets. Local authorities' issuing of parking penalty notices through enforcement should not be perceived purely as a revenue issue. For fairness, they should design systems that make it relatively easy for those who believe that they have grounds on which to challenge their notice to do so.

I have visual evidence available to illustrate my point and I am happy to share it with the cabinet secretary. Parking notices are geared towards payment methods; there is just a tiny bit of small print on them that says:

"The Notice to Owner will also describe how to make formal representation regarding the issue of this Penalty Charge Notice."

I recall that, in days gone by, grounds of appeal were also published, and notices would be clearer. I have gone as far as I can through the various stages, and nowhere is it said that people have the right to appeal and challenge: everything is geared towards payment.

I am probing the issue because I hope that the cabinet secretary will come with me on the point about making it relatively easy for people to see what their rights are.

My researchers checked the website to see how easy they would find it to find out how to appeal. The information is there, but it is not easy to find: it is not up front. People have the fundamental right to challenge a decision by a public body—even a parking notice.

Amendment 218 would ensure that such information would be accessible to people with disabilities.

I move amendment 217.

Mike Rumbles (North East Scotland) (LD): I agree with amendment 217, but I have a question about the practical terms of amendment 218. The amendment says that regulations

"must include provision requiring that notification of a penalty charge is available in formats that are accessible to individuals who have a ... mental disability".

Can Pauline McNeill explain how that would happen? I am not clear what she is asking for in the amendment.

The Convener: Perhaps we can come to that in the summing up.

Michael Matheson: Amendments 217 and 218 seek to introduce a requirement that regulations that are associated with enforcement of parking prohibitions will ensure that penalty charge notices contain information on how to appeal, and are

"available in formats that are accessible to individuals who have a sensory, physical or mental disability."

I recognise the importance of making sure that the process of enforcement and appeals, including the information that is contained in penalty charge notices, is clear and transparent for everyone. I am happy to confirm that the regulations that will be made will make provision regarding reviews and appeals, including the grounds of review or appeal, in connection with imposition of penalty charges.

The design of the penalty charge notice that is currently used by 21 local authorities in Scotland already provides to the motorist information on how to appeal against the penalty charge notice, and what happens thereafter. It is intended that regulations that will be made under section 49(1) will provide that the content of penalty charge notices for parking prohibitions contains similar information. Therefore, I do not consider amendment 217 to be necessary.

On amendment 218, the regulations will also make provision on notification of a penalty charge, including the form, content and method of notification. There is ample flexibility in the regulation-making power in section 49(1) to ensure that accessibility requirements are taken into account.

In addition to that, the committee will be aware that under the Equality Act 2010, local authorities must make "reasonable adjustments" to remove barriers that might discriminate against disabled people. Such reasonable adjustments already include ensuring that penalty charge notices are available in accessible formats—for example, in large font or in Braille. I note, too, that the 2010 act already contains clear definitions of what is meant by "disability", whereas amendment 218 does not.

08:30

I ask Pauline McNeill to seek to withdraw amendment 217 and not to move amendment 218. I urge the committee not to support them, if the amendments are pressed.

Pauline McNeill: I thank Mike Rumbles for his question. Amendments 217 and 218 are aimed at addressing the issue that the cabinet secretary outlined, where sensory or other impairments might make it difficult for someone to understand how to go through the process of appeal. I am

content with the cabinet secretary's response and am pleased that the issue has been addressed in the bill.

Therefore, I seek to withdraw amendment 217.

Amendment 217, by agreement, withdrawn.

Amendment 218 not moved.

Amendment 311 moved—[Colin Smyth].

The Convener: The question is, that amendment 311 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 311 disagreed to.

Amendment 312 not moved.

Section 49, as amended, agreed to.

Section 50—Power to install approved devices

Amendment 150 not moved.

Amendments 151 and 152 moved—[Michael Matheson]—and agreed to.

Section 50, as amended, agreed to.

Section 51—Removal of motor vehicles parked contrary to parking prohibitions

Amendment 153 not moved.

Amendment 154 moved—[Michael Matheson]—and agreed to.

Section 51, as amended, agreed to.

Section 52—Moving motor vehicles parked contrary to parking prohibitions

Amendment 155 not moved.

Amendment 156 moved—[Michael Matheson]—and agreed to.

Section 52, as amended, agreed to.

Section 53 agreed to.

Section 54—Arrangements in connection with enforcement

Amendment 313 not moved.

Section 54 agreed to.

Section 55—Accounts

Amendment 314 not moved.

Amendment 157 moved—[Michael Matheson]—and agreed to.

Amendment 315 not moved.

Section 55, as amended, agreed to.

Section 56 agreed to.

Section 57—Ministerial guidance

The Convener: The next group is entitled “Parking prohibitions: guidance”. Amendment 158, in the name of the cabinet secretary, is in a group on its own.

Michael Matheson: Section 57 requires local authorities to have regard to ministerial guidance in exercising their functions under part 4 of the bill. The purpose of amendment 158 is to clarify that the parking standards guidance will apply to local authorities, regardless of whether the functions were conferred on them in their capacity as local authorities or as traffic authorities. On reflection since the bill's introduction, we have deemed that it would be prudent to put that beyond doubt.

I move amendment 158.

Amendment 158 agreed to.

Section 57, as amended, agreed to.

Section 58—Interpretation of Part 4

Amendments 159 and 160 moved—[Michael Matheson]—and agreed to.

Amendment 161 not moved.

The Convener: Amendment 162, in the name of the cabinet secretary, is in a group on its own.

Michael Matheson: Amendment 162 is a technical amendment that seeks to ensure that, if a local authority is considering exempting a pavement from the pavement parking prohibition or looking to place a traffic sign or approved device, it should do so only with the consent of, or in conjunction with, the relevant traffic authority, should that not be the local authority. That will remove any ambiguity.

I move amendment 162.

Amendment 162 agreed to.

Section 58, as amended, agreed to.

After section 58

The Convener: The next group is on parking on a cycle track. Amendment 163, in the name of Colin Smyth, is the only amendment in the group.

Colin Smyth: Amendment 163 addresses an issue that arises from the decriminalisation of parking enforcement, which a number of local councils have raised with me. At last week's committee meeting, the cabinet secretary confirmed that parking in cycle lanes is banned under the Roads (Scotland) Act 1984. However, there is a problem with enforcement of the ban. When a mandatory cycle lane has been introduced without a traffic regulation order, enforcement cannot be decriminalised. In practical terms, that means that, often, only the police are able to enforce the ban, even in areas with decriminalised parking enforcement, in which the council enforces other parking offences. That is a clear anomaly.

Parking in cycle lanes is a hazard and it is right that it is banned, but the ban is meaningless if it is not properly enforced. Although enforcement can be decriminalised through the use of a TRO, that places a significant burden on councils, simply to give them the power to enforce an existing prohibition. Amendment 163 seeks to address that by allowing local authorities to issue civil fines in relation to the ban. I have suggested regulations but, if members believe that there is a different way of achieving the same aim, I would be happy to discuss alternative approaches.

I move amendment 163.

Jamie Greene: I tried to lodge a similar amendment but the legislation team advised that Colin Smyth had beaten me to it. For that reason, I am happy to support amendment 163. However, if, technically, it is not the way to approach the issue, I would be happy to work with other parties and the cabinet secretary on suitable wording.

If Colin Smyth is minded not to press the amendment, I will not press it. However, he raises an important point. Parking on cycle lanes has become an issue and we have spoken at length about how we can address that through regulation. Using the bill as a method of addressing the issue is an important suggestion. We probably all share the concern over the practice, but it is a case of how we can ensure that it is properly addressed. I am sure that the cabinet secretary will enlighten us.

Michael Matheson: Amendment 163 calls for the insertion in the bill of a new part that relates to parking on a cycle track. I appreciate the intention behind Colin Smyth's amendment to encourage

more active travel, but the amendment is not required.

Amendment 163 seeks to amend section 129 of the Roads (Scotland) Act 1984 by inserting a new subsection 6A to confer powers on local authorities to issue fixed-penalty notices to motorists who park on a cycle track. However, the amendment is unnecessary as parking on a cycle track is already a criminal offence under section 129(6) of the 1984 act. If a local authority wishes to charge drivers for parking on cycle lanes, it can do so by obtaining decriminalised parking enforcement powers. Currently, 21 local authorities have those powers, and they can and do undertake enforcement restrictions on cycle tracks.

For completeness, I note that there are technical difficulties with the amendment in that it seeks to place the regulation-making power into section 129 of the Roads (Scotland) Act 1984, which deals with miscellaneous summary offences, despite the fact that the amendment does not seek to create a new offence. Instead, it seeks to enable regulations to be made that can confer a power on local authorities to charge motorists.

Furthermore, the amendment refers to fixed-penalty notices, but they can be issued in Scotland only by the procurator fiscal or a police constable. They are also backed with a power of criminal prosecution if unpaid. The appropriate term for a local authority charge is a penalty charge notice.

Even if those technical difficulties were resolved, I consider that the proposed amendment is not required because the powers already exist in criminal and civil law. I therefore ask Colin Smyth not to press amendment 163. If the amendment is pressed, I ask the committee to reject it.

Jamie Greene: Are you confirming that any form of parking in any form of cycle lane that has not been allowed by a local authority's decriminalised process is enforceable by either a police officer or a traffic warden? Does that include advisory cycle lanes and more statutorily formal types of cycle lane?

Michael Matheson: No. If the cycle lane is in an area that has not been decriminalised, it is a matter for the police to enforce. The police have the powers to deal with that. If it is in a decriminalised area, it is for the local authority to deal with. However, local authorities also have a responsibility to make sure that they have TROs in place for the enforcement of the ban. That is a legal requirement to make the provision enforceable in law. Local authorities must put in place a TRO so that they can issue a penalty charge notice.

Colin Smyth: The cabinet secretary has missed the point of amendment 163, and I would be

happy if he wanted to intervene to clarify the position. My understanding—this has certainly been raised by a number of local authorities—is that where they have decriminalised parking, they cannot enforce the ban unless they have passed a TRO. A TRO is not required for a mandatory cycle lane, as far as I am aware. If the local authority has not passed a TRO, it cannot enforce—

Michael Matheson: For the local authority to enforce any provision under the decriminalised arrangements, it has to have a TRO in place. It has to have a legal basis on which to enforce the penalty. The local authority cannot simply issue penalty charges for anything that it chooses; it needs to have a legal basis for doing that. There is no getting round the fact that there needs to be a provision in place that gives the local authority the power to issue a penalty charge notice for an obstruction on a cycle way or in a part of the street that has a TRO in place. Local authorities cannot get round the fact that a TRO has to be in place to make the penalty enforceable.

Colin Smyth: I thank the cabinet secretary for that, but therein lies the anomaly. The Government allows a local authority to introduce a mandatory cycle lane without a TRO, but then says that if it does not have a TRO, it cannot enforce the cycle way.

John Mason (Glasgow Shettleston) (SNP): Is the point not that if the local authority cannot enforce it, the police can, so somebody can enforce it?

Michael Matheson: That is correct.

Colin Smyth: The anomaly is that everything else in a local authority area, when it has been decriminalised, is a matter for the council, except for cycle lanes—

Michael Matheson: On that point—

Colin Smyth: Please let me finish the point. Why does the Government allow a local authority to have a mandatory cycle lane without a TRO if it is saying that the local authority must have a TRO in order to enforce a penalty for parking in the cycle lane? That is the question that the Government needs to answer.

08:45

Michael Matheson: There is some confusion here. Councils need to have a TRO in place in order to be able to enforce a penalty charge notice. If a cycle lane is advisory, they do not need to have a TRO in place. If a cycle lane is obstructed, that is clearly an issue; the police can deal with that through criminal law. However, where it has been decriminalised, the council needs to have a TRO in place. That is how the process operates, and there is no way round it. If a

council does not have a TRO in place for a parking restriction at schools, in effect, it could be in a position in which it could not legally enforce a penalty charge notice.

Colin Smyth: The committee has heard on a number of occasions about the challenges of the TRO process for local authorities. Indeed, one of the explanations that was given by the Government for not backing the Restricted Roads (20 mph Speed Limit) (Scotland) Bill was that it was going to look at enforcement on that.

The reality is that, with or without a TRO, parking in a mandatory cycle lane is banned. However, as it stands, that cannot be enforced by councils—even in areas with decriminalised parking enforcement—without a TRO. I think that there is an anomaly; I am happy not to press amendment 163 at this stage, in the hope that we can discuss a way forward, but I reserve the right to bring the amendment back at stage 3 if those issues are not addressed. Local councils have raised concerns and I hope that the Government will take them on board.

Amendment 163, by agreement, withdrawn.

The Convener: The next group of amendments is on workplace parking and the establishment and review of licensing schemes. Amendment 7, in the name of John Finnie, is grouped with amendments 7A, 7D, 7B, 7C, 8, 8E, 8A, 8F, 8B, 8G, 8C, 8H, 8D, 9, 9A, 9C, 9B, 9D, 10, 10D, 10A, 10B, 10E, 10C, 10F, 10G, 11, 11A, 12, 12A, 12B, 13, 13A, 14, 14A, 26 and 318.

If amendment 8E is agreed to, I cannot call amendment 8A; if amendment 8B is agreed to, I cannot call amendment 8G; and if amendment 8G is agreed to, I cannot call amendment 8C—that is all due to pre-emptions. It will all become clearer when we get to that point.

John Finnie (Highlands and Islands) (Green): I am pleased to have the opportunity to speak to my amendments on the workplace parking levy. As the committee will be aware, there has been a lot of coverage of this issue over the past few months, much of it ill-informed. As we consider the amendments, it is important to focus on what they will do and the positive benefits that the workplace parking levy can yield.

Let us take a step back—we are facing a climate emergency, so we need as many tools as possible to be available to address it. No one is saying that the workplace parking levy alone will do that, but it is clear that we need as many levers as possible to be available.

Local authorities also need tools to manage transport in their areas and to raise revenue to help them to do that. My amendments are based on the principle of localism. It will be for local

authorities to determine whether they wish to implement a workplace parking levy; there is no requirement to do so. I will pick up on the details of the proposals when I speak to subsequent amendments, but I will pick up on some key points first.

This is a power, not a duty; it will empower local authorities to act and to make decisions locally. Those decisions will have to be made within a framework set by primary legislation, regulations and guidance. The framework has the key underpinning of requirements for consultation, a local impact assessment, and the investment of funds raised from the levy in local transport projects identified in a local transport strategy.

Fundamentally, the proposals address issues that we all agree need to be addressed. The First Minister has declared a climate emergency and we recognise transport's role in that.

I turn to the detail of my amendments. Amendment 7—together with amendment 9—will permit local authorities to put in place a licensing scheme requiring any person who provides workplace parking at their premises to hold a licence and to pay charges under that licence according to the number of parking places that are provided. It is a premises-based levy.

Local authorities that want to introduce a licensing scheme for workplace parking must have a local transport strategy and must consider that introducing the levy will facilitate the achievement of policies in that strategy. A criticism of the workplace parking levy is that it is simply a money-raising measure. That is not the case: the link to a local transport strategy means that a levy can be introduced only within a clearly articulated strategic context.

Amendment 8 defines what constitutes a workplace parking place. Workplace parking places are identified by reference to the reason for parking and who is parking. Accordingly, a workplace parking place is a parking place at any premises that is occupied for the purpose of attending a place where the person providing the parking place carries out a business. "Business" has a wide meaning and encompasses not only the carrying out of any trade, profession, vocation or undertaking but the provision of education and the exercise of public functions.

Only parking for business purposes, including parking by workers, agents and suppliers of the person providing the parking place, is covered. Parking in a purely personal capacity, such as parking when shopping at a local supermarket, is not covered.

Amendment 8 will give the Scottish ministers a power to vary the provisions by regulation. Such

flexibility to respond to changing and future circumstances is necessary.

Amendment 10 is important, because it sets out the detailed requirements for consultation on a proposed scheme and impact assessments. There has been criticism of the lack of consultation on the proposal and the fact that there has been no impact assessment. I welcome the committee's work through its evidence sessions and online survey. It was interesting to hear a nuanced and balanced argument from a range of views.

John Mason: If we agree to these amendments, the bill will only enable the approach; a council such as Glasgow City Council will then have to go through its own process to introduce a workplace parking levy. Will councils have to do their own consultations on their proposals?

John Finnie: That is correct. Amendment 10 underpins the reality of the consultative nature of the proposals. There are strong duties on local authorities to consult on a proposed scheme and on plans to amend or revoke a scheme. There must be clarity on the scheme's objectives; the area that it will cover; exemptions; what people can expect to pay; what the funds will be used for; and how the scheme will address the objectives of the local transport strategy. There must also be an impact assessment, to consider the impact on the people who might have to pay charges and on the environment.

Amendment 11 gives the Scottish ministers the power to make regulations about the procedures for making, amending and revoking a workplace parking licensing scheme.

Amendment 12 gives the Scottish ministers and local authorities the power to have a local inquiry into proposals to make, amend or revoke a workplace parking levy scheme. I see that very much as a tool to be used if needed, rather than a regular part of the development of a scheme. The amendment also requires a local authority to await the completion of the inquiry before implementing a proposal—we might imagine that to be self-evident, but it is important to spell it out in the bill.

Amendment 13 provides for a licensing scheme to set out procedural matters in relation to the granting and issuing of licences, licence conditions and so on. Amendment 14 specifies what must and may be included in licences.

Amendments 7A, 7B, 7C and 7D relate to the scope and content of licensing schemes. Amendment 7A, in Mike Rumbles's name, seeks to ensure that licences can be required only if more than 10 workplace parking places are provided. It is not appropriate for the bill to take such a restrictive approach. Local authorities might decide—as Nottingham City Council did—

that people who provide fewer than a specified number of parking places should be exempt, and the appropriateness of doing that and the number itself is best determined with regard to local circumstances. There should also be flexibility to change the number as and when appropriate.

