SOCIAL JUSTICE COMMITTEE

Wednesday 25 April 2001
(*Morning*)

Session 1

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SOCIAL JUSTICE COMMITTEE
13th Meeting 2001, Session 1

CONVENER

*Johann Lamont (Glasgow Pollok) (Lab)

DEPUTY CONVENER

*Ms Sandra White (Glasgow) (SNP)

COMMITTEE MEMBERS

*Brian Adam (North-East Scotland) (SNP)
*Bill Aitken (Glasgow) (Con)
*Robert Brown (Glasgow) (LD)
*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)
*Karen Whitefield (Airdrie and Shotts) (Lab)

*attended

THE FOLLOWING ALSO ATTENDED:

Jackie Baillie (Minister for Social Justice)
Ms Margaret Curran (Deputy Minister for Social Justice)
Mr Kenneth Gibson (Glasgow) (SNP)
Fiona Hyslop (Lothians) (SNP)
Tommy Sheridan (Glasgow) (SSP)

CLERK TO THE COMMITTEE

Lee Bridges

SENIOR ASSISTANT CLERK

Mary Dinsdale

ASSISTANT CLERK

Rodger Evans

LOCATION

Committee Room 2

Scottish Parliament

Social Justice Committee

Wednesday 25 April 2001

(*Morning*)

[THE CONVENER *opened the meeting at 09:35*]

Housing (Scotland) Bill: Stage 2

The Convener (Johann Lamont): Welcome to this meeting of the Social Justice Committee. We may get to know each other quite well by the end of this process. The first item to discuss is the timetabling of future meetings to consider the Housing (Scotland) Bill at stage 2.

Brian Adam (North-East Scotland) (SNP): Before we get to that—

The Convener: Sorry, we will deal with item 1 first.

Brian Adam: Convener, I—

The Convener: No, I ask you to bide your time. You have raised an issue with me that we will deal with later, but I want to deal with the timetabling of the bill first. With respect, that is the item that is on the agenda.

It will be evident to everyone who was at the last meeting that the timetabling was not sufficient for us to overtake the business. We need to look at how we can deal with the business to ensure that we meet the timetable that has been laid down. I want our discussion to be brief. I do not want it to go on and on with everybody consulting their diaries and arguing about when they would be available.

I think that there would be a general acceptance that we need to hold two meetings a week rather than one—if we define a meeting as taking place between half-past 9 and 1 o'clock. Since people have commitments to other committees, we have looked at the possibility of meeting on a Tuesday afternoon and a Wednesday morning. The one difficulty is that we are unable to define that as one meeting. We could not adjourn on the Tuesday night and resume on a Wednesday morning. That creates the difficulty that we then have two groupings and two marshalled lists, which creates extra work for the clerks. The other alternative would be to meet all day on a Tuesday. However, a number of people have important commitments; for instance, Robert Brown has to attend the Scottish Parliamentary Corporate Body meeting on a Tuesday morning.

I am happy to discuss this, but I think it is reasonable to propose to the committee that we arrange a meeting for next Tuesday afternoon and next Wednesday morning. The two meetings would be separate and members would be entitled to lodge amendments until the appropriate deadlines. However, people could recognise that the two meetings are coming one upon the other and be considerate to the clerks in lodging amendments. Next week, we could reflect on how effective that arrangement has been, particularly for the clerks. There is no doubt that members have sufficient time to lodge amendments. The difficulty is managing the information once it comes in and getting it back out again.

That proposal is reasonable, but I am happy to have some discussion on it.

Brian Adam: I understand the desire and the need to make progress with the bill. It is not just Robert Brown who has a problem on a Tuesday. Bill Aitken and I are involved with the Parliamentary Bureau, and that is something that we ought to be involved in. The bureau meetings can take some time, so a Tuesday afternoon is out as far as Bill Aitken and I are concerned.

I am also concerned about the idea that there would be plenty of time for members to lodge amendments. We need time not only to consider the bill in detail and draft the appropriate amendments, but to give consideration to the amendments that have been published in other people's names so that we can give a considered view on them. I am not at all keen on the idea of having back-to-back meetings on two days.

At an early point, I raised concerns about the stage 2 timetabling, which is unrealistic. We already have about 285 amendments and we are less than 20 per cent of the way through the bill. We ought not to move towards twice-weekly meetings—certainly not on the basis that the convener has suggested. We need to extend the timetable. Scottish Parliament bills do not fall at the end of each year, so there is no great rush. We want to get the bill right.

Ms Sandra White (Glasgow) (SNP): I do not want to reiterate what Brian Adam and Robert Brown have said, but members should think back to the beginning of the process. That was when I joined the committee, and at that time we said that it was not possible for the bill to go through on the short timetable that was expected of us. One of the avenues that we explored at that time was that, if we felt that the timetabling was too short to give proper attention to the bill, we would ask the Parliamentary Bureau to seek Parliament's agreement for the time to be extended. Our agreement on that was minuted and we continue to have that option.

I do not have the committee commitments that Brian Adam, Robert Brown and Bill Aitken have on Tuesdays, but my constituency commitments mean that I would not be able to make it on a Tuesday. For us to have two meetings each week is completely unrealistic. Apart from the problems that that would give to members, it will also give problems to staff, including the clerks. Last night we had meetings until 8.30 pm. I did not receive these papers until this morning. That time scale does not give us enough time to look at the groupings. If we have two meetings each week, the clerks and the members will be overloaded.

The Executive has had two years to prepare the bill but, with the timetabling starting at the beginning of December, we have not had much time to consider it because of the Christmas holidays. We are just back from the Easter recess and we are now being asked to look at having two meetings each week. I will let the convener in if she comes back to me.

The Convener: I do not want us to rehearse another discussion about the timetable for the bill as it was introduced. That is something that has been well aired at the committee. I want to make it clear that Tuesday, Wednesday and Thursday are days that fall in Parliament time. It is legitimate to ask members to be available on those days. I was a member of the Education, Culture and Sport Committee during the Scottish Qualifications Authority inquiry. We recognised the importance of that inquiry being completed early, and so we sat on a number of Mondays. I appreciate that it is more difficult to ask members to come in on a Monday, but it is clear that Tuesday, Wednesday and Thursday are all days that fall in Parliament time. We are trying to manage the timetabling of the bill in those set days.

There are issues to do with the corporate body and the Parliamentary Bureau. I am an alternate member of the bureau but, as distinct from those who are full members of that body, none of the alternate members has speaking rights. I will call Bill Aitken and then Robert Brown.

Ms White: Convener, your interruption meant that I was unable to finish what I was saying.

The Convener: I am asking members to discuss a specific question about the timetabling so that we can come to a conclusion—

Ms White: No, the convener interrupted me and I was good enough to let her in. The convener mentioned that members have other commitments on Tuesdays, and it may be that those with constituency commitments have them as a result of committee involvement. The Parliament does not sit on Tuesdays, only on Wednesdays and Thursdays. We are talking about the timetable, but the bill is an important bill and we do not want to rush it through without looking at it properly. The convener said that she wanted a discussion about the extension of the timetable to two meetings each week. We are now having a proper discussion and we cannot have that cut short.

The Convener: I ask Sandra White to clarify whether her position is that we do not meet twice each week.

Ms White: Yes.

The Convener: Okay.

Bill Aitken (Glasgow) (Con): I was not at the last meeting, but the report that I have indicates that progress was tortuous, to say the least.

The Convener: It was extremely well-convened torture. [*Laughter.*]

Bill Aitken: What is at issue this morning is how we manage the timetabling difficulty that faces us. I would find it virtually impossible to do the Tuesday stints. I recognise that we have to get the bill through as expeditiously as possible, but it is beginning to look as if the timetable is creating a difficulty. I am reluctant to sit on a Tuesday, but I would not object strongly to doing an occasional Monday stint to try and catch up. I would even agree to sit all day on a Monday from time to time. However, I do not think that sitting twice a week, with the second meeting being on a Tuesday, is an acceptable way forward.

Robert Brown (Glasgow) (LD): I have no difficulty with the concept of meeting twice a week. The bill is important and it is important that it be got through, if at all possible, by the summer break. Having said that, members' needs have to be accommodated. I find myself disappointed by Sandra White's approach, which I do not think is helpful, as we are perfectly able to accommodate two committee meetings each week.

The committee has frequently met on Mondays and Fridays and has occasionally met on Tuesdays. It has always been accepted that, if necessary, priority has to be given in parliamentary business to getting matters such as this dealt with. I had understood that I was the only one who had a problem with a Tuesday morning. A number of important issues come up at SPCB meetings and I am reluctant to be absent. I am not certain about the position of colleagues on Tuesday afternoons. If they are all alternate members of the Parliamentary Bureau, I would have thought that, against the greater demands of the bill, that was accommodable. If that is a problem, I have no difficulty with Monday or Friday.

09:45

I am a bit concerned about the difficulties with

back-to-back meetings and the marshalled lists. With the good will of colleagues, we could get over that if we did not lodge late amendments—that would mean that we could have one marshalled list. The clerks are the only ones who would suffer if we did not keep to that. It would not cause impossible problems to members, and I hope that that can be dealt with. Indeed, I hope that the Procedures Committee—or whoever has responsibility for this—could consider the difficulties that we are being caused by the late time scales and the inability to have back-to-back meetings.

We should decide on the principle of the two meetings—that is perfectly reasonable—then consider how to bring that about week by week in a way that best suits members. None of us likes it. We will have to deal with a general election in which some of us have interests in various capacities. However, this is our first priority.

Ms White: That was a cheap swipe.

The Convener: Sorry?

Ms White: May I come in?

The Convener: No.

Ms White: Oh.

The Convener: Can we have a bit of discipline here?

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): We have spent 15 minutes discussing how we will meet. Our time is scarce and I am not sure that we are using it wisely. I support much of what Robert Brown has said, so I will not repeat it in detail. Like him, I find it unfortunate that the standing orders do not allow us to issue one marshalled list for two meetings.

In response to the argument about members who are in the Parliamentary Bureau, the convener has said that substitutes are possible. I agree with the convener that we should meet on Tuesday afternoon and Wednesday next week. I appreciate the work that goes into preparing marshalled lists. If the task of preparing two marshalled lists proves to be too onerous, we might agree to meet on a Tuesday and continue until we complete our business. I understand that the standing orders permit that.

Karen Whitefield (Airdrie and Shotts) (Lab): It is important that the committee meets twice a week so that we get through the business. The committee has been preparing for the Housing (Scotland) Bill for some time. Those of us who have been here for the past two years are well aware of the amount of work that the committee has done in preparation. I take great exception to the suggestion that we are unable fully to consider amendments. I have been heavily lobbied by outside organisations about what they would like the bill to contain. The amendments that are on our marshalled list are no surprise to any of us. We are aware of the arguments for and against them. It is not necessary for us to have weeks and weeks to consider them. It is more important that we get through the business.

Mr Kenneth Gibson (Glasgow) (SNP): Convener—

Bill Aitken: The clerk could advise us whether there is another solution to this. Perhaps it would be possible to obtain the permission of the Parliament to meet while the Parliament is meeting. That would mean that we could meet on a Wednesday afternoon or a Thursday morning. That might be the answer.

Mr Gibson: The—

The Convener: I will not allow you to come in on this discussion, Kenny. This is a matter for members of the committee.

Mr Gibson: Convener—

The Convener: I will not call you, Kenny, so you must be quiet.

Can we move on? I am conscious of time, so I put a proposal to you.

