



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament (Virtual)

**Thursday 4 February 2021**

**Session 5**



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# Scottish Parliament

Thursday 4 February 2021

[The Deputy Presiding Officer opened the meeting at 13:01]

## Portfolio Question Time

### Health and Sport

**The Deputy Presiding Officer (Linda Fabiani):** Good afternoon, and welcome to this virtual meeting of the Scottish Parliament. The first item of business is portfolio question time. If members want to ask a question that is within the portfolio that is under discussion, they should please put an R in the chat box.

#### Physical Activity and Sport

**1. Shona Robison (Dundee City East) (SNP):** To ask the Scottish Government what consideration it is giving to measures to encourage increased physical activity and participation in sport, in light of the impact of the Covid-19 pandemic on people's health. (S5O-04969)

**The Minister for Public Health, Sport and Wellbeing (Mairi Gougeon):** Being physically active is all the more important during the Covid-19 pandemic, because we know that there are significant benefits for both physical and mental health at a time when those are most needed. We have worked closely in partnership with sportscotland to support the sporting sector throughout the pandemic, enabling sporting organisations to access financial support and helping them to develop sport-specific Covid-safe guidance. That has enabled a large number of sports to continue to operate in communities across Scotland within the overall set of restrictions that are in place at any given time. We are now working with partners on further plans to ensure that physical activity is a key part of Scotland's recovery from the pandemic.

**Shona Robison:** As the minister will know, to be successful, any measures will, rightly, rely on the knowledge and expertise of local organisations for their delivery. Those are organisations like Showcase the Street in my constituency, which works to promote physical activity through dance to a variety of age groups. What support can the Scottish Government give to organisations such as Showcase? How does the Government intend to capture the views of such organisations on what they believe is essential in the recovery from the pandemic?

**Mairi Gougeon:** Shona Robison is right about the importance of initiatives such as Showcase the Street. They are all the more important because they are rooted in local communities and work with them to try to achieve positive change. They are vital in encouraging and supporting young people in Scotland to try to be as active as they can be.

The work by initiatives such as Showcase and other groups will be all the more important as Scotland recovers from the impact of the pandemic, so I am keen to engage with them. I want to hear the views of Showcase on what it regards as important for supporting such groups to continue the valuable work that they do. I hope that Shona Robison will encourage Showcase the Street to contact me, and I would be more than happy to listen to its views and discuss the matter further with it.

**The Deputy Presiding Officer:** Brian Whittle can ask a short supplementary question.

**Brian Whittle (South Scotland) (Con):** A recent report to the Health and Sport Committee showed that 75 per cent of people have reduced or significantly reduced their physical activity during Covid and that we have lost a whole year of recruitment for youngsters into sport. It will take planning and resource to rectify that. What is the Government doing to ensure that that planning and resource is in place?

**Mairi Gougeon:** The member raises a vital point, and it is one that we are cognisant of. As I said in my previous response, physical activity, and doing what we can to encourage it, will be vital as we come out of the pandemic. I assure the member that discussions are on-going, including with sportscotland, to look at what work we can do in that area. We want people to do what they can to be physically active, which I know is difficult with the restrictions that are in place currently. That could even be taking a few minutes to go for a wee walk outside.

Physical activity will be a key focus for us as we transition through and out of the pandemic, and it will be a key focus of my work.

**The Deputy Presiding Officer:** Unless we have shorter questions and answers, we will not get through all the health questions.

#### Heart Disease Improvement Plan

**2. Jamie Halcro Johnston (Highlands and Islands) (Con):** To ask the Scottish Government whether it will provide a detailed timeline for the publication of the successor plan to the 2014 heart disease improvement plan. (S5O-04970)

**The Minister for Public Health, Sport and Wellbeing (Mairi Gougeon):** Work on the

refreshed heart disease improvement plan is under way, and we expect to publish it in spring.

We recognise that engagement with key stakeholders, including people living with heart disease, is vital in getting right the priorities and actions in the plan. The engagement work will commence shortly. That will enable us to work collaboratively to minimise preventable heart disease and ensure that everyone with suspected heart disease has timely and equitable access to diagnosis, treatment and care that supports them in living well with their condition.

**Jamie Halcro Johnston:** Around 68,000 people across my Highlands and Islands region are living with heart and circulatory disease. It is a major health issue for many and one that I have raised with ministers previously. I welcome the recent publication of the British Heart Foundation's draft strategy, which has been developed in partnership with clinical and patient communities.

I was surprised to note that the Government spent only £1 million to implement the 2014 heart disease improvement plan, but committed £17 million to its cancer strategy and £42 million to its diabetes strategy. Given that nearly a third of deaths are as a result of heart and circulatory disease and that more than 700,000 people live with the daily effects of the condition, will the minister commit to resourcing a successor plan for heart disease to comparable levels?

**Mairi Gougeon:** As part of our work to refresh the heart disease improvement plan, we are working to understand what funding will be required to deliver against the actions that will be contained in it. That will very much be a part of our on-going work.

### Test and Protect System (Accessibility)

3. **Ruth Maguire (Cunninghame South) (SNP):** To ask the Scottish Government what action it has taken to ensure the test and protect system is accessible to all. (S5O-04971)

**The Minister for Public Health, Sport and Wellbeing (Mairi Gougeon):** The accessibility of testing is a key priority of test and protect, and our testing strategy and expansion plans highlight our approach to prioritising testing for different groups of people.

We have worked with health boards and local authorities to plan the locations of walk-through local test sites, particularly in areas where people might not have access to a car. We have also ensured that the needs of different groups with protected characteristics are met via the testing system and through different testing routes. The sites have disabled access routes and can accommodate families and those who might require privacy while being tested. They can also

be adapted to local community needs by providing instructions in languages other than English.

In addition, to enable self-isolation, we provide practical and financial support to those who require it through the national assistance helpline and through outbound calls from local authorities to try to reach those who would otherwise not receive the support that they might require to self-isolate.

**Ruth Maguire:** I had a constituency issue in which the individual concerned had no email address and no internet access on their phone and was unable to obtain a test. I have, of course, taken action for that person. Will the minister comment on whether that is a gap in the system? If there is no gap, will the minister provide information on what people who might find themselves in that situation should do?

**Mairi Gougeon:** First of all, I am really sorry to hear about the experience that Ruth Maguire's constituent had. Obviously, we recognise that internet access might be an issue for some people and booking online might not be an option for them when they are trying to book a test. In such cases, people should call 0300 303 2713, which is the helpline for anyone who might need assistance with booking a test. Obviously, that will help to support people to access a test without requiring access to the internet.

The issue shows that our plans to expand testing are vital. Pilot projects have been under way on what more we can do in rural areas and we have the walk-through testing sites. We are doing all that we can to make testing as accessible as possible. I hope that all those measures will prevent such issues from recurring.

### Public Health (Gambling)

4. **John Mason (Glasgow Shettleston) (SNP):** To ask the Scottish Government what its position is on a recent University of Sheffield report, "Interventions to reduce the public health burden of gambling-related harms", which recognises that gambling should be treated as a serious public health concern. (S5O-04972)

**The Minister for Mental Health (Clare Haughey):** We welcome the report from the University of Sheffield. Gambling has the potential to negatively affect the physical and psychological health and the social functioning of people who gamble, and of others around them.

In common with our approach to other compulsive and addictive behaviours, we address problem gambling as part of wider health issues. Anyone who believes that gambling is affecting their health or that of a loved one should consult their general practitioner, in the first instance. Out of hours advice and support can be obtained from

NHS 24 or the Breathing Space helpline. The NHS Inform website also contains advice and signposting information.

When a person with addictive or compulsive behaviours is referred to a service for treatment, it might not be to a specialist gambling addiction programme. However, the clinical team will work with the individual to identify issues and problems that are important, in order to support their recovery and to provide evidenced-based treatment.

The Scottish Government is already working with BeGambleAware and the Gambling Commission on implementation of the commission's national strategy to reduce gambling harms, which was published in 2019. We are working closely with Public Health Scotland to assess existing evidence on which pathways to treatment are likely to be most successful in Scotland, including evaluation of pathways that are being trialled in other nations. We are also keen to understand why some people with problematic gambling are not accessing treatment and support services.

**John Mason:** I thank the minister for that full answer. The report talks about reducing demand for and supply of gambling opportunities. Will the minister say what more we could do to protect people who are most at risk—for example, children and young people?

**Clare Haughey:** The Scottish Government recognises the harms that are related to gambling. For that reason, responsibility for tackling it rests with public health authorities. As with other issues involving addiction, we adopt a dual focus of reducing the burden that is caused to individuals and society while protecting children and young people from potential harm. To reduce that burden, we are implementing, in Scotland, the Gambling Commission's strategy, which aims to restrict the levels of gambling that cause harm. Through education and early intervention, our approach to the strategy will also focus on giving children and young people more information about gambling harms.

### Health Services (Impact of Long Covid)

**5. Angus MacDonald (Falkirk East) (SNP):** To ask the Scottish Government what research has been undertaken regarding the long-term impact of long Covid on Scotland's health services, and whether it is considering establishing long Covid clinics. (S5O-04973)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** Rehabilitation, clinical input and research are all critical aspects of our recovery from the impacts of Covid.

We are prioritising three main areas: delivery of a framework for supporting people through recovery and rehabilitation; establishment of a living clinical guideline for healthcare professionals, which is directly helpful to general practitioners and clinicians in identifying on-going symptoms and provides a definition of best practice; and, through our chief scientist office, we have directly funded four rapid research projects at Scottish universities to consider such impacts, particularly in lung health but also in other areas.

**Angus MacDonald:** I thank the cabinet secretary for her detailed reply. Since lodging my question I have had an opportunity to discuss the issue with the chief executive of NHS Forth Valley. Given her response, and that of the cabinet secretary, I am satisfied that the issue is in hand both locally and nationally. Unless the cabinet secretary wishes to respond further, Presiding Officer, I am content for you to move on.

**The Deputy Presiding Officer:** That is very kind of you, Mr MacDonald.

Would Jeane Freeman like to give a quick response?

**Jeane Freeman:** I thank Mr MacDonald very much. I will say two quick things. This is a developing area of research and understanding, so although we have put in place a number of measures, we continue to look at what more we need to do, as understanding of what long Covid involves grows, particularly in relation to people who suffer from it.

### Do-not-resuscitate Orders

**6. Donald Cameron (Highlands and Islands) (Con):** To ask the Scottish Government whether it will provide an update on the use of do-not-resuscitate orders during the Covid-19 pandemic. (S5O-04974)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** The Covid-19 outbreak has brought about no change at all to our guidance on "do not attempt cardiopulmonary resuscitation" decisions. Those decisions are made by clinicians. However, if a clinician feels that a patient would, as a result of their clinical circumstances, not benefit from CPR, ultimately, like other treatments, it should not be offered. However, other treatments can still be provided and, of course, no doctor would refuse a person's wish for CPR to be administered if there is a possibility that it would be successful.

On 10 and 17 April last year, letters were issued to general practitioners from the Scottish Government's chief medical officer, the British Medical Association and the Royal College of General Practitioners providing advice and support on having care planning discussions, within which

DNACPR notices may be discussed, if the patient raises the matter.

**Donald Cameron:** I thank the cabinet secretary for that answer. However, concerns have been raised by several vulnerable people that they, having been contacted by national health service staff, felt pressured to accept DNACPR orders as part of their anticipatory care plans, due to their vulnerability to Covid-19.

In some cases, such orders seem to have been added to people's plans without their knowledge or consent, so it appears that there has been a change in use of those orders in the NHS in Scotland. Will the cabinet secretary therefore commit to undertaking a thorough investigation into use of the orders during the pandemic?

**Jeane Freeman:** I would undertake to commit to an investigation into use of such orders in any circumstances, if there is evidence that they have been used inappropriately by clinicians.

I do not know whether Mr Cameron is referring to historical concerns, which were looked into, or to current concerns, but if he would care to give me detailed information, I will happily take the matter up with our chief medical officer—remembering, of course, that decisions on whether such notices should be applied to particular patients are not Government decisions, but are clinical decisions. Therefore, it is appropriate that, if an investigation were needed, it would be clinically led. I would be happy to look into the issue in any circumstances and will wait to hear from Mr Cameron.

### **Curling Rinks (Support)**

**7. Liz Smith (Mid Scotland and Fife) (Con):** To ask the Scottish Government what support it is providing to curling rinks. (S5O-04975)

**The Minister for Public Health, Sport and Wellbeing (Mairi Gougeon):** The Scottish Government announced a £55 million emergency sports funding package in December last year. Scottish ice rinks, including skating and curling rinks, were allocated £2 million in emergency Government funding as part of the sports rescue package. That funding includes support for rinks that support Scotland's world-class curling programmes, as well as recreational and professional skating.

We are continuing to work closely with sportscotland and a range of Scottish governing bodies, including Scottish Curling, to fully understand the financial challenges that are being faced across the sector.

**Liz Smith:** I am grateful for that response. The minister will know very well just how important Kinross Curling Club has been over the past 350

years in the support that it has given not just to the community, but to national and international bonspiels. However, the club has been really struggling due to the impact of Covid-19 and was, unfortunately, not able to access the £10 million digital boost development grant because it was so oversubscribed.

Exactly what extra support is the Scottish Government able to provide to curling?

**Mairi Gougeon:** The package that we announced and the £10 million of funding are in addition to sportscotland funding, which had been made available. I think that £1.5 million was available through the Covid recovery support fund, which was providing support for the governing bodies. I think that between £600,000 and £700,000 of investment went to Scottish Curling, which was given in a couple of instalments last year.

We continue engagement with the sports sector, sportscotland and governing bodies to find out what further help and support we can provide, because I realise that there are huge challenges across the sector. That is why we have tried as much as we can to assist through the financial package that we have already given.

### **Maternity Care (Mental Health and Wellbeing Support)**

**8. Gail Ross (Caithness, Sutherland and Ross) (SNP):** To ask the Scottish Government what mental health and wellbeing support is available to expectant women and new mothers. (S5O-04976)

**The Minister for Mental Health (Clare Haughey):** The Scottish Government is committed to ensuring equitable co-ordinated access to mental health provision for new mothers and their families throughout pregnancy and during the postnatal period.

We know that looking after the health and wellbeing of mothers is vital for them and for their children, and can contribute to breaking the cycle of poor outcomes from early mental health adversity. That is supported by £50 million investment over four years, which is being overseen and directed by the perinatal and infant mental health programme board.

We are working with all health boards across Scotland to establish and expand specialist perinatal services. That includes specialist community perinatal mental health, infant mental health and maternity and neonatal psychological interventions services. Initial staffing for those developments should be in place by the end of the financial year, and we will work closely with boards going forward, in order to develop the services further.

Midwives, health visitors and general practitioners are often the best sources of advice and support with regard to mental health and wellbeing. Health visitors play a vital role in the health and wellbeing of children and families in our communities, and are at the core of delivering universal early years services.

**Gail Ross:** Caithness health action team has reported that travel from Caithness to Raigmore hospital, in Inverness, and being many miles away from home and family, are negatively affecting some women's mental health. It advocates use of the model that is currently operating in NHS Orkney for maternity services. Will the health team work with NHS Highland and others to ascertain the pros and cons of that model for Caithness?

**Clare Haughey:** It is essential that women in Scotland, including those who live in remote and rural areas, receive a safe high-quality service from the NHS.

We continue to work with maternity transport groups as part of the best start programme. An expert group examines transport of pregnant women and newborn babies. As part of that group's work, specific consideration is also being given to the pathways and protocols for remote and rural transfer across Scotland.

The best start north steering group has been established by four health boards in the north of Scotland and is overseen by the chief executives of NHS Highland and NHS Grampian. The group seeks to understand the resources, constraints, challenges and opportunities in the current systems, and we welcome the group's conclusions.

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** Additional support can be so important to the wellbeing of both parents and newborn children—even more so during Covid. A constituent of mine, whose partner works away from home, is really feeling the strain. Can she form a non-familiar support bubble to access the support that she needs?

**Clare Haughey:** We recognise the difficulties that new parents—mothers, in particular—face in developing informal relationships with their peers at this time. However, there are measures in place to ensure that those who are more vulnerable continue to have access to support through whatever means are most appropriate—one example being peer support for mental health. They will also continue to have access to universal services, including maternity and health visiting, to further aid access to local community support. We do not propose adjusting existing guidance for that group at this time.

## Communities and Local Government

**The Deputy Presiding Officer:** If any member wants to ask a supplementary question, they should put an R in the chat function while the original question is being asked.

### Budget Measures (Community Resilience and Wellbeing)

1. **Fulton MacGregor (Coatbridge and Chryston) (SNP):** To ask the Scottish Government what measures in its draft budget will help build the resilience and wellbeing of Scotland's communities. (S5O-04977)

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** The published draft budget proposes a range of measures important to resilience, wellbeing, recovery and renewal for our people and communities, including support for jobs, skills, businesses and health services. That includes £100 million for the green jobs fund, £98.2 million to improve digital connectivity and £1.9 billion for primary healthcare to help deliver more services in the community.

Other measures include £81 million committed to regeneration programmes for the next financial year, including the £13.6 million empowering communities programme, which enables communities to tackle poverty and inequality on their own terms. The budget will also provide investment in local and national third sector infrastructure, supporting the capacity and growth of social enterprises.

**Fulton MacGregor:** I particularly welcome the recent investment in North Lanarkshire Council, and across Scotland, from the regeneration capital grant fund. As well as mitigating the impact of United Kingdom Government welfare cuts, what other action is the Scottish Government taking to tackle deep-seated poverty and inequality?

**Aileen Campbell:** The member is right to point out the amount of work that we do to mitigate. That does not rest easy with us, because we do not want to be always mitigating the acts of another Government. The action that we have taken on our own terms includes committing more than £500 million to protect people and communities that have been impacted by Covid and providing more than £200 million to local authorities from consequential funds, which includes increased investment in the Scottish welfare fund, discretionary housing payments and third sector community organisations across the country.

The budget also continues significant investment to tackle poverty and inequality and strengthen public services, including £23.3 million

for our tackling child poverty fund and £68 million for the game-changing Scottish child payment, which will begin payments for children under six later this month. Investment in that new benefit is part of almost £3.6 billion of investment next year in Scottish social security and wider social support that will be delivered via local government.

**Alexander Stewart (Mid Scotland and Fife) (Con):** Ensuring that local authorities are funded properly is key to protecting wellbeing and rebuilding after the pandemic. The recent budget will mean that councils will require to make cuts to organisations such as Citizens Advice Scotland. Those cuts would not be necessary if councils were given a fair deal—the type of deal that was suggested ahead of the budget last week. If the cabinet secretary will not provide funding to Scotland’s councils, what will she do to ensure that the Government protects vital services and prevents them from being eroded?

**Aileen Campbell:** I have set out a number of ways in which we support activities to help to protect the most vulnerable, who are the most impacted by the actions of the UK Government that the member supports. Those actions include, for instance, not uprating universal credit, which we have continually asked for.

For by all that, as my colleague Kate Forbes set out last week, the budget for the local government settlement is £11.6 billion, and that continues to provide local government with a funding settlement that is fair and affordable.

The budget has several stages to go through, so if the member wants to suggest any further activity or any shifts on those budget lines, he should engage with me or with Kate Forbes directly. We will continue to work with our third sector partners, including Citizens Advice Scotland, to make sure that they can continue to deliver the advice, support and help that is so necessary, particularly at this time. We will always look to make sure that we can provide longer-term funding to local government and the third sector. It would be useful if we were given the benefit of the same approach by the UK Government in the way that it indicates its budget settlement to the Scottish Government.

### **Shetland Islands Council (Meetings)**

**2. Beatrice Wishart (Shetland Islands) (LD):** To ask the Scottish Government when it last met representatives of Shetland Islands Council, and what was discussed. (S5O-04978)

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** The Scottish Government engages with all local authorities and health boards on a weekly basis as we work together to respond to the impact of the pandemic on our island communities.

**Beatrice Wishart:** The islands are blighted by high levels of fuel poverty and, with many household budgets stretched more than ever because of the pandemic, it seems like a problem that is only set to get worse. Unfortunately, people were left disappointed last week when the budget provided only a small increase in funding for fuel poverty and energy efficiency programmes, with no sign of the critical fuel poverty strategy. What action has the Scottish Government taken so far to develop that strategy? Will it be published in the current parliamentary session?

**Aileen Campbell:** We take all those points very seriously indeed. The fuel poverty measures that were set out in the budget also included the winter support package, which includes £7 million of funding, because we recognise how difficult this time of year is, particularly for those rural and remote communities that do not have the ability to link into mains provision of fuel and heating.

We continue to invest, work with partners and provide support where we can to help to enable people’s fuel poverty-related needs to be met. I am happy to engage with Beatrice Wishart if she feels that there are other things that can be done to support her communities in Shetland and, by default, other communities across rural Scotland.

However, we are committed to tackling fuel poverty. That is set out in our Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019, and we have set out measures in the budget. We have invested additional money through the winter support package and we continue to be committed to responding to the needs of people across the country.

### **Out-of-school Care Services**

**3. Alison Harris (Central Scotland) (Con):** To ask the Scottish Government what recent discussions it has had with third sector and community organisations providing out-of-school care services. (S5O-04979)

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** We know that out-of-school care services play a vital role in enabling parents and carers to access work, addressing economic and social exclusion and providing improved outcomes for children, and they will be vital as we move out of lockdown and into recovery in the coming months.

The Scottish Government and the Minister for Children and Young People, Maree Todd, regularly meet the Scottish Out of School Care Network, which represents the regulated out-of-school care sector in Scotland, including third sector and community organisations. Over the course of the pandemic, Scottish Government officials have engaged directly with SOSCN

members through online events, and the discussions have largely focused on Covid-19's impacts on out-of-school care services.

SOSCN has also played an active role in the early learning and childcare sector recovery working group, which has helped to shape guidance documents and support packages for the childcare sector in response to the pandemic. There have been 17 meetings of the group, with SOSCN being represented at all of them, and the latest was held today. SOSCN also represents the out-of-school care sector on the childcare sector working group.

**Alison Harris:** I thank the cabinet secretary for acknowledging that out-of-school care services are vital for thousands of parents in every part of Scotland. Worryingly, however, many of those services will not be able to reopen when the time comes. When Scotland is able to get back to work, these services, including First 4 Kids, which is a charity in my region, will be vital to allow parents to get back to work. What specific help will the Government offer the sector to support the businesses and jobs that rely on it?

**Aileen Campbell:** First, I recognise all the points that Alison Harris has highlighted. They illustrate why the out-of-school care sector is so important as part of the recovery. That is why, as I set out in my original answer, it has been integral to the work that the Government has been taking forward to respond to current issues that are affecting the sector as a result of the pandemic and to look to the future and consider what recovery looks like and how we can support the sector.

There have been funding announcements throughout the past year, and I know that Maree Todd continues to take a keen interest in what more we can do to support this vital sector to support people getting back into work when restrictions are eased. For by that, in my portfolio, we have supported the third sector with recovery through the £350 million package that we announced in the spring of last year, with support going to a variety of sectors.

We will continue to work with and support the sector, and Maree Todd is taking an active leadership role in that. On the specific group that Alison Harris mentioned, if she writes to us to ask us to consider what other things we can direct it to, I will be happy to pass that on to my colleague, if that would be helpful.

**Gillian Martin (Aberdeenshire East) (SNP):** I put on the record my thanks to all our third sector partners, who have worked tirelessly through the pandemic.

How will the funding that was announced in the draft budget ensure that the third sector can

continue to help people and communities to recover from the impact of the pandemic?