Pauline McNeill's amendments 7B and 7C specify particular assessments of displacement, the impacts on poverty and the implications for workers that a local authority should carry out in advance of the introduction of a scheme. My amendment 10 will require that

"Before making, amending or revoking a ... scheme, a local authority"

should

"prepare and publish ... an assessment of the impacts of the proposal",

specifically on

"persons who may have to pay charges"

and on

"the environment."

I believe that amendment 10 addresses the aim of Pauline McNeill's amendments.

Peter Chapman's amendment 7D would require a scheme to be reviewed annually. On the face of it, the amendment looks as though it would be a simple tweak to improve accountability. However, under amendment 7, local authorities will need to set out how they will review

"the operation and effectiveness of the scheme".

I am minded to let local authorities make that decision.

Amendments 8E, 8A, 8F, 8B, 8G, 8C, 8H and 8D relate to the definition of "workplace parking places". Mike Rumbles's amendments 8A and 8C are intended to leave out "business customer" in relation to the definition of "workplace parking". Such people are those who, in the course of their business, park at the premises of another business of which they are a client or customer. An example might be a property developer parking for a meeting with their accountant. Perhaps Mr Rumbles's concern is that the term might catch people who park at supermarkets to pick up their shopping. I covered that point earlier, so I hope that that concern has been addressed. The provision is about parking in the course of business only.

It is not clear to me what Mike Rumbles is seeking to achieve with amendment 8B. If his intention is to prevent students and others who park to attend education or training courses from paying the charge, amendment 8B will not have that effect, because such parking would still be part of the definition of a "workplace parking place"

in subsection (1) of the proposed new section that will be introduced by my amendment 8. In any event, there is no obvious reason why students should not be required to pay the charge in towns and cities where the levies are introduced. Indeed, young people are a key demographic that we should be encouraging to adopt active and sustainable modes of transport.

Dean Lockhart's amendment 8E would have the effect of restricting the definition of "workplace parking" to parking by workers and members of bodies whose affairs are controlled by their members. That would mean that charges could not be levied on parking by agents or suppliers of a business, business customers or visitors, or people who attend an education or training course. The question that I have to ask is why we should exclude those groups. Again, there might be the concern that a "business customer" would cover people who park in a local supermarket, but that is simply not the case.

Dean Lockhart's amendment 8F would remove parking that is provided by a third party from the definition of "workplace parking". In practice, that would mean that, if a company were to lease spaces in another premises to provide workplace parking, no charges would be payable. Again, the question is why that should be the case. Not only would that be against the spirit of the proposal; it could create a massive loophole.

Dean Lockhart's amendments 8G and 8H are concerned with definitions. Amendment 8G would have the effect of removing the definitions of "business", "business customer", "business visitor" and "Government department". Amendment 8G is similar to amendment 8B, but it would also exclude parking at premises that are used by Government departments and other public bodies, which would be very unfair. For what reason in principle should we exempt such bodies from the levy that others will have to pay? I wonder whether that was the intention behind amendment 8G.

Dean Lockhart's amendment 8H would modify the definition of a "worker" and would mean that a charge that arises from a scheme could be applied only to parking by permanent full-time workers. Aside from being against the spirit of the scheme, amendment 8H would create potential loopholes and would provide a potential incentive to employers to not offer full-time contracts, in order to avoid paying the levy. Surely that is not the intention behind amendment 8H.

Mike Rumbles's amendment 8D would remove the Scottish ministers' powers to alter, by regulation, the circumstances in which workplace parking is provided. In practice, that would mean that categories that are set out in amendment 8 would be fixed and could not be adjusted later if need be, depending on the experience of how

schemes are operating, without primary legislation. Regulations are subject to parliamentary scrutiny, and amendment 8D would make the scheme inflexible.

I turn to amendments 9A, 9B, 9C and 9D. John Mason's amendment 9A is interesting. By seeking to extend the powers to make a workplace parking licence scheme to regional transport partnerships, it recognises that transport patterns and issues are not set by local authority boundaries. That is why my amendment 9 allows for joint working by local authorities.

John Mason: Does John Finnie see any role for RTPs? Colin Smyth gave the example of people coming from one area into a city and paying the fee, while the place that they came from would not benefit. We also heard about the idea of the park-and-ride scheme in Nottingham, where the park and ride might be in a separate local authority area. Would that be a voluntary process? Does John Finnie not see the RTP as having any role in that?

09:00

John Finnie: In any case, RTPs have an overarching role with regard to their constituent parts. However, the scheme is clear that my amendments will allow for joint working by local authorities. That is a better approach, because there are unintended consequences of RTPs. In addition, allowing powers to be exercisable concurrently by local authorities and RTPs could give rise to the potential for confusion and, indeed, duplication, which none of us wants.

Amendment 9C, in the name of Mike Rumbles, attempts to introduce the precondition that a local authority can make a scheme only if it

"is satisfied that there is an adequate level of public transport services in its area".

Superficially, that looks attractive. However, it falls down in a number of ways. For example, how does one define

"an adequate level of public transport services"?

Moreover, improving public transport might be the objective in the local transport strategy that the scheme is being set up to support. Fundamentally, the focus should be on local decision making.

I have a number of brief comments still to make, convener. I appreciate that this is time consuming.

The Convener: I am listening patiently—please continue.

John Finnie: Colin Smyth's amendment 9B would make ministerial approval a precondition of a scheme, which goes against the very principle of localism upon which the scheme is founded. The

power of local accountable decision making is important and underpins my amendments.

Jamie Greene's amendment 9D seeks to impose a number of conditions on a scheme, ranging from constraints on the making of a scheme to restrictions on how the scheme operates. The amendment is a classic case of unnecessary micromanagement. What is wrong with local authorities making decisions on the basis of impact assessments and full consultation?

Jamie Greene's amendment 10D calls for a range of reports to be prepared by the local authority. However, subsection (4) of the proposed new section that my amendment 10 will insert already requires an assessment of the effects on "the environment" and on

"persons who may have to pay charges".

I cannot see what amendment 10D would add to that.

Colin Smyth's amendment 10A would require local authorities to "hold a referendum" on whether proposed workplace parking licence schemes should proceed, and his amendment 10B would give the Scottish ministers the powers to make provisions about the franchise, conduct and administration of a referendum. I ask Colin Smyth why he has such little faith in our local authorities. Under my amendments, local authorities would have to consult on the scheme, and they are—as we are—subject to the referendum of the ballot box.

Jamie Greene's amendment 10E would require the statement of scheme objectives to say how the authority

"intends to use the net proceeds of the scheme".

However, subsection (3)(c) of the proposed new section that my amendment 10 will insert would already require a local authority to set out

"how it intends to apply any net proceeds of the scheme".

Amendment 10E would therefore be an unnecessary duplication.

Jamie Greene's amendment 10F and Peter Chapman's amendment 10G seek to add specific categories of assessment that a local authority must carry out. Jamie Greene's amendment would require assessment for local businesses and island communities. Peter Chapman's amendment would require it for local businesses and island communities as well as for local authority revenue, schools, public bodies, other statutory bodies and health boards. Given that the requirement to carry out an assessment of those who will be affected by the levy is already in my amendment, it is not clear what those amendments would add.

Mike Rumbles's amendment 10C would require an assessment of the effects of the proposed scheme on

"the displacement of vehicles and the resulting effect on residents in, and in the vicinity of, the area to which the proposal relates".

That is an important issue, which I would expect to be picked up by the assessment of the scheme proposals on the environment, which my amendment already requires.

Amendment 12B from Jamie Greene would allow the Scottish Parliament, by a majority vote, to cause a local inquiry to be held into a proposal for a workplace parking licensing scheme. However, again, that is a local authority matter that is best dealt with at local authority level—we need to respect that.

Amendment 13A from Jamie Greene appears to do two things. It would remove the power of Scottish ministers to

"make, or require or permit workplace parking schemes to include, provision about reviews of, and appeals against, decisions in relation to workplace parking licences".

As a result, there would be no provision for such reviews and appeals.

Secondly, it would remove the offence of intentionally providing

"false or misleading information in or in connection with"

licence applications, which means that there would be no specific offence relating to fraudulent statements in licence applications. I have to ask whether Jamie Greene really wants to remove rights of appeal and encourage fraudulent statements.

Jamie Greene's amendment 14A seeks to remove the requirement that workplace parking licences

"specify the maximum number of ... vehicles which may be parked at those premises"

that are subject to the licence. That provision is important for establishing licensing requirements. In order to run a scheme, local authorities will have to specify the number of vehicles as a key part of establishing the charge that is due. Amendment 14A would cut across that and, as such, I cannot support it.

Jamie Greene's amendment 318 would introduce a power for local authority residents to "petition the local authority" for a review of a workplace parking licensing scheme. If a petition is

"signed by more than 20% of residents of the ... area, the authority must carry out a review".

In practice, what does that represent? The amendment appears to be an attempt to open

another front in the campaign against workplace parking levies.

My proposals are founded on principles of localism and are underpinned by consultation, requirements to carry out impact assessments and, fundamentally, the ballot box. I believe that those are the fundamentals that we should be guided by and, with such factors underpinning workplace parking schemes, amendment 318 is at best unnecessary and at worst a way for a minority to frustrate the successful operation of schemes by local authorities.

I have addressed all the amendments in the group.

I move amendment 7.

The Convener: I understand that you had a lot of ground to cover but, by my calculations, if we all take a similar length of time, we will not be finished before the Planning (Scotland) Bill session in the chamber this afternoon. Bearing in mind that Mr Finnie is seeking to introduce a major amendment, I gave him a certain amount of leeway, but I ask members to remember that others wish to speak, so their contributions should be as concise as possible.

I call Mr Rumbles to move amendment 7A.

Mike Rumbles: I will be very brief. I am disappointed by what I have heard from John Finnie. There are some very constructive amendments here, but he is opposing them all.

With amendment 7A, I am trying to avoid the risk of judicial review of the legislation, because I am well aware that in planning law—for a change of use, for example—there is a requirement to have workplace parking. If we approve amendment 7 unamended, I genuinely believe that there is a real risk of judicial review, especially from smaller companies that have suppliers.

John Mason: Will the member give way on that point?

Mike Rumbles: No. On my amendment 8A, it is all very well for John Finnie to say that business customers do not include supermarket customers, but we are making the law and amendment 8 includes business customers—the customers of a business. I am trying to remove the reference to "business customer", so that customers of supermarkets are not charged. We only have John Finnie's word for it, so we have to look at the actual wording of the law that we are making.

I will not say much more, except that I find it completely amazing that John Finnie does not wish to accept my amendment 9C. The whole purpose of the proposed provisions is contained in amendment 9C, which says,

"the local authority proposing to make the scheme"

must be

“satisfied that there is an adequate level of public transport services in its area”.

That is the whole point of John Finnie’s amendments, so if he will not accept my amendment in order to achieve that, it makes the whole thing a farce.

John Mason: Will the member give way on that point?

Mike Rumbles: No, because I have finished speaking.

I move amendment 7A.

Peter Chapman (North East Scotland) (Con): Very briefly, my amendment 7D would simply mean that if a workplace parking levy is introduced, it must be reviewed annually. That is important to assess the impact that it is having on the local workforce and employers. I do not believe that it is sufficient to allow local authorities to decide if and when they will review what the WPL is achieving. That would allow far too much leeway, so an annual assessment is correct.

My amendment 10G simply outlines various bodies that must be consulted before a local authority prepares and publishes details of a workplace parking levy. Again, it is a relevant and modest amendment. I hope that both of my amendments will be supported.

The Convener: I call Pauline McNeill to speak to amendment 7B and the other amendments in the group.

Pauline McNeill: Similarly to Mike Rumbles’s amendment, amendment 7B seeks to ensure that an assessment of parking in the surrounding area is taken into account. Nottingham’s experience was that there was considerable displacement of traffic as a result of the parking levy. If such an assessment is not undertaken, there could be a serious impact on local people.

John Mason: Will the member take an intervention on that point?

Pauline McNeill: I will.

John Mason: I wonder why the member feels that that needs to be in the bill. When a city such as Glasgow introduces, say, parking meters, it will consider the knock-on effect on the surrounding area, and the same applies to parking around the stadia. Does Pauline McNeill think that we cannot trust Glasgow City Council to consider the knock-on effects?

Pauline McNeill: Here we go. Can we trust Glasgow City Council? Lots of communities do not want extra traffic orders. It is a choice for them. It is not just a simple question of a local authority such as Glasgow City Council saying that, in order

to stop displaced traffic, it will impose some restrictions on local communities. I am sure that the member will appreciate that amendment 7B is a probing amendment. The issue arose in Nottingham, so I suggest that it is legitimate for the committee to probe it.

Amendment 7C seeks to ensure that an assessment of the likely impact of the parking levy on poverty in the surrounding area is made and taken into account. In-work poverty remains a serious problem in Scotland, with 182,000 children living in poverty despite one person in their household being in work. The committee heard in evidence that many people rely on their cars to get to work, and many poor people do so because public transport, even in Glasgow, is expensive. A quarter of the people who live on the periphery of the city have to catch at least two buses to get to work, so we can see why, if people have a car at their disposal, using it is an easy choice to make.

Tens of thousands of people cannot afford to pay more, given the cost of living, yet the levy may be passed on. I do not believe that it will result in people getting out of their cars, because public transport, even in Glasgow, is not good enough. The connectivity report that was produced recently acknowledges that public transport needs significant investment, even in Scotland’s largest city.

It is perfectly acceptable for legislators such as us to provide broad frameworks that include principles that we believe local authorities should adopt, such as poverty impact assessments being done. I came here to fight on certain issues, one of which is poverty. I do not see why the tackling of poverty cannot be included as a principle in any framework that is passed, with local authorities then deciding on further detail.

We also need to consider the impacts on shift workers and part-time workers. How would the scheme take them into account? I have consulted numerous workplaces, and people are concerned about that.

John Mason made a point about regional transport partnerships. I do not think that they are accountable enough to have such a power, and I do not think that that is where we should end up.

In Glasgow, it will be a decade before we see the requisite investment. In Nottingham, £9 million a year has been raised, which is not enough. Even in Scotland’s largest city, it will be a decade before public transport is good enough for people to choose not to drive.

On the question of a power to hold a referendum, John Finnie asked Colin Smyth why he has so little faith in local authorities. I would ask John Finnie why he has so little faith in the people

to make decisions in their localities on whether they want a parking levy.

I support Jamie Greene's amendments. People's welfare and standards of living are matters for this Parliament, and it is our job to consider those things in deciding whether to pass legislation.

We have not heard much about how the levy would be enforced, but perhaps we will hear about that further down the line. However, I want to hear how the levy will impact on the lives of people who already face poverty.

09:15

The Convener: I would normally call Dean Lockhart now to speak to amendment 8E, but he is involved in other business in the Parliament, so Jamie Greene will speak to that amendment.

Jamie Greene: I will speak only to Dean Lockhart's amendments—I think that that is the protocol—and will speak to other amendments in the group, including my own, when it is my turn. Dean Lockhart sends his apologies. There was, perhaps, a lack of understanding on when the committee would address the issue. As we appreciate, MSPs have other committees and MSP duties to attend to. He has asked me to reflect upon his amendments.

Amendment 8E is similar, in some senses, to amendment 8A from Mike Rumbles, who has the right intention when he suggests leaving out business customers from the levy. It strikes me as strange to want customers of businesses to be included in the levy on the business that they are visiting. Neither the purpose nor the length of those visits is stipulated.

We would like to take our amendment further than amendment 8A to include suppliers of businesses. For example, many small businesses get parts delivered. I have a few in my constituency—I am sure Mr Lockhart does too—to which other small and medium-sized businesses deliver goods or provide contractual work for short periods to assist that business. It seems unfair for those assisting businesses to be penalised in the same way. That is the premise behind amendment 8E.

Richard Lyle (Uddingston and Bellshill) (SNP): Surely you are not suggesting that people who turn up for half an hour—or even come to repair an air conditioning unit—will be expected to pay a parking levy, because that is not the intention.

Jamie Greene: I hope not. You are absolutely right. It would seem unfair for them to pay such a charge. However, with respect, when we read Mr Finnie's amendments to the bill, a number of us

felt that there was not enough security around the exemption of business customers from the charge. If the minister or, indeed, Mr Finnie, in summing up, can point us to the specific wording in the amendment that gives us comfort and security on that, we can take a view on whether we move our amendments. In the absence of that comfort, we read the amendments and took the view that our concern was not covered. I do not want a scenario in Mr Lyle's constituency, in which customers who turn up at a small business are part of its levy scheme. We want to put their exclusion on the face of the bill. Why would it not be? I hope that other members will agree with me. [*Interruption.*]

Mr Stevenson says that this is nonsense, but it is not. He is welcome to intervene if he has comments to make.

The Convener: I ask the member to push on and to ignore any comments. I say to all committee members that although this is obviously an interesting subject that has caught the public eye, making comments about other's views under one's breath is not helpful. I ask people to refrain from doing so, and to look at the legislation. I ask Jamie Greene to continue on amendment 8E, which he agreed to speak to.

Jamie Greene: I have nothing further to say on amendment 8E.

Amendment 8F, in the name of Dean Lockhart, seeks to narrow down the definition of what constitutes a "relevant person" in the legislation, and stipulates that it applies only to the person who provides the parking place in question.

Amendment 8G would remove education and Government institutions from the definition of businesses, and, in relation to amendment 8E, deletes the section defining business customers and clients, or customers of the "relevant person". I know that we will talk about that in greater detail in the exemption section, so I will leave comments around removals of places until that discussion.

Amendment 8H, in Mr Lockhart's name, seeks to ensure that only employees who work full time on permanent contracts are subject to the conditions of the levy. That would ensure that part-time or short-term contractual staff—such as those doing day temping jobs, which is common practice in many businesses—are not subject to the levy, which would relate only to permanent full-time staff.

John Mason: How would a job share be affected?