Ms White: Convener—

The Convener: The key issue here is whether we want to meet twice a week. Some people do not want to move at that pace; others do. Once we have agreed in principle to meet twice a week, it is a matter of sharing the pain of that among committee members. My suggestion is that we meet on Tuesday afternoon or Wednesday morning next week and see how that goes, but that we then consider meeting all day Tuesday or perhaps Monday subsequently. The convener and the clerks will produce a proposed timetable for discussion. Just now, however, we have to decide, in principle, whether the committee is willing to meet twice a week.

Ms White: You proposed that the committee should meet two times a week. I put forward a counter-proposal that the committee should meet once a week and should approach the Parliamentary Bureau to ask for an extension of the Housing (Scotland) Bill timetable. I propose that because the bill is important and we must get it right. I do not think that the timetable will allow us to get it right.

The Convener: Your proposal is a direct negative to mine. Committee members may vote for one meeting or for two meetings a week.

I propose that the committee agree, in principle, to meet twice a week during consideration of stage 2. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
White, Sandra (Glasgow) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0. My proposal is carried.

I suggest that, next week, we meet on Tuesday afternoon and Wednesday morning—

Mr Gibson: Can I make a point on that matter?

The Convener: No, you cannot. You are here to contribute to stage 2.

Mr Gibson: But I have 90 amendments to the Housing (Scotland) Bill and I have to attend another committee meeting at the exact same time that you suggest that this committee should meet next week.

The Convener: I already indicated that you could not make a point. It is not helpful if you just make your comment anyway.

Mr Gibson: Nor is it helpful if you will not listen to what I have to say.

The Convener: I ask you to come to order.

It is for the committee to decide when it meets. Clearly, no matter when we meet there will be conflicts with other committees. We have agreed to meet twice a week. My suggestion is that, next week, we meet on Tuesday afternoon and Wednesday morning. At that time, the clerks and I will produce a proposed timetable of meetings that will enable us to share that pain. It will include the possibility of meeting on some Mondays and of having a late session on a Tuesday. We will find out if it is possible for us to meet while the Parliament is meeting in the chamber. Unless there is a change of rules, however, that would prove difficult as, quite rightly, people would say that they were being prevented from participating in the work of the chamber.

Ms White: I want to make a comment. I do not know why everyone is sighing as everyone has an interest in this matter; at least we are independent members and are able to put forward our own independent suggestions. Convener, you put forward a proposal that we meet twice a week. I wish to put forward another proposal that we meet on a Wednesday night.

The Convener: That is an appropriate matter to raise when we discuss the timetable.

Ms White: Convener—

The Convener: I have already indicated—

Ms White: Convener—

The Convener: We are not having a discussion about diary dates—

Ms White: Convener—

The Convener: Sandra!

Ms White: Convener, if you were an independent convener, you would let people speak.

The Convener: Sandra, would you be quiet.

Ms White: No, I will not be quiet.

The Convener: In that case, I will rule you out of order.

Ms White: On a point of order.

The Convener: What is your point of order?

Ms White: I am putting forward an alternative proposal to the one that you have put forward. You did not mention meeting on a Wednesday or a Thursday night.

Cathie Craigie: Neither did you.

Ms White: Yes I did, if you had listened.

The Convener: I will clarify my position, as this discussion is not helpful to anyone, given the importance of the business that we are trying to deal with.

We have agreed in principle that we will meet twice a week. The clerks and I will produce a proposed timetable that will need to be agreed by the committee. Nothing will be ruled out of that timetable as we have made clear that we want to share the pain to ensure that nobody's other commitments suffer too much. Sandra White's suggestion that we meet on Wednesday night will either be included in the proposed timetable or can be discussed when we discuss the timetable. Nothing has been ruled out at this point.

I suggest that we move on to deal with the bill.

Brian Adam: In the light of the fact that two or even three of the members would be inconvenienced by having a meeting on Tuesday afternoon as opposed to one member being inconvenienced by the other suggestion—and I stress that I have no desire to exclude Robert Brown—and the fact that going from Tuesday night to Wednesday morning will be more painful than going from Tuesday morning to Wednesday morning, why can we not inconvenience the minimum number of members on the first

occasion, having accepted that the committee has decided to have two meetings a week?

The Convener: I made it clear that there is a commitment to share the pain. It is therefore reasonable to suggest that we start off next week with meetings on Tuesday afternoon and Wednesday morning and move on from there.

Cathie Craigie: On a point of order. Only a few minutes ago, we voted on when we would meet next week—

Ms White: That was not what we voted on.

The Convener: I clarify for Cathie Craigie that the vote did not concern that. The vote was on whether the committee should meet twice a week. However, unless we move on a bit more quickly, we will be meeting three times a week. I make it clear that we will meet twice a week.

A timetable will be produced next week with options for sharing that pain. I have made a commitment that the pain will be shared. I suggest that the first bit of pain should go to those who are members of the Scottish Parliamentary Corporate Body and that we should meet on Tuesday afternoon and Wednesday morning. If that is agreed, perhaps we can move on to agenda item 2. Is that agreed?

Robert Brown: Will you confirm, for members' diaries, next week's meetings?

The Convener: Tuesday's meeting will start at 1.30 and Wednesday's meeting will start at 9.30. Is that agreed?

Brian Adam: No. May I propose an alternative?

The Convener: No. I will not accept an alternative.

Brian Adam: But—

The Convener: Fair enough. On you go.

Brian Adam: As I accept that your intention is that we share the pain, my suggestion is that we meet on Monday or Friday. That would not put out any member who has other meetings on Tuesdays.

The Convener: We are talking only about next week. The first bit of pain will be for those who are members of the SPCB. Later, those members who have heavy commitments in their constituencies on Mondays and Fridays will share the pain. The only debate that we are having concerns who will feel the pain first. To be frank, that is a waste of time. We will move on.

Brian Adam: I am following normal procedure. You moved a motion. I wish to exercise the right to move an amendment to that. That is not unreasonable.

The Convener: I accept that I am being unreasonable. I had not realised that it was necessary to make the position formal. I propose that we meet on Tuesday afternoon and Wednesday morning next week, with a commitment that a timetable will be presented. What is the alternative proposal? We can vote on my motion and the proposal.

Brian Adam: I suggest that we give over the whole of next Monday to the bill. That will give us the opportunity to make more progress on the bill. I also suggest that we consider further a timetable.

The Convener: I clarify that not voting to meet on Monday next week does not mean that we can never meet on Mondays. Later, a proposal to meet on a Monday may be made. I propose that the committee meet on Tuesday afternoon and Wednesday morning next week and that a suggested timetable for the remainder of stage 2 consideration be considered at the next meeting. If that motion falls, I will put Brian Adam's proposal that we meet on Monday to the vote. If members wish to meet on Monday, they should oppose my proposal. Are we agreed to my proposal?

Members: No.

The Convener: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
White, Sandra (Glasgow) (SNP)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0.

Therefore, we agree to meet on Tuesday afternoon and Wednesday morning next week. However, as I said, there is a commitment to share the pain among committee members.

We will move on to agenda item 2.

Brian Adam: At the beginning of the meeting, convener, you did not allow me to raise an issue.

The Convener: I will deal with that issue now. When we started stage 2 of the bill, I clarified the process. I am sure that all members are well aware of the system for stage 2. However, I will make one point that responds to the issue that Brian Adam raised, but which I do not intend to discuss. He asked about the convener's casting vote. I clarify that the convener has absolute discretion as to how the casting vote is used. At the previous meeting, I told members of the logic behind the way in which I would apply the casting vote. I was under no obligation to do that. My

decision is not open to challenge. If members are unhappy about that discretion, that is a matter for the Procedures Committee. I do not intend to discuss the issue here.

Brian Adam: As you suggested that the issue is for the Procedures Committee, are you recommending that we refer it to that committee?

The Convener: I am not recommending that. I will not discuss the convener's casting vote. That is not a matter for the committee. If members are concerned about it, they should raise it with the Procedures Committee.

We will move on.

Brian Adam: In that case—

The Convener: I rule the issue out of order. I am not having a discussion about it.

Brian Adam: I will refer the matter to the Procedures Committee.

The Convener: That is fine. The issue is not a matter for this committee and we will not discuss it. If you wish to raise the issue with the Procedures Committee, that is up to you.

Ms White: On a point of order.

The Convener: Is it about the convener's casting vote?

Ms White: Yes.

The Convener: That is not a matter for discussion in this committee. The issue is not an agenda item and I rule it out of order.

Ms White: On a point of order.

The Convener: What is the point of order?

Ms White: You say that the issue is not a matter for the committee, yet you used a casting vote against the committee's spirit.

The Convener: I will clarify again. It is not for the committee to deliberate on how I use the casting vote, nor to decide whether I have a casting vote or whether I have discretion—that is laid down in standing orders. If members are unhappy with the general rule that the convener has discretion, or with the way in which I have used that discretion, they can raise the matter with the Procedures Committee.

We will move on.

Ms White: On a point of order. It might help the convener and members of the committee who seem to feel that it does not matter what the convener does, as long as he or she agrees with them, if I remind them of what the convener said. I quote:

"It may be useful to the committee if I state at the outset of this stage 2 process"—

The Convener: Is this a point of order?

Ms White: It is.

The Convener: Can you tell me what the point of order is?

Ms White: You continued:

"should there be a tie, I will use my casting vote to maintain the status quo of the bill."—[*Official Report*, 4 April 2001; c 1948.]

The Convener: Will you tell me what the point of order is?

Ms White: That is the point of order.

The Convener: Let me be clear. We are not having—

Ms White: That is a point of order.

The Convener: Clarify what the point of order is.

Ms White: I am clarifying for you and members of the committee why Brian Adam wrote to you and to the Presiding Officer.

10:00

The Convener: That is not a point of order. I call you to order and we move to the next item on the agenda.

Mr Gibson: On a point of order. You talked about the standing orders. Section 2.3 of the guidance states:

"it would not be within the spirit of the CSG principles for conveners to use their position to gain unfair party political advantage".

Our concern is that that is what happened on this occasion.

The Convener: I have already said that that is not a matter for the committee. If members are unhappy with the general rule that the convener has absolute discretion or with the way in which I have used that power, they should raise it not in this committee, but with the Procedures Committee. I will not have further discussion of the matter. We will move on.

Section 3—Homeless persons and persons threatened with homelessness

The Convener: The first group of amendments deals with the interim duty to accommodate. Amendment 89 is in a group on its own. I ask Robert Brown to speak to and move the amendment.

Robert Brown: The amendment has undue prominence. Amendment 89 relates to section 29 of the Housing (Scotland) Act 1987, on the interim duty to accommodate, and is designed to firm up the issues that should be considered by a local

authority. The amendment is not prescriptive, but suggests only that local authorities take account of certain things, although I recognise the limits of available housing and all the rest of it.

The background to the amendment is a theme to which I will return with other amendments—the need to sustain tenancies. Figures from a study in Edinburgh suggest that 42 per cent of tenancies rented under homeless persons arrangements lapse or are given up within about 24 weeks. If that is anything like typical, it is a major cause of concern and a major waste of resources. In the situations we are discussing, temporary accommodation leads to permanent accommodation. It is important that we try to get it right. If we can do that, we might be able to help to reduce the poorish figures on long-term sustainment of tenancies. I therefore ask the committee to agree to the amendment.

I move amendment 89.

Ms White: I recognise how well-intentioned amendment 89 is, but I ask Robert Brown to clarify a few points. One of my worries is that the amendment relates to emergency housing accommodation. I know that Robert Brown said that the amendment is not prescriptive, but I wonder whether taking account of applicants' employment, social and other specific needs will hold up applications.

Brian Adam: I wonder whether Robert Brown's amendment is to the right section of the bill. As it relates to emergency provision, it should perhaps be considered at another point. Even if the intention was that the proposal would not relate to emergency situations, it seems that an awful lot needs to be considered before accommodation is found. I am sympathetic to the general idea, but the amendment perhaps does not quite deliver what Robert Brown intended.