**Aileen Campbell:** Gillian Martin is absolutely correct. The Scottish Council for Voluntary Organisations has used the phrase "never more needed", and the pandemic has shown that our third, community and volunteering sectors have never been more needed. The country's resilience simply would not have been there had those sectors not been enabled to step up and support communities across the country, which has prevented an increase in stretched capacity issues for our statutory services. The sectors are hugely important and we need to support them as much as we can.

The 2021-22 draft budget announced that funding of £26.1 million will be provided through the third sector unit for key infrastructure organisations that support the wider third sector network. It is important to recognise that, although that is an explicit line in the budget, it does not tell the whole story of support. Every portfolio across every bit of Government will have support in place to help the third sector in delivering on its outcomes and ambitions.

As we set out in our programme for government, we are continuing to provide funding to support the third sector to respond to the on-going challenges of the pandemic, and we are thinking about how we support the sector to recover. Significant resource has been put in place and we continue to work with the third sector directly to ensure that, if we need to take actions and carry out activities, we should do so with the agility that is apparent in the third sector more generally.

I should point out the social renewal advisory board's recent publication "If Not Now, When?", which sets out a number of activities that can be taken across Government at all levels and across public life to ensure that we can reverse some of the inequality that our society faces and support our third sector to deliver on that.

## Homelessness

**4. Mary Fee (West Scotland) (Lab):** To ask the Scottish Government what action it is taking to reduce homelessness. (S5O-04980)

**The Minister for Local Government, Housing and Planning (Kevin Stewart):** We have an ambitious strategy to end homelessness, backed by a £50 million fund. We updated our strategy in October 2020, following recommendations from the homelessness and rough sleeping action group.

We have committed £37.5 million to support councils to implement rapid rehousing, and our housing first pathfinder programme has delivered more than 400 tenancies. We have increased

protections for people experiencing domestic abuse and replaced night shelters, and we are making excellent progress towards our goal of eradicating rough sleeping.

Our strategy is informed by the voices of those with lived experience and steered by the homelessness prevention and strategy group, which I co-chair with the community wellbeing spokesperson of the Convention of Scottish Local Authorities.

**Mary Fee:** The reality is that the extension of the unsuitable accommodation order for all homeless persons has twice been delayed and the affordable housing budget has just been reduced by £132 million. Those actions by the Government are hampering efforts to reduce homelessness. Does the minister agree with Shelter Scotland that building affordable housing should be the “cornerstone of Scotland’s recovery” from the pandemic? Will the Scottish Government reverse the cut to the affordable housing budget?

**Kevin Stewart:** I agree that housing should be the cornerstone of our recovery. We have invested heavily in social and affordable housing during this parliamentary session and we will continue to do so in future.

On our budget, I would say to Mary Fee and other colleagues that we have faced a cut from Westminster of £218 million in housing consequential. We have faced a cut of 66.5 per cent in financial transactions—[*Inaudible.*]—amounts to £312 million. If Mary Fee and other colleagues want to join me in calling on Westminster to reverse those cuts so that we can consider supporting housing to a greater degree here in Scotland, I would welcome that. I appeal to all members to join us and say to the UK Government, “This is not good enough, and we want that money back.”

#### Highland Council (Meetings)

**5. Edward Mountain (Highlands and Islands) (Con):** To ask the Scottish Government when the communities secretary last met the chief executive of the Highland Council. (S5O-04981)

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** Ministers and officials regularly meet representatives of all Scottish local authorities, including Highland Council, to discuss a wide range of issues as part of our commitment to working in partnership with local government to improve outcomes for the people of Scotland. We continue to work closely with local government and the Convention of Scottish Local Authorities on our strategic approach to suppressing Covid-19 outbreaks. That includes regular engagement with all authorities

about levels of restrictions and protective measures that apply.

I last spoke to the leader and the chief executive of Highland Council on 11 November.

**Edward Mountain:** Officers in Highland Council have the right to emergency powers as a result of the national lockdown. With plans in place for the relaxing of the lockdown restrictions in late February and March, does the cabinet secretary believe that now is the time for democratically elected councillors to resume control of local councils?

**Aileen Campbell:** I have outlined a range of ways in which we continue to engage. We work in partnership with local government and the Convention of Scottish Local Authorities, which is the umbrella body, to ensure that the response to Covid-19 is appropriate and proportionate and is suppressing the virus.

We are in a global pandemic, the results of which are hugely harsh and traumatic. In my experience, councils throughout the country have played a full and rigorous part in ensuring that we can keep our communities safe. They have a full and active input into the decision-making process, and they will continue to engage on that basis.

As I have said, I have engaged regularly and thoroughly with local government, including through the umbrella body. In addition, our officials work and engage with COSLA and the Society of Local Authority Chief Executives and Senior Managers to ensure that we make decisions on a collective and collaborative basis to suppress the virus and steer our country through an awful set of circumstances, and that we can bring some sense of normality back to people’s lives as quickly and as safely as possible.

#### Planning Conditions (Negotiations)

**6. Mark Ruskell (Mid Scotland and Fife) (Green):** To ask the Scottish Government what criteria it uses to assess requests for an extension of negotiations on planning conditions when only one party supports such a request. (S5O-04982)

**The Deputy Presiding Officer:** We seem to have little sound issues with Mark Ruskell and the Minister for Local Government, Housing and Planning, Kevin Stewart. We will do the best that we can.

**The Minister for Local Government, Housing and Planning (Kevin Stewart):** There is no set list of criteria for such consideration. That is because the circumstances of each case, including the elements in any planning obligation, are different.

**Mark Ruskell:** It will not surprise the minister to hear that I still have grave concerns about the

farce at Park of Keir. The developer has requested and been granted more than a dozen fruitless extensions to negotiations. Is there a point at which a minister can say that a development proposal has had more than enough—*[Inaudible.]*—time to agree to an application, and it must be rejected?

**The Deputy Presiding Officer:** I presume that the minister heard enough of that question to be able to respond to it.

**Kevin Stewart:** I had some difficulty, Presiding Officer, but I will respond as best as I can. If I do not answer the question completely, maybe Mr Ruskell can write to me.

We are aware that planning obligations can be a source of delay in the planning process, and we encourage negotiations to be conducted as timeously as possible. I always urge everyone to be as co-operative and collaborative as possible in reaching a conclusion to negotiations.

#### Highland Council (Meetings)

**7. Rhoda Grant (Highlands and Islands (Lab):** To ask the Scottish Government when it last met the Highland Council and what was discussed. (S5O-04983)

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** As I have already intimated, ministers and officials regularly meet representatives of all local authorities, including Highland Council, to discuss a wide range of issues that affect our communities and to ensure that we can improve outcomes for the people of Scotland.

**Rhoda Grant:** I wonder whether they discussed the current proposals of the Local Government Boundary Commission for Scotland on cuts to representation for some of our most remote, rural and island communities. Parity in island council areas has been set at one councillor for every 800 people, yet in Highland Council, the parity level has been set at 1,800. As a result, we have fewer councillors to cover a huge geographical area, including islands, which creates a substantial democratic deficit. What will the cabinet secretary do to ensure that the people in those remote, rural and island communities are properly represented?

**Aileen Campbell:** With regard to the boundary commission review that Rhoda Grant has described, my colleague Graeme Dey has written to and is engaging with Highland Council on that issue. I encourage all councils to engage constructively with the boundary commission and articulate any concerns that they have, including the concerns of such communities as Rhoda Grant has mentioned. I would point her to Graeme Dey, as he is taking forward that work and engaging with Highland Council. If she would like to alert me

to particular aspects of the issue—if we could be doing something differently or if there are things that she feels her constituents are unable to proactively engage on—she should let us know, and we will make sure that Mr Dey and the commission are aware of those local concerns.

#### Scottish Borders Council and Midlothian Council (Discussions)

**8. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** To ask the Scottish Government what discussions it has had with Scottish Borders Council and Midlothian Council in the last three months. (S5O-04984)

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** Ministers and officials regularly meet representatives of all Scottish local authorities, including Scottish Borders Council and Midlothian Council. As I have said already, we discuss a wide range of issues as part of our commitment to working in partnership with local government and improving outcomes for the people of Scotland.

**Christine Grahame:** Despite Scottish Borders Council receiving a 4.1 per cent increase in staff budget, the Tory leader of the council is full of complaints, which is not a surprise, especially with regard to the council receiving extra cash only if it does not increase council tax. Did she write to complain about that?

**Aileen Campbell:** As I have said in previous answers, we have provided £11.6 billion to councils through the local government settlement, and we will continue to provide local government with a settlement that we believe is fair and affordable. Of course, the budget has a number of stages yet to progress through, but it includes a further £259 million of non-recurring Covid-19 consequential, and local authorities will have complete autonomy to allocate their agreed shares of that.

If the leader of Scottish Borders Council has specific concerns about her allocation, she should let us and her colleagues know, and they can then negotiate the budget settlement. We have provided flexibility so that she will be able to allocate those resources as she sees fit. We have provided a settlement to local government that is fair and affordable and which delivers on the shared outcomes that we want for our constituents.

#### Social Security and Older People

**The Deputy Presiding Officer:** The next portfolio is social security and older people. Again, I ask that any member who wishes to ask a supplementary question says so in the chat box.

### **Child Disability Payment (Design and Delivery Plans)**

#### **1. Mark McDonald (Aberdeen Donside) (Ind):**

I note my interest in that I am the parent of a child in receipt of disability living allowance.

To ask the Scottish Government what progress is being made in involving individuals with experience of disability living allowance in the design and delivery plans for the child disability payment. (S5O-04985)

#### **The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville):**

The Scottish Government has worked with people who have lived experience of the current social security system since powers over social security were devolved, including people with experience of disability living allowance for children. That work includes our experience panels, our public consultation on disability assistance, which received 189 responses from individuals, and extensive user testing of our systems and processes. Their input has been vital in helping us to develop and deliver a system that is built on the values of dignity, fairness and respect.

**Mark McDonald:** I thank the cabinet secretary for her answer and for meeting me prior to the pandemic to discuss these matters. The cabinet secretary will know from the correspondence and the discussions that we have had that I am concerned about the renewal process for the disability living allowance for children, which often requires huge amounts of paperwork to be filled in. Can she say a little bit more about whether that system will be different under the child disability payment? Will it be tested during the pilot phase, which she announced in her statement in Parliament in November?

**Shirley-Anne Somerville:** I assure Mark McDonald that we are taking the issue very seriously. I know that the issue causes great concern to many parents and young people themselves, and that is why we are determined that it will be different.

I have recently had contact with my officials about the issue. It is an area that we do not have to have completed before the pilot, but we are aware that it needs to be ready as soon as any young person has to go through that process. In that case, we will do a lot of user testing to ensure that young people and adults, as well as the stakeholders who might represent some of them, are fully involved.

Mark McDonald is quite right to say that the transition from child to adult services or to adult benefits can cause a great deal of stress, and we are determined to use as much of the information that we already have for a child to assist them with that transition. I will endeavour to keep Mr

McDonald updated on the progress that we are making, and I will be happy to work with him on the issue.

**The Deputy Presiding Officer:** We have a short supplementary question from Jeremy Balfour.

Mr Balfour, I am afraid to say that you are silent. I do not know why but it is not like you. We will move on and, given time, we will try to bring you back in later with your supplementary to question 1.

### **Universal Credit and Working Tax Credit (Uplift)**

**2. Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** To ask the Scottish Government what discussions it has had with the United Kingdom Government regarding retaining the £20 uplift to universal credit and working tax credit. (S5O-04986)

#### **The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville):**

The Scottish Government has written to the UK Government on five occasions with requests to make the £20 per week uplift permanent and to extend it to legacy benefits. Most recently, the Cabinet Secretary for Finance wrote to the UK Chancellor of the Exchequer on 27 January, calling on the UK Government to announce the retention and expansion of the uplift in the March budget. Analysis by the Scottish Government indicates that cutting that support would move 60,000 people, including 20,000 children, into relative poverty in Scotland. We will continue to urge the UK Government to make the required changes to ensure that the benefit process works for the people who need support and not against them.

**Stewart Stevenson:** The Resolution Foundation said that, if the uplift is cut, 1.2 million people in the UK will fall into relative poverty. The cabinet secretary has just highlighted that 20,000 children in Scotland would be affected. Does she therefore agree that, notwithstanding silence or failure to respond to five communications, each and every one of us should make every possible effort to draw the UK Government's attention to this catastrophe that is affecting too many of our young people and families in need right across the UK, particularly in Scotland?

**Shirley-Anne Somerville:** I agree with Stewart Stevenson that we all need to make every effort to persuade the UK Government about that. We have consistently called for the change, but I am also encouraged by the calls from across the political spectrum and third parties. For example, the all-party parliamentary group on poverty, which is co-chaired by a Conservative member of

Parliament, this week published a report calling on the UK Government to maintain the £20 per week uplift and to scrap the benefit cap. There is wide support for that, because people recognise and understand the impact that not doing it will have on adults and children right across the UK. With that level of support, I hope that the UK Government will do the right thing and change tack.

### **Child Disability Payment (Design and Delivery Plans)**

**The Deputy Presiding Officer:** I will go back to question 1 for the supplementary from Jeremy Balfour.

**Jeremy Balfour (Lothian) (Con):** Can you hear me, Presiding Officer?

**The Deputy Presiding Officer:** I can hear you loud and clear.

**Jeremy Balfour:** Thank you. The Scottish Government has had four and a half years to deliver the new social security system. It is welcome that it has tested the system and spoken to people with lived experience. Will the cabinet secretary now confirm that it will be delivered on time and that there will be no further delays or excuses?

**The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville):** I am genuinely sorry that Mr Balfour continues to take that tone when we discuss the implementation of social security measures. He will be well aware that the timetable changes have been made because of the impact of coronavirus not just on the Scottish Government but on the Department for Work and Pensions, the health and social care sectors that we heavily rely on and our partners in local government.

We have now replanned for child disability payments and adult disability payments, as I announced last year. I genuinely hope that we can work together across the Parliament to ensure that the implementation of child disability benefit in Scotland is a success. I hope that Mr Balfour will join in the welcome for the progress that we are making in exceptionally difficult and challenging times.

### **Older People (Support)**

**3. Finlay Carson (Galloway and West Dumfries) (Con):** To ask the Scottish Government whether it will provide an update on how it supports older people. (S5O-04987)

**The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville):** Since the start of the pandemic, the Scottish Government has provided more than £1.3 million

in support for older people's organisations at a national level, as well as supporting local community projects that help older people. That includes £1 million for Age Scotland to expand the capacity of its free helpline, which provides advice, support and friendship to older people and their families. The Minister for Older People and Equalities continues to meet the older people's strategic action forum regularly—most recently, last week—to discuss other ways in which the Scottish Government can provide support.

**Finlay Carson:** Since the start of the pandemic, many of my elderly constituents are having to rely considerably more on technology, not only as their main or only source of communication but for online banking and health services. Worryingly, the internet is increasingly becoming the only way to access those lifeline services, but not everybody has access to those tools to support their daily living and wellbeing at home. Even people with access to the technology may not have access to fit-for-purpose broadband or the skills to use those platforms. There is undoubtedly a growing divide between the people able to access, and those excluded from, online support. What is the Scottish Government doing to support elderly constituents in a rural area such as mine, who suffer disproportionately because of poor or no rural broadband?

**Shirley-Anne Somerville:** The member is right to point out the importance for many older people and those in other parts of the community of using digital communications during the pandemic. That is why the Scottish Government has the connecting Scotland programme, for example, which is being delivered through the Scottish Council for Voluntary Organisations. The programme has supported 189 projects so far, of which 77 have identified themselves as supporting older people.

The Scottish Government is also funding digital champion networks to ensure that we are not just delivering devices but enabling, encouraging and training older people and others to use that technology. We will continue to look at the area, because we recognise that it is important to ensure that people have the ability to connect with others digitally, if they wish to.

**Bill Kidd (Glasgow Anniesland) (SNP):** The cut to pension credit means that older couples in Scotland could be £7,000 worse off per year. Will the Scottish Government please continue to push the United Kingdom Government to reverse that punitive cut?

**Shirley-Anne Somerville:** I can assure Bill Kidd that we will continue to do that. The Scottish Government fundamentally disagrees with the UK Government's decision to change the eligibility criteria for pension credit for mixed-age couples.

That will have a grave impact on the incomes of many couples across Scotland. We have made representation to the UK Government on the matter and we will continue to do so.

#### **Older People (Loneliness)**

**4. Brian Whittle (South Scotland) (Con):** To ask the Scottish Government whether it will provide an update on what action it is taking to combat loneliness among older people during the Covid-19 pandemic. (S5O-04988)

**The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville):** I know that on-going restrictions are hard for many and can exacerbate or cause loneliness and isolation, which—as we are all aware—is a clear social harm.

The Minister for Older People and Equalities meets regularly with our older people's strategic action forum—as I said, most recently, last week—and receives updates from our stakeholders and their networks. Through our £100 million winter funding package, we have recently invested nearly £6 million in promoting equality and tackling social isolation and loneliness, which includes £4.3 million of additional funding for the connecting Scotland programme, which I mentioned in my previous answer. The specific aim is to get an additional 5,000 older and disabled people online, as we know that tackling digital exclusion is one of the best ways to prevent social isolation and loneliness.

**Brian Whittle:** The cabinet secretary will be aware that, post-Covid, community-based activity will be crucial in tackling increased loneliness and poor mental health among our older people as a result of the lockdown restrictions. What is the Scottish Government doing to ensure that such activities are still available to older people post-Covid, and how will it help to promote them?

**Shirley-Anne Somerville:** Brian Whittle is right to point out that, while digital exclusion is one aspect that we can tackle, we also have to ensure that people have services available to them. One of the best ways that we can do that is through the close contact that not only my officials, but the Minister for Older People and Equalities and her officials, continue to have with large organisations and community organisations across Scotland so that we hear directly from them. I know that the minister takes that area of her work exceptionally seriously. If Brian Whittle would like to point out to her any examples from his constituency, I am sure that she would be delighted to hear from him.

#### **Best Start Grant and Best Start Foods Payments**

**5. Gillian Martin (Aberdeenshire East) (SNP):** To ask the Scottish Government whether it will provide an update on the impact that best start grant and best start foods payments are having. (S5O-04989)

**The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville):** Those payments provide vital support during children's critical early years and have been welcomed across Scotland by families both in and out of work. More than 148,000 best start grants and best start foods payments have been authorised, providing over £46.9 million for those families who need that support most.

The interim evaluation of best start grants showed that the payments have eased financial strain on low-income families and prevented some families from going into debt. Together with the Scottish child payment, more than £5,200 of financial support will be provided to eligible families by the time that their first child turns six, and more than £4,900 will be provided for second and subsequent children. The three benefits can be accessed through a single application, which makes it easy for eligible families to access the money to which they are entitled.

**Gillian Martin:** In rural communities, poverty is often hidden, so I would like some specific detail on what the Scottish child payment and other forms of Government assistance for families will do to alleviate child poverty in the north-east, particularly at this very difficult time.

**Shirley-Anne Somerville:** Gillian Martin is quite right to point not only to the best start grant and the best start foods grant but to the Scottish child payment. The applications for the Scottish child payment opened on 9 November, and the payments will start this month. We are keen to ensure that we extend and encourage eligibility for the payment as much as possible. It is an equivalent payment of £10 a week to families with eligible children who are in receipt of low-income benefits.

As a Government, we are determined to increase uptake, for example by ensuring that we write to every eligible family for which we have contact details. However, I encourage every MSP to do their utmost to ensure that their constituents know about the payment. It is important that people access the payment at this time, as it can make a big difference to them. I am sure that Gillian Martin is doing her best to do just that in her constituency.

## Benefits System

**6. Sarah Boyack (Lothian) (Lab):** To ask the Scottish Government how the current benefits system can be used to support people who have been impacted financially by the Covid-19 pandemic and are currently not receiving the benefits that they are entitled to. (S5O-04990)

**The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville):** Statutory sick pay and low-income benefits such as universal credit are an integral part of the financial support that is available to people at this difficult time, and they remain reserved to the United Kingdom Government. We continue to call on the Department for Work and Pensions to play its part, taking a more strategic approach to maximising the take-up of reserved benefits, retaining the £20 per week uplift to universal credit and extending it to legacy benefits, scrapping the two-child limit and removing the benefits cap.

The Scottish Government is committed to maximising people's incomes, and that has, of course, been made all the more urgent in the context of Covid. In response to the pandemic, we have increased the Scottish welfare fund budget significantly, to £57.5 million; we have launched the £500 self-isolation support grant for low-income workers who need to isolate; we have introduced a £100 million winter plan for social protection; and we have launched a £250,000 income maximisation marketing campaign aimed at low-income families.

**Sarah Boyack:** I thank the minister for that answer. I particularly welcome the additional publicity so that people will know to apply for what they can benefit from. Lots of support organisations are keen to see that.

What consideration has the Government given to extending the eligibility criteria for the discretionary housing payments? That is an important issue for renters and home owners whose incomes have plummeted during the pandemic.

**Shirley-Anne Somerville:** We continue to work closely with local authorities to ensure that there are no gaps in our provision to protect people at this difficult time. We have made significant budget increases to both the Scottish welfare fund and discretionary housing payments, and we will continue to work with local authorities to ensure that they are meeting people's needs.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I welcome the extension of the £500 self-isolation grant to people who earn less than the living wage. How will the Scottish Government ensure that people are aware of the support that they are entitled to receive?

**Shirley-Anne Somerville:** As I mentioned in the debate in Parliament yesterday, the Government is determined to ensure that people are aware of the support that exists—not just financial support, but the wider support—and there will be national and local media campaigns to promote that.

We are keen to ensure that people are aware of that support in this time of need, so we are considering what information can be included when community testing is under way, for example. Calls should be made proactively to people who allow their details to be given to local authorities when they phone test and protect, so that the local authority can proactively phone that person not just once but again during their isolation period to offer them both financial and wider support, and so that everyone knows that there is support out there for them at what we know is a difficult time, during self-isolation.

**Shona Robison (Dundee City East) (SNP):** Given that around 85 per cent of social security is still reserved to the UK Government, does the cabinet secretary agree that the UK Government needs to have a benefits take-up strategy to ensure that everyone can get the support to which they are entitled, particularly during this very difficult time?

**Shirley-Anne Somerville:** Shona Robison raises a very important point. The benefits take-up campaigns that the Scottish Government is running are not just about our benefits; they encourage people to ensure that they are getting all the support that they can get.

There is also a responsibility on the UK Government to do the same, and I think that it can do much more. It is not just me who thinks that. With my colleagues from Northern Ireland and Wales, I wrote to the UK Government, encouraging it seriously to consider running a benefits uptake campaign to ensure that people know that support is available, particularly as we know that many people who need support may be experiencing the benefits system for the very first time. Unfortunately the UK Government does not, to date, seem to be willing to take up that offer, but I hope that it will in the future.

## Social Security Priorities 2021-22

**7. Kenneth Gibson (Cunninghame North) (SNP):** To ask the Scottish Government what its social security priorities are for the financial year 2021-22. (S5O-04991)

**The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville):** As we set out in the Scottish budget, we estimate that we will invest £3.6 billion in social security payments in 2021-22 as we continue to establish a

social security system that is based on dignity, fairness and respect.

As well as mitigating some of the impacts of United Kingdom Government welfare cuts, those funds will tackle poverty and support carers, young people and low-income families through our range of benefits.

My priority for this year will be to ensure that those who are entitled to the flagship Scottish child payment receive the support that they need, which we are backing with an investment of £68 million in this year alone. As I mentioned earlier, the first payments will be made this month to families of children under six, and we will continue the roll-out of our disability benefits this financial year with the introduction of the child disability payment.