Jamie Greene: A job share in what respect?

John Mason: If two people do 18 and a half hours each, instead of one person doing 37 hours.

Jamie Greene: If a person is earning a salary for 18 and a half hours a week, it would be unfair for them to be forced to pay the same levy as someone who is earning a salary for 37 hours a week. Therefore, the exemption should apply.

The Convener: I call John Mason to speak to amendment 9A and the other amendments in the group.

John Mason: First, let me say that I very much support the workplace parking levy and amendments 7 to 14 in the name of John Finnie. It is worth stressing that the amendments only empower local authorities—this is about decentralising and giving power to local authorities, which might or might not take the powers up. Some have already said that they will take them up and some have not. The committee was impressed by Nottingham City Council's example of what it has done and the success of that. A number of other English authorities are looking at following that model.

We must discourage people from unnecessarily taking their cars to work, especially in city centres such as Glasgow and Edinburgh—including MSPs in this Parliament. Glasgow has low car ownership, so, on the whole, the levy does not affect poorer people; it affects richer people. It is a tax on the elite. It is, broadly, a progressive measure and we should support it.

I especially liked the park and ride system in Nottingham. We need to use that system more in and around Glasgow.

Pauline McNeill: Do you think that the levy is an issue for members of the elite, who have cars, and that poor people do not have cars? Just in case you are wrong about that, would you support exemptions for those who earn, for example, less than the living wage?

John Mason: It is a levy on the employer. The employer does not need to pass the charge on at all.

Pauline McNeill: Who are the elite that you are referring to?

John Mason: For example, in this Parliament, the cleaners and the technical staff do not have parking places. The MSPs have parking places.

Members: That is not correct.

Pauline McNeill: It is a point of information but you are contradicting yourself. You said that the levy will not necessarily get passed on to the workers. Who are the elite? If the levy is to be placed only on the employer, you suggest that it will never be passed on. On the other hand, you say that cleaners will not pay it. Which is it?

John Mason: At present, the people in the city centres who are getting parking places are

directors and bosses. It is different out of town but, in city centres, on the whole, ordinary workers are not getting free parking places.

Jamie Greene: People are watching this meeting and hearing that only the elite—directors and rich businessmen—get free parking spaces at their place of work; they must be watching in horror at what members of this committee are saying. Mr Mason, it is not true that only the elite park at their place of work. Every day, normal workers park at their place of work. Can you not see that?

John Mason: Not in the city centre. Is the member seriously arguing that ordinary workers commonly get free parking places in the city centres?

Jamie Greene: Often, yes.

The Convener: As a member of this Parliament who often works later in the evening, I do not believe that it is just MSPs who get car parking spaces. Often, when I turn up on a Sunday evening, a Monday evening or an evening during the week, security staff and people who come in to get the Parliament ready for the next day use the parking spaces—perhaps not during the day, but at night—as much as any MSP. Will John Mason accept that point?

John Mason: I accept that they get parking spaces if the MSPs do not require them. The norm is that parking spaces are for MSPs, company directors and those kinds of people. If people are travelling within Glasgow and Edinburgh, there is an extremely good public transport system and people should not normally need to take their cars for a 9-to-5 job and leave them sitting all day.

Of course there are people from outside the city—including the convener—who come from a great distance and for whom public transport does not work. Of course some people need to use their cars. However, the overall point of the levy is to reduce the level of traffic in the city centres, which is not sustainable and cannot keep growing. We need to tackle that issue.

Amendment 9A flags up the question of how the cabinet secretary and John Finnie think that RTPs might be involved. They are major players in transport. I take John Finnie's point that there could be confusion and duplication, so I will not push it—there would be a lot of consequential amendments if I did. However, amendment 9A partly answers the question of how we can be more joined up. There are some extremely good examples of park-and-ride facilities, such as at Croy, which is in North Lanarkshire, although it would be Glasgow and Edinburgh that would raise the levy. We need to see the councils working together.

I accept that the proposal is that councils can work together, but I would like to hear the thoughts of John Finnie and the cabinet secretary on how that could be strengthened and how RTPs can be brought into the equation.

Colin Smyth: Amendment 9B would require parking levy schemes to be signed off by ministers, as is the case with LEZs and other similar schemes. It would provide additional oversight. I note that amendment 9B is supported by some organisations that support a workplace parking levy, such as Friends of the Earth.

John Finnie says that amendment 9B would go against his view that all decisions should be made by councils. However, his amendments provide national exemptions, which suggests that his localism is selective.

Amendments 10A and 10B would require a ballot to be held to introduce a scheme. That would democratise the process and ensure that it has public support. A similar ballot was held on the possibility of a congestion charge in Edinburgh, so there is precedent. Much has been said about consultation, but if it is so important, why not have the ultimate consultation and let people decide in a ballot? I echo the phrase that John Finnie used earlier: why do those who oppose this have so little faith in the public?

Jamie Greene: This group of amendments is quite large, so I will keep my comments to the amendments in my name. However, I will be supporting amendments in the name of Mike Rumbles, Pauline McNeill and Colin Smyth.

Amendment 9D, in my name, seeks to impose conditions on the local authority before it sets up a scheme. Members will see that amendment 9D adds paragraphs (c), (d), (e) and (f) to subsection (2) of the new section that is proposed by amendment 9. That is because I think that it is right that a local authority should be able to demonstrate the need for the scheme; that the displacement of vehicles as a result of the scheme will not increase carbon pollution in the areas to which they are displaced; that any levy will not have a detrimental impact on employment levels or on the economy; and that a workplace parking levy cannot be introduced in an area where there is already a low-emission zone.

When we took evidence on the point of the levy, we were told that it was to deter people from driving into cities, but there are other means to do that. We were told that other cities have successfully introduced congestion charges to encourage people not to drive into cities, but where that is not possible, they have to pay the associated fee. That is the case in London. There are also low-emission zones that will tackle the sorts of vehicles that we do not want in our cities.

Broadly speaking, there is cross-party support for those measures.

Since the idea was introduced, the Scottish Conservatives have been clear that we are opposed in principle to the workplace parking levy. We see it as a regressive tax on motorists and workers. Far from what Mr Mason said, it is not just rich business directors and owners who park at their place of work. If we passed the bill with the amendments that Mr Finnie has lodged, the levy could impact any worker in Scotland—other than those who we exempt—if a scheme is established in their local authority area.

09:30

Amendment 9D stipulates that local authorities would have to publish an impact assessment. I appreciate Mr Finnie's intentions in amendment 10 with regard to preparing and publishing information about a scheme and its objectives and

“an assessment of the impacts of the proposal”.

That is welcome, but I have taken the idea further. I want the bill to ensure that local authorities publish reports detailing the impact that a levy would have on

“low income households ... small and medium-sized businesses in the vicinity”

and

“persons with a disability or impairment”.

Those are the three groups that we as a Parliament should talk about when we look at introducing taxes, charges or levies. It is important that that is in the bill so that local authorities cannot look past those groups. As currently worded, amendment 10 does not dictate which groups must be consulted or say that there must be an assessment of the impact of the levy on those groups. We should focus on those three groups of people.

Amendment 10F would add an assessment of the impact on local businesses and island communities, which is important. The committee has spent a lot of time looking at our island communities, and it is right and proper that we look at assessing any levies on them by their local authority.

In my region, if North Ayrshire Council decided to introduce a levy as a result of the legislation, I would want it to perform robust impact assessments of the effect that the levy would have on the islands of Arran and Cumbrae, where, for example, public transport is limited at certain times of the day and many people simply have to drive to their place of work. In the case of some of the distilleries or production facilities on Arran, driving is the only way to get to work.

I want to ensure that we do not pass legislation that negatively impacts our island communities, bearing in mind the Islands (Scotland) Act 2018 and the additional duties that it confers on local authorities. I hope that members will consider that and support amendment 10F.

Amendment 11A is a technical amendment on how a scheme may be revoked.

I lodged amendment 12B because, if the Parliament does its job and sees that a levy is having a severe negative impact on the economy of an area of Scotland, we should be able to ask the local authority to review and possibly revoke its scheme. That would be a helpful power, which currently does not exist, for this Parliament to have. Amendment 12A is a technical amendment to facilitate that.

Amendment 14A would remove a requirement for licences in a scheme to

“specify the maximum number of ... vehicles which may be parked”

in a workplace. I see no tangible benefit in having a maximum number, as amendment 14, in the name of John Finnie, currently provides, so I want to remove that cap.

On the issue of petitions, I appreciate that there might be disagreement about whether 20 per cent is a suitable trigger and I am happy for members to amend that at the next stage. However, if it is the view of local residents and businesses that a levy is having a negative impact on their communities, businesses and local authority area but, despite the strength of support for review or revocation of the scheme, the local authority does not listen, I want to give power to the people in that respect. If feeling is strong—I am happy for the threshold of 20 per cent to be raised if members feel that that is too low—and local people are telling the local authority to stop a scheme as it is causing small businesses harm, it is only right that it should be forced to review the scheme. That would be a useful and welcome power to give people.

I am happy to leave my comments there, as other members have spoken at length to their amendments.

The Convener: I know that two members wish to speak. Unless anyone else wishes to add to that number, I will call Richard Lyle to start with.

Richard Lyle: In the past few months, I have made comments about the workplace parking levy. Since then, I have listened to the evidence that has been given by various organisations—in particular, the Convention of Scottish Local Authorities. I have also listened to the debate about the climate emergency and to the people

who are demonstrating outside the Parliament today.

From 2007 until 2009, I was the Scottish National Party’s group leader on COSLA, and prior to that I was a councillor for more than three decades. I therefore believe in localism, councils being able to take decisions on behalf of their communities, and the democratic process. I am coming up for my 43rd year in politics, in which time I have also learned that people scaremonger. I used to do so—just as other parties in the Parliament are now doing in relation to this policy. Some of the amendments that have been lodged and some of the comments that have been made are totally incorrect. I have therefore changed my view, so today I will support Mr Finnie’s proposal.

I believe that councils should be able to raise levies if they feel that they should do so. Some will use that power and others will not. I know that, at the end of the day, people will come back at me because of the comments that I made previously. So be it. I have been a politician for long enough to expect that. At the end of the day, I have made up my mind and will support Mr Finnie’s amendments.

The Convener: If no other member wishes to add anything, I would like to say something before I ask the cabinet secretary to wind up.

It is difficult for a convener to allow members’ own views to be represented and to represent the views of the committee, and there comes a time when they must take off their convener’s hat and say what they personally believe. I am now doing so and am speaking as a member of the committee.

First, I have listened carefully to the evidence that was given during our evidence sessions, which I am thankful that the committee was able to take. During the sessions, it became clear to me that there were three suggested ways of tackling emissions in towns, villages and cities: congestion charging, low-emission zones and workplace parking levies. It was also made clear that we could choose only one of those options and not multiples of them, because they were seen as conflicting with each other.

I also listened carefully to the evidence that was given to the committee by Nottingham City Council. It appears to me that that council’s area is completely different from the majority of areas in Scotland as far as public transport is concerned, in that it has excellent public transport provision that enables people not to take their cars into the city centre. In Scotland, the position is different. We have large areas of rural hinterland where people who have to travel into cities have few options for taking public transport. From my experience in such areas that I have worked in, I know that, if

you get on a bus to go somewhere, you often have to catch the very same bus on its return journey to get back to where you have come from, and that you have to use that service without interruption if you are to make the right connections.

Having looked around at views on the matter and at what we heard in evidence, I have little doubt in my mind that employers would pass on this form of taxation to their employees—they would certainly ask them to pay their share—so I believe that the levy would become a tax on going to work, which I do not believe to be progressive.

We have discussed how people use car parks at odd times of the day, when people who work normal hours are not using them, so that they can service buildings and ensure that they are ready for the next working day, and I made an intervention on that during Mr Mason's speech. I do not think that it is right that people who work outside normal working hours should have to pay such a tax.

I have also listened to what Mr Lyle has said about being a politician. I have not been—and never will be—a politician for 43 years. I got into politics so that I could make a stand on difficult decisions.

I therefore wish to make it abundantly clear at the outset of this process that I do not support the proposed workplace parking levy or any part of it. I do not believe that it will achieve anything from a climate point of view. I will vote for amendments where I see that they will produce a benefit should the proposal be agreed to, but I will not vote for the proposal itself, because I do not think that it is in the interests of people who go to work in Scotland.

Having made that statement, I put my convener's hat back on. I thank committee members for allowing me to speak and not interrupting me. I now call on the cabinet secretary to comment.

Michael Matheson: John Finnie set out the case for giving local authorities the power to introduce workplace parking levies. As we consider the amendments, members will see that the proposal is carefully crafted and is very much about empowering local authorities and giving them the tools to address issues such as the climate emergency. No single action can do that, but we need all available powers at our disposal to meet those pressing challenges.

In the recent stage 1 debate on the Climate Change (Emissions Reduction Targets) (Scotland) Bill, all parties were clear on the need for action. Spokespersons for various Opposition parties stated that

"We are facing a national environment and climate emergency";

that we need

"to take further action";

and that we should

"not ... postpone taking hard decisions."—[*Official Report*, 2 April 2019; c 29, 25, 33.]

However, a modest and completely discretionary power for local authorities to act has attracted furious criticism from those very same parties.

I turn to the other amendments in the group, which range from those that appear to be well meaning to those that I can only assume are designed to frustrate the proposal. I firmly agree with John Finnie's approach to localism in decision making, and I am disappointed at what appears to be a lack of confidence in local authorities from some members with regard to the use of those discretionary powers.

It is worth restating some of the key principles of John Finnie's amendments. The proposal concerns a power for, not a duty on, local authorities. It is underpinned by duties to consult and to carry out impact assessments for persons who are affected as well as the environment. It is strategic, as it is linked to the achievement of activities that have been set out in a local transport strategy. Funds that are raised must be spent on the scheme and on transport-related activities.

On John Mason's point about the role of RTPs, no local transport strategy can be shaped in isolation, and the drafting and development by a local authority of any strategy to support such a proposal will require due consultation with RTPs. That provision will be set out in guidance to accompany the legislation.

For those reasons, I support John Finnie's amendments, and I cannot support the other amendments in the group.

The Convener: I call John Finnie to wind up on amendment 7.

John Finnie: There has been much discussion, so I will just leave the comments as they are.

The Convener: I ask Mike Rumbles to wind up on amendment 7A and to indicate whether he intends to press or withdraw it.

Mike Rumbles: I think that we are making bad law. The budget deal between the Scottish National Party and the Greens has shackled the committee in its work. It is quite obvious that the SNP and Green members are not accepting any of the constructive amendments that are designed to improve the bill, and we therefore cannot do our job.

Jamie Greene: Does Mr Rumbles share my frustration and sadness at the way in which we are legislating? We did nothing on the proposal at stage 1; it should have been introduced by the Government at stage 1 so that we as a committee would have had a proper chance to scrutinise it and to consult the public and businesses—the people who are going to be affected by it. I am deeply saddened by the process that we have gone through to squeeze it in at stage 2.

Mike Rumbles: I agree with that—I am deeply saddened. When I joined the Parliament 20 years ago, I thought that the great thing about it was the committee work. However, the SNP members are being whipped to support the Green amendment, and they are not accepting any other amendments—

John Mason: No.

Richard Lyle: No.

Mike Rumbles: Oh, it is quite obvious that they are. Come on—stop playing games. This is too important a matter for members to play games.

We have lodged constructive amendments to try to improve amendment 7. I plead with the transport secretary in that regard, because we have tried to be constructive throughout the process, so that we can make good law, and this is not a constructive approach.

We might not like amendment 7, but we can certainly improve it. I want us to have the opportunity to lodge similar amendments at stage 3, when I hope that we will have some time to debate them. I will not press amendment 7A, because I want the Presiding Officer to select a similar amendment for debate at stage 3, so that we can—I hope—make constructive changes to the approach.

Amendment 7A, by agreement, withdrawn.

09:45

The Convener: I call Peter Chapman to move or not move amendment 7D.

Peter Chapman: I will move amendment 7D, but before I do that I would like to—

The Convener: Mr Chapman, you may move or not move the amendment, but you do not have the opportunity to debate it. We have had the debate.

Amendment 7D moved—[Peter Chapman].

The Convener: The question is, that amendment 7D be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 7D disagreed to.

Amendment 7B moved—[Pauline McNeill].

The Convener: The question is, that amendment 7B be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 7B disagreed to.

Amendment 7C moved—[Pauline McNeill].

The Convener: The question is, that amendment 7C be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Abstentions

Rumbles, Mike (North East Scotland) (LD)

The Convener: The result of the division is: For 4, Against 6, Abstentions 1.

Amendment 7C disagreed to.

The Convener: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

The Convener: The result of the division is: For 6, Against 5, Abstentions 0.

Amendment 7 agreed to.

Amendment 8 moved—[John Finnie].

Amendments 8E, 8A, 8F, 8B, 8G, 8C, 8H and 8D not moved.

The Convener: The question is, that amendment 8 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

The Convener: The result of the division is: For 6, Against 5, Abstentions 0.

Amendment 8 agreed to.

Amendment 9 moved—[John Finnie].

Amendments 9A and 9C not moved.

Amendment 9B moved—[Colin Smyth].

The Convener: The question is, that amendment 9B be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Rumbles, Mike (North East Scotland) (LD)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 4, Against 7, Abstentions 0.

Amendment 9B disagreed to.

Amendment 9D not moved.

The Convener: The question is, that amendment 9 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

The Convener: The result of the division is: For 6, Against 5, Abstentions 0.

Amendment 9 agreed to.

Amendment 10 moved—[John Finnie].

Amendment 10D not moved.

Amendment 10A moved—[Colin Smyth].

The Convener: The question is, that amendment 10A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)

Mountain, Edward (Highlands and Islands) (Con)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Rumbles, Mike (North East Scotland) (LD)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 4, Against 7, Abstentions 0.

Amendment 10A disagreed to.