The Minister for Social Justice (Jackie Baillie): We have no problem with what Robert Brown is trying to do, but we believe that the amendment is to the wrong section. We accept entirely that he is trying to secure the best possible accommodation and service for homelessness applicants, but there comes a point when the practicalities must be recognised. The crucial point about interim accommodation is that it provides basic shelter while applicants' needs are properly assessed. The accommodation is emergency accommodation and the assessment will follow. Because we feel that the emergency accommodation should be accessed quickly, we do not believe that amendment 89 is appropriate and we ask Robert Brown to withdraw it.

The Convener: I ask Robert Brown to wind up and to indicate whether he intends to press or to withdraw his amendment.

Robert Brown: I intend to press amendment 89. I accept the validity of most of the points that have been made against amendment 89 but, as I said, it is not intended to be prescriptive. Temporary accommodation can be used for a number of months. If we consider the interests of children, disruption of schooling can be significant. Employment and other issues are important in sustaining long-term tenancies. Although, at the stage of temporary accommodation, speed might be the most important consideration, councils ought also to consider those other issues. They should consider the available stock of housing and the urgent need for temporary accommodation to which the minister referred.

The Convener: The question is, that amendment 89 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Brown, Robert (Glasgow) (LD)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)
White, Sandra (Glasgow) (SNP)

The Convener: The result of the division is: For 1, Against 6, Abstentions 0.

Amendment 89 disagreed to.

Robert Brown: That was a bad start.

The Convener: But it was done quickly, Robert, so take some good from it.

The next group of amendments is on the duty to prioritise the interests of children. Amendment 86, in the name of Robert Brown, has been grouped with amendments 90 and 91, which are also in his name. I ask Robert Brown to move amendment 86 and to speak to all the amendments in the group.

Robert Brown: The general issues of the needs of children, and childproofing, have been raised before. If the minister is prepared to give the same undertaking as was given previously—that the Executive will consider this issue throughout the bill—I am prepared not to move the amendments at this stage.

The Convener: You must move the first one.

Robert Brown: All right.

I move amendment 86.

Brian Adam: To aid our discussion, could we have some clarification from the minister on the effect of the Children (Scotland) Act 1995, which I think is now pretty well in force? Is that act

sufficient in itself to take care of the principles that lie behind Robert Brown's amendments? If it is, we might be able to make progress on a number of amendments without having great debates on them.

Jackie Baillie: Concerns have been expressed that the Children (Scotland) Act 1995 does not deal adequately with the matter. In order to meet the guarantees that we gave when we discussed the matter previously, we want to insert a specific section so that there can be no doubt about the crossover that we would require.

Although we have enormous sympathy for amendments 90 and 91, and we guarantee to address those issues at stage 3 along the lines that we have indicated, we will not accept amendment 86. I could explain the reasons for that in detail if required. Shall I do that?

The Convener: This is your only chance.

Jackie Baillie: Oh, really? Thank you—I thought that I could come back in on this issue several times. On amendment 86, I am not certain that it is entirely practical to take account of children's needs in every instance. I go back to the points on short-term, emergency accommodation—the accommodation that people get at the point of crisis. I accept fully the underlying principles of having to consider children's educational and social needs, of having to involve other networks, and of having to ensure that accommodation is appropriate for their needs. However, we are talking about emergency and crisis accommodation, and we do not feel that assessment should properly take place at that point; it should take place later.

The Convener: I ask Robert Brown to wind up and to say whether he intends to press or to withdraw amendment 86.

Robert Brown: I have only one point to make in winding up. The Children (Scotland) Act 1995 might well deal with some of the issues in broad terms but, bearing in mind the fact that the bill contains instructions to local authorities, there is merit in including in the bill the particular considerations that should be taken into account as authorities consider the decisions. With that in mind, and against the assurances of the convener, I do not move the amendment.

The Convener: You have moved it, so you must press or withdraw it.

Amendment 86, by agreement, withdrawn.

The Convener: The other amendments in the group will be dealt with later.

I call amendment 40, in the name of Kenny Gibson, which is grouped with amendments 41, 159 and 13. I ask Kenny to move amendment 40 and to speak to the other amendments in the group.

Mr Gibson: Thank you.

As a member of the Local Government Committee, which discussed the bill at stage 1, I am pleased to speak to amendment 40, but I regret that I will not be able to participate in the committee's meeting next Tuesday. Amendment 40 would give local authorities 14 days from determination of homelessness to find permanent accommodation for a homeless person. A number of local authorities of different political persuasions have suggested that there should be a maximum of only seven days. Those authorities believe that an appropriate offer could be made efficiently and swiftly in that time scale. However, I included 14 days in the amendment to allow leeway and to encourage early decisions by local authorities.

I move amendment 40.

Jackie Baillie: Amendment 41 deals with the same issue as amendment 39, to which the committee agreed unanimously at the previous meeting. It is one of a collection of Executive amendments that address the conflict between the permanent accommodation duty and tenants who are the subject of anti-social behaviour orders. We seek to broaden the definition of permanent accommodation to include the probationary tenancy. That would allow local authorities to discharge their duties by securing such tenancies.

Robert Brown: On amendment 40, I have some sympathy with where Kenny Gibson is coming from but I think that, because of the different availability of housing, the time scale is too tight. I have no difficulty with the Executive's amendment 41. On the two amendments that I lodged, amendment 159 would simply deal with the slightly anomalous position of co-operative housing associations and allow the potential for duties to be exercised by allocations in such housing, where appropriate. It is a relatively marginal matter, but it should be included in order to widen the issue.

Amendment 13 concerns the sustainability of tenancies. It is important that we consider that in a two-track way. We have all accepted that a permanent accommodation principle is the way forward, but in instances that involve teenagers, people who have had drug problems and so on, we must consider the likelihood of success. The intention of amendment 13 is to try to link the nature of the tenancy with support services and—against the background of what I said earlier—the likelihood of the tenancy being permanently sustained at a later date.

Brian Adam: On amendment 13, there already exist in many places facilities for that kind of supported accommodation. Allowing councils to

place a homeless person in supported accommodation until they can sustain a tenancy alone is a significant and worthwhile addition to the bill. I am happy to support all the amendments in this group.

We have had regular debates about time scales. Such a debate might apply here. Weaknesses in the bill include its lack of mention of time scales and, perhaps, its over-reliance on guidance and goodwill. Amendment 40, which would give a fairly tight time scale for councils to accommodate people, is worth while. Like others, I have some background in local government and know that it does not always manage to move itself without some kind of constraint along the lines that Kenny Gibson suggests.

Karen Whitefield: I have some concerns about amendment 40. I appreciate Kenny Gibson's concerns and I think that we would all want to have homeless people housed as quickly as possible, but I am concerned that the time limits would suggest that any accommodation should be found, rather than the best accommodation. Homeless people sometimes have complex needs and require supported help. Sometimes, the right type of accommodation would not be deliverable in 14 days. Such a time limit might result in a situation in which we are not genuinely meeting all the needs of a homeless person in attempting to find him or her a home.

10:15

Jackie Baillie: The general view of the task force and of the vast majority of people who work in homelessness is that the attachment of statutory time limits to the provision of accommodation is counterproductive. Such limits mean that we would run the risk of creating a situation in which providing any accommodation would be better than providing appropriate accommodation. Our view is that the priority must be to secure appropriate accommodation. In some complex cases, that might take more time. Even if there was a statutory time limit, we think that 14 days would be wholly impractical and unrealistic. We must recognise the complex needs that must be addressed. I merely note that Shelter Scotland's view on amendment 40 is that the amendment might adversely affect homeless people. We therefore argue that amendment 40 should be rejected.

Amendment 159 seems to be an attempt to ensure that accommodation that is provided by co-operative housing associations can be secured by a local authority in satisfying its homelessness duties. We have no particular problem with the theory behind that. The issue has already been recognised by the Executive and we are addressing it in the amendments that cover co-operative housing associations in the Scottish secure tenancy. The Executive's amendments mean that a Scottish secure tenancy that was provided by such a housing association would satisfy the permanent accommodation duty. That would also avoid the one drawback of amendment 159: that any accommodation provided by a co-op, no matter how temporary, would satisfy the local authority's duty to secure permanent accommodation. I am sure that members agree that that would not be acceptable.

I appreciate entirely what Robert Brown is trying to achieve with amendment 13, but we do not think that it is necessary. The bill already deals with that issue in a way that protects people's rights. Section 3(5) enables regulations to be made to suspend the permanent accommodation duty in particular situations, including the sorts of situations that Robert Brown described. He is trying to go into greater detail in the bill but, as members will know, our position is fairly consistent on that. We believe that his is the wrong approach, but I can assure Robert Brown that a sub-group of the homelessness task force has started to consider the issue and is trying to get to grips with the complexities of the matter. I do not think that, in the space of a few minutes at this meeting, we should try to replicate that group's considered work. I therefore ask Robert Brown not to press amendments 13 and 159, and I ask the committee not to agree to amendment 40 and to accept amendment 41.

The Convener: I invite Kenny Gibson to wind up and to indicate whether he intends to press or withdraw amendment 40.

Mr Gibson: I will press amendment 40. I understand the concerns that members have expressed about the complex problems that many homeless people have. Everybody wants appropriate permanent accommodation to be provided but, unfortunately, it never seems to arrive for some homeless people. In discussions that I have had with local authorities, I have heard that councils are well able to address such matters within seven days. Amendment 40 stipulates 14 days to give some leeway to allow local authorities to focus specifically on the issue and to galvanise them into action.

The Convener: The question is, that amendment 40 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 40 disagreed to.

Amendment 41 moved—[Jackie Baillie]—and agreed to.

Amendment 159 not moved.

The Convener: Amendment 13, in the name of Robert Brown, has already been debated with amendment 40. Does Robert Brown want to move it?

Robert Brown: It is important that the matter should be on the face of the bill. Amendment 13 would not prejudice the general ability to make further regulations.

I move amendment 13.

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

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Brown, Robert (Glasgow) (LD)
White, Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 13 disagreed to.

Amendment 90 not moved.

The Convener: I call amendment 42, in the name of the minister, which is grouped with amendment 15. The amendments deal with the duties towards persons who are found to be threatened with homelessness. I ask the minister to speak to both amendments and to move amendment 42.

Jackie Baillie: Amendment 42 is a technical amendment. It seeks to clarify that accommodation that is secured to discharge a homelessness duty should be reasonable to occupy. If accommodation is not reasonable to occupy, the occupant will be homeless. Some doubt was cast previously on the link between the duties to secure accommodation and this aspect of the homelessness definition. We hope that the amendment clarifies that. We believe there is such a link between accommodation duties and the definition that is given in section 24 of the Housing (Scotland) Act 1987.

On amendment 15, although I applaud—as always—Robert Brown's intentions, I think that he will agree that the Executive amendment 42 addresses the first part of amendment 15. We have genuine concerns that "social needs" is far too broad and imprecise a concept for legislation. I suspect that the courts would find it difficult to interpret.

The code of guidance—which we feel is the most appropriate way of addressing the issue—encourages local authorities to take account of the particular circumstances of the applicant when they offer the applicant accommodation. In securing accommodation, we should recognise that homeless people need to be placed in housing that is not remote from their families or friends and that is not distant from schools, places of employment and social networks. I accept that the code of guidance could usefully be revised to emphasise that what amendment 15 calls "social needs" must be taken account of when housing is being allocated to homeless people.

I hope that that commitment will enable Robert Brown not to move amendment 15. "Social needs" is, I regret, insufficiently clear and precise to be captured in legislation.