**Kenneth Gibson:** I thank the cabinet secretary for her comprehensive reply. How many applications have there been for the £10 Scottish child payment across Scotland, and in North Ayrshire specifically? I note that, in order to further increase uptake, the Scottish Government is writing to eligible families. By what date will that exercise be completed?

**Shirley-Anne Somerville:** I am happy to say that, according to our management information as at 31 January, there have been 73,000 applications for the Scottish child payment across Scotland. The latest official statistics show that, at 31 December—which is a slightly different timeframe—there had been 1,810 applications from North Ayrshire.

We are absolutely committed to maximising take-up, as I mentioned in an earlier answer, which is why we are writing out to eligible families. That will be completed before the benefit opens officially, in the middle of February.

#### **Disability Payments (Delivery Timetable)**

**8. Liam Kerr (North East Scotland) (Con):** To ask the Scottish Government whether it will provide an update on the delivery timetable for the three disability payments. (S5O-04992)

**The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville):** As I set out to the Parliament in November, our first Scottish disability benefit—the child disability payment—will be piloted in the summer this year and rolled out fully from the autumn. That will be followed by the adult disability payment, which is our replacement for the United Kingdom Government's personal independence payment and which we will pilot next spring and roll out fully by the summer.

All of that is, of course, subject to the continuing impact of the pandemic on our delivery partners, which include the UK Government, local

authorities and, of course, health and social care. We continue to work closely with colleagues in the Department for Work and Pensions to re-plan the delivery of the remaining devolved benefits with that in mind.

**Liam Kerr:** In the cabinet secretary's statement in November, to which she referred, she said that she had held discussions with the health and social care professionals who were needed to introduce the child and adult disability payments. Will she provide an update on when all such relevant professionals will be in place and in a position to ensure that the benefits can be rolled out?

Separately, does the cabinet secretary have a timeline for when precisely the pension-age disability benefit will be introduced?

**Shirley-Anne Somerville:** We are on track to have in place all the healthcare professionals that we require for the pilot and then for the full roll-out of the child disability payment. The member can be assured that we are continuing to work very closely with the health and social care sectors to ensure that we are able to deliver those benefits. However, we are also cognisant of the pressures that they continue to face because of the on-going Covid pandemic.

On pension age, I am sure that Liam Kerr will appreciate and understand that the pandemic is still on-going and, therefore, still impacting on and affecting—[*Inaudible.*]—not just the Scottish Government, but the DWP and the health and social care professionals whom we will require for all our disability benefits, in different ways. We are continuing to work with all our partners to ensure that we have the most up-to-date information possible, although the pandemic is on-going, and we will do what we can to provide that information to Parliament and to members as soon as we and the DWP have agreed a joint timetable for the delivery of the remainder of the programme.

**The Deputy Presiding Officer:** That concludes portfolio questions on social security and older people. We will now move on to the next item of business.

## Infrastructure Investment Plan and Capital Spending Review 2021-22 to 2025-26

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is a statement by Michael Matheson on the infrastructure investment plan and capital spending review 2021-22 to 2025-26. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:14

**The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson):** Today, I am publishing our infrastructure investment plan for the next five years, “A National Mission with Local Impact: Infrastructure Investment Plan for Scotland 2021-22 to 2025-26”, which sets out a long-term vision of infrastructure that supports an inclusive net zero carbon economy in Scotland. It has been prepared and published alongside the capital spending review, “Investing for Jobs: Capital Spending Review 2021-22 to 2025-26”, which has been led by the Cabinet Secretary for Finance.

It is the first time that a new infrastructure investment plan has coincided with a multiyear capital funding settlement, which will strengthen the strategic coherence and provide assurance that our capital investment programme is fully costed and affordable. Together, they deliver our national infrastructure mission commitment. That means that there will be more than £33 billion of Scottish Government investment over the course of the next parliamentary session, which will support more than 45,000 jobs and will be a fundamental element of our recovery from the economic harms that have been caused by the Covid-19 pandemic.

We are living through a time of huge uncertainty, and the economic outlook is very challenging. Such challenges require clear leadership and a vision for the future that provides stability and hope to businesses, communities and public services. The infrastructure investment plan, our new multiyear capital plans and the investments that they will support aim to provide that clarity. Through the plans, we want to boost market, business and supply chain confidence in sectors across the Scottish economy, and encourage the necessary private sector investment. The plans also give public bodies certainty and the opportunity to do medium-term planning.

Last September, I stood in the chamber to launch the first-ever consultation on our approach

to infrastructure investment. We sought views on a number of key aspects, including our definition of infrastructure, the priority that we place on maintaining existing assets and how best to assess the full range of outcomes that infrastructure can deliver. I was delighted that we received almost 150 responses. I thank everyone who took the time to respond, and I welcome the positive feedback that we received during the consultation exercise.

Many respondents highlighted the complexities that we face, and I particularly welcome the overwhelming support for our proposal to have the widest definition of infrastructure in the United Kingdom—and in many other parts of the world—by including natural infrastructure.

With broad support across all the proposals on which we consulted, I am pleased to now deliver a final infrastructure investment plan that is focused on delivering good outcomes for Scotland. In particular, it focuses on the transition to a net zero emissions economy, driving inclusive economic growth and building resilient and sustainable places.

The plan is based on a new investment hierarchy approach, as recommended by the independent Infrastructure Commission for Scotland. The framework will enable us to realise the economic benefits of prioritising the maintenance of existing assets over the creation of new assets where it is appropriate to do so, while ensuring that we are reflective of local infrastructure needs. To complement that approach, the capital spending review will target a material uplift in capital maintenance investment and work towards doubling such annual investment over the next five years. That includes maintenance of the health estate, in which there will be £1 billion of investment.

This time last year, the Infrastructure Commission for Scotland made recommendations on the right future infrastructure priorities for an inclusive net zero carbon economy in Scotland. In the light of Covid-19 and the UK’s departure from the European Union, the commission’s approach is even more needed than before. We want to build a Scotland that harnesses opportunity and is resilient to future challenges by driving innovation, creating good and green jobs, and supporting wellbeing.

We must recognise the role that our infrastructure investment will have in ending Scotland’s contribution to climate change. When we updated the climate change plan in December, we highlighted the transformative action that was needed across all sectors of the economy and across society. Our investment in publicly funded infrastructure has a critical role to play in supporting the transition. The infrastructure

investment plan confirms that £2 billion of additional low-carbon investment is to be made over the course of the next session of Parliament, including £120 million to support the transition to zero emission buses, which we expect to lever in up to £1 billion of private sector investment.

Those infrastructure investments are supported by our £100 million green jobs fund and our new green jobs workforce academy. The plan includes nearly £1.6 billion to transform how we heat our homes and buildings, as detailed in our forthcoming draft heat in buildings strategy, which we estimate will support up to 24,000 jobs in Scotland.

In laying the groundwork for an inclusive, greener transport network, details of the transport investment priorities for the next few years were published yesterday in phase 1 of the on-going second strategic transport projects review. The infrastructure investment plan supports those priorities by providing more than £550 million to support active travel, including £50 million on active freeways and more than £0.5 billion to progress the decarbonisation of our railways. In addition, the 26th conference of the parties—COP26—summit later this year will provide us with an opportunity to make sure that we inspire action across Scotland and globally in helping to support a green recovery to achieve net zero, as demonstrated by the approach that Scotland is taking with its world-leading role in developing low-carbon technologies.

Reducing emissions to net zero is key, but we are also preparing for the climate change that is already locked in. With more extreme weather events and rising sea levels expected, as a nation we must adapt to those changes. Ensuring that our homes, businesses, transport and health services and essential utilities are resilient to the risks that are caused by a changing climate, especially flooding, is crucial. The draft plan set out a package of measures to support climate adaptation and enhance our resilience, including £150 million of additional funding for flood risk management and £12 million for coastal change adaptation to help us to adapt to the threat of sea level rises and to protect our assets. Today, I can announce that we will make £60 million available to support climate change adaptation and resilience in our trunk road network.

This year has brought unprecedented change to our daily lives. As we consider our path to recovery, we must not simply go back to how things were done previously. We must ensure that our investment plans provide the best possible foundation for our economic recovery. We know that we must invest in digital connectivity and digital inclusion to help businesses, workers and service users accelerate the uptake of digital

services. In recognition of that, today I can announce £110 million of new investment in a digital public services programme to support the transformation of key public services.

In summary, the plan now details more than £26 billion of projects and programmes. Since September, new investments have been included across the three themes of the plan, including £480 million for housing, £110 million for digital, almost £500 million for transport and the dedication of £400 million to tackling climate change through the low carbon fund, thereby completing our commitment to invest an additional £2 billion over the next five years.

Infrastructure investment touches all our lives and can provide huge opportunities for Scotland's people. The publication of the infrastructure investment plan and the capital spending review sends out a clear message that the Government will do all that it can, working with partners, to secure our recovery from Covid-19, harness new opportunities and deliver a positive future for the whole of Scotland. It is on that basis that I commend the plan to Parliament.

**The Deputy Presiding Officer:** I intend to allow 20 minutes for questions. I remind members that, if they want to ask a question, they should please type R in the chat function.

**Graham Simpson (Central Scotland) (Con):** I thank the cabinet secretary for advance sight of his statement. We welcome the publication of the plan. Although it is good to see the broadening of what we mean by infrastructure and the doubling of investment in bridge and roads maintenance, we are still in the middle of a global pandemic and people across Scotland are worried about the impact that that is having on jobs and their communities. The capital spending does not feel adequate or ambitious enough to rebound and rebuild Scotland's economy from the deepest recession on record. This Government is tired and out of transformative ideas.

The Government's track record on delivering major infrastructure projects has been woeful, with unopened hospitals, overdue and overbudget ferries and a supposed state-of-the-art bridge that keeps being closed due to problems with ice. Increased infrastructure investment is vital—we welcome that—but its delivery is vital, too. The cabinet secretary needs to say how he will ensure that there will not be a repeat of previous fiascos with the pledges that are mentioned in the plan.

Yesterday saw the publication of the strategic transport projects review 2 update. The document mentions a roll-out of "active freeways". I guess that those will be similar to London's cycling superhighways. However, I see no clear plan for delivery. Where will they be? When will they be

delivered? What will the cost be and who will fund it?

On the interesting sounding

“Glasgow ‘Metro’ and Edinburgh Mass Transit strategies”,

can the cabinet secretary tell us what people in the hinterlands of both cities will see that will be different from what is there now?

Finally, it would be remiss of me not to ask about improvements to the East Kilbride to Glasgow line. People want to know when the track will be dualled and electrified. What is the answer to that?

**The Deputy Presiding Officer:** That was a long set of questions, Mr Simpson.

**Michael Matheson:** I will try to deal with some of the issues as quickly as possible.

Mr Simpson will recognise that the Scottish Government has a strong track record of investing in infrastructure across Scotland, from the Borders up to the Highlands and throughout the central belt. Whether that be investing in new hospitals, schools, roads or digital infrastructure, this Government’s record of investing in infrastructure is second to none, demonstrating a level of ambition that goes way beyond anything that we have ever seen from a Conservative Government at Westminster.

The member says that the plan is not ambitious enough. I suspect that that is a reflection of our priority being to ensure that infrastructure investment is prioritised on the basis of local needs and helping to achieve our net zero ambitions. Some of our planned investment has been compromised because Mr Simpson’s colleagues at Westminster have cut our capital budget by more than 5 per cent. Consequently, the level of investment that could be going into infrastructure has been cut.

On the member’s questions about STPR2 and the publication of the phase 1 report yesterday, he might want to pay closer attention to the report. If he does that, he will see that active travel highways will be developed in partnership with local communities in order to connect our towns and cities.

In relation to the Glasgow metro proposal, the member might want to refer to the work of the connectivity commission, which was published just over a year ago by Glasgow City Council and which demonstrates that that proposal goes way beyond the boundaries of that council; it is about making improvements in transport connectivity across greater Glasgow and into other areas such as Lanarkshire.

On Mr Simpson’s point about the electrification and dualing of the East Kilbride rail line, he should

play closer attention to the work that is being done in his region, as that work has already started. The electrification programme for the East Kilbride line and the process for advancing it started back in July last year, and the programme continues to roll forward.

**Colin Smyth (South Scotland) (Lab):** I thank the cabinet secretary for advance sight of his statement. At a time when increasing investment in our infrastructure will be more important than ever if we are to recover from the pandemic, drag Scotland out of the deepest recession on record and deliver a just transition to a green economy, it is disappointing to see that, in the year ahead, cuts are planned to capital spending in crucial areas such as rail and local government, and that so few projects appear to be shovel ready, which would otherwise help us to kick-start the economy.

When it comes to delivering major infrastructure projects on time and in budget, we know that the Scottish Government’s track record has been woeful. Three quarters of the projects in the existing infrastructure plan, which was agreed in 2015, have suffered delays equivalent to 64 years. On nearly half of them costs rose, thereby costing the taxpayer an extra £1 billion.

What specific lessons has the cabinet secretary learned since the previous plan, and what measures has he put in place to ensure that, when it comes to rolling out the projects in the new plan, we will not have a repeat of the ferries fiasco, the sick kids hospital scandal and the superslow roll-out of superfast broadband?

**Michael Matheson:** This is an ambitious plan to ensure that we can deliver economic growth and support social development and community resilience, and at the same time meet our net zero ambitions.

The member will recognise that our capital investment programme in rail in Scotland is at record levels, which demonstrates our ambition to expand and decarbonise our rail network right across the country. Its proposals reach into every part of the country, including those that were highlighted just yesterday in the course of the publication of the report on phase 1 of STPR2, which will also see the decarbonisation of the Borders railway line in the years ahead.

When major infrastructure investment projects are taken forward, challenges can be encountered for a variety of reasons—whether they be due to challenges relating to the project itself, such as weather issues or problems caused by ground conditions, or other complications that can come about through contractors going into administration—all of which can have an impact on them. However, I assure the member that we

always consider the lessons that can be learned from such projects.

I am sure that the member will recognise the very strong report on our delivery of the Queensferry crossing, which is to date the biggest infrastructure project that has been delivered in Scotland. It came in under budget and was highlighted as a good example of the delivery of such a project. He can be assured that we always look to learn from those projects and take any lessons from them into account in future projects.

**The Deputy Presiding Officer:** I repeat my usual mantra: 12 members want to ask questions and we have just over 12 minutes in hand. If we could have shorter questions, please, we will be able to get everyone in; I make the same plea in relation to answers.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Will the cabinet secretary provide an update on the Scottish Government's latest engagement with the United Kingdom Government on its union connectivity review, bearing in mind that transport infrastructure is a devolved matter? It rather looks as though the review represents another power grab by the Tory UK Government.

**Michael Matheson:** Stuart McMillan is correct that the union connectivity review was nothing more than a power grab on the part of the UK Government and a means by which it was seeking to undermine the devolved settlement in areas of devolved competence, such as transport, not just here in Scotland but in Wales and Northern Ireland. The UK Government received a response from all three ministers responsible for those areas of policy across the Welsh, Northern Irish and Scottish Governments opposing the approach that it was taking to the issue.

I am always open to working with the UK Government on cross-border issues and where there is a mutual interest and a mutual benefit for us to work together, and we have a track record in doing so. However, priorities for transport investment in Scotland will be made through the SPTR2 process, just as we have set out in the phase 1 report yesterday and in the phase 2 report, which we will publish later this year.

We will continue to make the very significant level of investment that we are putting in right across the country to ensure that we have the type of transport infrastructure that is necessary for the years ahead.

**Alexander Burnett (Aberdeenshire West) (Con):** Last year, seven of the 10 bridges that collapsed in the UK were in Aberdeenshire, which is still unable to fund a £5 million maintenance programme, due to continued cuts to council budgets by the Scottish National Party Government.

The minister recognised that there is a massive backlog in capital maintenance, all of which has accrued under 14 years of SNP management, but he fails to recognise that his responsibility to Scotland goes beyond trunk roads. Will he continue to put the blame on underfunded councils and watch our roads and bridges fall apart?

**Michael Matheson:** It is always a bit rich listening to a Conservative member of the Scottish Parliament talking about the Scottish Government underfunding local government when we have had over a decade of austerity imposed upon Scotland by repeated Conservative Governments at Westminster.

The member will also recognise that local roads are the responsibility of the local authority and it is for the local authority to take forward any maintenance or replacement programme that is necessary. He may also want to reflect on the fact that Scotland's capital budget, which would help to support not just the Scottish Government but local authorities to invest in such capital projects, has been cut—by his counterparts at Westminster—by over 5 per cent. The direct consequence of that is that there is less capital funding available to both the Scottish Government and his colleagues in local government.

If the member is genuinely interested in making sure that local authorities have the capital funding that is necessary to invest in local infrastructure, he may want to start having a word with some of his colleagues at Westminster to tell them to stop cutting our capital budget.

**Joan McAlpine (South Scotland) (SNP):** Cabinet secretary, how will Dumfries and Galloway benefit from the Scottish Government's infrastructure investment plan?

**Michael Matheson:** Dumfries and Galloway will benefit in a number of ways, including through the Borderlands inclusive growth deal, which will see the Scottish Government investing some £85 million. I hope to be able to sign off the finalised deal with the Borderlands councils very soon. Alongside that, as part of the £26 billion of investment that has already been agreed for major projects within the investment plan, both phase 1 and phase 2 of the £2 billion learning estate investment programme include works at Dumfries high school. I have no doubt that that will benefit pupils and the community as a whole.

The member can be assured that we will continue to look at other possible investment opportunities in Dumfries and Galloway. For example, we are considering a proposal that would involve the redevelopment of the Stranraer marina and we are also looking at possible investments such as a business park facility at Chapelcross. Those are all investments that I have

no doubt will benefit the whole of the Dumfries and Galloway community.

**Claudia Beamish (South Scotland) (Lab):** The commission recommended the inclusion of natural infrastructure in the plan. Scottish Environment LINK calls for—*[Inaudible.]*

“Strong government support for ... Scotland’s Nature Network ... central to a green recovery ... creating a positive change to the economic and social activities of our communities.”

What reassurance can the cabinet secretary give today after really quite slow progress in those areas in the past?

**The Deputy Presiding Officer:** Cabinet secretary, did you catch all that?

**Michael Matheson:** I might have lost part of the question because Claudia Beamish’s screen froze at one point.

However, the member will be aware that we included natural infrastructure in our definition of infrastructure as part of this infrastructure investment plan. That will ensure that we can direct capital investment into areas of natural infrastructure. We have set out a range of plans to consider investing in areas such as forestry and peatland restoration at record levels. Those are all key parts of our natural infrastructure that will play an important part in helping us to achieve our net zero target.

**Kenneth Gibson (Cunninghame North) (SNP):** For safety reasons the construction of new roundabouts and a flyover at the junctions of the A737 and B777 and the A737 and B706 has been a priority for the communities of Beith, Gateside and the Garnoch Valley for years.

Consultation has taken place and exhibitions have been held, with Transport Scotland to confirm that made orders were laid on 9 December with no challenge to them since. Will construction of that long-awaited project begin on site during financial year 2021-22?

**Michael Matheson:** Following the successful resolution of objections that were received, the orders for the scheme became operative on 9 December 2020. That was a significant milestone in completing the statutory process in relation to the site that Mr Gibson referred to.

Based on the allocation that we have received in the course of the budget process for the forthcoming financial year, I confirm that progress will now be made in moving to the procurement phase for construction of that particular scheme. I expect to see good progress being made with that in the months ahead.

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

statement and welcome the £12 million for coastal change adaptation to deal with the threat of sea level rises and the £60 million to support climate adaptation and resilience in the trunk road network.

The cabinet secretary will be aware that the majority of roads under threat from sea level rises are not trunk roads. I note his comments about local need. I wrote to the cabinet secretary about the South Ford causeway from Benbecula to South Uist where, in 2005, a family of five were swept into the sea and sadly drowned. There are also issues with the 75-year-old Churchill barrier in Orkney and at many other locations.

I note what the cabinet secretary said about local government finance, but this is a statement on infrastructure, so can he please indicate what specific moneys will be given to local authorities to counter what is acknowledged as a significant threat to their infrastructure because of rising sea levels?

**The Deputy Presiding Officer:** Mr Finnie, that was not a short question in anyone’s book. I will not get through everybody’s questions, so let us move along.

**Michael Matheson:** Capital spending commitments for local authorities are set out within the budget that was published only last week, and the Cabinet Secretary for Finance continues to engage with local authorities about their annual capital spending programmes. We will ensure that we continue to do everything that we can to support local authorities in meeting some of the capital challenges that they face in local infrastructure.

**Willie Rennie (North East Fife) (LD):** We must have urgency on tackling climate change. Infrastructure projects are bedevilled by delays, and now the levelling of major public transport projects means delays by two years. The low-carbon fund work on active freeways and segregated cycle routes—*[Inaudible.]*—by five years. How do those facts match up to the worth of the strategy?

**The Deputy Presiding Officer:** Cabinet secretary, did you hear that?

**Michael Matheson:** The screen froze a bit, but I think that I got the gist of it.

I am sure that Willie Rennie will recognise that the record levels of investment that we are making in active travel—over £100 million per year, which is £0.5 billion during the course of the next five years—gives security of funding to take forward major active travel projects. In addition, the provision for active freeways is an additional measure to help support connectivity between towns and cities through active travel. We will now

do planning work on that with our colleagues in local authorities and the active travel sector to consider how we can design that programme to maximum effect. The member should be in no doubt that the record level of investment that we are making in active travel is resulting in the delivery of much more active travel infrastructure right across the country at a rapid rate.

**John Mason (Glasgow Shettleston) (SNP):**

The cabinet secretary mentioned a 5 per cent cut in capital funding from Westminster, but the financial transaction money has been cut by a lot more than that. Will that also have an impact on capital spending?

**Michael Matheson:** John Mason raises an important point; not only has the capital budget been cut, but our financial transactions for capital spending have also been cut—by more than 66 per cent. That has come about as a direct result of the UK Government deciding to reduce the level of financial transactions that are available for social housing provision. We have taken as much action as we can to help to protect our social housing budget and minimise the impact that that has had, and my colleague Kate Forbes is making representations to the Treasury on the scale of the cut over the course of one financial year.

The member highlights an important issue about the way in which the UK Government is taking unilateral decisions that have a significant impact on our capital spending budget over the course of a year and is not providing certainty for the years ahead. We will do everything that we can to minimise the impacts of those cuts on the Scottish Government's budget.

**Bill Bowman (North East Scotland) (Con):**

The STPR process identified the merits of a Dundee relief road as far back as 2008 and it has recently emerged that the city's air pollution is back to pre-pandemic levels. Does the cabinet secretary have any specific plans to reduce commuter traffic, journey times and pollution in Dundee?

**Michael Matheson:** The member will be aware that Dundee City Council has ambitious plans to introduce a low-emission zone in the city over the course of the next couple of years with the specific objective of helping to reduce the volume of traffic and improve air quality in the city. We are providing financial support over the course of the coming financial year and in the years ahead to help to support the delivery of that programme. I have no doubt that the member will want to support Dundee City Council in taking forward that ambitious programme to help to ensure that the quality of air is improved in our major cities, including in Dundee.

**Pauline McNeill (Glasgow) (Lab):** What is the game-changer for reaching net zero in greater Glasgow, which needs to overcome the weakness of its connectivity problems, as travelling south to north requires terminating at the central mainline? Does the cabinet secretary agree that a commitment to crossrail is the kind of game-changer that will lead to a serious modal shift across greater Glasgow?