Amendments 10B, 10E, 10C, 10F and 10G not moved.

The Convener: The question is, that amendment 10 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

The Convener: The result of the division is: For 6, Against 5, Abstentions 0.

Amendment 10 agreed to.

Amendment 11 moved—[John Finnie].

Amendment 11A not moved.

The Convener: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)

Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

The Convener: The result of the division is: For 6, Against 5, Abstentions 0.

Amendment 11 agreed to.

Amendment 12 moved—[John Finnie].

Amendments 12A and 12B not moved.

The Convener: The question is, that amendment 12 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

The Convener: The result of the division is: For 6, Against 5, Abstentions 0.

Amendment 12 agreed to.

Amendment 13 moved—[John Finnie].

Amendment 13A not moved.

The Convener: The question is, that amendment 13 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

The Convener: The result of the division is: For 6, Against 5, Abstentions 0.

Amendment 13 agreed to.

Amendment 14 moved—[John Finnie].

Amendment 14A not moved.

The Convener: The question is, that amendment 14 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Rumbles, Mike (North East Scotland) (LD)
 Smyth, Colin (South Scotland) (Lab)

The Convener: The result of the division is: For 6, Against 5, Abstentions 0.

Amendment 14 agreed to.

The Convener: The next group of amendments is on workplace parking exemptions. Amendment 15, in the name of John Finnie, is grouped with amendments 15A, 15B, 16, 16N, 16A, 16B, 16C, 16E, 16X, 16Y, 16AB, 16AC, 16D, 16L, 16F, 16G, 16V, 16H, 16I, 16J, 16K, 16O, 16P, 16Q, 16R, 16S, 16T, 16U, 16W, 16Z, 16AA, 16AD, 16AE, 16AF, 16AG, 16AI, 16AJ, 16AK, 16M, 16AH and 27. I point out that if amendment 15A is agreed to, amendment 15B will be pre-empted. Furthermore, if amendment 16M is agreed to, amendment 16AH will be pre-empted.

John Finnie: Much of the discussion around workplace parking levies has been about exemptions. Questions have been asked about what will be exempt, why groups would be exempt, and who will apply the exemptions. Amendment 15 sets out the basis for exemption under the scheme, and it covers four key areas. It requires that any workplace parking licensing scheme must include any national exemptions set by Scottish ministers as well as the national exemptions provided for in the bill. The proposed national exemptions in the bill are set out in my amendment 16.

Amendment 15 also gives local authorities the power to set further exemptions. That is a wide-ranging power, as those exemptions can apply to “specific premises” or premises with

“a specified number of parking places”,

or to “persons or motor vehicles”.

That is really important, as it allows local authorities to draw up a scheme in the light of local circumstances, and they will have a wide scope as to what exemptions they can apply and how they apply them.

The approach builds on the flexibility around how the scheme may be applied, as set out in my amendment 7. I firmly believe that the local level, not the national level, is where further exemptions should be determined. It is self-evident that informed decisions made at the local level will better meet the needs of an area. Decisions will be based on an understanding of local issues and preferred outcomes. My amendments ensure that a scheme can be tailored to meet local needs and circumstances. That is far removed from the rigid one-size-fits-all picture that opponents of the workplace parking levy have painted.

Amendment 15 also ensures that only one scheme can cover the same premises at any given time. It also gives Scottish ministers the power, by regulations, to provide for other exemptions or to restrict exemptions. My amendment 27 requires that such regulations are subject to the affirmative procedure. That means that any future proposals for national exemptions will face full and transparent scrutiny.

I firmly believe that the framework for exemptions delivers the clarity that is sought, while giving flexibility to implement local schemes to meet local needs.

Amendments 15A and 15B are on exemptions for small car parks. Amendment 15A, in the name of Colin Smyth, seeks to make a business with 15 parking places or fewer—or any higher number that the local authority determines—exempt from charges under any workplace parking levy scheme. Amendment 15B, in the name of Jamie Greene, seeks to set the figure at 20 parking places. The amendments cover the same ground as amendment 7A, in the name of Mike Rumbles, which we considered earlier. Colin Smyth wants the minimum threshold to be 15 parking places, Jamie Greene wants it to be 20 and Mike Rumbles wanted it to be 10.

10:00

That variation makes my point that it is best left to the local authority to decide the matter. Why would we apply random thresholds at a national level to a local scheme? Let us leave the decisions to the people who have to design, plan, consult on, implement and assess the impact of a scheme—ultimately, they will have to justify their decisions to the electorate. The framework provided by my amendments delivers clarity and flexibility. I cannot support amendments 15A or 15B.

Amendment 16 sets out the national exemptions that should be applied to workplace parking levy schemes. Those are: parking places for blue badge holders and equivalent disabled parking badges; qualifying NHS premises; and places at

hospices. I will address each of those exemptions in turn.

I am sure that the committee will welcome the exemption for blue badge holders. As well as protecting the rights of disabled people, it also provides an incentive for those with premises liable for the levy to consider making more such parking spaces available.

Committee members will be well aware that the exclusion of hospitals and NHS premises from the workplace parking levy was part of the budget agreement. Amendment 16 delivers that. However, the inclusion of NHS premises in amendment 16 is about more than the budget agreement. It is difficult to imagine a more strategically important and distinctive function than that provided by the NHS on a national level. That is something that resonates with the public.

Of course I am aware that there are other sectors that have national significance, but it is important to be clear that not having a national exemption does not mean that a workplace parking levy scheme would apply in a local situation. There are several steps that will shape that. I apologise if that seems self-evident, but much of the criticism of my amendments—including that implied in the many amendments to amendment 16 that have been lodged—seems to miss that point.

Step 1 is that a local authority will have to decide whether it wishes to set up a scheme—that decision is up to the local authority. Step 2 is that the local authority will set out the scope of the scheme and, as part of that, it will determine local exemptions. That will then be subject to detailed assessment of the people affected and the environment. Step 3 will be consultation. Finally, if a scheme is implemented, the levy will be applied to premises, not people. It would be a matter for the occupiers of the premises to pass on any levy that is applied.

The principle of localism underpins my approach to workplace parking levies. The national strategic importance of the NHS warrants a national exemption, but, otherwise, decisions on how a workplace parking levy scheme would operate, including additional exemptions, are best made at the local level. Such decisions will be part of the wider strategic vision of the needs of an area, underpinned by detailed impact assessments. My view is that national exemptions should be the exception to the rule.

I accept that there is a lot of interest in exemptions. However, the vast bulk of the amendments in the group appear to be a shopping list of additional national exemptions. Some of those are for sectoral groups, while others name individual bodies. I have no doubt that the

amendments are sincerely proposed but, taken as a whole, they appear to be intended to weaken the provisions to ensure that a workplace parking levy would never get off the ground. That goes against the principle of localism, underpinned by a strategic approach, which is what amendment 16 delivers.

I would like to say a little more about the definition of “NHS” in amendment 16. For the purposes of the amendment, the NHS is widely defined—it includes general practitioners, for example. That represents the continuum of care that the public expects the NHS to deliver.

Amendment 16 also includes a national exemption for hospices. Some hospices are on NHS premises and some are not. To draw a distinction between different hospices according to where they are located would seem inappropriate, so I have attempted to make it clear that all hospices should be exempt, regardless of their location.

I draw the committee's attention to subsection (2)(b) of the new section that amendment 16 would introduce, which would allow NHS premises where NHS services are not delivered to be liable for the levy. That would cover, for example, NHS premises that are let to a company that does not directly provide NHS services. I believe that that is right and that the public will agree with that view.

The amendments to amendment 16 would add a range of national exemptions, from exemptions for sectoral groups to exemptions for different sorts of premises and private companies. They would go against the principles of localism that underpin such schemes. Why is there so little trust in local authorities to make decisions locally?

The framework that I have set out would provide the clarity and flexibility that are required to deliver on the ground, which we know that COSLA wants. I ask the committee to support my amendments 15, 16 and 27. I ask members with other amendments in the group not to move them and, if those amendments are moved, I ask the committee to vote against them.

I move amendment 15.

The Convener: Eight members will be given the opportunity to speak to their amendments, after which other committee members will have the opportunity to speak. I will then call the cabinet secretary. After that, I will—unconventionally—suspend the meeting for a five-minute break, because we will then go into a lengthy period of voting. I will push on now.

Colin Smyth: My amendments would add a number of exemptions to the proposed levy. John Finnie contradicted himself again. He said that local government should decide on the

exemptions, but he has lodged amendments to create a number of national exemptions. Local democracy seems to exist when the Greens and the SNP decide that it should.

Amendment 15A, in my name, would exempt car parks with 15 spaces or fewer. Amendment 15B, in Jamie Greene's name, would similarly exempt car parks with a maximum of 20 spaces. Either amendment would be a welcome addition and I am happy to support them as either would set a clear figure that allowed businesses that cover several areas of Scotland to know exactly what rules they had to play by.

Amendment 16C, in my name, would exempt police premises. We have heard—rightly—that NHS premises should be exempt, because the NHS is a national service. The Greens seem to have failed to notice that the police service is now a national service. Police officers and staff have a unique safety need to use private vehicles to get to work and back, so police premises should be exempt from any scheme.

Amendment 16D, in my name, would exempt educational premises, and amendment 16AI would exempt premises that social workers use. The committee received evidence that, for a range of reasons, teachers and social workers require the use of a car to get to and from their places of work.

Amendment 16AJ would exempt premises that shift workers and people who work irregular hours use, as they are less likely to contribute to congestion and more likely to struggle to find public transport, as they work outwith the normal working day.

For the SNP to somehow describe social workers, the police, teachers and shift workers as the elite is an utter disgrace, to be frank.

A significant number of exemptions have been proposed, some of which overlap with mine. All the proposed exemptions would make a valid contribution and I am happy to support them all. However, the volume of legitimate exemptions suggests how flawed the process is.

Those who support the workplace parking levy should have made it the subject of a bill on its own; instead, the proposal is being slipped through at the last minute as an amendment that is part of a murky budget deal. That means that the Parliament cannot scrutinise the proposal properly, which is why I utterly oppose the levy and believe that exemptions should be put in place when we have heard clear evidence in support of them.

I move amendment 15A.

Jamie Greene: I will not add much to what Colin Smyth said. The Labour Party and the

Conservatives do not often agree on tax exemptions or on other tax issues—

Richard Lyle: Better together.

Jamie Greene: That is uncalled for, Mr Lyle. You are welcome to intervene if you have a comment to make.

Richard Lyle: I apologise.

Jamie Greene: Thank you for your apology.

The important point, which Mr Rumbles summed up nicely, is that we are creating the law, so the committee has a duty. I am deeply saddened by today's events, because we are not making good law—the volume of proposed exemptions suggests that.

Let us look at the list of proposed exemptions. I appreciate Mr Finnie's comment that they are well intended; I am pleased that that has been recognised, because that is the case. There may be other amendments that one could argue were seeking to disrupt the mechanisms of the levy and people are welcome to their views on that, but these are proposed national exemptions.

Where I disagree fundamentally with the approach taken in Mr Finnie's amendments on the workplace parking levy is that it will be up to local authorities to decide on local exemptions. That means that each city or local authority that introduces a levy as a result of the legislation can decide who pays and who does not. Theoretically, that could lead to teachers in Glasgow being liable for the charge but not those in Edinburgh, or nurses in Aberdeen being liable but not those in Dundee. Where is the fairness in that?

This is not about local democracy; it is about creating bad law. The list of exemptions from the Scottish Conservatives and others—Mr Rumbles and Mr Smyth propose a number of exemptions, too—should be in the bill. They cover the hard-working people and public service workers in Scotland that Parliament and this committee should seek to protect: firefighters, policemen, train drivers, care workers, prison officers and people who do charity work in our high streets. Why on earth are we subjecting them to this tax? We should be ashamed of ourselves. I support all the amendments on exemptions in the group.

Miles Briggs (Lothian) (Con): Having spoken to a number of people who work in our health and social care sector, I have lodged a number of amendments, and I welcome the fact that John Finnie's amendment 16 exempts hospices. I was looking to lodge such an amendment, because that exemption was not originally included.

The intention behind my amendments is to exempt from the scheme people who work in health and social care. Amendment 16O would

exempt employees who work for independent healthcare services, while amendment 16Q covers people working in Scotland's air ambulance service. I have also sought to exempt adult social care providers through amendments 16R and 16S, while amendments 16T and 16U would exempt

"places at residential care establishments"

and health-based charities across Scotland. Amendment 16P covers employees of veterinary practices.

Finally, amendment 16N would delete the words "subject to subsection (2)(b)" from subsection (1)(b) of the section that amendment 16 seeks to introduce. Subsection (2)(b) stipulates that someone must be a healthcare provider to qualify for exemption at a hospital. That is a key point. Like our Parliament, hospitals require technicians, cleaners and security personnel, to name just a few. They all provide a vital and key role in hospitals and NHS settings, and it is only right that they, too, should be exempt.

The Convener: I call Jamie Greene to speak to amendment 16A, because I believe that Graham Simpson is in another committee meeting.

Jamie Greene: I am happy to do that. Graham Simpson gave his apologies and asked me to move amendments 16A and 16B. The amendments seek to exempt "industrial lands and heritages" and construction sites from the scheme, based on a number of pieces of consultation that he and our party have held at such sites.

We approached businesses in a number of local authority areas to talk about the prospect of the levy and the effect that it might have on them and their workforce. I appreciate the comment that was made about the levy being on the premises and not the people, but it is inevitable that some businesses will pass the levy on to their employees, as happened in the only other local authority in the country that has implemented such a scheme. They will do that not out of spite for their employees but out of necessity, because they cannot afford the levy that will be imposed on them.

I have spoken to a number of businesses on industrial sites and I will give some examples of their views. It is important, in the midst of the politics and emotion around the proposal, that we listen to local businesses such as Brakes Scotland in Newhouse. It said:

"As a major employer ... based in an out of town location ... with a 24 hour operation, Brakes believe the proposal for a ... Levy would have a negative impact on our employees and people who work under similar circumstances. The lack of public transport ... outside of major conurbations and the ability to provide suitable, safe and regular alternatives to fit with shift patterns ... leaves people no option but to drive to work, and imposing a ... tax on them would be, in our view, unfair and punitive."

I hope that Mr Lyle will reflect on that. Perhaps he will comment on it—I am happy to take an intervention

Richard Lyle: I think that you are talking about an area in my constituency. It is very nice to know that you have contacted a business in my constituency. As you know, North Lanarkshire Council has never—during the years when I was a councillor there and since then—implemented a car parking charge.

10:15

Jamie Greene: I am pleased about that, but you have just voted to give the council the power to do so.

Richard Lyle: But it has never implemented—

Jamie Greene: Mr Lyle, why are you not listening to businesses in your area?

The Convener: In fairness, members, I am happy to allow interventions, but let us not have our proceedings degenerate into a conversation across the table. I do not think that that is how the committee works—it will not work like that.

I invite Jamie Greene to push on. If Mr Lyle wishes to intervene on a specific point in order to question Jamie on something, he may by all means seek to do so.

Jamie Greene: I thank Mr Lyle for expressing his interest in the matter. We have already voted on a number of the amendments, but I plead with him to have a think and to listen to the businesses concerned. What about Sutherland Brothers at the industrial estate at Wick airport? It stated:

"Operating within an industrial estate and with poor public transport, our staff have no alternative but to use their car to commute to work."

That includes those

"travelling in the early hours of the morning or late evenings to get to and from work."

Many of the amendments that we and other parties are proposing would exempt certain shift workers and certain locations, and rightly so. I appeal to the hearts of some committee members, who should listen to what the businesses in their own patches are saying and to what we are saying. If members do not agree with me, that is perfectly fine and decent, but if they do not agree—

John Mason: Will the member give way?

Jamie Greene: In a moment.

If they do not agree with us politically, that is also perfectly fine and decent in a committee setting. However, please listen to the businesses in your own constituencies and regions.

Businesses are not happy, and we are trying to exempt them as a result of the comments that they have made to us.

John Mason: Does the member accept that such decisions are all better made by the local authorities, because they know their areas better? Cities such as Glasgow and Edinburgh are more keen on the levy, because the big problem is in the city centres. Many other local authorities, if not all of them, are less keen on a levy, because they do not have city centres.

Jamie Greene: Mr Mason implies that the workplace parking levy will be applied only in cities. Nowhere in Mr Finnie's amendments is it stated that the levy can be applied only in cities. If Mr Mason wanted to lodge an amendment to that effect at stage 3, I would probably support him, because that would secure rural and suburban areas where there is poor public transport.

John Mason: Will the member give way?

Jamie Greene: In a second. Please let me respond to your first intervention.

Mr Mason is making an assumption that, among local authorities, only city councils would wish to introduce a workplace parking levy. We are giving every local authority in Scotland the power to do that, with the result that businesses that are not located in cities might have to pay the levy. We are trying to protect those businesses and those workers.

Colin Smyth: Does the member accept that one of the fundamental flaws is that, although some people argue that the power will be exercised only by cities such as Glasgow or Edinburgh, the reality is that thousands of people from outwith the city boundaries travel into those cities every day for employment, often from areas such as the Borders, which has limited or poor public transport? Those people will be forced to pay the levy, but not a single penny will be spent in their area to support improvements to public transport there.

Secondly, such people will have no say over the matter, because it will be a neighbouring local authority in a city that will decide, despite the fact that they will have to pay.

Jamie Greene: Mr Smyth is absolutely right. We need to reflect on that. If Glasgow City Council introduced a levy—I am sure that Mr Mason would support the council in that—what about workers from Ayrshire or Inverclyde who have to drive to premises—

Richard Lyle: Will the member give way?

Jamie Greene: Please let me finish.