I move amendment 42.

Robert Brown: There are problems of definition in this general area. "Special needs" in section 3(4)(b)(ii)(b) is not defined anywhere. "Social needs" was used to distinguish such needs from disabled needs or matters of that sort. The term "social needs" looks towards the need for schooling, for travel to work and the other things to which the minister has referred. I agree that it might be better to deal with the issue in the code of guidance. Against the assurance that the minister has given, I will not move amendment 15.

Brian Adam: The intention behind both amendments is worthy and worth while. The minister highlighted the fact that it is difficult to define "social needs", but it is also difficult to define "reasonable". Jackie Baillie's view about what is reasonable accommodation might not be the same as my view or the views of the homeless individuals concerned.

I look forward to the day when the minister says that an amendment is good and that the Executive agrees with it and will accept it—or even that the minor technical points will be rectified and that the Executive will lodge an amendment at the next stage. Perhaps that day will come.

I have no problem with amendment 42, but the arguments that the minister advanced against Robert Brown's amendment 15, in terms of special

needs, are just as valid against amendment 42, in her name. How will the minister define what is reasonable in those circumstances? Will that be addressed in the guidance?

Ms White: I feel much the same as Brian Adam. Both amendments are fine. The issue is the definition of "reasonable" and, as the minister said, "social needs". I cannot reiterate everything that Brian said, because that would be pointless, but will there be guidance for councils on what is reasonable? Will the homelessness task force take that over? That would seem reasonable, but as has been said, what is reasonable to you or I may not be reasonable to somebody else, or the other way round. I am sure that the issue will be raised again at stage 3, but I would like some clarification on the definition of "reasonable".

Jackie Baillie: If members refer to the current guidance, they will see that it sets out terms in which it would be reasonable to occupy a house. We are happy to re-examine that to ensure that we have addressed everything. I take it that Brian Adam was not accusing this minister of unreasonable behaviour at the previous committee meeting.

Amendment 42 agreed to.

Amendments 15 and 91 not moved.

The Convener: Amendment 43, in the name of the minister, on the referral of applications, is grouped with amendment 92.

Jackie Baillie: Amendment 43 is, in essence, a technical amendment, which will tidy up section 34 of the Housing (Scotland) Act 1987. The amendment addresses the fact that the accommodation duties under that section of the act are not currently duties to secure permanent accommodation. The amendment will ensure that the Executive delivers a fully comprehensive repair of what was known as the Awua judgment.

Amendment 92 seeks to make changes to the arrangements for the referral of homelessness cases in relation to local connection, when domestic violence is an issue. I will be interested to hear whether the amendment is based on practical evidence of the inadequacy of the current legislation, or whether it concerns local authority practice.

The important issue is to ensure that people cannot be referred if there is a risk of domestic violence, including the threat of violence. That is the current legislative position. The fact that somebody once experienced domestic violence in a particular area is perhaps not important. Let me tell you why: I mean that the assessment of risk, not the geography, should be the determining factor. For example, an abuser may have moved away or may have died. In that case, the geographical connection is not of primary importance; of primary importance is the continuation of the threat of violence.

I hope that Fiona Hyslop will recognise that the current legislative position is sufficient and will not move amendment 92. This time, I will remember to move my amendment.

I move amendment 43.

The Convener: You are learning.

Fiona Hyslop (Lothians) (SNP): With amendment 43, yet again, we are back on the Housing (Scotland) Act 1987.

I am concerned by how much time the committee will have to spend on tidying up the bill, bearing in mind that we waited two years for it to be produced. Concerns were expressed previously about how much time will be taken up on assessing all the amendments. I recognise the need to tidy up the bill, which is why amendment 43 exists, but I would have hoped that the tidying-up would have been done by the time that the bill was published. I hope that we will not have too much tidying-up to do in future.

I appreciate the minister's comments on amendment 92. The amendment was lodged from the point of view of examining current practice and concerns the assessment of risk. An issue that has been raised with me is the practical experience of the subjectivity of officers in assessing risk. The points about women who have experienced, or are threatened with, violence are perhaps easier to prove in practice, because of legal remedies having been sought that would make it easier for assessments to be made. The amendment seeks to allow proper assessment of risk to be made by using proof. It is easier to provide evidence of previous experience or threats when previous legal action has been taken. That is a practical solution that may help to remove some of the subjectivity that is currently involved in decision making. That is the spirit in which I lodged amendment 92.

10:30

Cathie Craigie: I accept what the minister says and I oppose amendment 92. From experience, I know that the existing legislation and guidance work. They work very well where local authorities work hand in hand with Women's Aid, without having to look to court decisions or any legal remedy to back them up. People are taking into account practical and real experiences, especially of women and their families who have requested moves from one area to another because of the threat of violence. Amendment 92 is unnecessary, as the existing legal provision and guidance works on the ground.

Jackie Baillie: In our view, it is necessary to tidy up section 34; amendment 43 is important for the rights of homeless people. I am sure that Fiona Hyslop did not intend to suggest that we should leave things as they are and not improve the rights of homeless people.

We believe strongly that amendment 92 is not required. It concerns a practice issue, which is being taken forward by the partnership on domestic abuse. We will ensure that connections are made between the partnership on domestic abuse and the regulator, who, at the end of the process, will have a view on practice issues. We urge the committee to accept amendment 43 and to resist amendment 92.

Amendment 43 agreed to.

Amendment 92 moved—[Fiona Hyslop].

The Convener: The question is, that amendment 92 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 92 disagreed to.

The Convener: Amendment 16, in the name of Robert Brown, on the power to make regulations on homelessness, is grouped on its own.

Robert Brown: Amendment 16 addresses a long-standing source of concern for homelessness groups and proposes a change in the phraseology of section 37 of the Housing (Scotland) Act 1987 to make the code of guidance, which has been referred to several times, statutory and defined under statutory instrument. The amendment is supported by a number of people who are concerned about the code of guidance. Over the years, there has been a question mark over councils' commitment to follow the code of guidance, which is only advisory.

The amendment would also allow recourse to judicial review to people who were affected if statutory instruments were not followed by councils at a later stage—a right that is not available at the moment, as the guidance is only advisory. The amendment is reasonable and I hope that the minister will accept it.

I move amendment 16.

Brian Adam: Having listened to Robert Brown, I am not sure why we need amendment 16. If specific problems exist, why cannot they be dealt with in the bill? I am not convinced that there is evidence that the provision is required. Any specific examples of unforeseen circumstances that need to be addressed should be dealt with directly in the bill, instead of by the granting of powers to make regulations.

Jackie Baillie: Although I respect Robert Brown's position, I do not believe that it is practical to replace the code of guidance, which is well over 100 pages long, with a series of regulations. Guidance provides a lot of flexibility and a much more satisfactory way of dealing with the complexities of the real-life situations in which local authorities have to operate.

Furthermore, Robert Brown's objective in amendment 16 is achieved by the bill's existing provisions. Section 70 makes it clear that compliance with guidance on homelessness will be a key factor in determining whether a local authority is providing an adequate service. Regulating the bill's provisions on homelessness will be a priority for the new executive agency. The regulator will examine carefully how the guidance is being implemented and, if necessary, will take action to rectify poor performance.

I am quite interested by the fact that some of Robert Brown's other amendments seek to introduce guidance that gives powers to Scottish ministers, whereas amendment 16 removes ministers' powers to issue guidance on the whole of part 2 of the Housing (Scotland) Act 1987. However, I hope that my comments reassure Robert Brown and that he will be prepared to withdraw amendment 16.

Robert Brown: I am partially, but not entirely, reassured. It is perfectly true that section 70 provides powers of guidance; indeed, I think that those powers are such that, even if the powers under section 37 of the 1987 act were removed by amendment 16, the powers under section 70 would still exist across the bill. The central point that—with great respect—Brian Adam did not fully understand is that powers of guidance already exist. I am trying to replace those powers with powers to provide statutory instrument regulation, which would make it a legal requirement instead of an advisory matter; as such, it would be incumbent on councils to carry things through. In a sense, the difference between the minister and me is technical; the provision that is outlined in amendment 16 would give immediate rights to people affected in certain circumstances, whereas the Executive's regulatory arrangements will come in later. It is quite important that we do not get left with battles between public authorities, and we

should remember that the individuals who are affected have rights. Against that background, I will press amendment 16.

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

Members: No.

The Convener: There will be a division.

FOR

Brown, Robert (Glasgow) (LD)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
White, Sandra (Glasgow) (SNP)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 1, Against 6, Abstentions 0.

Amendment 16 disagreed to.

Section 3, as amended, agreed to.

After section 3

The Convener: If members have not been paying attention, this will get complicated. Amendment 160, in the name of Jackie Baillie, is grouped with amendments 160A, 160B, 160C, 24, 24A and 24B.

Jackie Baillie: Thank you, convener. I was listening.

Amendment 160 introduces new arrangements for the review of decisions made by local authorities on applications under the homelessness legislation. The current code of guidance says that local authorities should provide internal review procedures for homelessness decisions. Those reviews should, obviously, be performed by people who were not involved in the original decision. Local authorities are required to have regard to the code of guidance and we understand that most—but, critically, not all—have internal review arrangements.

Our amendment will require all local authorities to set up procedures for internal review. Moreover, those procedures will be monitored by the new executive agency as part of its checks on how local authorities perform their homelessness functions. Therefore, we feel—[*Interruption.*]

10:39

Meeting suspended.

10:47

On resuming—

The Convener: For clarification, I confirm that we will continue with amendment 160.

Jackie Baillie: I will resume where I left off. Amendment 160 will require all local authorities to set up review procedures. As I said earlier, those procedures will be monitored by the executive agency as part of its checks on the way that local authorities perform their homelessness functions. The Executive sees that as a significant step forward in extending the rights of homeless people.

I draw the committee's attention to the fact that amendment 160 provides for notification to be given to homeless people on their right of review and to the advice and assistance that will be made available. Someone who was not involved in the original decision and who is senior to the person who took that decision must conduct the review. The amendment also provides for temporary accommodation to be made available, if required, during the period of the review. That change was made in response to the point made by Robert Brown in his amendment 160B.

Robert Brown's amendments 24 and 160C go beyond amendment 160B, specifically with the proposed provision for an independent assessor to assist the senior official conducting the internal review. I want to make it clear that that statutory requirement would apply to all review cases, whether they were major or minor. The Executive's view is that the involvement of an independent assessor would significantly complicate and extend the review process. Arrangements for the appointment of independent assessors—there is scope for dispute about who is independent—would therefore need to be put in place. The senior official and the assessor would need to get together and any dispute between them would need to be resolved. Regrettably, all that would take time and would add to the delay in completing the review.

We want to encourage quick decisions on homelessness matters, not to create additional bureaucracy. We do not seek to preclude the informal involvement of an independent party, where appropriate, but it would be inappropriate to create a formal procedure for independent external consideration of every case. We are therefore not persuaded that an independent assessor is necessary or appropriate.

I urge the committee to recognise the robust review system that the Executive proposes in amendment 160 and to reject the other proposals, which would increase bureaucracy and the time taken to complete each review.

I move amendment 160.

Brian Adam: On a point of order, convener. My list of groupings of amendments suggests that we are considering amendments 160, 160A, 160B, 160C, 24, 24A and 24B. Should not the grouping include amendments 44, 44A and 44B?

The Convener: I have asked the clerks for clarification. Amendment 160 replaced amendment 44, which no longer exists.

Brian Adam: Have amendments 44A and 44B gone too?

The Convener: Yes.

I call Robert Brown to speak to and move amendment 160A. As it is an amendment to an amendment, it must be moved.