**Michael Matheson:** Pauline McNeill will be aware that the connectivity commission for Glasgow set out a range of measures that it believes should be taken forward to help to improve transport connectivity across the greater Glasgow area, including a metro system. The member will be aware that in publishing the STPR2 phase 1 report yesterday, we gave a commitment to developing that proposal. We are taking that forward with partners in Glasgow City Council and beyond to look at what that could be developed into in the years ahead, including routes from north to south and from east to west in the city and connecting to areas beyond the city boundaries.

That has the potential to be a game-changer for Glasgow and the greater Glasgow area, and we are determined to do everything that we can to help to support the city to realise that vision and have the ability to transform the way that transport connectivity is provided across the district.

**The Deputy Presiding Officer:** If you are very brief, Mr Coffey, I can squeeze you in.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** In light of the further expected disruption to Scotland's exports to the European Union via the Channel routes that has been caused by the Tory Brexit shambles, does the Scottish Government support and encourage new ferry services to emerge that might connect ports in the west of Scotland directly to the European Union via Dublin port?

**Michael Matheson:** We are always supportive of looking at how we can develop direct connectivity from Scotland to other European destinations, including through ferry services. Any service would, however, have to operate on a commercial basis. We have had engagement with interested parties in the past. If any commercial operator is looking to establish a link between Scotland and other European destinations, we would always be willing to discuss and consider what support may be available to it to do that.

## European Charter of Local Self-Government (Incorporation) (Scotland) Bill: Stage 1

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is a debate on motion S5M-23963, in the name of Andy Wightman, on the European Charter of Local Self-Government (Incorporation) (Scotland) Bill at stage 1. I ask those members who wish to speak to type R in the chat function.

14:50

**Andy Wightman (Lothian) (Ind):** I am delighted to open this stage 1 debate on the European Charter of Local Self-Government (Incorporation) (Scotland) Bill. I thank all those who contributed to the bill's development, including those who responded to the call for views on the draft proposal and those who gave evidence as part of the stage 1 scrutiny. I also thank the Local Government and Communities Committee for its diligent work and support.

I owe particular thanks to the Convention of Scottish Local Authorities for its support. Scotland's councils have been calling for incorporation of the charter for a very long time. I thank the Cabinet Secretary for Communities and Local Government for her constructive engagement and support for the bill. Finally, and most of all, I thank the Parliament's non-Government bills unit for its hard work and support, and I am very grateful to Christine O'Neill QC for drafting a bill that has withstood quite intense legal scrutiny.

The purpose of the bill is to strengthen the standing of local government in Scotland as part of Scotland's democratic architecture. In my opinion, that is a vital endeavour. Since 1975, when Scotland abolished genuine local government with the scrapping of town councils, local authorities' standing and powers have slowly but steadily weakened. In a paper that was published in 2013, COSLA wrote:

"Local democracy is weak compared to Europe. Scotland is one of the most centralised countries in Europe. It is no coincidence that our European neighbours are often more successful at improving outcomes, and have much greater turn out at elections. We cannot hope to emulate the success of these countries without acknowledging that they have more local councils, local elected councillors represent fewer people, and that these councils and their services are constitutionally protected and their funding secured by law, even with regard to national policy making. We should seek the same benefit, and the same independence that local government has in most western democracies."

The means by which the bill strengthens local government is incorporation of the European

Charter of Local Self-Government into Scots law. The charter is an international treaty of the Council of Europe that was opened for signature in 1985. Its substantive articles, which are set out in the schedule to the bill, guarantee a set of basic freedoms and protections for local government across the 47 member states of the Council of Europe.

The treaty was signed by the United Kingdom in June 1997, by the newly elected Labour Government, and it came into force on 1 August 1998. However, the charter can have no legal force in domestic law until it is incorporated into domestic law. At its heart, the bill achieves that incorporation in section 2, by placing a legal duty on the Scottish ministers to act compatibly with the charter as reproduced in the schedule.

If the bill is enacted, the charter articles will become law and it will be possible for them to be relied on in the Scottish courts and for legal remedies to be sought for any alleged violation of them. For example, the bill allows a declaration of incompatibility to be made or secondary legislation to be struck down when the section 2 duty has been breached. However, I emphasise that the bill is not designed to encourage legal challenges; it is not a sanctions-driven bill. The aim of the legislation is to develop a culture of compliance with the charter, and two sections of the bill are designed to that specific end.

Section 3 obliges ministers to report at least every five years on steps that they have taken to safeguard local self-government, and section 8 places a duty on members who introduce public bills to Parliament to state the extent to which, in their view, such legislation is compliant with the charter articles.

I turn to the stage 1 report from the Local Government and Communities Committee. I welcome the committee's support for the bill and its focus on analysing the bill's legal and practical implications.

As the Faculty of Advocates noted, the bill cannot entrench the charter as some form of constitutional protection for local government in a country with no written constitution. If the bill is enacted, it will provide a check and challenge function only for so long as it remains law and is not amended or repealed. That is the reality for any such bill under the United Kingdom's constitution, but particularly the other bill that is currently before Parliament that will incorporate international law—namely, the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill.

In practical terms, the committee is right to note uncertainty as to the legal reach of the charter. Time will tell on that front. Some debate was had

in committee as to whether the bill merely sent a message or had far-reaching implications. In my view, the bill, indeed, sends a message—a very important political message—but it also has a substantive legal effect, making compliance with the charter a matter that can now be referred to a court for a ruling when there is a dispute about whether legislation is compliant.

I will briefly mention some amendments that I propose to lodge, should the bill pass at stage 1. The first and most substantive relates to a recommendation that was made by the Delegated Powers and Law Reform Committee in relation to the power in section 6 that would allow ministers to take remedial action in consequence of a declaration of incompatibility by the courts. That is a significant power to delegate to ministers, and the question is whether its use should be constrained in some way. Having reflected on the matter, I can confirm that it is my intention to lodge amendments to attach a super-affirmative procedure to the use of the power, in order to provide the level of scrutiny that is required. I will also lodge amendments to confirm that no criminal offences can be created or amended by the use of the power, and I will reflect further on some technical wording that has been drawn to my attention.

The UK is one of six member states of the Council of Europe not to have given the charter any legal effect in its domestic law. The Scottish Constitutional Convention recommended in 1995 that the Parliament should “embody the principles” contained in the charter—in particular, a principle of general competence. In October 2019, a report by the consultative steering group on the Scottish Parliament, reviewing 20 years of devolution, noted the on-going failure to achieve that. The bill addresses that long-standing concern, and I hope that members will support it.

I move,

That the Parliament agrees to the general principles of the European Charter of Local Self-Government (Incorporation) (Scotland) Bill.

**The Deputy Presiding Officer:** I remind members that, if they want to take part in the debate, they have to type R in the chat function.

14:57

**James Dornan (Glasgow Cathcart) (SNP):** As the convener of the Local Government and Communities Committee, I am pleased to speak in support of the bill, which was introduced by Andy Wightman, our colleague on the committee. The comments that follow reflect the collective view of the committee, which—minus Andy—considered the bill at stage 1. Before I go on to them, I thank my fellow committee members, all the witnesses

who took the time to give evidence and, as always, our magnificent clerking team. Over the summer, we held a call for views, which received 22 responses. They included well-informed responses from local government, academia, legal experts and others.

As members have heard, the central aim of the bill is to give the European Charter of Local Self-Government a degree of direct effect in our domestic law. The UK is already a signatory to the charter under international law. The Scottish Government told us that it considers itself bound by the charter and that, in its view, it abides by it.

Therefore, the main question that the committee grappled with at stage 1 was: what will the bill actually do? Will it have much effect on local governance at all? A key consideration for the committee was how much of an impact the bill would have. We attempted to gauge that, but we did not find it straightforward. We received evidence to the effect that the bill is somewhat technical or that referred to the symbolic value of passing or not passing it. The prospect of the bill having much financial impact, either on councils or on central Government, or of its leading to a step change in how councils work and provide services, was also doubted.

The Scottish Government said that it is already bound to adhere to the principles that are set out in the bill. A representative from the Society of Local Authority Lawyers and Administrators in Scotland told the committee that there was a

“danger that we exaggerate what the Bill will actually do.”—*[Official Report, Local Government and Communities Committee, 18 November 2020; c 32.]*

At the same time, many stakeholders viewed the bill as important, necessary and even potentially transformative in terms of the constitutional and working relationship between the state and local government. Some evidence sought to reconcile those two positions by arguing that the bill would be more of a prompt—an enabler of good practice and good partnership working rather than a disruptive game changer—as certain requirements in the bill, such as the requirement for a legislative statement on compatibility, would reduce the risk of future laws or policies being in conflict with the charter articles.

Will the bill be an agent of positive change, or could it have unpredictable, even destructive, effects? We might compare the bill with the Human Rights Act 1998. No one is arguing that the bill ranks equally with the Human Rights Act 1998 in respect of its likely impact, but there are some similarities in what we might call their basic architecture. Both are also alike in incorporating into domestic law a set of principles that are wide ranging, declaratory and somewhat open ended in the language that is used.

I think that most members would agree that, a generation on from the 1998 act, its impact has been resoundingly positive. However, it has thrown up some surprises along the way as it has been tested in the courts. Those surprises have occasionally been challenging and even costly. The 1998 act has also rebalanced power away from the Executive and towards the judiciary, giving it a greater say in determining whether Government acts or omissions are lawful. None of that is necessarily bad in itself, but it is a change, and there is, arguably, the potential for the bill to do the same.

The conclusion that the Local Government and Communities Committee came to is that we should welcome the incorporation of the charter into Scots law. However, that might be called a guarded welcome because, as the Faculty of Advocates and the Law Society of Scotland noted, the full legal reach of the bill is uncertain. If the Parliament agrees to the bill, it should do so with open eyes, alert to the possibility of future cases testing the legal meaning of particular provisions in the charter. That could include cases that touch on policy or even funding issues relating to local government that have not usually been the province of the courts before now.

There are two important matters that help to reassure us. First, incorporating the charter into domestic law would bring us into the European mainstream. Most of our neighbours have gone down that route, and the sky has not yet fallen in. On the contrary, the general view is that doing so has helped to foster a healthier working relationship between central and local government. For instance, there was some evidence that that had made central Governments reassess the way that they consult councils before making important changes. The evidence from Europe is that incorporating the charter into domestic law is more an act of evolution than revolution.

Secondly, no one whom we heard from at stage 1 thought that the bill was likely to mean a rush to the courts. Local government witnesses were unanimously clear that the legal route would be a last resort—a “nuclear option”, as one witness put it—that everyone would be at pains to avoid. The value that witnesses saw in incorporation of the charter was in its role as a backstop. It would enshrine a set of good governance principles in our law and, in so doing, help to level up the working relationship between central and local government.

To put it differently, COSLA and others in local government felt that giving the charter effect in domestic law would help to keep the Scottish Government—and any future Scottish Government—on its toes. That also became the

committee’s view, and it summarises why we think that the bill is worth the Parliament’s support.

I note that Mr Wightman and the Scottish Government agree that some amendments will be needed if the bill is agreed to at stage 1. If there is a clear message from the Parliament that it agrees to the general principles of the bill, the committee will, obviously, note that for any future stage 2 scheduling at this late stage of the session.

15:03

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** Did you introduce me, Presiding Officer? I did not hear you.

**The Deputy Presiding Officer:** I did, but I am happy to do it—[*Inaudible.*] The cabinet secretary will open for the Government.

**Aileen Campbell:** Apologies—I think that your sound cut out. Nonetheless, I will proceed.

I thank Andy Wightman for introducing the bill and steering it to this point. That is testament to his long-standing commitment to the topic, and I am happy to respond on behalf of the Government.

I thank the Local Government and Communities Committee for its thoughtful stage 1 report and the clerks who assisted in preparing that report. I also thank those who gave evidence to the committee. Their engagement, expertise and experience helped to shape a report and response from the committee that are really helpful in ensuring that we progress the bill effectively.

The bill is about partnership and co-operation—they are at its heart. The Covid-19 pandemic has shown us once again the importance of collaboration—of national and local government working together to respond to local circumstances in order to keep the most vulnerable in our society safe and essential services available. I take every opportunity to thank local government workers across Scotland for the work that they have done and are continuing to do. It has been a remarkable effort.

Developing and maintaining a close, constructive partnership between national and local government has always been a key priority of this Government. To give a sense of that partnership approach and to illustrate the influential role that local government already has, I will point to some areas of success and to mechanisms that are in place for that joint working.

COSLA is a co-signatory to the national performance framework, which sets out our shared ambitions for a successful and inclusive

Scotland, with principles that are underpinned by the shared values of kindness, dignity and respect. We have also jointly launched the local governance review as part of our shared commitment to subsidiarity and local democracy. The review creates an exciting opportunity to promote what could be the biggest shift of power since devolution. We want to ensure that decisions are taken as close as possible to those whom they affect most. We want a vibrant and inclusive democracy that supports local self-determination. Mr Wightman's member's bill is therefore welcome, as we hope that it will create the conditions for further, more ambitious changes to how Scotland is governed.

Ensuring that local government's voice is heard and creating the conditions for meaningful engagement are firmly rooted in our policy development process. There are many examples, across portfolios, of local government playing a significant and inclusive role in the decision-making process and in the governance of Scotland.

Despite the UK Government's decision to delay its budget until March, we have given local government in Scotland as much notice as possible of its settlement, to assist it with planning and to provide it with security. The Cabinet Secretary for Finance announced last week that we will make available to local government a total funding package of £11.6 billion for 2021-22. That includes a £245.6 million increase in core revenue funding and an additional £259 million of non-recurring Covid funding, which makes for total additional revenue funding of more than half a billion pounds.

We have also shown that we are committed to subsidiarity and local decision making. We have introduced ambitious legislation, such as the Community Empowerment (Scotland) Act 2015 and the Islands (Scotland) Act 2018, which signalled a significant transfer of power to communities across Scotland. The historic 2018 act introduced the regulations that specifically enable relevant local authorities to request the transfer of responsibilities from Scottish ministers to them.

It is my hope that the bill will reinforce the positive working relationship with local government. The incorporation of the charter into domestic law has been a long-held aspiration of COSLA. Our commitment to supporting the bill sends out a strong signal about the value that we place on local government.

Originally, I took a neutral position on Mr Wightman's bill, to allow for full diligence to be carried out. That is normal with a member's bill, because we need to fully understand the bill's implications and its practical application. There are

some issues with the drafting, which I think that technical amendments would help to improve. The issues are not substantial, and my officials have been engaging positively with Mr Wightman's team to discuss what such amendments might involve. I hope that the collaborative approach to amendments that was achieved with the member in charge of the Period Products (Free Provision) (Scotland) Bill can be replicated with this bill, and I think that Parliament is better served because of that approach.

I recognise that there can be challenges and that, at times, national and local government will not agree. I welcome the position of local government colleagues who said in evidence to the committee that they did not think that much, if any, litigation would arise from the bill. The consistent message was that the bill will strengthen local democracy by ensuring parity of esteem between the various layers of government.

However, the committee's report contained a key message about the legal uncertainty that the bill will introduce in relation to how frequently it will give rise to litigation, how the courts will handle any future cases, and what is called the "legal reach" of the charter—how far it might stray into areas that have so far been seen as belonging more to the policy sphere than to the legal sphere.

Going to court to resolve issues should always be the last option; it should certainly not be the first. I am sure that we can all agree that unnecessary legal challenges take up time and money that can be better used elsewhere. In his opening speech, Andy Wightman noted that this is not a sanctions-driven bill. It is important that national and local government continue to properly discuss issues and understand different perspectives. If there is anything more that we can do to continue to strengthen that relationship, my Cabinet and ministerial colleagues and I are always willing and open to discussing and considering that.

The Government supports the general principles of the bill, and I have set out how I believe we already act to ensure that local government has a full voice and role in the decisions that we take. We want to continue to engage closely with local government, build on the strong platform of collaboration, cement our strong partnership and improve the lives of the people of Scotland. It is my sincere hope that, as the bill progresses through Parliament, it will amplify that endeavour.

I thank Andy Wightman for bringing the bill to this stage.

15:10

**Alexander Stewart (Mid Scotland and Fife)**  
(Con): I am delighted to take part in this debate on

the European Charter of Local Self-Government (Incorporation) (Scotland) Bill and to open on behalf of the Scottish Conservatives. I, too, thank Andy Wightman for introducing the bill.

As someone who spent more than 18 years in local government as a councillor, I know how important local democracy is. Councillors and residents know what works best for them and their communities. If we truly believe in the principle of localism, we should trust them to make more decisions for themselves and to have more influence over their budgets and income. That is simply not happening in Scotland. In fact, Scotland is one of the most centralised countries in the world when it comes to local decision making—and the position has got worse in recent years, particularly under the current SNP Government.

Despite many of the arguments that were made at the time, devolution has not brought power closer to our communities; quite the reverse—it has centralised more power in Edinburgh. That is not local government, nor is it local democracy. Our councillors are effectively neutered by diktat from the Scottish Government, and that needs to change.

The proposal in the bill to incorporate the European Charter of Local Self-Government into Scots law is welcome. As has been said, the Scottish and UK Governments have already accepted the principles of the charter, but Scotland is still the only country in Europe in which its articles have not yet been enshrined in law. Many of the principles are already adhered to in Scotland and the rest of the UK. We elect councillors to run our councils, and the councils have wards and ward boundaries that are dealt with by an independent boundary commission, which carries out extensive consultation. Our councils are also able to borrow to support their capital investments.

There are, however, a number of areas in which Scotland does not adhere to the articles of the charter. I will give two examples. First, the charter states that councils should be subject to supervision by a body such as the Scottish Government only to ensure compliance with the law. That is not the case when it comes to planning, with the Scottish Government routinely overturning decisions that are taken by our democratically elected local councillors. In the past year alone, four in 10 council planning decisions were overturned on appeal. The Scottish Conservatives would ban that practice, bringing us into line with the charter.

Secondly, the charter states that councils should be free to decide how to spend their own money and that, as far as possible, grants should not be earmarked for specific purposes. Again, that is not currently done in Scotland. In his evidence to the

committee, the convener of Shetland Islands Council suggested that three fifths of council revenue was ring fenced for national outcomes, making it very difficult for councils to make a difference. That would need to change to bring us into line with the charter.

It is welcome that the Scottish Government and the cabinet secretary have committed to supporting the bill. However, one could argue that significant policy changes require to be put in place to ensure that there is no breach of the law the day after it is put in place.

Section 6 gives Scottish ministers quite extensive powers to make regulations, including the power to amend primary legislation, should it be deemed that existing law is incompatible with the provisions of the bill. Given the SNP's poor track record on localism, however, we must question whether it is committed to bringing its policies into line with the articles of the charter.

A more fundamental question is whether the bill will achieve its desired objectives. Section 5 enables the Court of Session or the UK Supreme Court to declare that a provision in an act or subordinate legislation within the Scottish Parliament's competence is incompatible with the charter. That will need to be given further consideration at stage 2.

I welcome the bill and will support it at stage 1. For too long, the Scottish National Party Government has treated local councils with contempt and has undermined local democracy. We in the Scottish Conservatives value the principle of localism and want to do everything within our power to ensure that councils also have that localism objective.

Putting local government in Scotland on the same legislative footing as applies in the rest of Europe is certainly a step in the right direction and one that I very much welcome and support. However, we also need to see meaningful policy change from the Scottish Government if we are truly to meet the principles of the European Charter of Local Self-Government.

**The Deputy Presiding Officer:** I call Sarah Boyack to open for Labour.

15:15

**Sarah Boyack (Lothian) (Lab):** I am delighted that we are discussing the incorporation of the European Charter of Local Self-Government. In 1997, the Labour Government signed up to the charter and it ratified it a year later. I am glad that we are here, more than two decades on, to put the charter into Scottish law and empower Scottish local government.

As has been said in the chamber before, in our councils' response to the pandemic, they have stepped up to the challenge. They have been capable of fundamental change in their service delivery informed by their knowledge and experience of what local communities and businesses need, and they have delivered real and workable solutions.

As a member of the Local Government and Communities Committee, I have worked with colleagues to scrutinise the bill and the intention behind it. I thank all the witnesses and others who have given us evidence and the Parliament's clerks for the support that we have received from them.

Since I returned to Parliament in 2019, I have been in a position to see just why the bill is so necessary through my conversations with local government representatives. Alexander Stewart referenced the written submission to the committee from the leader of Shetland Islands Council. In talking about the extent to which his budget is now focused on issues that he is working on with the Scottish Government, the councillor described the sense that councils are

"becoming very much like health boards."—[*Official Report, Local Government and Communities Committee*, 18 November 2020; c 43.]

I have had feedback from councillor colleagues across the country who have seen their autonomy as elected officials being chipped away by centralised policy decisions.

In introducing the bill, Andy Wightman has aimed to create parity of esteem between the Scottish Government and local government, ensuring that decisions that impact locally are made locally. That is a principle that I and my Labour colleagues whole-heartedly support. The UK was the only one of the 47 member states of the Council of Europe not to have transposed the charter, so it will make an important political statement for us to support the bill today.

Section 2 of the bill places a duty on the Scottish ministers

"to act compatibly with the Charter Articles",

and section 4 places an obligation on the Parliament to pass legislation

"which is compatible with the Charter Articles."

That is an important step in ensuring that the work of our elected representatives in the chamber complements the work that elected representatives in our councils are doing to support their local communities.

Section 8 is also of great importance. It requires individual members who bring forward a member's bill to state whether, in their view,

"the Bill is compatible with the Charter".

I believe that that gives members of the Parliament the opportunity to work with their council colleagues to strengthen the impact of members' bills that come before the Parliament by ensuring that they are compliant and can be facilitated by councils in a way that understands local needs and aspirations.

I note that the squeeze on local authority resources has been exacerbated under the SNP Government. Despite voicing its support for initiatives such as the local governance review and the bill, this year's budget is another disappointment for local government. Local authorities have seen their budgets lose £937 million in non-ring-fenced revenue expenditure since 2013-14.

As I said, the pandemic has highlighted just how dependent we and our local communities are on local government to support us. Councils have shown us the myriad of ways in which they can innovate to respond to crisis. In its submission to the committee, COSLA stated that the bill

"would strengthen local and national governments' ability to work jointly to improve outcomes in communities across Scotland ... strengthen Scotland's democracy by ensuring that communities enjoy the same local democratic rights that are already commonplace across Europe and beyond ... deliver the unfinished business of the Scottish Parliament by ensuring that for the first time this partnership between national and local government is built into Scotland's system of democratic governance, and reflected in its day to day culture and practice"

and

"ensure that Scotland fully complies with international treaty obligations, and addresses outstanding issues that have previously been identified in this regard."

I completely agree with COSLA. Those are important principles, and I look forward to Parliament agreeing to the principles of the bill—I hope—this afternoon with cross-party support, and to addressing the detailed issues when it comes to committee.

**The Deputy Presiding Officer:** I call John Finnie to speak on behalf of the Green Party, and I hand over the chair to my colleague.

15:20

**John Finnie (Highlands and Islands) (Green):** I congratulate my friend and colleague Andy Wightman on getting his worthy bill proposal to this point. I know how much work is involved, and the commitment that is required, in bringing a member's bill to Parliament. A team effort is required—I had that support from Steven in my bill team, and Andy Wightman had it from Gillian, Charlotte and Ciaran in his team.

We are here because of Andy Wightman's forensic approach to all his work, which is reflected in what we are discussing. The bill is about the principle of incorporation of the European Charter of Local Self-Government, and I hope that it will be agreed to unanimously. It is entirely in line with Mr Wightman's long-standing commitment to the principle of subsidiarity and the importance of our local government as a vibrant and—dare I say it—radical local democracy.

We know from the Scottish Parliament information centre briefing that the charter has been in place since 1985 and that all 47 members of the European Council are signatories, including the UK since 1998. I also note from our briefing that it is expected that any new states to join the council would sign the treaty. This is perhaps not for today's debate, but we would get there with an independent Scotland, and I welcome the opportunity that Andy Wightman has given us to accelerate that process.