What about those who have to drive to premises on industrial estates? Cities have industrial estates

that are not served by public transport. Cities have people who work evening shifts and early mornings and who have no means of getting to work other than their cars. It is not just people who live in the city whom you are discouraging from taking their cars; you are discouraging people who have no choice, who live in peripheral local authority areas. The actions of a local authority that introduces a levy and the consequences of those actions will be felt by neighbouring local authorities and by people who live outwith the local authority areas concerned.

Richard Lyle: As I said when I posed a question to a councillor from Glasgow, a substantial number of people who travel into Glasgow or Edinburgh to go to work pay car parking charges at the moment. Do you agree?

Jamie Greene: Some employers charge their employees for parking. That is at the discretion of those employers, and they know their workforce. I do not want a blanket approach under which all employers have to charge for parking at their workplace. Therefore, if—

Richard Lyle: I am sorry, but I am talking about people who use National Car Parks facilities or who park at the St Enoch centre or Buchanan Galleries or people who park on the street and pay at a parking meter. I am talking about people who are not charged by their employer; they are being charged by the council.

Jamie Greene: Are you suggesting that they should have to pay a workplace parking levy on top of the private car parking charges?

Richard Lyle: No. I am saying that there are people who already pay to park in Glasgow and Edinburgh. Colin Smyth suggested that thousands of people will pay the charge, but there are people who pay car parking charges at the moment, so that reduces the number.

Jamie Greene: As I said, we are creating national legislation that sets the parameters of the levy. A local authority will be able to mandate all businesses in its area to introduce a levy—there will be no pick and choose here.

To return to local exemptions, if one local authority decides that something is okay but another does not, that will create huge unfairness for our workforce. Mr Simpson's amendments in the group would exclude certain sites and locations, which is the right thing to do. They are the sites that are the furthest away from our cities, that are the least served by public transport and that tend to have 24-hour operations or shift workers.

John Mason: Does the member at least accept that we probably all agree that no local authority will suggest that there should be a workplace

parking levy in a village or out-of-town workplace, and nor will we? Does he accept that we are aiming at the same thing and that the question is whether we take a more centralist approach and decide everything at the centre or allow local authorities to make the decisions?

Jamie Greene: I appreciate the tone in which Mr Mason asked that question and his candour. I appreciate where he is coming from, but there are far too many assumptions in those questions. He says that no rural authority will introduce a levy, but how does he know that? Local authorities are by default political bodies, and they may choose to introduce a levy. That choice should not be available to them, because of the effect that it would have on the workforce.

Stewart Stevenson: Will the member take an intervention?

Jamie Greene: This is turning into a lengthy debate. I am trying to be polite, convener, but it is entirely up to you to decide, given the time.

The Convener: It is up to you how many interventions you take, but it might be appropriate if you take one more intervention and then try to wrap up to allow other members to come in.

Jamie Greene: I will not take any more interventions. If other members want to speak to the amendments in the group, they are welcome to do so.

I have made my point. I ask members to reflect on the sensible list of proposed exemptions and give the issue genuine thought. Please do not vote against exempting those workers. It is the right thing to do, so please join us in voting to exempt them.

Mike Rumbles: John Finnie said several times that the levy is on the employer. He is absolutely right about that, and I agree with him. *[Interruption.]* I see that Mr Finnie is shaking his head—he said that earlier, so maybe that was just an aside. It is a levy on the employer, but there is nothing in the bill to prevent the employer from passing the levy on to employees, so I think that we are dancing on the head of a pin.

Mr Finnie also talked about the principle of localism. I support the principle of localism, but I also support the Parliament doing things right. As members of the committee, our job is to make good law. I am very exercised about that, because that is an important job for us.

We all come here from political backgrounds. I happen to be a Liberal Democrat, but my job here is to ensure that we pass law that is fit for purpose. It is quite obvious to me that, with all the amendments, we are trying to improve the bill. It is a great disappointment that, whatever amendment

is proposed, there is an instruction that it will not be allowed.

When the Parliament was set up, it was set up without a revising chamber. I see Stewart Stevenson shaking his head. I was here 20 years ago, Mr Stevenson, at the foundation of this Parliament—

The Convener: Mr Rumbles, I ask you not to have conversations across the table.

Mike Rumbles: I am responding to what Mr Stevenson said.

The Convener: Mr Stevenson made a comment while he was sitting down, without intervening. I suggest that you push on with the point that you were making.

Mike Rumbles: Thank you, convener.

I remember that, when we first took our seats here 20 years ago, there was a big debate about whether we should have had a revising chamber. It was decided that we should not have one because the work of the committees was important and the job of committee members would be to scrutinise legislation, and particularly legislation that was proposed by the Government.

We have a bizarre situation in which, because of a political agreement, the amendment that John Finnie has lodged cannot be touched. This strikes at the very heart of what the Parliament was designed to do. What we are doing is wrong, and I am saying so.

Stewart Stevenson: Will the member take an intervention?

Mike Rumbles: I will not. I have not intervened on other people; I have listened to what everybody has said, and I am deeply disappointed by this whole shameful process in our parliamentary system. I appeal to the cabinet secretary to think hard about this and to come back at stage 3 and be prepared to accept reasonable, constructive amendments that have been lodged as part of us doing our jobs.

I turn to my amendments in the group. If we are going to have an exemption for the national health service, it is logical that we look around and ask what other national exemptions we should have. Trying to be constructive, I lodged some amendments to cover, for example, the Police Service of Scotland, which is a national service. I thought that John Finnie would appreciate that, given his work experience.

It is a false idea to say that we can have a national exemption for the national health service but not for anybody else. That is just not logical. Where is the logic in that? It is bad law and we should not agree to it. I am really frustrated and disappointed by the whole process.

The Convener: I call Liam Kerr to speak to amendment 16X and other amendments in the group.

Liam Kerr (North East Scotland) (Con): I am grateful to the committee for the opportunity to speak. I lodged several amendments that seek to exempt key groups from the workplace parking levy, for reasons that were well articulated by Colin Smyth. I also strongly associate myself with Jamie Greene's comments.

In brief, amendments 16X and 16Y would see staff who work at the Scottish Fire and Rescue Service and Police Scotland exempted from the scheme. Amendment 16Z covers those who work in the criminal justice social work services that are carried out by local authorities, and amendment 16AA covers those who work on the prison estate. My view is that those are critical services that are required in order to keep the public safe, maintain law and order and promote rehabilitation, and they should be exempted from the scheme.

The Convener: I call Maurice Corry to speak to amendment 16AB and other amendments in the group.

Maurice Corry (West Scotland) (Con): Thank you for the opportunity to speak in support of the amendments. Her Majesty's Coastguard is a critical national safety service and it is on notice to move immediately. Coastguard officers have to be in the field and coastguard ground officers who are in control have to be available. They all need to be available 24 hours a day, and there is a necessity for them to communicate and work with other emergency and blue-light services. Many of those people are in rural areas, and when the balloon goes up at 2 o'clock in the morning, the lifeboat and coastguard people have to get to their stations on time and be available to go forward. Accordingly, I propose that they be exempted from any parking charges.

10:30

The Convener: At this point, I should have called Alexander Stewart to speak to amendment 16V, but I believe that Jamie Greene will speak to it instead.

Maurice Corry: I am sorry, convener, but I do not think that I have spoken to my amendment on the lifeboat service.

The Convener: I will come back to you one more time, Mr Corry. *[Interruption.]* In fact, I will come back to you now.

Maurice Corry: Thank you very much, convener.

Like the coastguard service, the Royal National Lifeboat Institution is a national service that is

critical to the safety of our coasts. After all, we are a maritime nation.

The RNLI is a charity, and there is no way that a charity of such a size will be able to absorb these charges without passing them on to the crew. I am absolutely adamant that our lifeboat crews and the lifeboat base, administration, support and operational staff must be protected. The crews are in communication with other emergency services, and because they need to be on call, with immediate notice to move, it is impossible for them to rely on public transport. They must be able to take their cars to work.

The Convener: We now come to amendment 16V. Normally, Alexander Stewart would have been speaking to this amendment, but I believe that Jamie Greene will do so on his behalf.

Jamie Greene: I will be very brief, convener, because we have already covered a lot of ground.

Amendment 16W, also in the name of Alexander Stewart, seeks to exempt care workers from the charge. I cannot for the life of me understand why we would want care workers, as defined in the Public Services Reform (Scotland) Act 2010, to pay this levy. After all, they work unsocial hours, often for low pay and in difficult circumstances. Therefore, I absolutely support this amendment, which seeks to exempt those workers from the levy; I think that it is the right thing to do, and I hope that other members agree.

Mr Stewart's other amendment, amendment 16V, relates to those working in Scotland's airports. As we all know, Scotland relies very heavily on aviation connectivity to service our islands, and I see no reason why an air traffic controller or security worker at an airport in, say, Campbeltown, Barra, Kirkwall or Stornoway should have to pay a levy for carrying out what I consider to be the lifeline duty of servicing our remote and island communities. Again, I appeal to members who have these types of workplaces in their regions or constituencies to think very carefully about voting against exempting them.

The Convener: So far, the only member who has indicated their wish to speak is Stewart Stevenson.

Stewart Stevenson: Clearly there are genuine, deeply held but differing viewpoints on this matter, and that is entirely right and proper. That said, I think that members of this committee should be very careful about attributing to others the reasons that they might have for coming to their decision—in my personal case, on the basis of no knowledge whatever of how I have reached the decisions that I am exercising democratically as we vote on these amendments today.

I did not start off in uncritical support of this proposal. Like others, I have engaged in quite robust debates with a range of people and come to the views that I have come to, and I ask members to respect my individual process and, indeed, the individual process of anyone around this table who might hold views either contrary to my own or the same as mine. I think that it is entirely improper for the process by which we as individuals have come to our viewpoints to be traduced in the way that I have heard.

Turning to more substantial matters, I think it important that we ask ourselves whether local authorities will behave responsibly or irresponsibly in discharging the duties that we are looking to give them under this provision. It is not as if we are asking that question in a vacuum. Such powers have been available to local authorities south of the border for decades now, so we have a model that we can look at to find out whether or not local authorities behave irresponsibly on the matter.

Now, if members of this committee and this Parliament wish to say that Scottish authorities are uniquely irresponsible, compared with their English counterparts, I invite them to do so on the record. I do not happen to believe that to be the case—not because the local authorities are Scottish but because they are the custodians of the interests of local people and they behave in a proper way. It is beyond contemplation that people in Campbeltown are likely to find themselves subject to a levy while people in Cornwall, in England, are not, because their local authority has concluded that it will not introduce a levy. Incidentally, there are no air traffic controllers at Campbeltown and Barra; there are air flight information service officers—

The Convener: You are splitting hairs—

Stewart Stevenson: It is a very substantial hair, for all sorts of interesting reasons.

The bottom line is that we should conduct this debate with proper respect for the individuals who are participating in it. That is my main point. In coming to my views, no one dictates to me; I come to my views honestly. I might be wrong, at the end of the day, as we all can be, but I come to my views honestly and independently, and I ask members to respect that, just as I respect the views of everyone around this table.

John Mason: Hear, hear.

Pauline McNeill: I will briefly address some points in relation to the exchange between Jamie Greene and Richard Lyle. If the proposed approach becomes law, the people of Glasgow are likely to face a workplace parking levy, because the authorities have declared that they will.

Like Mike Rumbles and Stewart Stevenson, I am in favour of localism, but I think that it is the job of this Parliament to set the national policy. We are responsible for the national policy on anti-poverty measures, so if we are doing our job we should be giving serious consideration to exemptions.

I have done some consultation. Tennent Caledonian Breweries is in Duke Street, which is regarded as pretty close to the city centre. There are shift workers and part-time workers there, and they are concerned. There are people who use the bus if they are on the back shift, because they can do that, but who cannot do so if they are on other shifts, because it is not possible to get public transport at certain times of the night.

McVitie's in Glasgow also has part-time workers and shift workers. Companies are already concerned about the implications of Brexit, and they are concerned about the workplace parking levy. I ask committee members to consider the implications all round—that is, not just the implications for the workforce but the implications for an industry that is very concerned about Brexit.

Edrington, which is a well known and fabulous whisky company in Drumchapel, recruits from all over Glasgow and beyond. The company is concerned for its part-time workers.

Shop stewards in those places have told me that they are concerned about the impact on women workers. In some cases, the workforce is predominantly female, and many workers are single parents and have childcare responsibilities; they need their cars. In most cases, they are low-paid workers. The shop stewards are concerned that even if the costs of the workplace parking levy are not passed on to the workers, in subsequent pay rounds the workers will pay the price of the company having to fork out £400, or whatever the charge is.

Richard Lyle: I agree with Stewart Stevenson. I made comments about the car parking levy well before—months before—it came before this committee. Just because I have listened to the arguments and the evidence and changed my view, I am being attacked. If I had not listened and was voting with the five members who feel that they are not being listened to, I might have been attacked by other members. Sorry, but sometimes politicians have to come off the fence. I have come off the fence on this issue.

Some of the amendments are pure scaremongering. Stewart Stevenson's comments are correct. I worked for the Royal Bank of Scotland in Glasgow and I paid to park on the street or, alternatively, in a car park. I did not have an individual car parking space, and many companies will not have such spaces for their

workers, who will be paying to park on the street or in car parks.

Care workers are out and about visiting the people they look after. I do not see where they park. When I was a councillor, they did not park in the council car park, so they would not get charged. It is pure scaremongering. With the greatest respect to Mike Rumbles and others, I have changed my mind and other members should change theirs.

The Convener: We have had two suggestions from members that others are making up their minds because they are being told what to do, and they have been criticised for making those comments. It is wrong, in my opinion, for committee members to then criticise other people for the position that they are taking. We are all entitled to our opinions, and members should respect that.

Before I bring in the cabinet secretary, I again take off my convener's hat to make an interesting observation. When councils are under increased financial pressure, they look at all ways and opportunities to raise revenue across their portfolio. I saw an example of that when fees were raised on car parks in the Highland area. My fear is that, although councils may currently say that they do not want to raise workplace parking levies, they may be forced into doing so as their financial position becomes tougher, and people may be swept up in that.

In addition, there has been no investigation of the financial case for the proposal. I know of some firms that pay for their employees to park in public car parking spaces because they do not have the ability to provide them with parking spaces. People have contacted me about the issue. Should the levy come in, it might fall to those employees to pay for their parking charges because the company believes that everyone else is paying for parking.

I call on the cabinet secretary to speak. As soon as he has finished speaking, we are going to pause. Cabinet secretary—until the pause, the time is yours.

Michael Matheson: The amendments in John Finnie's name strike a balance between the national and local dimensions. We have a national framework that allows national exemptions to be applied but, as John Finnie said in speaking to his amendments, national exemptions should be the exception, and I agree.

I believe that our role is to set the framework and to let those who take forward a scheme implement it on the ground. That is why I cannot support amendments 15A and 15B, which seek to exempt from charges under licensing schemes any premises with, respectively, 15 or fewer or

fewer than 20 workplace parking spaces. Those numbers are arbitrary, with no reference to the circumstances that a local authority might be trying to address.

Amendment 15 has the balance right and would allow local authority schemes to exempt premises with less than a maximum number of parking spaces, as the scheme in Nottingham does. I am therefore happy to support amendment 15. If the amendment is pressed to a vote, I would encourage the committee to support it. I invite Colin Smyth and Jamie Greene not to move amendments 15A and 15B respectively. If they are moved, I ask the committee to reject them.

Amendment 16 has attracted a lot of attention, not least given the number of amendments to it that have been lodged. I will return to those amendments and the range of matters that they intend to address. I fully support the exemptions that are set out in amendment 16. The exemption of hospitals and NHS premises was a condition of our support for the workplace parking licensing scheme amendments. John Finnie made a clear case for exemptions for NHS premises, and I am happy to support that approach.

I also see the merit in including hospices and blue badges in the limited range of national exemptions on similar grounds. I agree with John Finnie that national exemptions should be the exception. I also agree with the principles of localism and believe that significant local decisions are best made locally. That will mean that they are informed by local circumstances, needs and opinions. Amendment 16 has got the balance right, and I am happy to support the amendment. If it is pressed to a vote, I invite the committee to support it.

10:45

Jamie Greene: Why did the Government come to the view that only the NHS should get an exemption and not other public service workers in similar circumstances? Why does the cabinet secretary not think that, if you give the power to create local exemptions to local authorities only, it will create a disparity between local authorities that will mean that some workers have to pay in one area while others in other areas will not have to pay? How is it fair when a teaching assistant in Dundee does not pay while one in Glasgow does?

Michael Matheson: The purpose is to give local authorities the discretion to tailor schemes that reflect their local circumstances, and the amendments that we support provide them with the flexibility to determine what they see as being local need.

It should be borne in mind that local authorities have to undertake a significant level of

engagement prior to establishing such a scheme to make sure that they consult a range of different stakeholders that will allow them to consider issues that arise during the process. A robust duty is placed on local authorities to consider the issues and, ultimately, it is for local elected members to come to a decision.

Our decision to support the NHS is driven by the fact that it is a national service and there are specific issues around the number of parking spaces that are often required at hospitals for those who work there and those who access the hospital itself. On that basis, we agreed that there should be a principle of NHS facilities being a national exemption.

The remaining 37 amendments in the group all seek to exempt a sectoral group, specified premises, or a company. When reading the amendments, I was struck to note how little they reflect the evidence that the committee heard in advance of stage 2. Not unreasonably, we looked to Nottingham's experience of running a workplace parking levy scheme. Chris Carter from Nottingham City Council told the committee:

"The beauty of the workplace parking levy is that it is flexible and allows different exemptions to meet needs. However, another strength of the levy is its simplicity. If too many exemptions are introduced, it becomes too complicated and a lot of the benefits are lost."—[*Official Report, Rural Economy and Connectivity Committee*, 22 May 2019; c 13.]

We have 37 amendments, each of which seeks to add further nationally mandated exemptions. If you do not mind me saying so, convener, one could be left thinking that some members do not want the scheme to work because of the range of exemptions that they are seeking to put in place. I understand that there are concerns about how a workplace parking licensing scheme will be applied—[*Interruption*.]