Robert Brown: Sorry, will you repeat that?

The Convener: I warned you to listen. I asked you to speak to and move amendment 160A. It is not the lead amendment, but it must be moved because it is an amendment to an amendment.

Robert Brown: I will speak generally about the position. As the minister is aware, I have pressed this issue for some time. My original proposal would have allowed an appeal to the sheriff court. I have been persuaded that the additional bureaucracy that that might involve would make it inappropriate for inclusion in the bill. However, I think that a robust mechanism must be in place.

Amendment 160 makes an advance, but I am bound to say that it contains many words that do not amount to much. It is helpful that the obligation to provide appeal mechanisms will be placed on all councils—only 27 of the 32 councils provide them at the moment, so it is a move forward—but all amendment 160 would do is pass the decision to someone higher up the hierarchy. As we know from experiences with educational placement request reviews and other forms of review, the likelihood of change in that context is not great.

An independent element is key. I am not hung up about the precise procedure. I tried to draft my amendments in a minimalist form, so that the decision remained that of the housing official. The procedure that I suggest would comprise two elements. The first is an independent element, such as an assessor. Other people may have better suggestions about that. The second is a right—in subsection (2A) proposed by amendment 160C—for the applicant to participate in the proceedings. At present, the review is on paper. A representation is made and it is left to the official to make the decision. The applicant plays no further part in the procedure. As at Glasgow City Council's review body for repair issues, the tenant or applicant should be entitled to a hearing if they want one.

Those are minimum requirements for the robust mechanism the minister talked about. I left the detail for ministers to deal with in guidance, because the detail can follow once the principle is agreed. I am extremely disappointed that ministers have not seen fit to accept the independent element and the right to a hearing in the appeals mechanism, which I will pursue further.

My proposals deal with the situation of homeless people. I accept that it can often be difficult to satisfy the homelessness requirements, but that should be no excuse for us to take from homeless people the rights of civil society that exist in all other legal mechanisms. The additional regulations that I am suggesting would put right the deficiencies in the scheme that the Executive proposes.

On a practical note, I am prepared to deal with the situation by accepting the Executive's amendment 160, rather than pressing amendment 24, which largely replicates amendment 160. I think that the wording of my amendment is better, but that is another matter.

In the committee's stage 1 report, we talked about an "effective and independent" review mechanism, but that is not what the Executive is proposing. I hope that committee members will stick by the decision they took during stage 1 and press ministers to produce a more satisfactory proposal.

I move amendment 160A.

Fiona Hyslop: We are now into the marathon amendments of this marathon bill. It is important that decisions are reviewed. Robert Brown stated his case well: in the stage 1 report, the committee correctly identified the need for an independent review, and I support amendment 24.

Amendments 24A and 24B would amend amendment 24, which is Robert Brown's attempt to introduce the review of decisions. His proposals contrast with those of the Executive, which are to be found in amendment 160.

We must consider the burdens on local authorities, but we must also consider individuals' right to an independent review. I welcome the proposal in amendment 24 to seek the views of independent assessors. In relation to the involvement of senior council officials in reviews, I recall from our previous discussion that members expressed the view that we must consider the seniority of housing officers involved in such reviews. I hope that Robert Brown will consider pressing amendment 24.

My amendments propose practical changes to tidy up amendment 24. Amendment 24A proposes that when local authorities review decisions, it should be done within 10 working days—

specifying a time scale of 10 working days is a far more practical solution and it makes sense to avoid counting weekends, public holidays or Easter, for example.

Amendment 24B comes back to the age-old consideration of how much should be included in the bill and how much should be published in the guidance the minister referred to. We were previously reassured by the minister when she agreed to present that guidance to the committee so that the Parliament has an opportunity to consider it.

Where amendment 24 proposes that

"Scottish ministers may issue guidance"

amendment 24B proposes that that should be done within three months of the section coming into force. I am prepared to listen to technical arguments about what can be done in a bill to anticipate events, but amendment 24B makes the case for guidance to be produced within three months of the bill coming into force.

Robert Brown is quite right—the wording in the bill should be a bit simpler. I would prefer members to pursue amendment 24 than to support amendment 160.

Bill Aitken: There is merit in amendment 160, but I find it surprising that what it proposes was not in the original draft of the bill. Having said that, I am prepared to accept amendment 160.

It is important that determinations in relation to homeless persons should be fair, equitable and speedy. That is why I have some concerns about amendment 24. There is an arguable case for independent intervention at some point, but, at the same time, that must be weighed against the fact that that would, without doubt, cause delays in the resolution of those difficulties. Therefore, I am not inclined to support amendment 24.

Bearing in mind the complexities of the requirements of the European convention on human rights, I seek reassurance from the minister that amendment 160 has been checked to ensure that it is ECHR compliant.

11:00

Brian Adam: It is interesting that amendment 44 was withdrawn and we are now considering another amendment. Had we made the progress that the committee had initially intended, we would not have been dealing with amendment 160; it would have come at stage 3. I do not want to revisit the debate that we had earlier, but the Executive had the opportunity, at an early stage, to introduce something worth while. Having said that, I prefer amendment 24. I hope that the principles that the committee set out in its stage 1 report will be adhered to. Amendment 160 makes a stab at the issues, but I prefer amendment 24.

Will the minister clarify what the guidance might be on the seniority of the officer who will review decisions? Are we talking about someone who is fairly well removed from the decision making process—in other words, not the immediate supervisor of the person who made the decision? Should the guidance not have a grandfather clause, stipulating that the person who reviews decisions has to be perhaps two grades away, or from an unrelated area, so that the judgment is simply on whether the decision was fair?

Bill Aitken's point that the procedure in amendment 24 might be cumbersome and not speedy may have some weight, but the opportunity to appeal even to the sheriff court—which would undoubtedly make things even less speedy—might at least be worthy of consideration. I support amendment 24. I am reluctant to support amendment 160 because I do not think it quite gives the independence the committee sought and that Robert Brown has caught very well in amendment 24.

Cathie Craigie: I support amendment 160. It offers a review of procedure that can—and, I am sure, will—be independent. Some of the comments from around the table today have called into question the ability of senior officers in local authorities to carry out independent reviews; I cannot agree with that view.

When we consider amendment 24, we should remember the evidence the committee has taken, particularly the evidence from people who are involved with the homeless persons review group. They said that it is important to make decisions quickly. Another tier of bureaucracy will delay decisions. Amendment 160 offers a period of 21 days during which a person can call for a review, whereas amendment 24 stipulates that they can do that "within 10 days", which imposes quite a tight time scale if they want to take some advice before proceeding. I therefore support amendment 160. Robert Brown suggested that it says a lot but does not do very much. I feel that it will take us forward and let us deal quickly with the difficulties of the applicant and of the person who made the original decision.

Ms White: Amendment 160 replaces the old amendment 44. As Bill Aitken said, a clearer form of the amendment should have been in at the drafting stage. Although I welcome the fact that amendment 160 has been introduced—it is much better than amendment 44 was—I do not agree with everything about it. One point on which I disagree with Cathie Craigie concerns the seniority of the officer. I prefer amendment 24 on that point. It talks about an independent assessor, which would be fairer to homeless people.

Cathie Craigie talked about the time scale. We know that it is important that homeless people are seen to quickly, which is why having a time scale such as the 10-working-day limit that amendment 24A suggests is fairer than not having one. I would like clarification on the matter of seniority. I trust council officers as much as anyone else. We had a debate on the subject of homeless people going to citizens advice bureaux. At stage 1, we agreed to that principle but, at stage 2, it was disagreed to. Independent advice was thought to be preferable. It is much better to take into account that independent advice and the seniority of the official conducting the review.

I welcome amendment 160C, which is an improvement on old amendment 44. I apologise to Brian Adam, but I think that Robert Brown's amendment does the job much better.

Jackie Baillie: We should not lose sight of the fact that the focus should be on getting the decision right in the first place. However, when that has not happened, we believe that it is critical to the homeless person to make quick decisions on the review of the case. That is the reason for our dislike of additional and often time-consuming measures that add to the procedures for the review.

We are not suggesting that Robert Brown's underlying intent is wrong; we believe that what he suggests should not apply to all cases irrespective of whether they are major and complex or minor and simple. We intended to pick up on the matter in guidance to ensure that local authorities can use their discretion in accessing the independent element if they have to deal with particularly complex cases. That would provide flexibility and speed and would target the resource better.

I say to Bill Aitken that we have checked to ensure ECHR compliance. We want to ensure that the procedures are fair, that judicial review continues to be possible and that access is available to the local government ombudsman.

I say to Brian Adam that there will be guidance on who will be the senior officer. Obviously, we will make clear that that senior officer needs to be disconnected from the original decision and should be further up the local government food chain than the officer who made the decision. That will be covered in the guidance that we have made a commitment to bring before the committee.

We do not think that it is necessary to make specific references to written or verbal representations at a hearing as both are already recognised as being necessary in a review. The current code of guidance states that

"the applicant should have the right to be accompanied by a friend, adviser or legal representative"

and recommends that the applicant should be able to make verbal as well as written representations.

I recognise the strength of feeling on the issue but I stress that we are all trying to head in the same direction and that we are trying to make the system work effectively and quickly in the interests of homeless people. On that basis, we ask the committee to support amendment 160. If the proposers of the amendments to it and of the other amendments in the group feel that they still want to press their amendments, I ask the committee to oppose them.

Robert Brown: I intend to press amendment 160A. I accept what the minister says about the possibility of having other remedies and the provisions that will be in the code of guidance, but if what she says is the case, the argument about the independent assessor, which touches on time delays and bureaucracy, flies out of the window. I do not think that the proposal would achieve its aims and the experience of organisations supports my view.

I do not accept Cathie Craigie's comments. I accept that the vast bulk of council officials are well intentioned and try to do their job to the best of their ability, but any of us who has experience of councils realise that, from time to time, things can go wrong, people can go off beam, council officials can be trammelled in the system and the necessary independent element, which does not exist under the present proposal, can be lost.

It is important that the independent element should be encapsulated in the bill and that the details of that element should be put into guidance. The independent element should not vanish into the guidance element.

Against that background, although it is not really germane to amendment 160A—which is just a tactical tidying-up amendment—I move the amendment.

The Convener: It has already been moved.

Brian Adam: On a point of order, can I have some guidance on how to deal with the amendments?

The Convener: I will give guidance. You can then tell me whether it is clear.

Brian Adam: Okay.

The Convener: Robert Brown's amendments will be taken in turn as they stand as amendments to amendment 160. That is why he was asked to move amendment 160A at the beginning of the debate. He has indicated that he wishes to press the amendment. We will go through amendments 160A, 160B and 160C and then vote on amendment 160 as amended or unamended, depending on the outcome. Amendments 24, 24A

and 24B will be dealt with later in the marshalled list.

Brian Adam: If amendment 160, amended or unamended, is agreed to, does amendment 24 fall?

The Convener: No. If there were a pre-emption, you would have been informed of that. If, as a consequence of amendment 160, amendment 24 would fall, I would have said that. That information is given before a vote.

The question is, that amendment 160A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
White, Sandra (Glasgow) (SNP)

AGAINST

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 160A agreed to.

The Convener: I invite Robert Brown to move amendment 160B, which has been debated with amendment 160A.

Robert Brown: On a point of clarification, convener. I forgot to take up the point, but I think the minister mentioned that amendment 160B is covered by amendment 160. Can it be pointed out where it is covered? I could not immediately determine that.

The Convener: If the amendment is competent, you have to decide whether you wish to move it.

Robert Brown: I am trying to clarify whether amendment 160B is already covered by amendment 160. That is a straightforward clarification.