We also learn from the briefing that the UK has a dualist legal system in which domestic and international law are distinct and separate from each other and that, in order to give public international law the same legal authority as domestic law, it must be incorporated into domestic law. That would give legal effect to ensure that issues can be enforced by Scottish courts.

The policy memorandum confirms at paragraph 61 that the incorporation of the charter will be achieved by reproducing in the bill the wording of the principles of the charter. It commits signatories to basic rules that seek to uphold the political, administrative and financial independence of local authorities through legislation.

Members have talked about the role of COSLA. In 2013, it established a commission that talked about identifying

“a route map to deliver the full benefits of a shift in power towards local democracy for people in Scotland”.

In his blog, Andy Wightman asks: “Why does this matter?” He goes on to say that the charter

“is designed to provide constitutional protections for local government”,

and to outline why those protections are currently absent and how they relate to our structures. He says that, if the bill is passed, as I hope that it will be, incorporation would allow anyone to

“challenge any executive action of Scottish Ministers or legislation passed by the Scottish Parliament if they believe that either is incompatible with the Charter (which, being international law, has primacy).”

He also says that

“The Courts will have the power to quash actions”,

as the

“Bill gives ... teeth”

to enable them to do so.

Andy Wightman goes on to say—the cabinet secretary referred to COSLA's position in this respect—that the bill is not about encouraging legal actions; rather, it is about heightening awareness of the provisions of the charter, ensuring compliance with them and putting

“a duty on Scottish Ministers to promote”

them.

There are undoubtedly issues around centralisation, but those are fundamentally about power struggles and tensions around planning, to which members have alluded. Is local government independent if it is limited in its ability to raise finance? The implications of membership drops for the rural councils—ironically, as a result of the Islands (Scotland) Act 2018—are something that many in the Highlands and Islands find very frustrating. If a central Government of any colour gives a council money and then determines the nature of the spend, that council is not independent.

Let us pass the bill not for the sake of it, important though it is, but because of what it can contribute to our vibrant local democracy and discussion thereon. It is with pleasure that the Scottish Green Party will support Mr Wightman's motion on the bill tonight.

**The Presiding Officer (Ken Macintosh):** I thank my colleague Christine Grahame for handing over the chair. I call Alex Cole-Hamilton, to be followed by Keith Brown.

15:24

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I offer my thanks and the thanks of my party to Andy Wightman for introducing an important bill to the Parliament. It is a reminder of what an asset he is to the chamber. My party welcomes autonomy for our local authorities and efforts to increase that autonomy wherever we find them, so we will support the bill today.

Councils have worked in lockstep with the Scottish and UK Governments during the pandemic. Local authority staff have been critical to getting support to those who need it, and we are grateful to them for that. That is why the Scottish Liberal Democrats have repeatedly pressed the Government to ensure that money reaches the front line where it is needed.

Before the pandemic struck, my party had spent years appealing to the Scottish Government to stop hollowing out local government and treating it with contempt. It has handed councils

disproportionate cuts year after year, and has stripped them of the power to do what is right for their areas. In addition to councils' funding settlements being squeezed to a much greater degree than the Scottish Government's budget has been, greater proportions of their budgets have been ring fenced by ministers for their approved purposes. That has forced local authorities to cut services that people rely on and to increase charges. It is important that we allow our councils the financial freedom to plan their budgets and to tailor plans to what the local community needs.

My party believes that, just like Holyrood, local councils should have the power to raise the majority of the money that they spend. We oppose the centralisation of services that we have seen at the hands of the Government, such as the changes to the police force. We oppose the SNP's entrenching of the broken council tax, after it promised to scrap it.

This is not the first time that the European Charter of Local Self-Government has been discussed at Holyrood. Back in 2015, during the passage of the Community Empowerment (Scotland) Bill, my former colleague Tavish Scott lodged amendments at stages 2 and 3 to enshrine the principles of the charter in law. When he was proposing that, he said:

"devolution should not stop in this building; rather, we should ensure that local government and those who serve communities, representing all political parties and none, have the ability to use the power of general competence in the most sensible and constructive way for the people whom they serve."—[*Official Report, Local Government and Regeneration Committee*, 11 March 2015; c 3.]

Sadly, neither of Tavish Scott's amendments was agreed to at the time, despite support from key stakeholders, including COSLA. I am glad, however, that we now have the opportunity to make the powers of our local authorities crystal clear, ensuring their autonomy.

The 10 principles of the charter were ratified by all 47 member states of the Council of Europe in 1998, and we should take notice of that unanimous endorsement. If the bill is passed, all bills that are introduced in the Parliament in future will have to be checked for compatibility with the charter, and I welcome that all-encompassing approach.

Protection for local decision making is key, along with financial freedom. The Scottish Liberal Democrats will always stand up for local government, and Liberal Democrat members will support the bill tonight.

15:27

**Keith Brown (Clackmannanshire and Dunblane) (SNP):** I come to the debate with the benefit, most recently, of being a member of the Local Government and Communities Committee, which has held three meetings to hear and consider evidence from a range of bodies on the issues that are covered by the bill. I wish also to draw on my experience working as a local government officer for nearly two decades, as a councillor for 11 years and as a member of the European Committee of the Regions for six years. I recall supporting incorporation of the charter into Scots law at the Convention of Scottish Local Authorities more than 20 years ago, as a council leader.

It is unfortunate that the contributions from the Conservatives and the Liberal Democrats—they were coalition partners, of course—have been to change the debate into an anti-SNP rant. I refer in particular to Alexander Stewart's speech. The idea that, during my time in local government, from the 1980s, anybody would have seen the Conservatives, or latterly the Liberal Democrats, as friends of local government is just laughable.

I congratulate Mr Wightman on introducing his member's bill in a stage 1 debate in the chamber. As has been said, the bill seeks to incorporate into Scots law the European Charter of Local Self-Government, which is a treaty of the Council of Europe that was adopted in 1985 and ratified by the UK in 1998, before this Parliament was even established.

The Council of Europe is one European institution of which the UK remains a member, despite Brexit. Once again, however, the UK remains typically out of step with the rest of Europe, as the UK and Hungary are the only two countries out of 47 not to have incorporated the charter into their domestic legal frameworks. I am conscious that there have been about four different computations of how many countries have signed up to the charter: we will have to get that right by the time we get to stage 2. Certainly, however, the UK's position undermines any claims that it makes—as put forward by Alexander Stewart—to be a supporter of what could be called true devolution for local authorities.

Fortunately, in this sphere—if not in others—we in Scotland have the power in our own hands to resist being dragged away from the European mainstream by the Europhobes of Whitehall. Yes—the treaty was ratified in 1998, but ratification does not make law, as the Law Society of Scotland pointed out in its submission, and as the explanatory notes to the bill also make clear. In the legal systems of the UK,

"domestic and international law are distinct and separate from one another",

and the Law Society agrees with the assessment that

“to give public international law the same legal authority as domestic law it must be incorporated into domestic law.”

The committee received submissions from a range of interested individuals and organisations. Not one of those submissions opposed incorporation of the charter, with most, including those from bodies such as COSLA and the Society of Local Authority Lawyers and Administrators in Scotland clearly supporting the case for incorporation. COSLA said that

“It would strengthen Scotland’s democracy by ensuring that communities enjoy the same local democratic rights that are already commonplace across Europe and beyond”

and that incorporation

“would strengthen local and national government’s ability to work jointly to improve outcomes in communities across Scotland.”

That is something that we have seen across the country over the past year, so I think that this is an appropriate point at which to reflect on the huge effort that has been put in by local council staff, officers and elected members of all different parties across the whole of Scotland throughout the course of the pandemic. In so many situations, they have been on the front line delivering the help, support and advice that the people and communities that we represent have needed.

As we discussed the bill in committee, it became clear that there were concerns that the bill would not make a difference and that it could instead be a charter for endless and expensive legal disputes between different partners in government. I expect and hope that it will not. To those who have said that they want it to establish real parity of esteem among the various arms of government, I say that I share that hope, but I think that what is much more likely to achieve that is the fantastic role that our local authorities have played during the pandemic, in providing absolutely vital local services to people.

I support the bill’s progress to stage 2.

15:31

**Alison Harris (Central Scotland) (Con):** The debate about autonomy for local authorities in Scotland has gone on for some time in the Scottish Parliament. Most parties have, at various points and from various perspectives, made the case for councils to have more power. Unfortunately, the only party that seems to be resistant to that is the one that has sat in Government since 2007. In that time, we have seen a complete failure to deliver more control to town halls, and councils have had their funding cut to the bone, in the process.

It could be argued that things are getting worse. Just last month, the Scottish Conservatives revealed that 36 per cent of the planning decisions that were made by councils but then appealed by applicants were overturned. That tells us everything that we need to know about this Scottish Government’s commitment to local decision making.

It is galling for local people to see their council go through a careful planning process in which residents and community councils make their feelings known, the developers are allowed to properly plead their case, and a group of locally accountable members—often from a coalition of more than one political party—reach a measured decision, only for that all to be swept aside when the developers go over the heads of the council to a Scottish Government in Edinburgh that, in one in three instances, rides over the top of the local decision and sides with the controversial development in question. The people had said no, the community groups had said no and the council had said no, yet still the Scottish Government waved the plans through, regardless. Those are major developments that affect people’s everyday lives—wind farms, large housing developments and controversial infrastructure and redevelopment proposals.

It is clear that something needs to be done about that. Incorporating the European Charter of Local Self-Government into Scots law would go at least some way towards strengthening the hand of local government. The umbrella group for Scotland’s local authorities, COSLA, has praised the bill, stating that it will bring Scotland up to speed with other major countries in Europe. It also said that the bill would have a positive impact on its members, saying that

“it is key to building on local”

government’s and the Scottish Government’s

“joint commitment to improve outcomes”

for our communities

“and renew democratic participation across Scotland.”

Enthusing people about the importance of local democracy is key to all that.

In the most recent council elections in 2017, however, voter turnout was just 47 per cent; more people stayed at home than went to the polling station. In some areas, the figure was as low as 39 per cent. If the voters had faith that the people whom they elected locally had more influence on the decisions that impact on their lives, perhaps those disappointing statistics would soon improve.

For too long, devolution has come into the Scottish Parliament without being pushed out the other side to those who need it most. The SNP

Government has grabbed powers from both sides, and it still wants more. Establishment of a legal framework that prioritises the importance of community leadership and local accountability would at least begin to turn the tide on that worrying trend. People need to see equality of decision making, so that they can have faith in the system, from the Borders to the Highlands and in all the areas between.

Local councils know their areas and their people best, which is why I will support the bill at stage 1 this evening.

15:36

**David Torrance (Kirkcaldy) (SNP):** I thank my colleague Andy Wightman for his hard work on the bill.

I served as a councillor on Fife Council from 1995 until I was elected as an MSP in 2011. Many of my fellow MSPs share the experience of having been elected first as a local councillor, then later as an MSP. Most of us who have that experience have seen the relationship between local government and the Scottish Government at first hand and from both sides of the fence. We have seen the tensions that can arise when one political party is in government, and a different political party is in control in a local authority. We have formed our own perceptions of the strengths and weaknesses of our current system of local government, and of its relationship with central Government.

My constituency includes the town of Kirkcaldy. The first mention of its town council was in around 1582, and in 1644, it became a royal burgh. Therefore, it has a long tradition of local government. As a result of local government reorganisation in the 1970s, the town became part of the Kirkcaldy district in 1975. In 1996, Kirkcaldy District Council became part of Fife Council, through the 1990s reorganisation.

Burtonisland is also in my constituency, and its history of local government is even longer than that of Kirkcaldy. It became a royal burgh in 1541, and its local government shared the same fate as Kirkcaldy, which shows the demise of local decision making. Local government does not stand still—it evolves over time. Part of that evolution is the relationship with central Government.

The bill has a European dimension, because it concerns a European charter. Kirkcaldy, which has a population of around 49,000, is twinned with Ingolstadt in Bavaria, which has a population of 127,000. Our respective civic leaders and community groups have been visiting one another since 1962. Burtonisland is twinned with Flekkefjord in south-west Norway, which has a population of

9,000. That relationship began in 1946, so it is even older than that between Kirkcaldy and Ingolstadt. Both twin towns sit in local governance systems that are very different to those of Kirkcaldy and Burtonisland. Such relationships remind us that other places approach local government differently; therefore, we must always ask ourselves whether we can learn from others and make improvements for ourselves.

I have reviewed the evidence that has been submitted to the Local Government and Communities Committee, and it seems as though we are already bound to comply with the charter, given that it is an international legal instrument. However, no means exist to ensure compliance, and it is not part of our domestic law. The UK Government expressed its support for the European charter by signing it in 2009. As I understand it, the bill would import the charter into Scots law, so it will have direct effect.

The Local Government and Communities Committee received submissions on the bill from a range of sources, including a number of our local authorities, the Faculty of Advocates, the Law Society of Scotland, COSLA and Reform Scotland. The evidence that was submitted to the committee revealed to me that incorporation of the European charter into Scots law has long been argued for by COSLA. COSLA was involved in drafting the charter back in the 1980s, and its 2014 commission on strengthening local democracy recommended incorporation into Scots law.

Beyond COSLA's legitimate interest in the matter, in 1999, the consultative steering group on the Scottish Parliament argued for incorporation of the charter, and in 2019, when it published its 20th anniversary report, it expressed regret that that had not happened.

In 2015, the UK all-party parliamentary group on reform, decentralisation and devolution commissioned an inquiry to consider how devolution across the whole United Kingdom could be better achieved. The group's final report recommended transposing the European Charter of Local Self-Government into primary legislation.

I was particularly encouraged that the Local Government and Communities Committee expressed in its stage 1 report that it does not expect the bill to be "disruptive", and that it

"would act more as a spur for local and central government to cooperate effectively, to make better laws and policies, and to avoid conflict."

If the Scottish Parliament can enact legislation that will improve relationships between local government and the Scottish Government, I am in favour of it in principle. I am pleased to note that the Scottish Government has expressed support for the bill.

15:40

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** I congratulate our number 1 pain in the whatever, Andy Wightman, who is so to great and good effect in this particular case, as in so many others.

As a member for 59 meetings of the Local Government and Regeneration Committee in session 4, I fully appreciate the importance of the bill. Its introduction is an important step for both the charter and Scotland, and will ensure maximum impact. The bill takes us towards clarifying and improving the relationship between local and national Government; it provides clarity on how local and national Government should interact and on their mutual responsibilities to each other in terms of engagement, underpinned by law as a firm foundation for that interaction.

The bill removes ambiguity and formalises the Scottish Government's commitment to local government, whatever the complexion of any future Government, and starts to equalise the relationship between the two, providing for balance through a mediated legal process. The bill enhances understanding of the relationship and respective responsibilities and I believe that it will encourage even greater operational efficiency in both local and national Government.

For both parts of our government system in Scotland, the crisis over the past year has shown what we are capable of and I hope that the bill supports that and that local government is further strengthened. The quality of our democracy will improve with the bill, encouraging action to be taken locally and giving greater access to decision making because there will be more of it that is local. More people outside the directly elected group of people who run things, or think that they run things, will be involved. Decision makers who are accessible make better decisions—that is democracy.

Scottish councillors probably represent more people on average than almost any local politicians in Europe. Indeed, if all the council seats in Scotland were of the same area as one seat that I know of, there would be a mere 12 councillors in the whole of Scotland. Some of the big council seats are simply untenable, but the bill does not address that issue, which we will need to address another day.

A benefit of the bill is adaptability. It places clear parameters on the roles of local and national Government and puts responsibility in the hands of communities, with empowerment to take action and the confidence to do so. That means that local government will be even more prepared to apply distinctive solutions to challenges, using local strengths.

Other members have referred to the bill's technical aspects and the Law Society has said that the implementation period of six months is rather short, which I agree with. There will be considerable changes, so that timescale is not suitable. The second issue is whether a reporting cycle of five years is too long, which I suspect that it is. We need to look at those issues, but that is what stages 2 and 3 are all about. However, the bill fits with what we envisage for local government.

I want to deconstruct here a canard that has run through too many members' speeches, which is that the SNP Government is a centralising one. In 2007, when we came into power, we found that we had inherited from the Liberal-Labour Administration a situation that saw nearly a quarter of councils' spending ring fenced. Within months we had reduced that to under 2 per cent. Better research is required by colleagues on other benches. The robust interchanges of political debate are fine, but we should base it on facts. I am happy to support the bill.

15:44

**Rhoda Grant (Highlands and Islands) (Lab):** I speak in support of the bill, which seeks to incorporate the European Charter of Local Self-Government into Scots law, as others have mentioned.

The charter was created in 1985 by the Council of Europe, setting out 10 principles to protect the basic powers of local authorities. It advocates for the principle of subsidiarity and that local authorities should be able to regulate and manage public affairs under their responsibility in the interests of their populations. We have seen rampant centralisation and the disempowerment of local authorities, so they are in desperate need of this legislation.

The charter ensures that public responsibilities should be exercised by the authorities closest to the people who are affected by their decisions. A higher level of government should become involved only when it is impossible, or less efficient, to deliver at the level immediately below.

If the bill passes, it would allow individuals and organisations to challenge the Scottish Government in court if its laws or decisions were not compatible with the charter, so it is not surprising that many local authorities support the bill.

Covid support has highlighted to me the benefits of decision making taking place at the most local level possible. Local authorities across the Highlands and Islands have, in many ways, very different geographies and socioeconomic pressures to those in the rest of Scotland. The

charter would strengthen their ability to have local solutions for local problems.

When I contact councils about delays in making Covid business support available, they tell me that they are waiting for the criteria for distribution from the Scottish Government. It is simply wrong that the Government announces funds and builds expectation, but fails our councils and those who need that support by being tardy with the criteria. The criteria should be set by the councils, because they know their communities.

There is also strong support from Orkney Islands Council and Shetland Islands Council, which, I am sure, hoped that the Islands (Scotland) Act 2018 would meet some of these aspirations. Unfortunately, we have seen little that is tangible from that legislation. The councils know what is best for their communities and how to make the most of the resources that are available to them in their unique geographical contexts.

Implementing the charter could give greater independence to local authorities in their distribution of Covid-19 recovery grants and funding, targeting the businesses and communities that are most in need in their areas. In ordinary times, it would give them flexibility to serve their communities' needs with the funds that are available.

Sadly, we see local government being increasingly disempowered. The Boundary Commission for Scotland is looking to cut the number of councillors representing the vast rural areas of Highland Council. That would do nothing for local decision making and would make it even more difficult for constituents to contact their councillors.

Incorporating the charter into Scots law would mark a new era of strong, effective and responsive local government that best serves every community, taking into account their local authority's particular economic, social and geographical needs. I will therefore support the bill tonight.

15:48

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** I, too, thank Andy Wightman for introducing the bill. At its heart, this is about strengthening our democracy in every community across Scotland, making it more effective, accountable and accessible to the people whom it serves.

The bill incorporates into Scots law 11 articles of the European Charter of Local Self-Government, which was ratified by the UK in 1998. The Scottish Government already adheres to the charter's principles; nonetheless, the bill is important.

The Local Government and Communities Committee agrees that

“passing the Bill creates the opportunity and space for local and central government to recommit together to an effective, respectful and inclusive working partnership”.

The committee also agrees that

“the Bill would rectify an anomaly: it would mean that Scotland would no longer be one of the last remaining jurisdictions in the continent of Europe not to have given the Charter direct legal standing in domestic law.”

Additionally, the bill highlights that co-operation and collaboration between local and national Government are paramount to a functioning democracy. At no point have we seen that more—nor has it been more essential—than during the past year. The Covid-19 pandemic has required all Government agencies and local authorities to work together to keep people throughout Scotland safe and supported. Every day, we see council employees, national health service staff and a whole range of volunteers and third sector agencies providing support to people who are shielding, the families of key workers, those who have to self-isolate, and individuals who are suffering from Covid and who are in hospital. Those are all fantastic examples of people and organisations working collaboratively to deliver for the people of Scotland. If it had not been for councils, we would not have got tens of millions of pounds-worth of support to the many businesses that have been forced to close due to the pandemic.

As a new member of the Local Government and Communities Committee, I have not yet focused on the detail of the bill. I have tried to highlight the importance of the partnership that already exists between national and local government and why that needs to be protected and supported. I believe that the bill, the local governance review and the work associated with the new fiscal framework for local government are the mechanisms to do that and to ensure that such partnership is based on mutual respect.

Co-operative working between the Government and councils is not new: the concordat between local government and the Scottish Government was signed back in 2008. It aimed to deliver benefits to the people of Scotland, support the Scottish Government in delivering its purposed, strategic directives and national outcomes, and empower local government bodies and their partners to deliver on local priorities.

In more recent years, the SNP Government has committed to local decision making, as has been demonstrated by ambitious legislation such as the Community Empowerment (Scotland) Act 2015 and the Islands (Scotland) Act 2018, both of which signalled a significant transfer of powers to communities across Scotland.

I will be pleased to join colleagues in supporting the general principles of the bill at decision time. Working collaboratively with local government is—and always will be—a priority for me, the SNP Government and, I hope, all other parties represented in the chamber.

**The Presiding Officer:** I call Fulton MacGregor, who will be the final speaker before we move to closing speeches.

15:52

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** As other members have said, the Scottish Government values the role of local government and is committed to supporting the bill. I am not a member of the Local Government and Communities Committee, but from what I can tell there is fairly broad cross-party support for and consensus on the bill.

At this stage I should declare an interest, in that I was previously a councillor on North Lanarkshire Council and was a social worker registered with the Scottish Social Services Council.

The Covid-19 pandemic has shone a light on the pivotal role that our councils and their workers play in communities, from teachers and—as members would expect me to say—social workers to the many others who are working throughout these challenging times, often putting the needs of those they serve first, and before their own. However, many other council workers often feel forgotten about, such as refuse collectors, crossing patrollers, workers in registry offices and so many others that it would be difficult to list them all. New roles in councils have been created in the response to the pandemic, including in teams set up to administer the ever-expanding business grants and funding schemes. I pay tribute to the team at North Lanarkshire Council who have worked tirelessly to support local businesses in my constituency. Of course, I extend those thanks to all North Lanarkshire Council and other local government workers.

The committee recognises that, in supporting the principles of the European Charter of Local Self-Government, the bill guides good governance in the local government sector and helps to protect councils' status, resources and autonomy. Scotland's local government sector should feel empowered and able to carry out its duties effectively. I believe that following the principles set out in the charter is one way of helping to achieve that.

Developing and maintaining a close, constructive partnership between central and local government has always been a key priority of the SNP Government. That can be demonstrated through the budget bill process, in which—

whatever members' views on the settlement and where the budget should sit—it is clear that the cabinet secretary has an open-door policy with COSLA and others.

The bill will provide an opportunity to ensure that such a culture of partnership and participation is enshrined in Scots law. The Scottish Government is committed to local decision making, and ambitious legislation such as the Community Empowerment (Scotland) Act 2015 and the Islands (Scotland) Act 2018 has already resulted in a radical transfer of powers to communities across Scotland. We all want a vibrant, inclusive democracy and we support local self-determination. The bill is welcome as it will help to create the conditions for further more ambitious changes to how Scotland is governed.

More communities being encouraged to use the 2015 act to run local resources can only be a good thing—we have all had queries about old sports pitches or accommodation. In North Lanarkshire—again, perhaps after a slow start—there is more evidence of that happening now, of which Kirkshaws neighbourhood centre in my constituency is a good example.