The Convener: Mr Greene, if you want to ask to make an intervention, please do, but it is not fair to talk over someone when they are talking.

Michael Matheson: The place to address those concerns is at the local level, except in specific cases. I am concerned that the amendments that seek to bring in additional national exemptions will have the effect of undermining local decision making and will make schemes unworkable and ineffective. As a result, I cannot support those amendments, and I invite members not to move them. If they are moved, I invite the committee to reject them.

The Convener: Thank you, cabinet secretary. As the cabinet secretary has just said, we are about to go into a series of votes. Before we do that, I will suspend the meeting for 10 minutes.

10:49

Meeting suspended.

11:00

On resuming—

The Convener: I reconvene the meeting. The cabinet secretary had just summed up, so I now ask John Finnie to wind up on amendment 15.

John Finnie: There has been a lot of discussion, so I will leave it there.

The Convener: I ask Colin Smyth to press or seek to withdraw amendment 15A.

Colin Smyth: I will press amendment 15A.

The Convener: I remind members that, if amendment 15A is agreed to, I cannot call amendment 15B, due to pre-emption.

The question is, that amendment 15A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 15A disagreed to.

Amendment 15B moved—[Jamie Greene].

The Convener: The question is, that amendment 15B be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Abstentions

Rumbles, Mike (North East Scotland) (LD)

The Convener: The result of the division is: For 4, Against 6, Abstentions 1.

Amendment 15B disagreed to.

Amendment 15 agreed to.

Amendment 16 moved—[John Finnie].

Amendment 16N moved—[Miles Briggs].

The Convener: The question is, that amendment 16N be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Abstentions

Rumbles, Mike (North East Scotland) (LD)

The Convener: The result of the division is: For 4, Against 6, Abstentions 1.

Amendment 16N disagreed to.

Amendment 16A moved—[Jamie Greene].

The Convener: The question is, that amendment 16A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Rumbles, Mike (North East Scotland) (LD)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 4, Against 7, Abstentions 0.

Amendment 16A disagreed to.

Amendment 16B not moved.

Amendment 16C moved—[Colin Smyth].

The Convener: The question is, that amendment 16C be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16C disagreed to.

The Convener: I call amendment 16E, which is in the name of Mike Rumbles.

Mike Rumbles: I want to bring this issue back at stage 3, when it might get a fairer hearing, so I will not move amendment 16E.

Amendment 16E not moved.

Amendment 16X moved—[Liam Kerr].

The Convener: The question is, that amendment 16X be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16X disagreed to.

Amendment 16Y moved—[Liam Kerr].

The Convener: The question is, that amendment 16Y be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16Y disagreed to.

Amendment 16AB moved—[Maurice Corry].

The Convener: The question is, that amendment 16AB be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16AB disagreed to.

Amendment 16AC moved—[Maurice Corry].

The Convener: The question is, that amendment 16AC be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16AC disagreed to.

Amendment 16D moved—[Colin Smyth].

The Convener: The question is, that amendment 16D be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16D disagreed to.

The Convener: I call amendment 16L in the name of Mike Rumbles, which was debated with amendment 16.

Mike Rumbles: As I am always an optimist and in hope of a fairer hearing at stage 3, I will not move amendment 16L.

The Convener: It would be helpful if members could simply move or not move their amendments. I have 14 pages to get through before the next bit, and it would make it easier if we could keep the votes flowing.

Amendments 16L, 16F and 16G not moved.

Amendment 16V moved—[Jamie Greene].

The Convener: The question is, that amendment 16V be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)

Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16V disagreed to.

Amendments 16H, 16I, 16J and 16K not moved.

Amendment 16O moved—[Miles Briggs].

The Convener: The question is, that amendment 16O be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16O disagreed to.

Amendment 16P moved—[Miles Briggs].

The Convener: The question is, that amendment 16P be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16P disagreed to.

Amendment 16Q moved—[Miles Briggs].

The Convener: The question is, that amendment 16Q be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16Q disagreed to.

Amendment 16R moved—[Miles Briggs].

The Convener: The question is, that amendment 16R be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16R disagreed to.

Amendment 16S moved—[Miles Briggs].

The Convener: The question is, that amendment 16S be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Rumbles, Mike (North East Scotland) (LD)
 Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16S disagreed to.

Amendment 16T moved—[Miles Briggs].

The Convener: The question is, that amendment 16T be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Rumbles, Mike (North East Scotland) (LD)
 Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16T disagreed to.

Amendment 16U moved—[Miles Briggs].

The Convener: The question is, that amendment 16U be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Rumbles, Mike (North East Scotland) (LD)
 Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16U disagreed to.

Amendment 16W moved—[Jamie Greene].

The Convener: The question is, that amendment 16W be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Rumbles, Mike (North East Scotland) (LD)
 Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16W disagreed to.

Amendment 16Z moved—[Liam Kerr].

The Convener: The question is, that amendment 16Z be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Rumbles, Mike (North East Scotland) (LD)
 Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16Z disagreed to.

Amendment 16AA moved—[Liam Kerr].

The Convener: The question is, that amendment 16AA be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16AA disagreed to.

Amendment 16AD not moved.

Amendment 16AE moved—[Jamie Greene].

The Convener: The question is, that amendment 16AE be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Rumbles, Mike (North East Scotland) (LD)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 4, Against 7, Abstentions 0.

Amendment 16AE disagreed to.

Amendment 16AF moved—[Jamie Greene].

The Convener: The question is, that amendment 16AF be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)

Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16AF disagreed to.

Amendment 16AG not moved.

11:15

Amendment 16AI moved—[Colin Smyth].

The Convener: The question is, that amendment 16AI be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16AI disagreed to.

Amendment 16AJ moved—[Colin Smyth].

The Convener: The question is, that amendment 16AJ be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16AJ disagreed to.

Amendments 16AK and 16M not moved.

The Convener: I call amendment 16AH, in the name of Miles Briggs.

Miles Briggs: Convener, I intend to bring this amendment back at stage 3, as it would exempt the lowest-paid workers in our NHS, but I want to move it today, too.

Amendment 16AH moved—[Miles Briggs].

The Convener: The question is, that amendment 16AH be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 16AH disagreed to.

Amendment 16 agreed to.

The Convener: The next group of amendments is on workplace parking: financial provisions. Amendment 17, in the name of John Finnie, is grouped with amendments 17C, 17A, 17D to 17R, 17T to 17V, 17B, 17S, 18, 18A and 19.

John Finnie: Amendment 17 outlines how charges arising from the workplace parking licence will operate. The first—and key—point to make is that it is a charge on the occupier of the premises, not on individuals parking at their workplace. How—and, indeed, whether—the levy is recovered from those parking at their workplace is a matter between employers and employees.

I want to specifically address the power in proposed subsection (1)(b) in amendment 17, as it is key to the other amendments in the group. It is important to make it clear that the power for Scottish ministers to specify other persons who may be liable is to allow for circumstances in which someone other than the occupier of the premises should be liable to pay charges for the provision of workplace parking. It would, for example, allow parking spaces at an occupier's premises to be leased to another organisation for use by its employees. Although the person

providing these places to employees would not be the occupier of the premises at which the spaces are allocated, they would have to hold a licence for those spaces. Regulations made under proposed subsection (1)(b) could ensure that that person also paid charges.

The amendment absolutely does not mean that the charge could be levied on individual employees, given that it is restricted to the recovery of charges imposed under licensing schemes. Under amendment 7, licensing schemes may impose charges only on people providing workplace parking, not on those who use it. That is a crucial distinction. Schemes cannot regulate whether or how a provider who is required to hold a licence may choose to recover charges in respect of a licence from anybody else.

Therefore, the majority of the amendments in this group appear to fundamentally misunderstand the purpose of proposed subsection (1)(b).

The practical effect of the amendments would not be to provide exemption to employees or to prevent charges being recovered in any particular circumstances by employers or anybody else who was liable to pay them. However, the amendments could prevent charges imposed by schemes being recovered from people who provide workplace parking, which is surely not the intention. There could be the absurd position under amendment 17F, for example, that a provider of workplace parking could not be made liable for licence charges because they had children under 12. That cannot be right.

Amendment 17 also allows for local authorities setting up a scheme to have some flexibility in how it is applied, permitting different charges or no charge to be applied in respect of different days, times, persons, premises and vehicles. That would be a very useful tool for local authorities, as they could tailor their scheme to reflect local circumstances and use the scheme to promote other policies. The power to specify different classes of motor vehicles could, for example, support the promotion of ultra-low-emission vehicles, which addresses the issue that is covered in amendment 17R, again allowing the local authority to take the lead on what is best for its local area.

It is not clear whether amendments 17T and 17U are intended to ensure that no charges are imposed at weekends or between the hours of midnight and 6 am. In any event, the power would already permit local authorities to impose lower or no charges on whichever days and at whatever times they wish, again empowering them with local discretion.

Amendment 17S would require employers seeking to recover charges from employees to put

in place a plan to means test those charges. My amendments will deliver a scheme that is a charge on people who provide workplace parking, not people who use it. The reason for that is that occupiers of premises provide workplace parking and it is right that they focus on the impact and result of that parking.

My amendments are silent on how employers recover the charge from employees, if they do so at all. It is a matter for employers whether they recover the charge and evidence from Nottingham is that not all employers do so. Employers may also decide how to recover charges from employees and how much to recover. The committee heard evidence from Nottingham City Council that employers who are subject to its scheme can and do vary the charge that is recovered, depending on factors such as the salary of the employee and the location in the scheme area of their place of employment.

Jamie Greene: Do you expect that the Government would set a national charge via regulation, as was discussed with regard to pavement parking and low-emission zones, and that if companies passed on the charge, they could subsidise it by making up the difference between what it was liable to pay and what it charged the employee? Is that how the scheme would work?

John Finnie: I am not sure that I absolutely understand the point, but no, that would not be the intention.

Seeking to regulate those nuanced matters at a national level would be extremely challenging and might give rise to a greater risk of unfairness than leaving the issue to the discretion and judgment of employers would.

Amendment 17S would require that employers had a plan for means testing employees. What should that cover? Should it cover income, outgoings, dependents and debts? As well as being extremely bureaucratic, it would be extraordinarily intrusive. What if an employee did not want to share details of their private life with their employer? Why should they be compelled to do so?

Amendment 18 underpins a key element of my approach to workplace parking levies. Funds raised by the workplace parking licensing scheme could be used for two purposes: the administrative costs of the scheme, and activities to help deliver the local transport strategy. It is not a simple revenue-raising power, as some critics suggested.

When a local authority is considering a scheme, it will require a local transport strategy, which is not something that a local authority is required to have. However, where a local authority has a strategy, that will be where activities that the

workplace parking levy can fund are set out. Where better for that than in a strategy that is aimed at addressing local transport needs? That should go some way to providing reassurance on the purpose and outcomes of a WPL. It builds on the transparent and locally focused approach that I have adopted in my amendments.

Amendment 18 will allow for joint working by local authorities when that would benefit the area that is committing funds. That reflects the fact that transport issues are often framed by travel-to-work areas, rather than by local authority boundaries.

Amendment 18A would require a local authority that operated a scheme to make a financial transfer to another local authority where a workplace parking licence charge was levied, that charge was passed on to an employee and that employee lived in another local authority area. The principle that underpins the amendment appears to be that it is unfair that people who live outwith a local authority area should pay towards transport improvements in that area, but is that really unfair? It could equally be argued that it is unfair that people from outwith an area who use transport, including local roads, in an area do not contribute to that.

There are other issues with amendment 18A, aside from the bureaucracy that it would involve. Funds that are raised through charges will be hypothecated into activities that are set out in the local transport strategy of an authority that introduces the levy. The receiving local authority might not have a local transport strategy; in any event, it would not be required to utilise the funds that it received to improve transport services. It could apply those funds in any way that it saw fit.

Fundamentally, the workplace parking levy is all about the fact that we are facing a climate emergency. We need as many tools available as possible to address that. It is disingenuous to claim that people who commute into a neighbouring local authority area do not contribute to problems for that authority and do not benefit from transport expenditure by that authority.

Amendment 19 seeks to give the Scottish ministers largely technical powers in relation to accounts for workplace parking licensing schemes. Its provisions are similar to existing provisions in part 1 of the bill on LEZs and in part 4 on parking prohibitions. The amendment will allow for transparency in the keeping of accounts by local authorities, which I would expect to be uncontroversial.

I move amendment 17.

Pauline McNeill: Amendment 17C has been drafted to stop companies passing the charge on to workers. I have already spoken about aspects of that intention. One of the issues is to do with the

funds that the levy will raise. In Nottingham, which is not dissimilar in size to Glasgow, the levy raises £9 million a year. At that rate, if the levy were introduced in Glasgow, it would take a decade before the funds would build up to a significant sum. Following the Glasgow connectivity commission's report, more than £1 billion has been asked for for Glasgow. The workplace parking levy will not raise enough funds to change the face of public transport, but it will cause a great deal of misery for workers.

I apologise to John Finnie if I am confused about this, but it is my understanding that the money that will be raised will not be ring fenced. Glasgow City Council, in particular, is under a great deal of financial pressure. It would be understandable if it were to spend the money on things other than public transport. I would have more respect for the policy if the money that was raised from it were ring fenced for public transport. Without the funds that are brought in being ring fenced for that purpose, the arguments for the workplace parking levy do not make a great deal of sense.

In its helpful evidence to the committee, Sustrans agreed that there should be discounts for low-paid workers and seemed to acknowledge that poverty proofing should form part of such a policy.

Amendments 17A and 17B seek to provide an exemption from the levy for people who earn less than the living wage, which is currently £9 an hour. The intention is to protect low-paid workers. Nearly half a million people in Scotland—the figure is 470,000, to be exact—do not earn the real living wage. In the worst-case scenario, low-paid employees might be forced to look elsewhere for work—[*Interruption.*] That is a legitimate argument, Mr Lyle.

Richard Lyle: Will the member take an intervention?

Pauline McNeill: In a minute.

Amendment 17D seeks to provide an exemption for single-parent families. At stage 3 of the Child Poverty (Scotland) Bill, the Parliament agreed to insert a provision that asked the Government to address measures in relation to child poverty. Single parents are a specified group in the Child Poverty (Scotland) Act 2017. According to the 2001 Scottish census, there are 170,000 single parents in Scotland, who have more than 281,000 dependent children. Glasgow has the highest rate of lone-parent families, who face many barriers to finding and sustaining employment.

Richard Lyle: I am interested to know where Pauline McNeill gets her information from when it comes to how many people this would affect.

Pauline McNeill: When you say “this”, what do you mean?

Richard Lyle: I mean any charge that is imposed. How many people in Glasgow would it affect who take the bus into Glasgow?

Pauline McNeill: Are you asking how many people take the bus?

Richard Lyle: No—how many people would end up paying a parking levy who do not pay parking charges?

Pauline McNeill: Thousands of people could be—

The Convener: I will remind members about the etiquette of this process. It is not a member-to-member conversation. If you would like to make an intervention, Mr Lyle, please make it through the chair and I am sure that Pauline McNeill will then answer it.

11:30

Pauline McNeill: In answer to Mr Lyle, tens of thousands of workers could be affected. It would then be a matter for the local authority. However, the local authority in Glasgow has already decided that it will use the levy and thousands of workers there could be affected by it.

Transport Scotland's own figures show that car usage among low-income households is relatively high so the suggestion that all low-paid workers get the bus is a misunderstanding of the profile of the city.

I lodged amendment 17E because there is already an employment gap between disabled people and the rest of the working-age population. I think that I am right in saying that disabled people are twice as likely to be unemployed. I know that there has been discussion about users of the blue badge scheme possibly being exempt, but we need to discuss who would be exempt. There is certainly an issue to do with disabled workers who currently use a car. We need to make sure that further burdens are not added to their daily lives.

Amendment 17F would provide an exemption for parents of children under 12—those of primary school age or under. Many parents—many women in particular—need to use their cars to do the school run before work and I do not believe that this proposal has been equality proofed before stage 2. Many primary school children are taken to school by car or van—more than in secondary school. In Scotland, 29 per cent of primary pupils go to school by car or van compared to only 18 per cent of secondary pupils. Many parents use that form of transport. Often, primary pupils do not

use public transport because they are too young to travel alone, so it is a significant issue for parents.

I move amendment 17C.

The Convener: I would have called Miles Briggs to speak on his amendment 17G at this point, but he has left. Jamie Greene will speak on his behalf.

Jamie Greene: According to protocol, I will speak only on Miles Briggs's amendment and will keep my other comments until after other members have had the opportunity to speak about the other amendments.

The premise of Miles Briggs's amendment 17G is to exempt from being liable for charges people who volunteer at establishments that provide adult healthcare, at establishments that provide adult social care and at hospices, where a hospice is defined as somewhere that is

"used for the purpose of caring for the dying or incurably ill".

I appreciate that we have had a long and robust political debate, but I would like to think that anyone who gives up their time to volunteer in such places should, at the very least, get some exemption from the charges. These people are not paid, for goodness' sake. I declare an interest in that members of my family provide voluntary services at such places and do great work, as I am sure all volunteers do. Please can we at least find some agreement that it is our moral duty to give volunteers an exemption? That is the premise of Miles Briggs's amendment.

Gail Ross (Caithness, Sutherland and Ross) (SNP): Will the member take an intervention on that point?

Jamie Greene: Yes, I will, but I ask that other members let me finish after that.

Gail Ross: Amendment 16 proposed that hospices should be exempt, under subsection (1)(c) of the section that will be inserted by amendment 16. We have agreed to amendment 16, so we have already voted for parking places at hospices to be exempt from charges.

Jamie Greene: That is very helpful, thank you. I support that. However, Miles Briggs wishes to add to that exemption people who volunteer in the other healthcare environments that I mentioned. Anybody who has ever been to hospital and used a—

The Convener: Excuse me, Mr Greene—I say to Mr Finnie that, if he wants to disagree, he needs to ask to intervene rather than just make comments.