Jackie Baillie: My understanding is that it is in proposed subsection (1).

Robert Brown: In paragraph (b), under "Review of decisions"?

Jackie Baillie: Yes.

Robert Brown: In that case, I do not wish move amendment 160B.

Amendment 160B not moved.

Amendment 160C moved—[Robert Brown].

The Convener: The question is, that amendment 160C be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Brown, Robert (Glasgow) (LD)
White, Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 160C disagreed to.

The Convener: The question is, that amendment 160, as amended, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
White, Sandra (Glasgow) (SNP)

AGAINST

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 160, as amended, agreed to.

Section 4—Duty of registered social landlord to provide accommodation

The Convener: We now come to amendment 161, which is grouped with amendments 45, 93, 162 and 114. If it is agreed to, amendment 45 will pre-empt amendments 93 and 162, which will then not be called. If amendment 93 is agreed to, amendment 162 will be pre-empted.

I invite Robert Brown to move amendment 161 and speak to the other amendments in the group.

Robert Brown: I am gathering my thoughts and trying to keep track of where we are.

The Convener: Can you gather them quickly?

Robert Brown: Amendment 161 is designed to widen the circumstances in which, where temporary accommodation is required, a request can be made to a registered social landlord. The amendment aims to take in other parts of the Housing (Scotland) Act 1987 where temporary accommodation is an issue. It is a facilitating amendment to widen the duty that is placed on registered social landlords in that regard.

I have lost the other amendments. Can I have guidance as to where amendment 162 is?

11:15

The Convener: It is in section 4, page 3, line 26.

Robert Brown: No. I mean where it is in the marshalled list.

The Convener: It is on page 6.

Robert Brown: I see it. I had gone past it.

Amendment 162 follows the same scheme and is designed to ensure that, in addition to the Scottish secure tenancy for permanent accommodation, the temporary accommodation requirement be followed through as an obligation.

A number of local authorities—in particular, Glasgow City Council—have a good record of providing accommodation in non-priority cases, but that is not necessarily replicated throughout Scotland. There will be a need for access to more temporary accommodation as a result of the bill. Amendment 162 is designed to facilitate that to some degree.

I have nothing to say on the other amendments at this point.

I move amendment 161.

Jackie Baillie: I can deal with amendment 45 briefly. It is linked to amendment 115, which is in the next group and is part of our group of amendments on homelessness and anti-social behaviour, of which the committee has already been supportive.

The other amendments in this group deal with the workings of section 4. Some have expressed worries about how homelessness will be tackled if local authorities have little or no housing stock of their own. That issue was examined in depth by the new housing partnership steering group and the homelessness task force. Section 4 implements their recommendations.

The measures in section 4 ensure that homeless people are not disadvantaged and do not become the victim of a breakdown in communication or co-operation between two organisations, but they are not intended as a step-by-step guide for local authorities on how to get accommodation from an RSL and neither they should be. Nothing can replace the value of co-operation and understanding at a local level—I looked at Bill Aitken when I said that; that is quite bizarre—with each partner knowing what is expected of them and what they expect of each other. Local authorities and RSLs will need to work together as effectively as possible and reach agreement, based on model contracts and the homelessness strategies, on how they will do so.

That means improved and explicit co-operation, more trust, more day-to-day contact and more shared local strategic priorities. We are keen to ensure that the bill supports that co-operation rather than harms it. For instance, if the relationship between local authorities and RSLs is dominated by statutory duties and obligations, that will lead to a compliance culture, not a true partnership. That is why the statutory duties section in section 4 concentrates on the main priorities, not the day-to-day operations.

Bearing that in mind, we are clear that the terms of amendment 93 are completely unacceptable. That amendment seems to suggest that the allocation policies of individual RSLs will take precedence over the needs of homeless people to access accommodation. The priority must be that homeless people get accommodation; RSLs must play a full part in that. That is the principle behind section 4; amendment 93 would severely weaken that position.

I will run through amendments 114, 161 and 162 quickly. We need to be clear about the different types of accommodation that can be secured under the homelessness legislation, and the best way to secure them. First there is interim accommodation which, as I explained earlier, is provided before an assessment is completed.

Secondly, there is other temporary accommodation, which is secured as part of the minimum package of support for homeless people who are assessed as not being in priority need, or who are in priority need but are intentionally homeless. Finally, permanent accommodation is secured for unintentionally homeless people in priority need who may also require temporary accommodation before the permanent accommodation becomes available.

The task force envisages that local authorities should have statutory back-up to ensure that when they require RSLs to provide permanent accommodation for unintentionally homeless people in priority need, RSLs will need to comply. I believe that Karen Whitefield suggested that temporary accommodation for those people should be included in that request. I accept her point, as there may be cases, albeit a few, where temporary accommodation is needed, for example when the local authority requires accommodation in the period before permanent accommodation becomes available.

While we continue to believe that, generally, temporary accommodation should be secured on a more strategic basis by local authorities—we are making £27 million available over the next three years to do that—we accept the basic premise of Karen Whitefield's argument. However, we will have to recast amendment 45 to make the argument fit in the bill. I therefore propose that the

Executive consider this issue with a view to lodging a suitable amendment at stage 3. I hope that Karen Whitefield will accept that commitment.

The principle of amendment 162 appears to be the same as that of amendment 114. We accept its intention also, but it is important to emphasise for the avoidance of doubt that it should be for the local authority to request either permanent or temporary accommodation, not for the RSL to be able to comply with the request for permanent accommodation by giving temporary accommodation.

Regretfully, we do not agree with Robert Brown's proposal in amendment 161 that the statutory requests be extended to all types of accommodation for all categories of homeless people. Aside from being impractical, given the high turnover and constant use of temporary accommodation, it would discourage local authorities from taking a strategic approach to ensuring the availability of temporary and interim accommodation in general. Taking a strategic approach may involve entering agreements with other accommodation providers to ensure that accommodation is available for the required purpose at all times. That is far better than relying on a large number of ad hoc requests, which could be made on a daily basis.

I hope that I have given a full explanation of our position. I urge the committee to accept amendment 45, but to resist all the other amendments in the group.

Fiona Hyslop: First, the committee will notice that the first words of amendment 93 are similar to amendment 45. It is quite worrying that I am drafting amendments similarly to the Executive—that is a point about grammar. There is a more fundamental point that cuts to the heart of what the bill is trying to achieve, which is making sure that local authorities have access to accommodation for the homeless, particularly on a permanent basis. That is why I have concerns about Karen Whitefield's amendment 114 and Robert Brown's amendments 161 and 162.

I agree with the minister that we have to make sure that what we are doing is securing permanent accommodation. There is a danger that Robert Brown's and Karen Whitefield's amendments will make temporary accommodation the norm, rather than the exception. We have to be conscious of the standard of private temporary accommodation for homeless people, so I have concerns about those amendments.

If we may cut to the heart of what I am trying to do with amendment 93, I want to make sure that housing is available for homeless people. RSLs must co-operate with local authorities. Indeed, I would have made sure that the statutory powers were stronger. I understand the minister's arguments against the statutory requirements of RSLs, but we have to get the balance right—not just in section 4 but throughout the bill—between respecting the individuality and voluntary nature of RSLs and making sure that we provide for homelessness. By having common housing registers and ensuring that RSLs co-operate on them, RSLs are giving up some of their independence. We have to get the balance right, so that in providing homeless accommodation, we have regard to the allocation policy and other policies of registered social landlords.

I would like to give an example of that. In Edinburgh, we have the Port of Leith Housing Association. Part of its remit is to consider the situation of people from ethnic minorities living in its area. There could be allocation policies and other policies on providing accommodation adapted for people with special needs. I would not want the RSLs' policies to be compromised by what they have to do in order to deal with homelessness.

We have discussed the arbitration process. If an RSL was being unreasonable, and was not carrying out its duties as provided for under the bill's homelessness provisions, it would lose decisions through referral to arbitration. I am trying to provide a balance between RSLs' independence and their having to abide by arbitration. They should have some independence, but that should not take away the requirement that they should give due preference to homeless households.

I know that Shelter Scotland has contacted us with concerns on the matter. However, the bill, if amendment 93 were to be passed, would still allow local authorities to request a registered social landlord to provide accommodation. All that I am saying is that they should have regard to the individual provisions of RSLs, particularly with regard to their allocation policies. It is about respect and balance, and that runs through the bill—it is not just about this one amendment.

Karen Whitefield: I lodged amendment 114 after discussions with local authorities and Shelter. They believed that its provisions would be appropriate, and that there would be occasions when temporary accommodation was preferable. It is a question of getting the right type of permanent accommodation for the homeless person, who might have complex needs. We have already touched on that point in relation to other amendments.

I fully appreciate what the minister is saying and, although I will reluctantly agree not to move amendment 114, I ask that ministers discuss with me how at stage 3 they will address my concerns and those of agencies working in the sector.

Brian Adam: Amendment 93 is, as far as I can tell, about trying to strike the right balance in regard to allowing local authorities the opportunity to access a wider range of vacant properties for housing homeless people. It is also about recognising the diversity of housing providers. Many of the non-local authority public sector housing providers were set up with particular purposes in mind. There was an ethos behind their organisation. They were intended to provide specific types of accommodation in specific ways.

If we ride roughshod over that in order to gather in all available accommodation irrespective of the views held and of the reason for the existence of registered social landlords, we will destroy what we are trying to protect. There is a need for plurality in the provision of rented accommodation. If we do not accept amendment 93, there is a danger that we will be adopting a one-size-fits-all arrangement.

We debate further similar amendments shortly, and I hope that the ministers can accept amendment 93 in the spirit in which it was lodged. The Minister for Social Justice is implying, I think, that the diversity of provision may be used as an excuse by registered social landlords to prevent the allocation of the houses to homeless people. I do not think that that was ever the intention of the amendment. We must respect, and not ride roughshod over, the voluntary nature of many housing associations.

Cathie Craigie: I should also like to refer to amendment 93. Brian Adam's last point, about the voluntary nature of the RSLs, was well made. We respect the volunteers who give their time. We must remember, however, that the voluntary services are provided with a commitment to deal with the same social consequences that local authorities have to deal with, and that many of them are funded to a large extent through the public purse. We cannot divorce RSLs from what is going on in the real world.

In the vast majority of cases, RSLs are working hand in hand with local authorities to match up vacant properties with people's needs very well, whether those people are on the general waiting list or are homeless. Amendment 93 would offer a get-out clause for RSLs who do not want to engage and become part of the wider approach to housing solutions. It would make for very bad legislation.

11:30

Bill Aitken: Although, in the vast majority of cases, local authorities and RSLs take a consensual approach, I have always felt that this particular aspect of the bill would be the subject of some controversy at some stage—indeed, it is a recipe for conflict. I find the arguments for amendment 93 persuasive. It is important to recognise that different RSLs cater for different clientele. That is quite proper, particularly when dealing with housing that is specially adapted for particular client groups. It is also important to recognise that certain RSLs may well demand differing standards from their tenants and have geared their housing policies accordingly. Those matters should be taken into consideration. I support amendment 93.

Ms White: I am glad that Karen Whitefield has indicated that she is prepared not to move amendment 114. However, I hope that the Executive will come up with something on the matter because I had worries that there would be a detrimental effect on homeless people seeking permanent accommodation. The same is true of amendments 161 and 162, which could cause some confusion between emergency and permanent accommodation. The less confusion the better, so I could not support those amendments.

On amendment 93, we should be realistic and realise that RSLs have different allocation policies and always will have. The point that Fiona Hyslop made is that the amendment relates to the situation after arbitration. The RSLs will have to engage in the common housing registers—[*Interruption.*] Cathie Craigie says that there will not be common housing registers, but amendments have been lodged by the Executive and by me in respect of common housing registers and I hope that one of them will be agreed to. It is crucial that we have such registers.