I also believe that local area partnerships could have more teeth. I felt that even back in my time as a councillor. Councils such as North Lanarkshire Council are in themselves massive institutions and often people feel further—metaphorically speaking—from decision making in the civic centre in Motherwell, or whatever the equivalent is for other councils, than they do from Edinburgh or sometimes even from London. We need to take that into account. Local groups, with councillors and stakeholders for a certain town or village, are almost always better placed to make key decisions about our communities. That is something that I think we all believe in.

I want to touch on a point that Alison Harris raised about planning applications. As the local government minister Kevin Stewart will know, I am seeking a round-table event for a number of communities in my constituency, mainly in the Gartcosh and Stepps areas, which have been impacted in recent years by housing developments. In many of those cases, the local authority has rejected an application, but the decision is later overturned. By engaging local communities at an earlier stage and in an on-going way, we can work together to find the right balance between house and infrastructure building and protecting green space. I know from the recent planning bill that a lot of work has been done in that area.

On the matter of green space, there are many great opportunities in our communities to enhance outdoor space and positively impact communities, especially where there is perhaps deprivation. One

such example of that is the old Monkland canal in Coatbridge, which was tidied up by volunteers during the lockdown. It is crying out for joined-up working from the Government, the council, Scottish Canals and others—something, incidentally, that I have been working on through the formation of a stakeholder group that I convene, which has already had two meetings. Those are just some thoughts on my constituency.

In conclusion, this Government is committed to local decision making, as is demonstrated by ambitious legislation such as the Community Empowerment (Scotland) Act 2015 and the Islands (Scotland) Act 2018, which signalled a significant transfer of powers to communities across Scotland. I support the general principles of the bill at stage 1.

**The Presiding Officer:** We move to the closing speeches.

15:57

**Sarah Boyack:** This has been an important debate. Following this bill, it is vital that we see the change that COSLA's political leadership has agreed that we need on a cross-party basis. Now is the time to review how powers, responsibilities and resources are shared across national and local spheres of government and with communities. It will amuse my local colleagues when I tell them that Stewart Stevenson thinks that there is only 2 per cent ring fencing in this year's budget.

There can be no meaningful change without leadership and commitment to the three interlinked empowerments—community, functional and fiscal change. The development of one without the other will lead to changes that are superficial. How do you empower communities in service delivery if that is not how national services are delivered locally? In relation to the recent Period Products (Free Provision) (Scotland) Act 2021 we discussed how we need to give local organisations the financial flexibility to change how they deliver in line with local need.

It is important that the bill is followed not by piecemeal change but by real change across the public sector. It is vital to consider the points that Rhoda Grant made about the diversity of Scotland, and the Highlands and Islands in particular, in terms of geography and socioeconomic pressures. Incorporation of the charter would strengthen the ability to find local solutions to local problems.

There are key areas where we need to see a new respect for our councils, not the micromanagement that we saw last summer, when local authorities had to make urgent decisions on the pandemic without any confidence about how the Scottish Government would deliver

on consequentials. Indeed, in last week's budget, we saw our councils praised on the one hand, yet given an underfunded council tax offer on the other.

To give an example of how things need to change in day-to-day legislation, at yesterday's meeting of the Local Government and Communities Committee, we debated the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021. However, although that gives councils the opportunity to propose a short-term let control order, the power to approve or refuse such an order stays with the minister.

We have now had a decade of cuts to local council budgets, and it is high time that our councils had more power. A key part of delivering on short-term lets would be giving our councils the power to introduce a tourism levy—something that I was working on during the last session of the Parliament—but to date there has been only a consultation on the principle of a tourist levy from the Government, and we will now have to wait until the next parliamentary session for action.

The charter says that local authorities shall be entitled to

“adequate financial resources of their own, of which they may dispose freely within the framework of their powers”,

that councils' financial resources

“shall be commensurate with the responsibilities provided for by the constitution and the law”,

that they should be of a

“sufficiently diversified and buoyant nature to enable them to keep pace as far as practically possible with the real evolution of the cost of carrying out their tasks”

and that at least part of their financial resources must come from local taxes and charges

“of which, within the limits of statute, they have the power to determine the rate.”

It makes clear that although measures taken to correct the effect of unequal resources between councils are possible, they must not

“diminish the discretion local authorities may exercise within their own sphere of responsibility.”

All those principles are important.

I hope that the bill will come back and we will be able to pass it at stage 3 during this parliamentary session. I hope that it will provide a new parity, and that the SNP Government will change tack and retreat from the centralisation that has been a hallmark of its time in power. We need both a change in culture and to deliver respect daily.

I hope that members support this bill. It can deliver change that will empower our councils and

the communities that they serve. I look forward to seeing that change being delivered.

16:01

**Graham Simpson (Central Scotland) (Con):** It is a pleasure to speak in the debate. I thank the Local Government and Communities Committee for its work on the bill. It produced a first-class report, and I am only sorry that I was not on the committee to be part of its consideration. As members know, I was a very enthusiastic member of the committee until fairly recently.

I knew that Andy Wightman's bill was coming up, and, indeed, I was a supporter of the committee dealing with it in this parliamentary session. I consider Andy Wightman to be a friend. We have often been on the same page—although not always. He has been a strong advocate for local government—as have I, but he has gone further than me by introducing the bill. I back the bill and congratulate him on it.

In essence, the bill is about showing respect to local government—something that has been, and is, lacking in this country. The bill aims to strengthen the status and standing of local government by incorporating the European charter into Scots law. That includes making it possible to challenge, in the Scottish courts, any executive action by Scottish ministers within devolved competence or any legislation that is within the legislative competence of the Scottish Parliament and is believed to be incompatible with the charter.

The bill does a number of things, but two of them are really important. It places a duty on Scottish ministers to act compatibly with the charter articles and it places a duty on Scottish ministers to promote self-government.

We could have quite a few debates in the years ahead over that last point. For example, how could it be argued that local self-government was being promoted if powers are centralised? How would the current restrictions on civil liberties be compatible with that? How would year-on-year cuts to council budgets be compatible with that? We could have some fun, and I hope that I am here to see it.

Mr Wightman contends that Scotland is unusual in Europe in not having transposed the charter into domestic law. One of the key questions for the committee was what the impact of the bill would be, and it struggled with that. In some ways, it could be considered symbolic. However, I do not think that that would be the case.

The charter has a number of key principles, which have been mentioned by some of today's speakers. There have been some good contributions today, most notably by my friend

Alexander Stewart, who made a blistering argument in favour of respecting local government.

The committee convener, James Dornan, gave a very considered speech on behalf of the committee. Aileen Campbell said that the bill was about partnership and will strengthen local democracy. Sarah Boyack told us that councillors feel that their autonomy is being chipped away at. Keith Brown was Keith Brown and David Torrance and others were better.

However, the last word should go to Andy Wightman—always a man of independent mind and now at peace with himself as a genuine independent. In his opening remarks he said that local authorities' standing and powers have been weakened. The bill aims to fix that, which is why we support it.

16:05

**Aileen Campbell:** It is clear that there is cross-party support for the bill and that members recognise and appreciate the unique role of local government in Scotland. As I made clear in my opening contribution, it is a sphere of government that we truly and sincerely value and respect.

James Dornan gave a considered address, which reflected the deep engagement and time that the committee has applied to investigating the practical impact and effect of the bill, and the benefits that it could bring if it is passed. I was struck by John Finnie's remarks about using the opportunity that the bill creates to ensure that local government in Scotland is vibrant and confident. I agree with that aspiration. We should all endeavour to ensure that that is the practical effect of the bill.

On that basis, I do not accept the narrative that was suggested by some Conservative members who contributed to the debate. Let us not forget that theirs is a party that has pursued a damaging and politically motivated agenda of austerity that has negatively impacted on so many of the most vulnerable, and which flies in the face of the claim that somehow Conservatives are the defenders of communities in this country, when it is national and local government that have had to mitigate and mop up the mess that has been left by their Government.

The reality is that we work collaboratively with COSLA and local authorities. That might not fit the narrative of some. Although I concede that we must always do more, I explicitly mentioned in my opening speech the national performance framework, the local governance review and the Islands (Scotland) Act 2018—which was also mentioned by Gordon MacDonald—because those examples demonstrate that we seek to pursue our

ambitions on subsidiarity, because they reflect our respect for local government and because outcomes for our people are always better when we work in partnership with local government.

Keith Brown was right to point out that the pandemic has brought us to a pivotal moment. It has meant that local and national Government have had to roll up our sleeves and focus on what needs to be done. That has demanded deeper engagement and partnership, some of which we do not want to lose as we emerge from the pandemic; culture and practice have shifted considerably during the past 10 months, and we want to retain some of that.

That is why COSLA played a full role in the social renewal advisory board, which recently published its report. Local government and the Scottish Government know that, regardless of whether you have “Councillor” before your name or “MSP” after it, we are all here to serve and empower our communities, to make life better and to make society more equal and fairer. That report and its calls for action come 10 years after the Christie report and show that, despite the progress that has been made, there is still much to do to ensure that we can realise the ambitions that are set out in the national performance framework, which is jointly signed up to by local and national Government, and make our aspirations for our communities realisable, tangible and real.

The bill, along with our approaches to community wealth building and a wellbeing economy, will, I hope, help to steer the country into a space that respects localism and subsidiarity and signals a new chapter in our positive relationship with local government.

I am pleased that the committee did not agree that local government in Scotland has been neglected under devolution, but I am conscious that it agreed that there is room for improvement in the relationship between Holyrood and local government. I take the committee’s views seriously and broadly share its aspirations. It is incumbent on all of us in the Scottish Parliament to ensure that a parity of esteem between the various spheres of government is entrenched in how we work.

As we move forward, the Parliament also has a collective responsibility to listen, to work collaboratively and to empower local government. The Scottish Government has demonstrated its commitment to the principle of the charter, and the strong partnership that exists between local and central Government and the collaborative work that is done each and every day as we respond to the current crisis are testament to that.

The passing of the bill will put the strength of that relationship on to a legal footing, and I know

that my local government colleagues feel that it will create the conditions and opportunity to strengthen the relationship and engender a more inclusive working partnership.

The real, deep, intense and positive relationship that local and central Government have had during the Covid pandemic has shown how important the strength of our existing relationship is. Together, we have been able to take the practical and swift decisions that have been needed when they have been needed. We must learn lessons from our response to the pandemic and use Mr Wightman’s bill not to threaten legal action where we might disagree, but instead as a springboard to continue meaningful dialogue, understanding of one another’s points of view and, importantly, the essential collaborative work that improves outcomes for and the lives of the people of Scotland.

We are pleased to signal our support for the general principles of Mr Wightman’s bill at stage 1. I again underline our real appreciation for the huge amount of work that he has put in to get us to this stage and the further dialogue that has been enabled for the Parliament to think through what more we need to do to further empower local government and communities.

**The Presiding Officer:** I call Andy Wightman to close our debate.

16:11

**Andy Wightman:** I thank all members who have contributed to the debate. I welcome the widespread support and encouragement and the points that have been raised. I will not get drawn into some of the more political contributions, although it is notable that the charter has been a political document. I gently point out to the Conservatives that Conservative Governments from 1985 to 1997 refused to sign the charter, as they regarded it as an interference with the sovereignty of Parliament. However, I know that the Scottish Conservatives have moved on and that they support local autonomy, and I very much welcome that. I also note that the SNP white paper on independence advocated incorporation of the charter, and I welcome the fact that we will now be able to do that.

Most European countries do not need to do what I propose that we do in the bill. That is either because they have constitutional protections for local government, such as in Germany, where article 28 of the constitution guarantees political and fiscal autonomy, or because they have a monist legal system, which means that international law to which they are a signatory automatically becomes part of domestic law.

As a number of members have pointed out, however, the UK as a whole remains a very centralised state and Scotland, too, has one of the most centralised and concentrated systems of local government. In that regard, I was struck by a comment that was made in oral evidence by Councillor Malcolm Bell, the leader of Shetland Islands Council. He said:

“Scotland likes to think of itself as a very European nation, which is an aspiration that I agree with. However, in terms of its centralisation habits, Scotland is a very British nation. I think that the adoption of the bill would go a long way towards changing that perception.”—[*Official Report, Local Government and Communities Committee*, 18 November 2020; c 33.]

A number of members talked about the practical impact of the bill, including James Dornan as convener of the Local Government and Communities Committee. It is important to stress that this is principally about a culture change. John Finnie talked about heightened awareness, and it is awareness that the charter articles are law that will, I hope, improve policy making and dialogue between central and local government.

The bill will not in and of itself fix the various issues with local government that members have mentioned, but I hope that the Government will have to think carefully about whether, for example, we are indeed complying with article 9.3, on financial resources. The Council of Europe has established no judicial oversight mechanism in relation to the charter, apart from monitoring missions to member states. In 2014, the monitoring mission noted a number of positives, but also, for example, a failure to comply with article 2, on incorporation, which the bill addresses.

Alexander Stewart talked about financial powers, which is the subject of one of the main political debates that we have in Parliament about the powers of local government. Article 9 and its various sub-articles address that quite well.

The Faculty of Advocates noted issues with article 4, and Alex Cole-Hamilton mentioned his former colleague Tavish Scott arguing for a power of general competence. That is indeed a legal obligation under article 4.2.

Professor Himsworth told the committee that current arrangements for local taxation and rate-setting powers are “pretty precarious” in terms of compliance with article 9.3.

Members have hinted that the articles are drafted in broad terms and that the courts might have difficulty interpreting them. Of course, they were negotiated as broad articles so that they would be acceptable to 47 countries with very different constitutional and democratic traditions.

Unlike its more famous cousin, the European convention on human rights, which has a judicial mechanism built into it, the charter does not. There has been very little litigation in Europe on the charter. If any dispute arises—as it no doubt will in due course—and ends up in the Scottish courts, they will have the task of doing what they do day in, day out, which is interpreting statute and the articles. I am confident that, over time, the Scottish courts will have no problem in doing that.

Alison Harris mentioned low turnouts at elections. Across Europe, countries have turnouts as high as 80 per cent in many cases. Where local government has power, people take note, they participate and they benefit. David Torrance reminded us of the ancient history of local government—Kirkcaldy’s council was founded in 1582. I welcome Stewart Stevenson’s backhanded compliment, and I commend him for his astute and perceptive analysis. Rhoda Grant was right to highlight the state of local government in the Highlands, with Highland Council being a very large authority and Orkney Islands Council being a very small authority. Sarah Boyack hinted that the bill is an opportunity for a reset of relationships.

Members’ bills take quite a bit of effort, and I would like to thank my staff, Charlotte Maddix and Gillian Mackay, for their hard work and support over the past three years.

In January 2020, the Parliament voted to fly the flag of the Council of Europe outside this chamber, in recognition of the UK’s continued membership of the council and the Parliament’s commitment to human rights, democracy and the rule of law. Let us vote tonight to deliver the aspiration of campaigners for devolution and to join the rest of Europe and incorporate this important treaty into Scots law.

## Decision Time

16:17

**The Presiding Officer (Ken Macintosh):** We come to decision time. The question on the motion on the European Charter of Local Self-Government (Incorporation) (Scotland) Bill is the only one to be put as a result of today's business.

I will put the question in a second. I am conscious that members are voting online, so I am going to presume agreement. I only want members to—*[Interruption.]*

*[Inaudible.]*—in the chat box. I am aware that some members support the bill, but I want to know whether anybody does not support the bill, in which case I will have to run a vote.

I have a point of order from Edward Mountain before I have even started.

**Edward Mountain (Highlands and Islands) (Con):** On a point of order, Presiding Officer. I am sorry, but I could not hear a word of what you were saying, because somebody from broadcasting was walking all over your speech. Could you repeat what you said, please, so that we can make sure that we do the right thing?

**The Presiding Officer:** Thank you for that. I am happy to do so. The microphones came on here, too, but I thought they did so only briefly.

To confirm, there is only one question to be put, which is on the motion in the name of Andy Wightman. Before I do that, I ask members not to indicate yes if they support the bill. Those who object to the bill should put an N in the chat box. If I see more than a hundred yeses, I will not be able to find the nos. Members need to indicate only if they disagree with the question.

The question is, that motion S5M-23963, in the name of Andy Wightman, on the European Charter of Local Self-Government (Incorporation) (Scotland) Bill at stage 1, be agreed to. Members should just put an N in the chat box if they disagree.

*Motion agreed to,*

That the Parliament agrees to the general principles of the European Charter of Local Self-Government (Incorporation) (Scotland) Bill.

**The Presiding Officer:** The general principles of the bill are agreed to.

## Land Ownership History (Impact of Slavery)

**The Deputy Presiding Officer (Linda Fabiani):** Good evening, everyone. The next item of business is a members' business debate on motion S5M-23310, in the name of Alasdair Allan, on "Plantation slavery and landownership in the west Highlands and Islands: legacies and lessons". The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament welcomes the publication by Community Land Scotland of an independent research report, *Plantation slavery and landownership in the west Highlands and Islands: legacies and lessons*, by Dr Iain MacKinnon of the University of Coventry and Dr Andrew Mackillop of the University of Glasgow as part of Community Land Scotland's discussion paper series, *Land and the Common Good*; notes the conclusion that the proceeds of slave ownership, slavery-derived wealth and slave compensation payments coincided with the purchase of Highlands and Islands estates or otherwise helped maintain existing estate holdings among many established landed families; welcomes the greater understanding that it believes the report brings of the impact of slavery on patterns of Scottish land ownership history; notes the evidence that specific estate purchases have direct links to slave-related income; regrets that land purchased from the proceeds of slavery rests on the misery of breaches to the human rights of dispossessed peoples; notes that slavery-derived wealth has contributed to historic patterns of land markets that have left legacies of monopoly land ownership, depopulation and an emphasis on extractive estate management that continue to operate today, and notes the calls for a discussion of an appropriate permanent memorial for these historic connections and their impact on peoples in Africa, the Caribbean and the Highlands and Islands.

16:20

**Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP):** In February 2018, Her Majesty's Treasury issued what it would probably now concede to have been its worst-judged tweet ever. Above an image of Africans being marched in chains and below the hashtag #FridayFact, it announced brightly that

"Millions of you helped end the slave trade through your taxes."

It went on cheerfully:

"Did you know? In 1833, Britain used £20 million, 40% of its national budget, to buy freedom for all slaves in the Empire. The amount of money borrowed for the Slavery Abolition Act was so large that it wasn't paid off until 2015. Which means that living British citizens helped pay to end the slave trade."

I pause because I scarcely know where to begin—other than to add that the tweet was deleted amid a storm of outrage. Needless to say, 180 years of United Kingdom taxpayers would not have needed to pay off a Government loan, which

amounted to £16 billion in today's terms, if Britain had not built its economy on the brutalities of slavery in the first place. I should say that many Scots were as guilty as anyone else in that sorry enterprise. Many descendants of slaves have had to contribute to that bailout through their own taxes. Of course, not a penny of the money went to any of those who had been so wronged by slavery. Instead, it went to appease the slave owners, whom abolition had finally deprived of a business model.

Where did that astronomical sum of taxpayers' money go? It is no coincidence that, within 20 years of the compensation cheques being signed, Britain was suddenly covered in privately owned railways. However, the cash went somewhere else, too, as is shown in recent research by two academics, both of whom are from Hebridean backgrounds. "Plantation slavery and landownership in the west Highlands and Islands: legacies and lessons", by Dr Iain MacKinnon and Dr Andrew Mackillop, is published by Community Land Scotland and builds on work already done by Professor Sir Tom Devine, Professor James Hunter and others.

The study shows how 63 estates were bought with capital directly derived from involvement in slavery, through compensation payments or through indirect connections such as judicious marriages into slavery wealth. The majority of estates changed hands between 1790 and 1855. That, of course, is the very period in which Highland landowners evicted thousands of people from the land. Almost 1.2 million acres were involved, covering a third of the west Highlands and Islands. I do not think that that figure includes the 400,000 or so acres owned in Lewis by the Mackenzies of Seaforth, whose financial decline during the early decades of the 19th century saw them sell almost their entire estate, despite the last Lord Seaforth being governor of the slave colony of Barbados and a major slave owner in his own right. The Isle of Lewis ended up, of course, being purchased by a man who had made his money elsewhere—by selling hard drugs in China. Incidentally, he became the local member of Parliament. At least once—unsurprisingly perhaps, given his background—he was elected unopposed.

Further south in my constituency, the Gordon family, of Cluny castle in Aberdeenshire, bought up most of Uist and Barra during that period. The Wikipedia page for John Gordon makes grim reading. He

"had been a merchant in West India ... he was responsible for the expelling of tenants in the Highland Clearances from the islands. Tenants from his estates on the Outer Hebrides"—

—about 3,000 people who were expelled from the land—

"were made to emigrate to Canada in 1851. After the British government introduced the Slavery Abolition Act 1833 Gordon received a compensation payment from it"

of about £24,000, which I estimate to be around £20 million in today's money.

"His six plantations in ... Tobago had 1383 slaves."

Gordon was the Tory member of Parliament

"for Weymouth ... from 1826 to 1832."

Gordon's name is still widely despised, along with that of his daughter-in-law, Lady Emily Gordon Cathcart. After inheriting the family slave money, she forcibly removed many of her island tenants to Canada. She apparently nursed aggressively sectarian views towards her many Roman Catholic tenants, and, in 1908, she famously dragged 10 landless cottars through the courts and penal system for their part in the Vatersay land raid. The judge found that Lady Cathcart had failed in her duties as a landlord, and the island of Vatersay was subsequently bought by the Government and turned into crofts.

I could go on, Presiding Officer. The point, which the authors of the report make more succinctly than I can, is that slave money had a direct impact on the pattern of absentee land ownership that has held back the economy of many parts of the Highlands and Islands until much more recent times. Before we can fully address the inequalities and social problems that all of that has created, we probably have to understand that it did not happen by accident. To quote the motion before us:

"land purchased from the proceeds of slavery rests on the misery of breaches to the human rights of dispossessed peoples; ... slavery-derived wealth has contributed to historic patterns of land markets that have left legacies of monopoly land ownership, depopulation and an emphasis on extractive estate management that continue to operate today,"

and we note

"calls for a discussion of an appropriate permanent memorial for these historic connections and their impact on peoples in Africa, the Caribbean and the Highlands and Islands."

The bailout of the slave owners unfortunately arrived at the very moment when romantic ideas of emptiness and wilderness were becoming fashionable. The more unpeopled a landscape, the more marketable, in many cases, it suddenly became. The fallout from that is with us today in a pattern of Highland land ownership that is still concentrated in a small number of individuals—a pattern for which it is difficult to find parallels anywhere else in Europe.

Our debate today comes at a significant moment of its own, too. The Black Lives Matter movement has made us think properly, perhaps for the first time, about Scotland's part in the slave trade. It is right for us to reflect now that, whenever we say that Glasgow and many other places were built on cotton, tobacco and sugar, that is, uncomfortably, just another way of saying that they were built on slavery. The unspeakable injustices that lie behind all that have clear and lasting consequences for black lives in our own times. It is also right that we take the opportunity now to remember that the money from slavery did not disappear. Generations of taxpayers have been rewarding slave owners—and, at least arguably, their heirs—until as recently as 2015, as the Treasury's tweet reminds us.

Singling out individual villains in our history does not tell the whole story. For example, it is unsettling to think that, at one point not that long ago, every family in the UK that could afford to have a pension was probably implicated in slavery to some extent. Yet villains there undoubtedly were. Some of them bought up large swathes of the Highlands and Islands, often thanks to compensation money that was extracted from the taxpayer by means of seats in the UK Parliament. All of that, Presiding Officer, is worth pausing briefly to have a think about. I commend the motion to the chamber.