Jamie Greene: It is welcome that the Government agrees that people who work at hospices should be exempt. I presume that that

will include those who volunteer there. However, the addition of these other healthcare premises could exempt people who provide services at the shops and cafes that many hospitals in Scotland have. Those people are volunteers. I can check the names of some of the organisations, but we are all aware of them—we all come across them when we visit hospitals.

Michael Matheson: Will the member give way?

Jamie Greene: Please let me finish my point. Those people, who might even work full time but are still unpaid, might be required to drive to those locations, especially in hard-to-reach areas. That is the premise of Mr Briggs's amendment 17G.

I am happy to give way to the cabinet secretary, if he has any further comments to make.

Michael Matheson: I do not know whether the member is unclear about how the levy will be applied, but I would point out that it is based on the premises. If volunteers at hospices are exempt from the levy, that is not because they themselves are exempt, but because the premises are exempt. If the local authority decides that a particular facility is to be exempt, it will be exempt. It is a levy on premises, not individuals.

Jamie Greene: But these places are not exempt—you have voted not to make them exempt. It is a ridiculous argument. You and the members of your party had the opportunity to exempt these types of places—

Michael Matheson: It is a levy on premises, not individuals—

Jamie Greene: If you want to intervene, please do so. Do not shout at me across the room.

Michael Matheson: You are getting it fundamentally wrong.

Jamie Greene: Please let me make the point—

The Convener: Hold on. I have said this before, and I am not going to keep repeating myself: the committee is not having a conversation; we are trying to get through legislation. If you want to have a conversation across the room, please do it through the chair or ask the member who is speaking whether they wish to take an intervention. I do not think that it is helpful for people to shout at each other across the room; indeed, if it was allowed to continue, it could lead to anarchy, and I am sure that the cabinet secretary would not want that.

Jamie Greene: Let me continue on what I think is quite a serious matter.

The cabinet secretary is right: if a place is exempt, a person—whether they be paid or otherwise—will, by default, be exempt, too. However, the committee has chosen not to

exempt these premises, and amendment 17G seeks, as a back-up, to exempt those who volunteer at them. I implore members to think carefully about these people, whom we meet and interact with as MSPs when we go to these establishments. If those volunteers are not exempt, because the local authority has chosen not to exempt them, we should at the very least give them this opportunity to be exempt.

Stewart Stevenson: Will the member give way?

Jamie Greene: I am just finishing my comments. The member will have an opportunity to speak to the amendments, if he so wishes.

We can at least exempt the types of people who volunteer at these organisations and set that as a national standard. It is the right thing to do, and I implore members to support the amendment.

The Convener: Thank you. I call Michelle Ballantyne to speak to amendment 17H and any other amendments in the group.

Michelle Ballantyne (South Scotland) (Con): I will try to keep my comments relatively brief, convener. I thank the committee for allowing me to speak this morning. Before I go on, I refer members to my entry in the register of members' interests.

The amendments in my name seek to secure exemptions from the scheme for individuals who receive benefit payments. Amendment 17H seeks to secure an exemption for those receiving short-term assistance, while amendments 17I to 17K seek to exempt individuals who are in receipt of universal credit, jobseekers allowance or employment or support allowance. Furthermore, amendments 17L to 17N seek to exempt individuals who are in receipt of disability living allowance, personal independence payments or carers allowance.

I have lodged the amendments because I believe that those who receive benefits are already at the lower end of the earnings scale and are actively trying to get back into the workplace and gradually increase their working hours. The amendments seek to do two things. First, a national exemption would ensure consistency for people who are in receipt of benefits and would allow them to be confident that, when they go into the workplace, they will not end up having to pay for parking there.

Secondly, I have listened to the arguments very carefully this morning and, if it is being suggested that businesses should pick up the tab for workplace parking, the amendments might actively encourage them to employ people who might otherwise find it difficult to get into the employment market—particularly those with disabilities, who

struggle to find employment. These exemptions might give businesses an extra incentive to employ them.

I believe that there is a cross-boundary risk, in particular, attached to the proposed levy. Most of the people in the category that we are talking about cannot afford to live in the cities—indeed, they are often pushed to their edges or outside them—but those who seek employment within the city boundary could well be caught by the levy.

My final point is that businesses already pay rates on their parking spaces, because those are part of the rateable value of an organisation's premises, so we would be double-charging businesses by introducing the levy. That might be fine for a highly profitable service-led industry, but in manufacturing, for example, where margins are much tighter, it will pose considerable problems. It is important that John Finnie considers national exemptions in some areas, this being one of them. Although I am pleased that he has welcomed exemptions in relation to the NHS, I think that many people on benefits will question why highly paid NHS staff are entitled to a national exemption while they, who are on the minimum wage or struggling to get back into work and provide for their families, do not receive the same exemption. I hope that Mr Finnie will consider that.

John Mason: Does the member understand that we are talking about places, not people, being taxed? The provisions do not differentiate between higher and lower-paid employees. The situation that she refers to would come into effect only if an employer passed on the charge in some way—for example, by cutting a person's pay.

Michelle Ballantyne: I referred to that in my comments. If an employer is not prohibited from passing on the levy—

John Mason: Will the member give way?

Michelle Ballantyne: Hang on—let me finish. My understanding of the provisions is that they would not prohibit an employer from passing on the levy, so that may well happen. If an employer did not pass on the levy as a direct charge to the employee, in a business with low margins that would inevitably affect the rates that it could pay. By default, an unintended consequence of the provisions is that they would affect the earnings of the lowest paid.

I understand exactly what John Finnie is trying to do here. I understand that the levy would be imposed as a place charge and not an individual charge. However, I say to all of you that, when you make law, it always has unintended consequences, and I do not believe that you have considered those unintended consequences in their entirety or that you have shown adequate understanding of how business operates and the

impact that the levy would have on businesses, which are already paying for their parking.

John Mason: If, theoretically, the levy was reflected in a lower pay increase next year, there is no way that this Parliament could intervene or be involved in that unless an employee's pay went below the minimum wage.

Michelle Ballantyne: That is the whole point, is it not? Governments' actions have an effect in the real world. The bill and the committee's decisions will have consequences in the real world. It is incumbent on all of us, when we consider the amendments that come before us, to consider the potential consequences of the decisions that we make.

I have listened really carefully to a lot of the debate this morning. Some of it has made good sense and some of it has shown a huge degree of naivety about the real world. The people who suffer the most when we make such laws are always the people on the lowest incomes. How can you sit here and tell me that it is imperative that there is a national exemption for NHS employees, based on their contribution to society and the need for what they do, but that there is no need to protect those who are on the lowest incomes or encourage businesses to provide opportunities for them? I think that you are really missing the point.

Richard Lyle: I get your concern, but were you as concerned when your party brought in the bedroom tax and people had to pay that?

The Convener: Whoa! Mr Lyle—

Richard Lyle: It is a fair comment.

Jamie Greene: That is not what we are debating.

The Convener: Hold on, everyone. We are looking at the workplace parking levy. I do not think that comments such as Mr Lyle's are helpful.

Richard Lyle: I know that you do not.

The Convener: Mr Lyle, with the greatest respect, I think that, as convener of the committee, I show remarkable impartiality and do not pass comment. I ask you to respect me and to treat me in the same way as you would the Presiding Officer, which means that you do not answer back when I am speaking. To do so is rude and shows disrespect to the parliamentary system.

11:45

Maurice Corry: Before I speak to amendment 17O, I declare that I am an armed forces veteran.

Amendment 17O covers all uniformed and serving personnel, regular reservists, cadets and civilian instructors who serve in our military units

and our military bases and training areas in Scotland, which are Crown property. They are there operationally, and many personnel have to be available 24 hours a day. In some cases, they are told to move at short notice. Therefore, they require their vehicles to attend to their duties at all hours and where public transport is not available or is limited, particularly in rural and out-of-town areas.

Colin Smyth: Amendment 17P would exempt low earners, as defined by the Scottish ministers in regulations. As it stands, the regressive levy would hit the worst-off hardest. Amendment 17P seeks to address that if employers pass the levy on to employees—let us be clear: the levy can and will be passed on by many employers. Indeed, when giving evidence to the committee, the SNP spokesperson for transport on Glasgow City Council argued that the levy will work only if it is passed on to workers. Councillor Richardson said:

“Passing the levy on is one of the tools to enable behaviour change. What is being passed on in the levy is the disincentive to drive”.—[*Official Report, Rural Economy and Connectivity Committee*, 22 May 2019; c 50.]

Let us be clear: if the levy is brought in by the SNP in Glasgow, it will be passed on to drivers.

Amendment 17Q seeks to exempt those without access to public transport, because it is unfair to penalise those with no other option than to use their car to get to work.

Amendment 17R would exempt those who drive ultra-low-emission vehicles. If the purpose of the scheme is to reduce emissions, I cannot see why a person driving an ultra-low-emission vehicle should have to pay the charge, particularly as they have already gone to the additional expense of purchasing such a vehicle in order to do the right thing and reduce emissions. Failure to support amendment 17R would show that the levy has nothing to do with the environment and is simply a budget decision designed by the Greens and the SNP to provide a fig leaf—

John Mason: Will the member give way?

Colin Smyth: If you let me finish my sentence, I might.

The provision was designed to be a fig leaf to cover up their budget decision to cut the funding of local councils.

John Mason: Do you accept that congestion is a problem in the city and that, even if we filled the city centres with electric cars, we would still have a problem?

Colin Smyth: If Mr Mason is saying that he is opposed to electric vehicles being one of the solutions to emissions, we have a challenge on our hands when it comes to the environment.

Amendment 17S calls on employers to introduce a scheme—such as the one that was described to the committee by Nottingham City Council—whereby the amount that is paid by their employees varies according to income. That would ensure greater fairness should the levy be introduced. Taxes should be progressive, but the levy is regressive.

Amendment 18A seeks to ensure that, when the cost of the levy is met by an employee, the money that is raised goes to the local authority in which they are resident. It is unfair that people living outside cities without good transport links should have to pay the levy because of a lack of public transport in their area and not have the proceeds of the levy spent on improving the poor public transport that led to their using a car in the first place. I have raised that issue in the committee on numerous occasions. The cabinet secretary said that the committee is not listening to the evidence, but the reality is that it is the cabinet secretary who is failing to listen to the evidence.

There needs to be a solution to that particular issue. The south east of Scotland transport partnership—SEStran—provided a solution when it gave evidence to the committee and strongly argued that the levy should be applied strategically so that it deals with that anomaly. I again give the example of someone from the Borders who works in Edinburgh having no choice but to pay the levy for using their car because there is no public transport, yet no money that is raised in Edinburgh will go to improving public transport in the Borders.

The way in which to deal with the issue is to allow the levy to be applied more strategically. I appreciate that that would mean looking at transport more strategically, which the Government does not do often enough, but I hope that the cabinet secretary will listen to the evidence that has been given to the committee and take a more strategic approach to the proposal.

Tom Mason (North East Scotland) (Con): First, I draw the committee's attention to my entry in the register of members' interests, particularly to the fact that I am a councillor on Aberdeen City Council and I am an exception to the people who are around the table as, arguably, I will be one of the ones who has to deal with the legislation when it is passed. No doubt, local government will be pressurised into using the legislation to supplement the funds that it receives from central Government because it has been short-changed this year by at least £26 million.

I associate myself with Colin Smyth's words about the lack of strategic thought in the bill as a whole. If there is a problem with congestion, we should resolve the congestion. Parked cars do not cause any congestion at all, so why put the levy

on parking when it should be on road use if it is to solve the congestion problem?

Taxing electric cars also does not strike me as making any sense whatsoever.

Amendment 17T simply seeks to define a normal working week. In other words, it is not 24 hours a day; it is five days a week and only during the day.

Amendment 17V seeks to exempt government institutions. What is the point of charging a levy in any way on such institutions? It is just robbing Peter to pay Paul. It is not particularly sensible; any government workplace should be exempt.

However, if you do that, you will have problems with pork barrel politics in local government, which determines exactly what is going on, and could cause disharmony in local government.

The Convener: Jamie Greene is next, and then two more members wish to speak. I call Jamie Greene to speak to amendment 17U and other amendments not already covered.

Jamie Greene: Does that mean that I can also speak to the other amendments and that no other members are queueing to move their amendments? Is that correct?

The Convener: No. You speak to amendment 17U. I have got you down to speak after Mike Rumbles, who will come in first.

Jamie Greene: That is what I wanted to clarify, convener.

I am happy to speak to amendment 17U, in the name of Dean Lockhart, which seeks to exclude people who work unsociable hours when public transport is simply not available, not just scarce, between the hours of midnight and 6 am, which should encompass many shift workers who simply have to drive to get to their place of work.

The amendment is sensible. In many parts of Scotland, it is not an option for someone to get a bus to their place of work at 11.30 at night. If we are to introduce the provisions as proposed, we should acknowledge that many people have to take their cars to work because they work unsociable hours. We should place importance on shift workers. Those people should be exempt. Amendment 17U seeks to do that, and I hope that it will get the committee's support.

Mike Rumbles: I have tried to lodge amendments to the bill that I think are constructive and will help to improve it.

John Finnie's amendments 17, 18 and 19 will improve the bill. I opposed his earlier amendments, but if we have to have them, I will vote for amendments 17, 18 and 19 because they will make sure that the income from the charges

goes directly to the area that should benefit from it. They also make it clear that it is the occupier of the premises who will be charged. I will support those amendments.

Some strange comments have been made about this issue. The whole point of John Finnie's series of amendments—the whole point of the workplace parking levy—is to make people use their cars less. If we are going to make people use their cars less, the levy will have to be passed on to the drivers, otherwise there is no point. What would be the point if the charges are not passed on?

I accept that. If we go down this route, the charge has to be passed on, and that is the problem. I would be in favour of this approach if we did not put the cart before the horse. If we had areas in which there was a decent public transport system, that could encourage people to move from their cars to public transport. If we had such a system in place, the proposal would be more logical, but it is not logical to put the cart before the horse.

I will vote against all the other amendments in the group, because they would not improve the bill. They are focused on the occupier of the premises. I know that they are well intentioned, but there is an issue. I highlight Pauline McNeill's amendments as an example. I do not see how we can, in legislation, prevent a charge from being passed on in one form or another. After all, is that not the purpose of the exercise? I do not understand the amendments. Amendment 17A states:

"Regulations under subsection (1)(b) must provide that a person who earns less than the living wage is exempt from being specified as being liable for charges."

Again, I point out that it is the premises, not the individual, that is liable for the charge. By the way, very high earners might not necessarily be earning—they might take their money in dividends.

Pauline McNeill: I lodged those amendments because, during the evidence sessions, some members said that the charges do not need to be passed on. It has been a little bit confusing. I agree with Mike Rumbles that the policy intention is to pass the charge on. I lodged my amendments to test the argument and ask what it is that we are trying to do. At the very least, we need to be clear about what the policy intention is. Members are saying that the charge does not need to be passed on—I think that John Mason said that, but I could be wrong, so I apologise if he did not. If that is the case, what would be the problem in removing the possibility that companies could pass the charge on to workers? Why do we not just put that in the legislation?

Mike Rumbles: I understand where you are coming from. From what you are saying, it sounds to me that you will not press your amendments, and in that case there will not be a vote on them. I will give you an example. Amendment 17D states:

"regulations ... may not apply to a person who is the parent of a child living in a single-parent household".

A single person could be a very wealthy business owner, so why put that in an amendment? I do not quite understand the point that is being made there.

I reiterate that the amendments are well intentioned, but they miss the point of the bill. As I see it, the whole point of amendment 17—I will be happy to take an intervention from John Finnie if I have got this wrong—is to change behaviour and move people away from driving their cars and on to public transport. My problem with that approach has always been that, if we do not have the public transport in place, how can we change behaviour effectively?

John Mason: Mike Rumbles raises a number of points. Would he at least accept that, in the city centres of Glasgow and Edinburgh, we have pretty good public transport, and people can generally get around without using their cars? Secondly, would he accept that an employer has various options? One is to pass the charge on; another is to reduce the number of parking spaces so that there are fewer cars and less congestion; and a third option is for the company, if it is profitable, to absorb the costs itself.

Mike Rumbles: I thank the member for that intervention. My whole point earlier, and the point of the amendments that I lodged—which I thought were constructive—was the very point that John Mason makes. If the City of Edinburgh Council was convinced that it had a decent public transport service, it could implement the charge. My amendment was designed to ensure that a charge would not be implemented in an area that did not have a decent public transport service, because the whole point of the proposal is to change behaviour and move people from cars on to trains or buses, or other public transport. We are making bad legislation because we are putting the cart before the horse.

I come back to the specific amendments in front of us. I will support John Finnie's amendments, because they will improve what the committee has voted for—the workplace parking levy—even though I did not vote for it. The whole focus of my attention in this process, and the job of the committee, is to improve the bill.

12:00

Colin Smyth: Mr Rumbles said that he is opposed to the other amendments in this group,

but he has not addressed the issue. He talked about us putting the cart before the horse. In part of my region, people are more likely to get a horse than they are to get a bus. Those constituents are the ones who will be penalised, because they will pay the levy by virtue of travelling into the city to work. They do not benefit from public transport. As the bill is currently written, none of the money that is raised will be spent on improving public transport in their area. That is why I am seeking to improve what is proposed by sharing the benefits of the levy more widely. Surely we should be looking to do that.

Mike Rumbles: I do not think that it is possible to focus on the person rather than the employer. I do not see how we can get round the fact that it is the employer that will pay the levy. To seek to do so is to miss the whole purpose of amendment 17. Therefore, I will not support what Colin Smyth wants to do.

I am trying to do what I think is the right thing, which is to improve the bill. Amendments 17, 18 and 19 will do that; I say that even though I do not like what John Finnie has done in the first place. At least we can mitigate what he has done.