However, my point is that we have RSLs, which operate differently in certain circumstances. We must be realistic about that. It is not about favouring one above the other. It is just letting people know that the accommodation is of a particular type and about that aspect of the role of RSLs. People need to have the information. We are talking about discussions between various areas of local government and housing associations, and this is the best way forward. I will support amendment 93, because it is important that RSLs get a mention as well as local authorities.

Jackie Baillie: The discussion on amendment 93 seems rather bizarre. People who work regularly in the homelessness field are saying the same thing: the amendment will undermine the requirement on registered social landlords to rehouse homeless households. Members should be very clear about what amendment 93 does: it creates a loophole whereby RSLs could—I am not suggesting that they would do this, but the intention and the effect of what is proposed are entirely different—circumvent the proposed duty.

When a local authority makes a request, it does so based on the fact that the accommodation is suitable for people's needs. Therefore, it would take account of people's needs in securing housing. If amendment 93 is agreed to, it will create a loophole that will disadvantage homeless people. That is what members will do if they agree to amendment 93.

Robert Brown: The debate has been very interesting. In the considered judgment of members, the minister's view on amendment 161 and the importance of not being too prescriptive, in contrast to her view on amendment 93, to the opposite effect, was a little bit contradictory.

I will not press amendments 162 and 114, in light of the minister's assurance. I would like to press amendment 161. It deals with a power for, and not a duty on, local authorities; they do not necessarily have to put that power into operation. We all accept that things operate best when there are consensual approaches and contracts. Let us hope that this part of the bill will never be used in any way in any local authority.

I do not accept that amendment 93 creates a loophole. It directs attention, in a way that has been requested by a number of housing associations, to the fact that some housing associations—as Brian Adam mentioned—provide not mainstream accommodation but specialised accommodation of various kinds. It also directs attention to the fact that some housing associations provide for a particular housing need in a particular area. Again, amendment 93 is not prescriptive: it contains the phrase "having regard to". That does not seem to me to introduce a get-out. All it will mean is that the council, in making the request, will have to consider the policies mentioned in the amendment. Those issues will be considered in the arbitration procedure later on. I will support amendment 93 and press amendment 161.

The Convener: I will explain pre-emption in a moment.

The question is, that amendment 161 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Brown, Robert (Glasgow) (LD)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
White, Ms Sandra (Glasgow) (SNP)
Whitefield, Karen (Airdrie and Shotts) (Lab)

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

Amendment 161 disagreed to.

The Convener: We now move to amendment 45, in the name of the minister. I point out that, if amendment 45 is agreed to, it will pre-empt amendments 93 and 162, which will therefore not be called. If amendment 93 is agreed to, it will be pre-empt amendment 162. Amendment 45 has already been debated with amendment 161.

Amendment 45 moved—[Jackie Baillie].

The Convener: The question is, that amendment 45 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
White, Ms Sandra (Glasgow) (SNP)

The Convener: The result of the division is: For 3, Against 4.

Amendment 45 disagreed to.

The Convener: Amendment 93, in the name of Fiona Hyslop, has already been debated with amendment 161.

Amendment 93 moved—[Fiona Hyslop].

The Convener: The question is, that amendment 93 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 4, Against 3. That amendment falls. I am sorry—it is carried. I knew it was carried; it was just that the word came out wrong.

Amendment 93 agreed to.

The Convener: Because amendment 93 has been agreed to, we go straight to amendment 114, as amendment 162 has been pre-empted.

Amendment 114, in the name of Karen Whitefield, has already been debated with amendment 161.

Amendment 114 not moved.

The Convener: Amendment 46, in the name of Brian Adam, is grouped with amendments 47, 48, 163, 115, 115A, 115B, 164 and 4. Amendment 47, if agreed to, will pre-empt amendment 48, which will therefore not be called. I ask Brian Adam to move amendment 46 and speak to all the amendments in the group.

Brian Adam: The reason for wanting to include the word "all" by means of amendment 46 is to make it clear that local authorities need to make their accommodation available for use by homeless people, and so do all other registered social landlords. The original wording does not make it absolutely clear that all houses should be available. That point is similar to the one that was dealt with in our discussion on the previous group of amendments.

I prefer the wording of amendment 48 to that of amendment 47. The minister, in amendment 47, has made an attempt to clarify the point that I just made, by deleting "held by it" and replacing it with "in its area", which would mean that all registered social landlords would be included and have a duty to provide accommodation.

As with the discussion on amendment 93, I feel that the local authority and registered social landlords ought to bear in mind any special purpose or purposes for which accommodation is normally used. Some agencies have challenged the use of accommodation for some purposes, and that has caused problems. I note that the ministerial team lodged amendments on that issue, which we will discuss later. Amendments 46 and 48 are intended to deal with the issue at this stage. They would recognise the plurality of accommodation that might be available through RSLs and the special needs and purposes for which any RSL or local authority might have designated its properties.

The provision is not meant to provide a loophole by which people can withhold accommodation from the homeless. It is intended to recognise the fact that not all houses have the same purposes. We should recognise that, as we did in agreeing to amendment 93.

I would like to hear from the proposers of amendments 115, 115A, 115B, 164 and 4 before I comment on them. I suggest that my amendments 46 and 48 are a little more comprehensive than the minister's amendment 47, which merely removes the dubiety about whether only the local authority has any responsibility. I urge the minister to accept amendments 46 and 48.

I move amendment 46.

Jackie Baillie: We have set out the overall intention of section 4. In the context of co-operation between local authorities and RSLs, contracts between the two are important. The Convention of Scottish Local Authorities and the Scottish Federation of Housing Associations have worked on model contracts that will be put in place in all local authority areas and RSLs. I support that approach and will ensure that the regulator monitors and encourages it. In the light of that reassurance, I hope that Cathie Craigie will feel able not to press amendment 4.

Amendment 47 will amend the wording of section 4(2) so that, before making a request, it is clear that local authorities should have regard to all accommodation in their areas. The Executive has proposed the change to address the confusion and misunderstanding about the present wording. Amendment 47 has a similar intent to amendments 46 and 48. We believe that those amendments are not required, so we ask Brian Adam to consider not pressing them, especially as any concerns about accommodation that is used for a special purpose are covered by the fact that regard should be had to the appropriateness of accommodation.

11:45

Amendment 115 is another amendment in the grouping that gives effect to the changes on anti-social behaviour. It will allow RSLs to comply with a request for accommodation by providing a probationary tenancy in cases of previous anti-social behaviour. That is consistent with the suite of amendments that we have proposed. I recognise that Robert Brown is attempting to be helpful with amendments 115A and 115B by suggesting a form of words that would implement the intentions that are set out in amendment 115. However, we have already committed ourselves to returning to that area. The Executive would clearly prefer to consider the precise wording of any amendment to deal with requests for temporary accommodation at stage 3. I hope that that satisfies Robert Brown.

Amendment 163 is simply unnecessary because, as we explained earlier, the section on regulation makes clear that compliance with any guidance on homelessness will be a key factor in determining whether a local authority is providing an adequate service. That includes requests made to RSLs. There is therefore no need to insert the reference to

"any guidance issued by the Scottish Ministers under subsection (4)."

It is our opinion that amendment 164 is also unnecessary. Scottish ministers will have a general power under section 70 to issue guidance with respect to

"the prevention and alleviation of homelessness".

We can therefore also issue guidance on good practice for duties under section 4.

I ask the committee to accept amendments 47 and 115 but to resist all the other amendments in the grouping.

Robert Brown: I accept that amendment 47 is more broadly based than amendments 46 and 48 in Brian Adam's name. Amendment 47 covers all accommodation, not just accommodation in the social rented sector. I accept the minister's view that the special purpose accommodation that is normally used has already been dealt with by the amendment 93, which was passed against the Administration earlier on. Amendment 47 probably does the trick.

I hear what the minister has said on amendment 163. The difference is a matter of phraseology to some degree. However, there is something slightly odd in "good reason" being singled out—sorry, I am on the wrong bit; I withdraw what I just said. What the local authority has to have regard to is clear from the principle section later on, which, in a manner of speaking, is a catch-all. That is really the only distinction between the minister and me on amendment 163.

On amendment 115, I frankly do not understand paragraph (b) as it is worded. Paragraph (a) of the amendment talks about accommodation secured by

"a short Scottish secure tenancy".

That is fine. Paragraph (b) says:

"in that or any other case",

that is, in the situation of paragraph (a) or in any other case that is secured by a Scottish secure tenancy.

That, with the greatest respect, seems to me to be meaningless. I wonder if "that or" has crept into the wording by mistake. Amendments 115A and 115B, which are stated rather more clearly and concisely than the Executive's amendment 115, partly attempt to cover the same area. If the amendments do not quite fit, they can be revisited at stage 3. I will be moving amendments 115A and 115B, at least partly because of the wording problem of subparagraph (b) of amendment 115.

Amendment 164, which amends line 31 of page 3 of the bill, relates to guidance. As I said before, it is a bit odd to single out "good reason" at that point, without having regard to the more important issue of

"good practice by local authorities and registered social landlords".

I will also be moving that amendment to clarify the matter.

Cathie Craigie: I will speak to amendment 4 only. I accept what the minister has said. If we all cast our minds back a fortnight, we will remember that we were rushing to lodge our first amendments to the bill. Amendment 4 was perhaps lodged too quickly. I would be happy not to move it. I accept that it would not achieve what I intended it to do and that that will be covered at stage 3.

Fiona Hyslop: I appreciate the discussion that has taken place between the minister and Cathie Craigie on amendment 4. However, as I said earlier, if there are to be contracts between local authorities and RSLs, we have to achieve a balance in the bill between the rights of local authorities and RSLs. It will be interesting to see how that balance develops and whether Cathie Craigie will lodge an amendment at stage 3 to achieve what she wants to achieve. She is quite right in pursuing that line.

I want to make a brief point about amendments 46, 47 and 48. An important theme of our discussion is that homelessness provision should be provided in the first instance by local authorities and registered social landlords. A series of provisions to take into account all accommodation in an area are creeping into the bill. It seems to me that, increasingly, private accommodation will be used for homeless people. I am concerned about the standard of private rented accommodation that will be used by local authorities in discharging their homelessness duties. Amendment 48 specifies that homelessness provision should be met by local authorities and RSLs, which would give housing providers support in law to say to Government that they should have adequate resources to provide social housing for homeless people.

Amendment 48 would give strength, in law, to the view held strongly by me and by many people that there should be public housing for the public good funded by Government. It is important that we recognise in these and later amendments that local authorities and RSLs should be the primary providers of public housing.

Karen Whitefield: I believe that the Executive's amendment 47 addresses Brian Adam's concerns and that his amendments 46 and 48 could be problematic, as they would exclude all RSLs, rather than only one RSL in an area, from being considered. That would be unhelpful and I do not think that is his intention. I hope that Brian Adam will listen to the comments made by the ministers and by other members of the committee and will consider not pressing his amendments.

Jackie Baillie: I know that this point of detail might not enthuse members, but I will respond to some of Robert Brown's comments on amendment 115.

My understanding is that if the provisions of paragraph 1 or 1A of schedule 6 are satisfied, accommodation can be secured through either a short Scottish secure tenancy or a Scottish secure tenancy. However, if those provisions are not satisfied, accommodation must be secured through a Scottish secure tenancy. Therefore, proposed paragraphs (a) and (b) are not mutually exclusive and (b) is the ordinary case. Does that make any sense?

Robert Brown: I am not sure that it does.

Jackie Baillie: The two are not mutually exclusive.