16:29

**Edward Mountain (Highlands and Islands)**

**(Con):** I refer members to my entry in the register of members' interests in that I own a 200-hectare farm in Moray. I thank Alasdair Allan for securing the debate. His debates are always informative, and I always learn from what he says.

Let us be clear: slavery was an abomination and it should always be condemned without question. Our historians are probably only just beginning to uncover how much of Scotland's past is entwined with the slave trade. Without doubt, the money that was generated from slavery will have touched many levels of Scottish society centuries ago, whether in the Highlands or through the tobacco and sugar merchants of Glasgow. We cannot change that part of our national history, but we can undoubtedly learn lessons from it, and I believe that we have done so.

Although the role of Scotland and Britain in the slave trade is a stain on our history, we should acknowledge our country's proud tradition of campaigning for an early end to slavery in the past and present. We have been a leading light against slavery since its abolition in 1833, and that continues today, most noticeably with the Modern Slavery Act 2015, which was designed to combat human trafficking.

Turning to the issue of land ownership, looking backwards sometimes prevents us from looking forward. I do not think that there is anything shameful about owning land. We should not forget that many Highland estates have changed ownership in the past 50 years. Too often, debates about land ownership lose sight of the most important thing that we should take into account, which is what we actually do with land and how it is used.

I take issue with the claim that land managers have emphasised extractive estate management practices. That is a sweeping generalisation that dismisses the hard work of land managers across the Highlands who are improving conservation techniques, whether through peatland restoration and reforestation or by protecting some of Scotland's endangered species. We need only look at the Scottish Land & Estates annual helping it happen awards to see the true extent of good land management practices that are now current throughout Scotland.

I often saw those practices when I was a land manager, and I welcome them. I saw estates providing free accommodation for local school teachers and free facilities for communities. In one case, the estate even offered to rebuild the local school to prevent the council from closing it. Those are the positives that I welcome.

I do not doubt that we have a duty to acknowledge the past and remember Scotland's links with the slave trade. However, when it comes to land reform, we should not let the discussions be stuck in the past, and we should welcome the positives. Moving the debate on from who owns what to how the land is used is critical to ensuring that we protect rural communities and the environment.

We should never forget to learn from history. To do so would be a huge mistake.

16:33

**Stuart McMillan (Greenock and Inverclyde)**

**(SNP):** At the outset, I congratulate my colleague, Dr Allan, on securing the debate.

As members will recall, last September I had a members' business debate calling for a museum for human rights to be based at the sugar warehouses in Greenock. Today's debate and the contribution from Dr Allan highlight how far-reaching the appalling activities of slavery and the transatlantic slave trade were in Scotland.

My area and the city of Glasgow are two areas that have strong links to Scotland's past dealings with slavery. Other locations, as we have heard today, also have strong connections to that past. It is beyond any doubt that our involvement in

slavery and the transatlantic slave trade is Scotland's shame. We cannot be blamed for the past, but we can certainly shape the future. Our actions in telling the story of the past are absolutely crucial.

After my members' business debate last year, which followed the Scottish Parliament agreeing to deliver a national museum to highlight Scotland's role in the slave trade and colonialism, I set up a short-life working group including the local MP, the council leader, Scottish Enterprise, Inverclyde Chamber of Commerce, West College Scotland, Creative Inverclyde, the Clyde Atlantic Trust, and the campaign to save Inchgreen dry dock. We have met on numerous occasions and have spoken to Museums Galleries Scotland and the international slavery museum in Liverpool, among many other groups and individuals.

It is clear that there is ambition to deliver something important to tell our story. It is also clear that there are a wide range of positives and negatives about whether it should be a single facility or a network of facilities. However, what is abundantly clear is that Scotland's role in that part of our shameful past was not just centralised in Glasgow or Edinburgh. Today's debate highlights how far-reaching Scotland's shame was.

Museums Galleries Scotland has a difficult task and I wish it well. Sir Geoff Palmer, who is hugely respected, is the perfect person to chair the steering group. I say "Well done" once again to Dr Allan for securing the debate. I have been pleased to speak in it.

16:35

**Rhoda Grant (Highlands and Islands) (Lab):** I congratulate Alasdair Allan on securing the debate. We should also be grateful to Community Land Scotland for publishing the research by Dr Iain MacKinnon and Dr Andrew Mackillop, revealing an aspect of our history that has been little understood.

There can be no doubt that the legal slavery from which so many humans suffered and perished stands among the most heinous of human rights abuses ever witnessed. It rightly appals us all that fellow humans were, because of their colour and their origins in a different continent, regarded by slave traders and owners as property without rights. It also defies belief that when slavery was finally abolished the abusers were compensated for the loss of their property—their human slaves. That is a low point in our history.

We all know that far too many Scots were active in the slave trade. They built their vast wealth on the back of the misery of generations of slaves and received what in today's terms amounts to

hundreds of millions of pounds in compensation when slavery was abolished. What is not widely known is that at least some of that money ended up funding the purchase of land in the Highlands and Islands. Some of those owners then engaged in the clearances of our indigenous people from that land.

We are all shaped by history. The places that we live in, the power relations within our society and disparities in wealth and privilege are shaped by history. Therefore, the slave compensation money that was paid then still resonates today. In the Highlands and Islands, a small number of people own vast tracts of land on which, down through the generations, wealth and privilege have been created in the past. Today's land ownership relates in some places to the ownership patterns that were developed from the wealth that was created from human rights abuses of slaves.

Therefore, it is a supreme irony that the law that protects those landowners' interests, which has often been cited by them to limit radical land reform, are human rights laws. Landholdings that were bought or extended using wealth that was made from human rights abuses could now be defended from ownership change on a human rights ground—the right to enjoy one's property, as enshrined in the European convention on human rights. Today's families who are the successors to those historical acts are not in any way responsible, and cannot and should not be held accountable for the acts of their forebears, but they can acknowledge them. They can acknowledge the many privileges that have, down the generations, been enjoyed from the wealth that was built on slavery.

Our history of slavery has contemporary relevance, as we come to understand better how it has shaped us. I certainly did not know in any detail about that dark aspect of our history, so I am grateful that research has been published that teaches us about it. We should build on that and use the evidence that is now available to teach our history to our own people, and we should find suitable ways of telling the story to people who visit our country. Governments can help in that, so I hope that the minister will say what he can usefully do to assist. I hope that our current landowners will see the force of their helping in that task, too.

16:39

**Angus MacDonald (Falkirk East) (SNP):** As someone who has a Hebridean background on both sides of my family, going back to Norse times, I was fascinated by the report when it came out last November, and I congratulate my colleague Alasdair Allan on bringing the debate to the chamber. I also thank Dr Iain MacKinnon and

Dr Andrew Mackillop for writing the study, and Community Land Scotland for publishing it.

As we have heard, the new study exposes the extent of the historical connection between land ownership in the west Highlands and Islands and plantation slavery in the Caribbean and North America. It also highlights how many estate owners were prominent in the infamous Highland clearances, in which thousands of people were evicted from the land. The research shows that 63 estates, amounting to almost 1.2 million acres and covering 33.5 per cent of the west Highlands and Islands, were acquired using the equivalent of more than £120 million by beneficiaries of “slavery derived wealth”. The majority—37 estates—changed hands between 1790 and 1855, which was, as Alasdair Allan pointed out, the height of the infamous clearances.

When I was growing up on the family farms just outside Stornoway, which we have been farming for just over a hundred years—and which were acquired legitimately through hard graft, I hasten to add—I was aware of dodgy connections with regard to Lews castle. It was built by Sir James Matheson, who made much of his money from the opium trade in China, which is another shameful part of Britain’s history. There is, without a doubt, much to be ashamed of.

James Matheson’s affronts to humanity are probably on a par with those of some of the subjects of the report by Dr MacKinnon and Dr Mackillop. They highlight that, either directly by family connection, or through the schemes that awarded compensation to former slave owners, around a third of the entire land mass of the west Highlands was bought with slavery-derived wealth. Members have already given a few examples of slavery-backed estates. Another example is the island of Raasay, which was bought for £27,000 in 1846 by George Rainy, using the £50,000—equivalent to £2.6 million today—that he received from the slavery abolition fund. As we heard, the slave owner John Gordon of Cluny bought Uist and Barra in 1838, before going on to force nearly 3,000 people from those islands during the 1850s. In addition, as Dr Allan highlighted, there were the Mackenzies of Seaforth.

As has been mentioned, an 1833 act of Parliament provided £20 million in compensation to slave owners, which is equivalent to more than £16 billion today. As I said, the equivalent of more than £120 million was spent on buying Highland estates. The report also states that some traditional landowners who inherited their Highland land also benefited from slavery money. The Mackenzies of Gairloch, MacLeod of MacLeod and the house of Sutherland had married into slavery-derived wealth. Cameron of Locheil and Mackintosh of Mackintosh also

“appear to have been directly involved in the plantation economy in Jamaica.”

In the 1880s, those families together held at least 690,313 acres in the counties of Ross-shire and Inverness-shire. The authors of the report calculate that at least 5,000 people were cleared from the land by the new slavery elite. The figure would have been far higher, but the study was restricted to the Hebrides from Islay northwards and the west coast of the counties of Inverness and Ross.

My colleague, the Tory MSP Donald Cameron of Locheil and I have in the past had amicable discussions in private about his family’s history in that regard. I have been—albeit indirectly—advised in the chamber to look to the future, when I have spoken about the injustice that was inflicted on our indigenous Gaelic language. I am happy to take that on board, because we need to look to the future. Nonetheless, with Hebridean genes going back 1,000 years, I can forgive to an extent, but I can never forget.

In the interests of moving forward, I highlight in closing that there is unfinished work in Parliament with regard to land reform. I was pleased to be part of the process of the bill that became the Land Reform (Scotland) Act 2016. It is the bill that I have most enjoyed working on in the 10 years for which I have been here. There was room for it to be more radical than it is, but there were constraints arising from the European convention on human rights. The Scottish Land Commission has done a lot of good work on land reform since then, but I echo the recent call from Community Land Scotland that future land sales should be subjected to a public interest test. I hope that that and other calls from Community Land Scotland can be revisited in the next session of Parliament.

16:45

**John Finnie (Highlands and Islands) (Green):**

Like others, I congratulate Dr Allan on securing the debate. I thank Doctors MacKinnon and Mackillop for their excellent report, and I thank Community Land Scotland for that and the many other things that it does. As a proud Highlander, I share the shame over the role that many people, including those from the Gàidhealtachd, played in the slave trade, and I regret my very superficial knowledge, hitherto, of the subject.

I am not an apologist for anyone involved whatever, but comparing a lowly deckhand on a ship conveying its shameful human cargo to the extended activities of the elites—the powerful brutes of landowners—is perhaps not proportionate. As with all abuses, we are discussing power. This was and this is the way of the already wealthy, the greedy: wanting more regardless of the cost—capitalism, if you will. The

landowners who valued sheep ahead of women, men and entire communities would have little difficulty putting cotton or any other commodity ahead of fellow human beings, with people in the Highlands and Islands driven to the shore, their culture not valued and their language attacked.

The Scottish Land Commission, which was established following the passage of the Land Reform (Scotland) Act 2016, made some recommendations to the Scottish Government. It suggested changes in law and policy. If we are going to be a progressive European country, there is undoubtedly a need for that to happen. My colleague Angus MacDonald spoke about a public interest test, and about a change in culture and practice, too. Those who know the Highlands will know about the deference and the sense of privilege and entitlement that some in our community have. [*Inaudible.*]—to address the impacts of concentrated land ownership and to protect rural communities from misuse of power.

Deer, grouse and pheasants are more important than communities to many of the landowners, who withhold land for building. I would like there to be more compulsory purchase to help achieve potential, as the report says.

I wrote this tract before I knew who was participating in the debate, but there are members in the chamber who own vast tracts of land and large numbers of tied properties, with the scenario of no job, no home; there are members whose influence in communities is extensive. I am not sure that the phrase “I refer to my entry in the register of interests” quite covers the extent of that power or outlines their privileged position to the casual onlooker. I can certainly understand the wish to “move the debate on” from who owns what.

Many statistics have been mentioned, but residents of the Highlands and Islands need no explanation of the role of the lairds, their property or their reach. Some of the worst examples of the clearances, the report tells us, can be found in the estates of members who were involved in the slave trade. Who would be shocked by that? Who would be shocked that a British Government would find compensation of the nature and scale that it did?

Some things never change. The Highlands and Islands remain a playground to those elites. We must maintain a focus on injustice and abuse of power, and we must take a rights-based approach to things. A colleague mentioned human trafficking, and that remains a problem, because people do not respect each other, and greed plays its part in driving decision making.

The report and the debate provide yet another opportunity for us to air what some people will

think are grievances, but this is a real-life situation. In the past couple of months I have dealt with two estate workers whose homes were going to be taken from them because they had lost their jobs. I am not talking about the 17th or 18th century; I am talking about the past few months. Some things never change—but some things are going to have to change. I thank Dr Allan for giving us this opportunity.

16:49

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

**(SNP):** I echo the words of the previous speakers, and I thank my colleague Dr Allan for bringing the motion before the Parliament for debate today. As has been said, much attention has been directed towards involvement in the slave trade recently and, as Dr Allan himself said, that has mostly been through the Black Lives Matter campaign. We should never shy away from, or deny, the fact that it touched the Highlands and Islands as much as anywhere else and is a cause for deep shame, as John Finnie has just said. I also thank Community Land Scotland and the authors of the report for such a comprehensive and important piece of work.

I know that Martin Luther King is often quoted in political circles, scholarly articles and a myriad of speeches, and that was one of the things that I had probably promised myself that I would never do, but his words,

“In the end, we will remember not the words of our enemies, but the silence of our friends”,

have real relevance to the debate and to the subject. We cannot afford to stay silent on the topic for any longer.

In June 2017, with other members of the Parliament who have done the trip over the years, I had the privilege of visiting Bosnia, as part of the Remembering Srebrenica Scotland delegation. The purpose of the trip was to gain a first-hand understanding of the atrocities and hardships that were faced by the people there, so that we would never forget what can happen even in a modern-day civilised society. One of the people who made a lasting impression on me was our local guide, Rashad, who told us:

“Please, just be aware that things can go wrong. No matter how good you think your society is, all it takes is a few idiots and a few people that are ready to follow them.”

The trip was organised by Remembering Srebrenica Scotland, in order that policy makers such as us could remember those who were affected by the atrocities of the war, and learn the lessons of that not-too-distant past.

Closer to home, many of us have forgotten the atrocities that our ancestors have been involved in, particularly in relation to the slave trade. We

have forgotten that money that was made through slavery paid for numerous construction projects in the Highlands, including the original Tain academy. It is good that we can have the debate in order to remember that.

I think that we have also forgotten that huge swathes of the Highlands were bought using the profits of slavery and were maintained by the continuing financial support of the slave trade or, as could be argued was even worse, through compensation money that was given to slave traders and owners who could no longer trade in slavery—real people.

We have forgotten the names of the slaves who were transported and barbarically treated in Guyana. Their slave names included Dingwall, Inverness, Kintail, Lewis, Ross and Sutherland.

In this emerging era of land reform, we have also forgotten, in many cases, how and why estates came to be, as has been explained through a number of speeches. From my native Caithness, one wealthy landowner who sold his lands in Scotland was then able to invest his fortune in a plantation in Guyana, and when emancipation happened he was paid more than £17,000 in compensation. That happened less than 200 years ago. While poverty and the brutal acts of the clearances were wreaking havoc across the Highlands and Islands, the rich landowners were becoming more powerful, which was in no small part down to slavery. We have forgotten, and I believe that it is vital to understand for the future policy of land reform, exactly how and why the current situation exists.

As a nation and as a legislature, we must understand where we came from and perhaps start to address the injustice of the past before we can properly move forward. A permanent memorial, as has been suggested—perhaps more than one—to remember what happened in centuries gone by is, I believe, vital in that process.

The brave women of Srebrenica had an important message for us: to remember not in hate or blame but with dignity the events of the past, in order to ensure that they never happen again. Modern Scotland has a duty not to be silent on its links to the slave trade. We should acknowledge and recognise those and, yes, should celebrate the huge steps that we have made in going forward as a country in the past 200 years.

**The Deputy Presiding Officer:** The last contribution in the open debate is from David Stewart.

16:54

**David Stewart (Highlands and Islands) (Lab):** I, too, welcome the debate, and I congratulate Alasdair Allan on bringing it before our virtual Parliament and on the quality and depth of his speech.

The rich tapestry of the history of the Highlands and Islands is complex, and the pattern of land ownership today is of course—[*Inaudible.*]. I welcome the publication of the paper “Plantation slavery and landownership in the west Highlands and Islands: legacies and lessons”, and I thank Dr MacKinnon of Coventry University and Dr Mackillop for bringing to light the new research. That has helped us all to reflect more deeply on the suffering and injustices that so many faced under the shackles of slavery across the world, particularly in North America and the Caribbean. The research is also pertinent amid the continued reflection and dialogue that have taken place in civil society since the killing of George Floyd last year.

From the research, we now know that 63 estates were purchased by individuals and families who inherited slavery-derived wealth. The land that was bought amounted to 1.2 million acres—[*Inaudible.*]. The research also found that some traditional landowners who inherited their land were beneficiaries of wealth that could be sourced through plantations in Jamaica. However, the problems associated with slavery-linked wealth were not only financial, and the academics argue that those who were involved with slavery in the Caribbean took the same dehumanising attitudes back to Scotland, thereby indirectly legitimising the clearances and—[*Inaudible.*].—in this part of the Highlands—[*Inaudible.*].

The academics also found that the same slavery beneficiaries were significant contributors to the newly imagined Highlands and Islands as a “playground for the rich”, with acres of land in which to hunt as they wished. Members will be familiar with how that dark period in Scottish history still manifests itself today, with the continuing problems of depopulation, ecological damage—[*Inaudible.*].—that exist across the Highlands and Islands. Today, it is important that we continue to recognise that and do all that we can as elected representatives to speak up for the communities, families and individuals who have been unfairly disadvantaged as a result of such events.

The motion also mentions discussions about a permanent memorial that would recognise the events and their impact in the Highlands and Islands and on people in North America, the Caribbean and Africa. That is an interesting idea, which is well worth exploring. Our links to the slave trade and how ordinary Scots suffered in the

clearances—[*Inaudible.*] It is right and important that everyone has an opportunity to learn about those events and their continued impact today.

The Highlands and Islands are my home. Learning more about injustices of the past will inform how we can act differently in the future in the best interests of both ordinary Highlanders and those across the world who suffer at the hands of landowners. As Grant Cardone said,

“If you don’t control your environment, someone else will.”

**The Deputy Presiding Officer:** I call Ben Macpherson to respond to the debate. [*Interruption.*] We seem to be having an issue with the minister’s sound. I will leave him in the hands of our broadcasting team until the issue is sorted.

I am afraid that we still are not getting sound from the minister. In order to fill the space, I will say that the debate has been one of the most interesting that I have listened to for a long time. It has been absolutely excellent, and it has made me think that I must go and read the research.

I have the option to suspend the meeting briefly. However, if it is acceptable to members, I will ask Alasdair Allan to speak again and give us his reflections on members’ contributions to the debate.

17:00

**Dr Allan:** I will do my best to fill up the four minutes, Presiding Officer.

My main observation comes from one or two members saying that we should not look back to the past. I accept the point that we should look forward, and I do not mean to suggest that every landowner in Scotland today is guilty of the practices of landowners in the past. However, the point that the report’s authors make is that the pattern of land ownership in Scotland is the product of payments that were made in 1833. When we consider where that money came from, it is not unreasonable that we ask some questions about the impact that that has had on modern Scotland.

**The Deputy Presiding Officer:** Thank you. We have the minister back, so we go over to Ben Macpherson.

17:01

**The Minister for Rural Affairs and the Natural Environment (Ben Macpherson):** Presiding Officer, I cannot hear you, but you might be able to hear me, so I will proceed. I apologise to colleagues for my part in any of the technical difficulties.

I congratulate Dr Allan on lodging the motion and securing the debate, which is an important one, and I commend members for their speeches.

Like colleagues, the Scottish Government fully recognises Scotland’s part in the historical injustices of slavery. We are determined to acknowledge those injustices and our part in them as a country, to learn from our past and the role that Scotland played, and to consider together how we move forward, as both Gail Ross and David Stewart emphasised.

In that spirit, I welcome the report by Dr MacKinnon and Dr Mackillop, which sheds light on the history behind Scotland’s patterns of land ownership and the legacy of slavery within that. We should not shy away from that legacy and what the report tells us, because the legacy is far reaching and we need to consider it as we move forward, as Stuart McMillan emphasised. The past cannot be changed, but the future can and must be, and the debate rightly focuses on that, too. The Scottish Government is deeply committed to building a better and more just society and to ensuring that we play our part, as part of the international community, in eradicating racism, inequality and injustice at home and in contributing to eradicating them around the globe.

In that regard, we have already played a part through our pioneering land reform legislation and the legacy of devolution so far. Land is beginning to be put back into the hands of local communities, and there is support for those communities to use the land. Since devolution began, we have increased the diversity of land ownership, including community ownership, and land reform measures that have been taken through the Scottish Parliament seek to tackle the many injustices associated with the historical patterns of land ownership to which the motion rightly refers.

As some members will know better than I do, in March 2016, the Scottish Parliament passed the Land Reform (Scotland) Act 2016, and we have implemented the legislation’s provisions. The 2016 act promotes responsible, diverse land ownership and addresses issues of fairness, equality and social justice connected to ownership, access and use of land by placing a statutory duty on ministers to prepare a Scottish land rights and responsibilities statement.

The 2016 act also seeks to increase transparency in land ownership—which is increasingly important—by providing powers to introduce a register of controlling interests in land, which will be set up shortly with the support of Parliament. That will ensure that communities, tenants and landowners know and understand more about who controls land in Scotland, including those from outside the UK.

The 2016 act also established the Scottish Land Commission, which, as has been mentioned, provides valuable advice to ministers on how land reform can be developed and delivered, including by encouraging culture change among those who make decisions about land. Today, the commission published a discussion paper that sets out a range of proposals for tackling the concentration of land ownership. The Government is considering those proposals.

In recent years, community right to buy and asset transfer rights have been introduced to help communities take control of assets with the potential to shape their future. Through funding from, for example, the Scottish land fund, which provides £10 million a year, communities are given much-needed financial assistance to help them achieve the community ownership that they seek. Since 2012, almost £40 million has been given to more than 240 communities to help them do just that. We have already committed to ensuring that the funding continues.

Modern-day landowners are held to a much higher standard and are much more accountable than those mentioned in the report. That is entirely correct. We have made progress, but, as Angus MacDonald rightly said, there is much more work to do. It is our duty to continue to seek ways of ensuring that our land and the way that it is used provide benefits to all people in Scotland, not just the privileged few who own such land, as John Finnie mentioned.

Let us make sure that future generations look back and judge us as having worked hard, tenaciously and effectively to redress historical wrongs, and let us dedicate our generation to building a better future for Scotland and making progress on the wrongs of the past by creating greater equality, fairness and dignity. It is up to all of us to do what we can to deliver a much fairer society in Scotland, in all policies and across all parties. That has been reflected in today's debate.

The Government fully recognises Scotland's part in historical injustices. We are determined to acknowledge and learn from our past and the role that Scotland played. We are committed to the process of land reform, which benefits everyone in our society. We are also committed to on-going consideration of the crucial role that land played in our nation's past and the crucial role that it will play in our nation's future. We look forward to collectively considering that in the months ahead, in the next session of Parliament. I am sure that members in the next session will prioritise those issues, as has been the case during this session of Parliament.

I commend Dr Allan. The Government supports the motion.