Michelle Ballantyne: Convener, I have to leave because I have to attend another meeting. Thank you for letting me speak. I have instructed Jamie Greene on the moving of my amendments.

The Convener: Thank you.

Jamie Greene wants to speak next.

Jamie Greene: This has been an interesting debate about the mechanics of how the scheme might work. I appreciate that Mr Rumbles is seeking to improve what has been agreed to. I totally respect his *modus operandi*, but I do not think that amendments 17, 18 and 19 would improve the bill, so I will not support any of them.

Let us look at some of the amendments in the group, because we will have to vote on them, if they are moved. It is important that we take a step back and look at what we will be voting on. Some of the amendments are interesting and helpful. Amendment 17R, for example, proposes an exemption from the levy for people who drive electric vehicles. I thought that we were trying to encourage people to use electric cars, so why would we charge people who move from carbon-based vehicles to electric cars for driving those electric cars to work? People will make that shift because of other provisions in the bill, such as those on the setting up of low-emission zones. Why would we give them the benefit of not being charged to enter a city through an LEZ, only to hit them with a charge for parking their electric car at their place of work? How will that take us from the current level of ownership of electric cars—0.7 per cent—to anywhere near the level that the

Government and other members desire us to reach? We should definitely support an exemption for people who drive electric vehicles.

There are other sensible amendments. Michelle Ballantyne addressed the issue whether the levy is a tax on places or people. That is a key point, which John Mason and others have spoken about. The levy is a tax on places, but that is only because that is how it has been constructed. We are creating the law. The workplace parking levy was not in the bill in the first place. We are dealing with amendments to a Government transport bill. We can amend those amendments, and that is what we are trying to do. If we want to make the levy about people, we can do so; it does not have to be about places. The amendments from Miles Briggs, Pauline McNeill, Colin Smyth and Michelle Ballantyne seek to shift the focus from the place to the person because, ultimately, it is people who will pay the levy. Whether those people are small business owners or the workers in those businesses, they are still people. The whole point of many of the amendments in this group is that certain groups of people should be exempt.

What about people who are in receipt of benefits and are able to work? I do not have the numbers to hand, but I am sure that there are many thousands of people in Scotland who are in receipt of some form of benefit and are able to, and choose to, work. Why should they have to pay the levy?

For goodness' sake, what about people who are driving adapted cars because of disabilities? Are we really suggesting that we will charge them as well? What on earth is this committee doing? Let us have a really long, hard look at ourselves. If we are not going to exempt places, let us think about exempting people. Let us think about the people we want to help get into the workplace, not put off. Charging them to park at work is not the way to get them back into the workplace.

The Convener: No other committee member wishes to speak so I ask the cabinet secretary to make his remarks.

Michael Matheson: In many ways, amendment 17 is at the heart of workplace parking licensing schemes. The amendment is explicit that the charge applies to

“the occupier of the premises”

not the employee. As John Finnie has made clear, the powers in subsection (1)(b) of the section that will be inserted by amendment 17 to specify other persons who can have charges imposed on them is absolutely not about requiring employees or anybody else who uses workplace parking to pay the charges. It cannot do that. I therefore agree that the amendments—

Mike Rumbles: I agree entirely with what you have said, but surely the intention is to change behaviour—to move people out of their cars, on to public transport—and therefore the intention of amendment 17 is to make sure that that charge is passed on to the employee.

Michael Matheson: A variety of options are available to premises owners. For example, in Nottingham, the university repurposed a large part of its car park for other use. Employers could do something similar; they could decide to reduce the number of parking spaces that they make available in order to encourage people to make use of public transport. They could turn their car park into a green space if they wanted to. There are other options available to employers.

The other amendments in this group that seek to amend or make provision about the exercise of the powers in subsection (1)(b) of the proposed new section set out in amendment 17 in order to prevent or restrict the imposition of charges on people who use workplace parking are misconceived and I therefore cannot support them.

Subsection (2) of the proposed new section that is set out in amendment 17 is very important. It gives local authorities the flexibility to vary how the scheme applies. This is the very opposite of the restrictive approach that has been claimed for the scheme and indeed the approach that would be imposed on local authorities by some of the amendments that have been proposed. That flexibility is to be welcomed, as it gives local authorities the scope to address, at a local level, many of the concerns that have been raised as they will be able to vary charges for different days, times, premises or classes of vehicle. It also allows local authorities to act proactively—to promote low-carbon vehicles, for example.

Amendment 17 also requires local authorities to consider how they will direct the funds raised by the schemes when they are setting charges. That is addressed further in amendment 18, which makes crystal clear that a workplace parking licensing scheme is not simply a revenue-raising exercise. I am clear that it is our responsibility to set the framework for workplace parking levies and then to allow local authorities flexibility to apply them in ways that are sensitive to local circumstances; the provisions in amendment 17 do that.

Amendment 18 provides clear direction on how the funds raised should be used. It does not say what funds should be used for, but it requires the local authority proposing a scheme to have a local transport strategy, and the funds raised should go towards the facilitation of that strategy.

A workplace parking licensing scheme should be proposed only where it will help to meet wider objectives. The role of the local transport strategy is to make sure that clear strategic objectives are being set. The objectives and the local transport strategy will be agreed locally. That will in turn inform the scheme, which will—with the exception of the national exemptions—be agreed locally, so I am comfortable that amendment 18 sits well with the localism approach.

Amendment 18 also facilitates joint working, which I know was a concern for some stakeholders, and it allows for the administration costs of the scheme to be met from the funds raised by the scheme, so it should be self-sustaining.

I cannot support amendment 18A, which seeks to require a local authority operating a scheme to transfer any charges recovered from employees resident in another local authority area to that other local authority—not least because it would dilute the funding available to the local authority operating a scheme to make the necessary improvements to transport infrastructure and services in order to meet the scheme's objectives, but also because the authority receiving those funds would not be required to apply them to improve transport in its area.

However, I am happy to support amendment 19, as it inserts a necessary regulation-making power, which is consistent with the rest of the bill. As John Finnie said, it allows for transparency in the keeping of accounts in relation to workplace parking licensing.

I ask the committee to support John Finnie's amendments in this group should they be pressed to the vote and I ask other members not to move their amendments in this group. If they are moved, I invite the committee to reject them.

The Convener: I ask John Finnie to wind up on amendment 17.

John Finnie: I have nothing to add, thank you, convener.

The Convener: Thank you very much, Mr Finnie, for being so succinct. I ask Pauline McNeill to wind up on amendment 17C and to press or withdraw it.

Pauline McNeill: I intend to press amendment 17C and to move amendments 17A, 17B and 17D. There is no point in this Parliament passing laws on anti-poverty measures and then not making sure that they are in the framework. I included single parents because they are recorded as being one of the groups that profile as being the lowest paid, and lone parents are specifically mentioned in the Child Poverty (Scotland) Act 2017 for that

reason. I will not be moving amendments 17E and 17F.

The Convener: The question is, that amendment 17C be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Smyth, Colin (South Scotland) (Lab)

Against

Chapman, Peter (North East Scotland) (Con)
Finnie, John (Highlands and Islands) (Green)
Greene, Jamie (West Scotland) (Con)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Mountain, Edward (Highlands and Islands) (Con)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Rumbles, Mike (North East Scotland) (LD)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 1, Against 10, Abstentions 0.

Amendment 17C disagreed to.

Amendment 17A moved—[Pauline McNeill].

The Convener: The question is, that amendment 17A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Rumbles, Mike (North East Scotland) (LD)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 4, Against 7, Abstentions 0.

Amendment 17A disagreed to.

Amendment 17D moved—[Pauline McNeill].

The Convener: The question is, that amendment 17D be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)

Mountain, Edward (Highlands and Islands) (Con)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Rumbles, Mike (North East Scotland) (LD)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 4, Against 7, Abstentions 0.

Amendment 17D disagreed to.

Amendments 17E, 17F and 17G not moved.

12:15

Amendment 17H moved—[Jamie Greene].

The Convener: The question is, that amendment 17H be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Rumbles, Mike (North East Scotland) (LD)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 4, Against 7, Abstentions 0.

Amendment 17H disagreed to.

Amendments 17I, 17J, 17K, 17L, 17M and 17N not moved.

Amendment 17O moved—[Maurice Corry].

The Convener: The question is, that amendment 17O be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)

Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 4, Against 7, Abstentions 0.

Amendment 17O disagreed to.

Amendment 17P moved—[Colin Smyth].

The Convener: The question is, that amendment 17P be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 4, Against 7, Abstentions 0.

Amendment 17P disagreed to.

Amendment 17Q moved—[Colin Smyth].

The Convener: The question is, that amendment 17Q be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 4, Against 7, Abstentions 0.

Amendment 17Q disagreed to.

Amendment 17R moved—[Colin Smyth].

The Convener: The question is, that amendment 17R be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 4, Against 7, Abstentions 0.

Amendment 17R disagreed to.

Amendments 17T, 17U and 17V not moved.

Amendment 17B moved—[Pauline McNeill].

The Convener: The question is, that amendment 17B be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 4, Against 7, Abstentions 0.

Amendment 17B disagreed to.

Amendment 17S moved—[Colin Smyth].

The Convener: The question is, that amendment 17S be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 4, Against 7, Abstentions 0.

Amendment 17S disagreed to.

The Convener: The question is, that amendment 17 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Smyth, Colin (South Scotland) (Lab)

The Convener: The result of the division is: For 7, Against 4, Abstentions 0.

Amendment 17 agreed to.

Amendment 18 moved—[John Finnie].

Amendment 18A moved—[Colin Smyth].

The Convener: The question is, that amendment 18A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

The Convener: The result of the division is: For 4, Against 7, Abstentions 0.

Amendment 18A disagreed to.

The Convener: The question is, that amendment 18 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Smyth, Colin (South Scotland) (Lab)

The Convener: The result of the division is: For 7, Against 4, Abstentions 0.

Amendment 18 agreed to.

Amendment 19 moved—[John Finnie].

The Convener: The question is, that amendment 19 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Smyth, Colin (South Scotland) (Lab)

The Convener: The result of the division is: For 7, Against 4, Abstentions 0.

Amendment 19 agreed to.

The Convener: Amendment 20, in the name of John Finnie, is grouped with amendments 21 to 24, 24A and 25.

John Finnie: Amendment 20 would give Scottish ministers the power to make regulations on enforcement of the workplace parking licensing scheme. They would include penalty charges for which the occupier would be liable. In practice, it is expected that enforcement would focus on issues such as occupiers not being licensed, or providing a higher number of workplace parking places than are covered by the licence that is held.

Amendment 21 would give Scottish ministers the power to specify approved devices for collection of evidence and the process for using that evidence in proceedings relating to possible failure to comply with a workplace licensing scheme. I understand that in Nottingham, for example, mobile cameras are used to monitor enforcement.

Amendment 22 sets out the enforcement and investigation powers that will be available to local authorities, including rights of entry. Those are tightly focused and targeted on investigating breaches of requirements of licensing schemes and licence conditions, as well as serving of penalty charge notices. The powers include rights of entry and to require production of information and to keep a copy of that information. The power of entry could not be used to gain access to premises that are used as a dwelling.

Amendment 23 would allow a warrant to be obtained from a sheriff to exercise the enforcement powers in amendment 24 when access to premises has been, or is likely to be, refused, or when premises are unoccupied.

Amendment 24 sets out conditions for exercise of the powers in amendment 22. It would require that a warrant be enforced

“at a reasonable time of day”.

The authorised person who enforces the warrant must provide proof of their “identity and authorisation”, if that is requested. The authorised person can

“take ... other persons, and ... equipment”

as required. If they remove any items, they must leave a statement of what has been taken and who took it. When premises are unoccupied, they must be left as secure as they were on entry.

Amendment 24 also creates offences where a person refuses to comply with a reasonable instruction or is obstructive. I am rather surprised by amendment 24A, which seeks to remove those offences. Any reasonable person would expect schemes of this nature to come with enforcement provisions. I can only imagine that amendment 24A is intended in effect to hobble enforcement of the scheme and, thus, the scheme itself. I therefore cannot support amendment 24A.

Amendment 25 deals with the powers of entry on to Crown land and would require that certain permissions be obtained before those powers could be exercised. That is a standard approach when powers of entry may be exercised in relation to such land; it does not mean that those who are named would be exempt from the workplace parking licensing scheme.

I move amendment 20.

The Convener: I call amendment 24A, which is in the name of Liam Kerr, and which Jamie Greene will speak to.

Jamie Greene: As Liam Kerr is not here, I will do my best to interpret amendment 24A. It would leave subsections (7) and (8) out of the new section that amendment 24 seeks to insert in the bill. As John Finnie said, it seeks to remove the language to do with a person committing an offence, how they might do that and what the liability would be for committing such an offence.

I understand that Liam Kerr is unhappy with the idea that, under the levy, people will be able to seek warrants to force their way into businesses, and that business owners might be committing an offence if they do not comply. Workplace parking licensing schemes will be set up in a way that could criminalise people if they are deemed not to be enforcing the provisions of such a scheme. I do not think that we should criminalise employers for providing parking.

An amendment to a transport bill is an odd place in which to create an offence that could result in convictions and fines of up to the statutory maximum. I wonder what effect that could have on people's criminal records and whether it could have negative effects on individuals or companies.

I think that that is the premise of Mr Kerr's amendment 24A. He might wish to explore the matter further by lodging an amendment at stage 3. His premise is that it would send a terrible message if we were to give people sweeping powers to issue warrants and force their way into businesses simply to enforce this ridiculous tax.

The Convener: No other member has indicated that they wish to speak. For members' information, I intend to press on until the end of this group of amendments, which will take us slightly over time. Once the cabinet secretary has spoken and John Finnie has wound up, there will be a series of votes.

Michael Matheson: John Finnie's amendments 20 to 25 seek to put in place enforcement provisions in relation to workplace parking licensing schemes. Such schemes are to be enforced by way of civil penalty charges.

Amendment 20 would give the Scottish ministers the power to set out the detail on matters such as the level of charges, when charges should be imposed, and reviews and appeals of charges.

Amendment 21 would give the Scottish ministers a further power to approve devices for use in enforcement of licensing schemes, and allow evidence from those devices to be used for enforcement purposes.

Amendments 22 to 24 seek to confer enforcement powers in respect of workplace

parking licensing schemes on persons who are authorised by local authorities to exercise those powers. The powers are narrowly constrained so that they may be used only to investigate breaches of scheme requirements or licence conditions, or to serve penalty charge notices. It is anticipated that, in such cases, entry to premises would be arranged by agreement, although there is a power to obtain a warrant from a sheriff when entry is refused.

I consider the powers that amendments 20 to 25 seek to confer to be necessary and proportionate in enabling effective monitoring and enforcement of workplace parking licensing schemes. They contain significant safeguards against misuse, and I support them.

I do not support amendment 24A, in the name of Liam Kerr. It is not clear why Mr Kerr proposes that obstructing a duly authorised enforcement officer, who exercises powers conferred under an act of this Parliament, should go unpunished. Although, in practice, such an offence would be used sparingly, if the option were not available, there would be nothing to discourage licence holders and others from refusing to co-operate with those who are tasked with monitoring compliance with workplace parking licensing schemes.

In summary, I reiterate my support for John Finnie's amendments and ask committee members to support them. I ask that amendment 24A not be moved. I ask that committee members reject it, if it is moved.

12:30

John Finnie: I will make no further comment. I press amendment 20.

The Convener: The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Rumbles, Mike (North East Scotland) (LD)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Smyth, Colin (South Scotland) (Lab)

The Convener: The result of the division is: For 7, Against 4, Abstentions 0.

Amendment 20 agreed to.

Amendment 21 moved—[John Finnie].

The Convener: The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Rumbles, Mike (North East Scotland) (LD)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Smyth, Colin (South Scotland) (Lab)

The Convener: The result of the division is: For 7, Against 4, Abstentions 0.

Amendment 21 agreed to.

Amendment 22 moved—[John Finnie].

The Convener: The question is, that amendment 22 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Rumbles, Mike (North East Scotland) (LD)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Smyth, Colin (South Scotland) (Lab)

The Convener: The result of the division is: For 7, Against 4, Abstentions 0.

Amendment 22 agreed to.

Amendment 23 moved—[John Finnie].

The Convener: The question is, that amendment 23 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
Mason, John (Glasgow Shettleston) (SNP)

Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Smyth, Colin (South Scotland) (Lab)

The Convener: The result of the division is: For 7, Against 4, Abstentions 0.

Amendment 23 agreed to.

Amendment 24 moved—[John Finnie].

Amendment 24A not moved.

The Convener: I ask John Finnie to press or to seek to withdraw amendment 24.

John Finnie: I press amendment 24.

The Convener: The question is, that amendment 24 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Smyth, Colin (South Scotland) (Lab)

The Convener: The result of the division is: For 7, Against 4, Abstentions 0.

Amendment 24 agreed to.

Amendment 25 moved—[John Finnie].

The Convener: The question is, that amendment 25 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Smyth, Colin (South Scotland) (Lab)

The Convener: The result of the division is: For 7, Against 4, Abstentions 0.

Amendment 25 agreed to.

Amendment 26 moved—[John Finnie].

The Convener: The question is, that amendment 26 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Smyth, Colin (South Scotland) (Lab)

The Convener: The result of the division is: For 7, Against 4, Abstentions 0.

Amendment 26 agreed to.

Amendment 318 not moved.

The Convener: That is as far as we can go today. We will continue next week.

Richard Lyle: For the benefit of anybody watching, I intimate again that I cannot make it to the next meeting. I have been allowed off next Wednesday, and my substitute member will be here.

The Convener: You have not been “allowed off”; you are going to be away. However, the point is duly noted.

I thank everybody for taking part in today's meeting. I remind members that amendments to the remaining sections of the bill should be lodged with the clerks in the legislation team by 12 noon on Thursday 20 June. That concludes today's business.

Meeting closed at 12:35.

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

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