**The Deputy Presiding Officer:** Thank you. That concludes the debate on the report, "Plantation slavery and landownership in the west Highlands and Islands: legacies and lessons".

## Princess Alexandra Eye Pavilion

**The Deputy Presiding Officer (Christine Grahame):** The final item of business is a members' business debate on motion S5M-23806, in the name of Miles Briggs, on the Princess Alexandra eye pavilion. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament finds it regrettable that the Scottish Government has reportedly said that it is not in a position to fund a new eye hospital in the foreseeable future; is concerned that the removal of £45 million of funding for the replacement Princess Alexandra Eye Pavilion in Edinburgh, which is over 50 years old, has implications for the care received by patients in Lothian; understands that waiting times for routine treatments, such as for glaucoma, can be extremely long; believes that NHS Lothian has been consistently underfunded by the NRAC funding model, and notes calls both for clarity from the health secretary regarding infrastructure funding in the NHS Lothian area and for that NHS board to be fairly funded when the budget is set out in January 2021.

17:08

**Miles Briggs (Lothian) (Con):** I thank the MSPs who signed my motion, which led to my holding this members' business debate. I pay tribute to the organisations that have provided useful briefings ahead of the debate, and I thank them for their work to support blind and visually impaired people, their families and carers not only in Lothian but across Scotland.

I think that I speak for Edinburgh and Lothians representatives when I say that the decision by Scottish National Party Government ministers to cut £45 million of funding from NHS Lothian for the replacement Princess Alexandra eye pavilion came out of the blue and is concerning.

From the significant number of emails and messages that I have already received from constituents, I know that any decision to remove and close eye services in Edinburgh will not be acceptable. The initial agreement document on the redesign of eye services in NHS Lothian, including the reprovion of the eye pavilion, which the board published in 2018, makes clear that the current facilities at the pavilion are no longer fit for purpose and need to be replaced.

In recent years, significant numbers of NHS Lothian patients have received treatment in the local private sector as a result of insufficient capacity in existing services. It is clear that a replacement eye pavilion is needed to ensure that NHS Lothian is capable of meeting current and future demand and to improve the efficiency and throughput of theatres for ophthalmology, which is currently not feasible at the eye pavilion.

NHS Lothian initially evaluated nine options for future service provision. Establishing a new hospital at the Royal infirmary of Edinburgh's bioquarter site was evaluated as the optimal proposal and also scored highly when appraised against other key areas. Those included: research space so that more patients can be recruited into clinical trials, leading to better treatments and, ultimately, greater clinical effectiveness; and co-location with good research and teaching facilities, which helps to attract and retain the best clinical staff and to reduce travel between sites, thereby increasing the time available for important clinical care.

The business case for reprovion of the eye pavilion sets out other ambitions, which I believe are essential to meeting the current and future needs of people living with sight loss in Lothian and the east of Scotland. It should be a purpose-designed facility in order to make the best use of resources. Bringing significant improvement to the patient care experience should result in improved ability to respond to developments in digital imaging and will aid diagnosis and clinical reviews.

As RNIB Scotland's briefing for the debate makes clear,

"Ophthalmology is already Scotland's largest outpatient speciality. Demand for eye health services continues to increase, with more people waiting longer to be seen. Preventing avoidable sight loss is a priority for all Scottish Health Boards",

as it should be for the Scottish Government and all political parties. The briefing continues:

"Around 178,000 people in Scotland live with a significant degree of sight loss, around 4,300 of which are children and young people. This number could eventually double unless we act to prevent avoidable sight loss."

Therefore, vital local services are critical.

NHS Lothian and the east of Scotland have the fastest-growing population in the country. We know that, as well as an ageing population, additional eye care needs will be placed on our health service in future. NHS Lothian's initial impact assessment of the redesign of eye services and the reprovion of the eye pavilion reported a projected 20 per cent increase in demand for new and reviewed out-patient appointments between 2020 and 2030—that was just Lothian-wide. Between 2013 and 2030, we are expecting a 42 per cent rise in demand for in-patient and surgical day case services, of which approximately 80 per cent will be for cataract surgery.

I welcome the additional capacity for surgery at the new elective centre at St John's hospital in Livingston, which ministers have outlined. However, that provision will also be accessible by other health boards; it will not in any way provide for the closure or replacement of the eye pavilion.

On too many occasions in the past 13 years, SNP ministers' decisions to centralise and cut services have been taken without real clinical or patient consultation. I have already outlined my concerns to the cabinet secretary, and I welcome the positive engagement that she has had with me on the issue so far. However, I fear that we are already seeing that process happening with the eye pavilion.

As Sight Scotland stated in its briefing for the debate, Scotland has the potential to be

“a world leader in eye health research and ... a new eye hospital in Edinburgh, linked to existing academic and research institutions in the city”

could help to progress that goal. The pioneering research into eye disease and the clinical research that are undertaken at the eye pavilion are of vital importance and must be protected. It is groundbreaking work, which we must ensure that we progress.

I wanted to bring the debate to the chamber because, as we find ourselves in the current lockdown and in the middle of the pandemic, and with the Parliament and the public finding it more difficult than ever to scrutinise decisions, I believe that we need the cabinet secretary to pause and to rethink the closure and replacement of the eye pavilion.

I would like ministers to agree to undertake an independent assessment of all options. It would be totally unacceptable for Scotland's capital to lose its eye hospital and, indeed, for Edinburgh to become one of the few UK cities not to have an eye hospital. I hope that the cabinet secretary will take on board those concerns and understand the impact and unintended consequences that such decisions can have on patients, their families and their carers, as well as on the highly valued professionals who currently work at the eye pavilion in Edinburgh.

I look forward to hearing other members' speeches this evening.

17:15

**Sarah Boyack (Lothian) (Lab):** I am grateful to Miles Briggs for securing today's debate on the Princess Alexandra eye pavilion in Edinburgh. The issues that he raises in his motion, such as the worries about safety for patients attending the pavilion, waiting times and the chronic underfunding of NHS Lothian, reinforce how important it is for the Scottish Government to fund a replacement for the eye pavilion and not give up on it. I hope that the debate will provide convincing arguments to reverse the decision, which will have a detrimental impact on our constituents right across the Lothians.

Numerous constituents have reached out to me—I imagine that other members have experienced this—because they are concerned and worried about the withdrawal of the £45 million that is needed for the new eye pavilion, which, as RNIB Scotland said in its excellent briefing, was all set to go ahead in spring last year. NHS Lothian announced the contract on its website saying:

“The £45 million construction contract is part of a £68.5 million project procured through the Health Facilities Scotland framework, will replace the existing Princess Alexandra Eye Pavilion in Edinburgh city centre, which opened in 1969.”

It went on to say:

“It is expected the new hospital will support the delivery of a quality eye service to approximately 84,000 outpatients per year and will carry out nearly 12,000 operations per year by 2030.”

We really need to know what has changed. What has happened with that contract?

A friend who got in touch in advance of today's debate said:

“I cannot express enough that location in a central place is so important for eye medicine, emergency treatment by eye specialists and clinics”.

Her personal experience was that sight loss can happen very fast and that, because the detached retina can die in a short space of time, fast access to medical treatment is vital. About four years ago, her brother attended the Edinburgh eye pavilion at 3 am, because his eye was haemorrhaging. Being able to see an eye specialist at that time was so important. His journey to Lauriston Place took about 15 to 20 minutes and he was treated, given medication and reassured.

Some constituents have been in touch to talk about pressures of having to travel to the Golden Jubilee hospital in Glasgow. Given that, in most cases, driving is not possible following an eye treatment or when living with the side-effects of an eye problem, the journey forces them to navigate multiple buses and trains to access NHS services. That is not good enough.

According to Sight Scotland, there are 14,500 people living with sight loss in Edinburgh and nearly 12,000 people living with sight loss across the rest of the Lothians. Sight Scotland expects there to be a further 3,000 people living with sight loss in Edinburgh by 2030. It cannot be right that those living with sight loss are unable to access services in their local area. The issue is wider than simply that of physical access to healthcare. Early access to effective treatment, on-going specialist primary care and hospital treatment are crucial to ensuring that people have the support that they need to live well with sight loss. RNIB Scotland highlights the rise in sight-threatening conditions

such as diabetes, and our ageing population, which will increase the number of people affected by sight loss unless action is taken.

We must ensure that, moving out of the pandemic, we are not removing services from those who need them the most. That is austerity and it has failed across the UK. We cannot have it in Scotland. Removing vital services from those who are vulnerable is no way for us to move forward. I appreciate that the Scottish Government is facing huge challenges, but it has also overseen the underfunding of NHS Lothian over the years, via the NHS Scotland resource allocation committee—NRAC—funding model.

The removal of the £45 million funding falls short of protecting my constituents. That decision needs to be reversed as soon as possible.

**The Deputy Presiding Officer:** I call Jeremy Balfour, to be followed by Daniel Johnson.

**Jeremy Balfour (Lothian) (Con):** [*Inaudible.*]

**The Deputy Presiding Officer:** Mr Balfour, I cannot hear you. I will come back to you. I will take Daniel Johnson next. You need to log off and log back on, Mr Balfour.

Mr Johnson, I saw you a moment ago—there you are.

17:20

**Daniel Johnson (Edinburgh Southern) (Lab):** I am thankful that I am not delivering this speech by mime, given the way in which I had to vote yesterday. I sympathise with Mr Balfour.

I thank Miles Briggs for securing the debate, because Edinburgh's eye pavilion, with its specialist eye surgery unit, has been hugely important to all the people who have had to use it in recent years. I do not think that the debate would be happening if it were about any other service. I do not believe that people would stand for the loss of cancer treatment services, heart surgery or any other specialist surgery or treatment in Edinburgh. Why is eye specialism any different?

The things that the eye pavilion does are truly outstanding. The staff perform miracles: they restore people's sight. I discovered in recent months that, following a detached retina, my friend John had surgery performed at the eye pavilion that saved his sight. We cannot lose that specialism from the city.

We have to question the impacts of the dispersed model that is proposed, which will apparently see specialist surgeons travel to localities to deliver their services rather than perform their highly skilled operations in a familiar place. We have to question the disruption to

people who will have to travel to different places rather than the central location with which they are familiar—people who have lost much of their sight and who cannot drive, for obvious reasons. We have to question the impact of the loss of the critical mass of expertise and skills. We know that it is critical for specialisms that people perform operations as much as possible and that the bringing together of people who have performed more of those procedures means that they are better able to deliver successful outcomes for their patients.

The dispersed model appears to be a consequence of cost cutting, but £45 million is a drop in the ocean of health spending. The proposed option is clearly not the preferred option of the health board—as Miles Briggs set out, the board had a clear business plan and made announcements that set out how the re-provision of the pavilion would improve healthcare for people who need eye treatments—nor is it that of the professionals and surgeons, who have made it clear that they do not favour it, do not want to travel and fear the loss of expertise from that centre of excellence.

As Miles Briggs pointed out, the removal of funding will leave Edinburgh as one of the few UK cities without a specialist eye hospital or unit, and that surely cannot be tolerated.

This is a major change in the clinical model. Where is the evidence that the change will deliver what is needed? Where is the consultation with the people who provide the services or the people who will use them? Where is the negotiation with ophthalmologists and optometrists, and what are the implications of the change? What will be the impact of the closure of this central specialist eye unit?

We are seeing the destruction of a centre of excellence for budgetary reasons and a major change in clinical delivery without any substantial strategy or national consultation. How many people will lose their sight because of the loss of this key, priceless service from this city?

**The Deputy Presiding Officer:** Thank you very much, Mr Johnson. I will try again with Jeremy Balfour.

17:24

**Jeremy Balfour (Lothian) (Con):** Can you hear me now, Presiding Officer?

**The Deputy Presiding Officer:** We have lift-off, Mr Balfour.

**Jeremy Balfour:** I thank Miles Briggs for bringing the debate to Parliament this evening. The motion mostly notes that the Scottish Government is not in a position currently, or “in the

foreseeable future”, to fund a much-needed new eye hospital for NHS Lothian.

The current hospital opened in 1969 and was deemed unfit six years ago. Back in 2018, an initial agreement was approved by NHS Scotland, and work was due to begin in March last year. However, two years later, nothing has happened and, all of a sudden, the Government has announced that funding is no longer available. That setback will create numerous complications for patients in the Lothian area who require care and treatment for their eye health, considering that early diagnosis and treatment is the best way to prevent sight loss.

As we have heard, there has been talk of services moving to Livingston, but that has been a recent development and that centre was not part of the original plan. For patients who have problems with their eyes, that will mean additional unnecessary travel for treatment, which will result in their using more buses, trains or taxis. The current building, on Chalmers Street, which I visited recently, has a maintenance cost that is exceeding its budget and has many faults, including with the roof, which needs major repair. It also has inadequate accessibility, because lifts in the building keep breaking. Staff and patients find it difficult to park, and there is a worry about confidentiality due to the lack of space when meeting patients.

A reallocation to the Edinburgh bioquarter site, which is currently the home of the Royal infirmary of Edinburgh and the Royal hospital for children and young people, would ensure continuity of care from admission to treatment and out-patient services. The building would be better for patients, as it is better designed and would meet their needs. There must be scope for the building to deal with the increase in numbers that we are likely to see in Lothian over the next 10 years—around 25 per cent in the number of out-patients and up to 40 per cent in those requiring surgery—as well as for the continued development of digital imaging technology for eye care.

In his motion, my colleague Miles Briggs makes reference to the fact that NHS Lothian has been consistently underfunded by the formula for health board funding in Scotland. It is time that the Government gave NHS Lothian a fair share of the funding that is available for health, to ensure that a new, fit-for-purpose and modern eye hospital is built to give the people of the Lothian area the best possible care. Overall, the need for a new eye hospital in Edinburgh should be a priority for the Scottish Government’s health budget, and we should stop being left behind compared with other regions in Scotland.

17:28

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I join the chorus of approval for Miles Briggs’s having taken the time to make members’ business available for this important matter.

The Corstorphine community sight-loss group is likely one of the most formidable collections of individuals that one would ever to meet. They love the eye pavilion. I have visited them a couple of times and they have put me through my paces. For them, the convenience of having the eye pavilion in our nation’s capital is palpable. They are concerned—I have talked to them extensively about this, not only through casework, but because I have become quite friendly with them—that our nation’s capital losing the eye hospital represents asset stripping on a massive scale.

It has been said several times in the debate that Edinburgh would become one of the only major cities not to have a dedicated eye-care facility. As we have heard several times, the current premises on Chalmers Street were opened in 1969 and are now clearly not fit for purpose, although the facility is much loved in our nation’s capital. We all know people who rely on it and people who have used it in an emergency. I was very nearly shipped there in 2011 when my toddler eye-gouged me in a particularly rambunctious bout of horseplay, and scratched my lens with a deeply unsanitary fingernail. Thankfully, I was able to be treated by our nearest optician. It was a close-run thing, but it was reassuring to know that the eye pavilion was there.

When the facility was classed as unfit for purpose, NHS Lothian embarked on a considerable capital procurement project. As we have heard, nine different options were considered and lots of work went into the tenders. The initial agreement for the new hospital was signed off by NHS Scotland as long ago as February 2018, and a construction company was given the contract for it in July the same year.

However, out of the blue, NHS Lothian said at the start of January that it had been informed by the Scottish Government that it would no longer be funding the £45 million replacement. The reason for that is not entirely clear. I hope that, in her closing remarks, the Minister for Public Health and Sport will give members some reassurance that there is no link between that decision and what has happened with the haemorrhage of public cash through the sick kids hospital debacle, because the confluence of the two things is uncanny and troubling. I would like that to be clarified for the record.

When people have sight loss, familiarity of location really matters. For Jeane Freeman to suggest that the elective treatment sector could be

built in Livingston is devastating to people with sight loss in our community. Familiarity of location really matters to people with sight loss, because the orbit of their universe can be delineated in part by their journeys for treatment or consultation at the hospital. They know which buses to get and where to get off, and they know what road infrastructure and road furniture exists between them and the building. They are going to have to learn a whole new suite of travel in order to access a new facility out in West Lothian.

Optometrists who are known to me personally have referred to the decision as “a disaster”. As we know, demand for high-quality eye care will only grow with the city’s growth and the ageing population. I support Miles Briggs’s call for an independent consultation on the future of the eye pavilion.

One of the most compelling interventions that I have seen in the debate on the future of the eye pavilion is from the charity Sight Scotland. It says that the business case for replacing the hospital is utterly compelling, that it scored highly in relation to the research base and that more patients should be recruited into clinical trials, which would lead to better treatment. Why would we remove that opportunity from citizens in our nation’s capital?

I will finish with the words of Sight Scotland. It says:

“We are concerned not proceeding with the new eye hospital will not support the best access to treatment for patients and also risks the potential Edinburgh has to be a world leader in research and development in eye health.”

I hope that the Government will listen to the cross-party calls that are being made this evening for it to rethink its ill-fated decision and reinstate plans to design and build a new state-of-the-art eye-care facility in Edinburgh.

17:32

**Neil Findlay (Lothian) (Lab):** I am pleased that Miles Briggs has brought the subject to the chamber for debate tonight. Several members have covered the background to the issue, so I will not repeat it, but I stress that the situation is just the latest in a long line of debacles in the NHS Lothian area that have been caused by the Scottish Government’s running of our greatest public service—the national health service.

If we look at the Audit Scotland report, we see that only two out of eight waiting times were being met pre-Covid. Just this week, I have been advised that the waiting time to see a psychologist in the NHS Lothian area is 24 months. That is absolutely unacceptable, and the situation is the same across many disciplines.

Almost half of the £207 million black hole in the NHS budget is for NHS Lothian. Is that the reason for the cancellation of the project? We are still paying £1.4 million a month for a sick kids hospital that has not treated a single patient. What a scandal that is. The children’s ward at St John’s hospital is still not operating on a 24/7 basis, seven years on from the start of the problem. I say to the people who are campaigning for the eye hospital that if they do not run a diligent and vigorous campaign, it will be streamrolled and the hospital will be closed. That is the lesson from the St John’s children’s ward.

The Government is now refusing to fund the project. This is a Government that was elected on the platform of keeping healthcare local. Do members remember that? For some people, healthcare will be local, if they are in Livingston. That is a good thing; I believe in local healthcare. However, for someone travelling from the Borders or East Lothian, healthcare will not be local. It takes someone travelling from Dunbar by train two hours to make the 45-mile journey to Livingston.

Lothian has the fastest-growing population in Scotland, with 133,000 more people expected to be living there by the middle of the century. Twenty-six thousand people in the region have sight loss, and that number will increase dramatically. A 50-year-old facility simply cannot cope with that volume of demand—it cannot even cope with current demand.

We need for the NHS a funding formula that reflects population growth and accepts and remedies the fact that we have tired and inadequate infrastructure, which everyone says is not fit for purpose. Is the minister happy—I hope that she will respond to this—that more public money is leaking out of the NHS and into the private sector because of how the eye-care situation is being dealt with?

We need an NHS that is fit for the 21st century and we need services that are modern and able to cope with the demands on them. I hope that there will be a huge public reaction to the situation. I hope that we will see the anonymous civil servants and others who are advising ministers exposed, and that the decision will be overturned.

17:36

**The Minister for Public Health, Sport and Wellbeing (Mairi Gougeon):** I am grateful to Miles Briggs for raising this important issue. I know, from all the speeches that we have heard, just how strongly and passionately people feel about it, and I absolutely appreciate that. That is why I want to update members on how we are improving services.

During the pandemic, there has been amazing innovation in what healthcare can be delivered remotely and in community settings. The establishment of the Lothian emergency eye-care treatment centre, in a matter of days in April, was testament to the skills of the workforce and their willingness to deliver outstanding care, and they deserve our thanks for that.

That rate of change was only possible because of the work that was already under way to modernise and improve services. We have seen fundamental changes in recent times in how eye-care services are delivered. One really positive development is that lower-risk patients can now be safely reviewed in virtual clinics, which means that they can enjoy quality care and the convenience of being seen locally.

Many more patients are now being cared for by highly qualified optometrists in their own communities. For example, as a response to the pandemic, an additional 7,125 people in Lothian with long-term conditions will be reviewed by community optometrists over the next six to nine months. A flexible approach is being used in NHS Lothian, where optometrists are supporting the existing workforce in hospital eye services as well as reviewing some patients within community practices. NHS Lothian is also supporting a national pilot study to safely discharge lower-risk glaucoma patients to accredited community optometrists. That will provide an excellent service to patients that is also much closer to home.

New technology is changing what facilities are required to carry out some eye surgeries. For example, a cataract treatment theatre is being used in NHS Grampian for local anaesthetic cataract surgeries. With our investment in the new elective care centre in Livingston, NHS Lothian can significantly increase its theatre capacity for more complex procedures.

What is needed from an eye hospital, now and in the future, has fundamentally changed, so we have needed to look again at the eye pavilion proposal. The cost of that proposal was large: £83 million, not the £45 million that the motion suggests. As I have outlined already, there are new, better and more efficient ways of meeting eye-care requirements, so we have asked NHS Lothian to look again at its plans for eye-care services and at what it can do with its existing estate and the new elective care centre in Livingston.

We have demonstrated our readiness to invest in infrastructure where that is the right thing to do, but we have to be sure that our investments are justified by need. With the level of change and innovation that is happening just now, we no longer think that it is. I know that that decision will be disappointing to some people, and I completely

understand that, but I hope that the Parliament will understand the need to make the best use of resources and the need to keep our investment decisions under review and costs under control.

The issue of waiting times has been raised—I think that Neil Findlay mentioned them. I absolutely regret that waiting times, including for eye surgery, have increased significantly over the past year, but I think that colleagues will appreciate that that has been one of the consequences of the pandemic. We are committed to reducing waiting times as part of the national health service's recovery from the Covid pandemic, but building a new eye hospital that would not be ready for almost four years at the earliest would not reduce those waits. The most effective ways to reduce waiting times are through the measures that I have already outlined: more services being provided by community optometrists, the greater use of virtual clinics, the expansion of the use of new technology, and increasing our elective surgery capacity.

Miles Briggs's motion mentions the NRAC model and a few other members mentioned that, too. The Scottish Government's approach has been to move health boards towards their NRAC share gradually over a number of years. To move NHS Lothian to its NRAC share would require an equivalent reduction in funding for other boards. I highlight that the NRAC formula is an objective measure that is updated annually and that it is not clear on what other objective measure NHS Lothian should receive more or at whose expense that should be. NRAC is simply not relevant to the funding of major infrastructure projects. They are funded and prioritised on the basis of need for investment. The NRAC formula is not used for them.

I have already mentioned the new elective care centre in Livingston. That will provide elective surgery in a much more convenient location for the residents of West Lothian and will help to provide the elective surgery capacity that we need for the future.

That is not the only example of the Scottish Government's investment in Lothian's health infrastructure. In 2017, we opened the £45 million phase 1 of the new Royal Edinburgh hospital and, last October, the £69 million East Lothian community hospital was completed. The construction of the new sick kids hospital, which is already hosting services, will be completed imminently, and we are spending over £20 million on upgrading the Edinburgh cancer centre. I absolutely refute any suggestion that NHS Lothian is not receiving its share of infrastructure investment.

In conclusion, I highlight and reiterate that the way that eye-care services are delivered is

changing and will continue to change. We are moving further and faster towards convenient care closer to home, wherever possible. The measures that I have outlined will improve those services for patients and deliver care closer to their homes.

We have a responsibility to ensure that our investments are future proof. Sometimes, that means that expensive infrastructure projects are simply not the right investments to make. We will continue to work closely with NHS Lothian to make sure that eye-care services are provided effectively and to get waiting times down as soon as it is safe to do that.

*Meeting closed at 17:43.*



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