Fiona Hyslop talked about the balance of rights of local authorities and RSLs. I regret that she did not mention the balance of rights of homeless people.

Robert Brown's comments about amendment 47 in relation to amendment 93 were wrong. The appropriateness of the accommodation that is sought and allocated is covered in section 4(2).

I ask the committee to support amendments 47 and 115 and to resist the others in the group.

Brian Adam: I intend to press amendments 46 and 48. I cannot understand why the minister has taken exception to amendment 46, given that she used the word "all" in her response yet her amendment 47 does not include it. Amendment 46 does not damage the Executive's position; it helps to clarify it. I recognise that amendment 47 makes the provision much clearer, but the minister ought to bear it in mind that homelessness representatives have challenged the current allocation policies on the basis of the types of housing held, in particular by local authorities.

It is widely recognised that we do not have adequate provision of amenity housing for the elderly or of appropriate housing for single adults. Because amenity housing is, by and large, the right size for single adults as well as for the elderly, successful challenges have been made in the courts to stop local authorities using designated amenity housing built for disabled people or the elderly solely for those purposes. Amendment 46 would put the position back to where local authorities and other providers would want it to be. Perhaps we should be tackling the shortfall in provision for single adult needs in another way.

Fiona Hyslop's point was well made. There is certainly a supply of private rented accommodation available, but the standards are not all that they might be in every case. It is a question of whether one regards that as being appropriate. Amendments lodged later by the Executive recognise the point that I am making and I welcome them, but I want those provisions in this part of the bill as well and I therefore want to press amendment 46.

The Convener: The question is, that amendment 46 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 46 disagreed to.

Amendment 47 moved—[Jackie Baillie].

The Convener: I remind members that, if amendment 47 is agreed to, amendment 48 will not be called.

The question is, that amendment 47 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
White, Ms Sandra (Glasgow) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 47 agreed to.

Amendment 163 moved—[Robert Brown].

The Convener: The question is, that amendment 163 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Brown, Robert (Glasgow) (LD)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 163 disagreed to.

The Convener: I intend to take a short break until 10 minutes past 12. Coffee is available in committee room 4 for those who would like it.

11:57

Meeting adjourned.

12:13

On resuming—

The Convener: We move on to the next group of amendments. I call Jackie Baillie to speak to and move amendment 49, which is grouped with amendments 51, 3, 52 and 53.

Jackie Baillie: There was some concern that the bill might not encourage RSLs to respond to local authority requests quickly enough. Through amendment 49, we have therefore inserted a reference to RSLs complying with a request "within a reasonable period". Amendment 51 would enable Scottish ministers to issue guidance on the reasonable period within which RSLs should comply with a local authority request.

We have made the set of amendments on a reasonable period comprehensive in scope, which I hope will please Brian Adam, by also inserting a reference in the arbitration provisions, through amendment 52. That means that the fact that an RSL has not responded or complied with a request within a reasonable period can be taken into account in any dispute. Amendment 53 is a technical amendment that simply ensures that the guidance on what is a "reasonable period" that is issued under section 4 also applies to the reference to a "reasonable period" in section 5.

I note that Cathie Craigie has lodged an amendment that covers much of the same ground in this area. I hope that she will recognise that our amendments are comprehensive and that she will not move amendment 3.

I move amendment 49.

Cathie Craigie: I am always scared about what wording to use, but I think that I am right to say that, having heard what the minister has said, I will not press amendment 3.

The Convener: It is "not move".

Cathie Craigie: I will not move amendment 3 as I think that I have been given the reassurance that the point that I was addressing will be dealt with.

12:15

Ms White: I go back to that old chestnut, the reasonable period. The minister has clarified some points, but is there any chance that she could produce a clearer definition at stage 3? For example, five or 10 working days might be acceptable.

I quite like amendment 3 because it says that guidance

"may specify the period within which a registered social landlord should decide".

That clarifies the position better than do the minister's amendments. I will think about this matter, but I may press amendment 3—I know that it is possible for me to move it.

The Convener: For clarification, Cathie Craigie has indicated that she will not move amendment 3, but it is open to any other member to do so when we reach it.

Brian Adam: Cathie Craigie is unmoved today, but I agree with the idea of specifying a time scale. I know that there are difficulties, but even using phrases such as "normally within" would give guidance. Amendment 3 is an advance on the minister's amendment as it says that the guidance "may specify the period". The difficulty is that the period would be specified in guidance when, sometimes, such matters are better dealt with in the bill.

I ask the ministers to revisit this area so that we can have a little more clarity. I am more than happy with the intention of both sets of amendments, but it is not clear how the objective will be delivered in practice. What is reasonable? Amendment 3 says that guidance "may" specify the period within which an RSL should decide—perhaps "shall" would be better, but I would prefer to deal with this in the bill rather than in guidance.

Bill Aitken: The problem that we always deal with in such cases is that what is reasonable to one person may not be reasonable to another. I do not doubt the good intentions of all concerned here, but I am a little doubtful about whether we can leave the wording as loose as it is. Obviously, if there are judicial reviews, a court will determine what a "reasonable period" is, but that is not a particularly happy situation to be in. I am prepared to let this matter go today if the minister undertakes to consider it again. I recognise her position that it may not be possible to clarify what is meant, but even a lengthy time limit might be sufficient—I do not mean two working days. On balance, I think that we should state what we mean by a "reasonable period".

Karen Whitefield: I welcome the Executive's amendments. It has responded to concerns that have been expressed to me by Glasgow City Council and COSLA, which have been worried that some RSLs might not respond quickly to local

authorities' concerns. The amendments are helpful. I hope that in guidance there will be a definition of what is considered "reasonable" so that local authorities have something to fall back on if they encounter difficulties.

Tommy Sheridan (Glasgow) (SSP): I hope that in summing up the minister will respond to the points that members have made and give her thinking on the time scale that will be stated in guidance. It is always better to include than to leave out the word "reasonable" because at least there is then an arguable case in court. In the previous discussion, if the word had not been inserted, no such case in court could have been made.

There are some instances in which it is important to specify time scale. Although I welcome the inclusion of "reasonable", I think that this is a case where the minister could afford to be a bit more specific.

Jackie Baillie: We do not dispute the need to define "reasonable"; the question is just where we do it. I am happy to give the commitment that we will define "reasonable" and talk about time periods in guidance so that there is clarity. However, we want flexibility, so that there is not a one-size-fits-all provision for more complex cases that could take longer. Although I understand Bill Aitken's intention, I am concerned that a lengthy time limit to accommodate complex cases might encourage others to take the maximum time and not deal with requests quickly.

We will talk to the interested parties to ascertain what is practical and achievable. I assure the committee that we will address this in detail in guidance. Indeed, the committee will scrutinise and have an input into the guidance. I hope that those guarantees will suitably reassure members.

The Convener: The question is, that amendment 49 be agreed to. Are we all agreed?

Members: Yes.

The Convener: Yes? You have caught me off guard.

Amendment 49 agreed to.

Amendment 115 moved—[Jackie Baillie].

Robert Brown: Although I understand now what the minister meant by

"that or any other case"

I think that my wording is better.

Amendment 115A moved—[Robert Brown].

The Convener: The question is, that amendment 115A be agreed to. Are we all agreed?

Members: No.

The Convener: There will be a division.

FOR

Brown, Robert (Glasgow) (LD)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
White, Ms Sandra (Glasgow) (SNP)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 1, Against 6, Abstentions 0.

Amendment 115A disagreed to.

Amendment 115B not moved.

Amendment 115 agreed to.

Amendment 164 moved—[Robert Brown].

The Convener: The question is, that amendment 164 be agreed to. Are we all agreed?

Members: No.

The Convener: There will be a division.

FOR

Brown, Robert (Glasgow) (LD)
Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 64 disagreed to.

Amendment 51 moved—[Jackie Baillie]—and agreed to.

Amendments 3 and 4 not moved.

The Convener: We move now to the next group: amendment 17, which is grouped with amendment 5.

Robert Brown: Amendment 17 is self-explanatory. To make effective the duties under section 4, information has to be provided where required. It is right that local authorities should have the power to require certain information. It is a question of the phraseology that is used to provide that power. The only distinction between amendment 17 and amendment 5 is that Cathie Craigie's amendment refers to ministers getting involved with guidance, which I do not think is necessary at this limited level. For that reason, I prefer my amendment.

I move amendment 17.

Cathie Craigie: I lodged amendment 5 because

it is important that local authorities and registered social landlords share information on the availability of stock and so on, because that will aid the smooth running of waiting lists. I am interested to hear what the minister has to say on this issue. Do I get an opportunity to come back to this matter?

The Convener: No.

Cathie Craigie: So I have to say all that I want to say just now. From evidence that the committee has taken and people who have contacted us since the evidence-taking period, we know that COSLA and RSLs feel that this is an issue on which there should be guidance, so that people who are looking for housing can be matched up with the available housing stock. It is for that reason I lodged amendment 5.

Brian Adam: I have some concerns about amendments 17 and 5. I understand the motivation behind them. They are trying to define in an explicit way the relationship between registered social landlords and local authorities, the implication being that some registered social landlords will deliberately withhold information from local authorities on the nature and availability of their housing stock. Earlier, the minister said that the purpose of the bill is to have a good relationship and not to be prescriptive. The idea is that there should be a partnership, not solely a compliance mechanism.

If there is evidence that there is a problem, the issue can be revisited in future, but I worry that the implication of amendments 5 and 17 is that local authorities would have undue influence—it may be interpreted as control—over registered social landlords, and could be a threat to their independence. That would run contrary to the aim of providing a range of housing options, which could damage the diversity that already exists.

Housing associations are not private landlords; they are already quasi-public bodies and they tend to be run in a socially responsible manner. I understand why Robert Brown and Cathie Craigie have lodged their amendments, but I am not convinced that the gain is worth the pain of the potential for local authorities to be overbearing with regard to RSLs.

Jackie Baillie: We have always maintained that local authorities have a number of ways of ensuring that they receive relevant information from RSLs, not least of which will be the model contracts that have been agreed between COSLA and the SFHA, to which I referred earlier. That said, we accept that there are some concerns about the availability of information, which are clearly reflected in the amendments. We accept in principle the position that they outline. I ask Cathie Craigie and Robert Brown to withdraw their amendments on the basis that we will lodge an amendment at stage 3 to achieve what they are trying to do.

The Convener: I ask Robert Brown to wind up and indicate whether he intends to press or withdraw amendment 17.

Robert Brown: I am prepared to withdraw my amendment. However, the wording of amendments 5 and 17 is perfectly straightforward and I would have hoped that the minister would have been prepared to accept them. In light of her desire to consider the issue, I am prepared to withdraw amendment 17 at this stage, and accept the minister's undertaking to come back to the issue.

Amendment 17, by agreement, withdrawn.

12:30

The Convener: We come now to the end of section 4. There is always the opportunity for a brief debate before we move on from a section. I take it that nobody wishes to engage in debate.

Section 4, as amended, agreed to.

After section 4

Amendment 5 not moved.

Section 5—Duty of registered social landlord: further provision

Amendments 52 and 53 moved—[Jackie Baillie]—and agreed to.

The Convener: We come now to amendment 54, which is grouped with amendments 111, 94, 96, 165 and 97. I call Sandra White to move amendment 54 and to speak to the other amendments in the group.

Ms White: Amendment 54 is self-explanatory. Section 5(2) states:

"If there is no agreement as to who is to be appointed as arbiter, the Scottish Ministers must, on the request of the local authority, appoint an arbiter."

Amendment 54 seeks to insert after "local authority"

"or the registered social landlord"

which would put RSLs in the same position as local authorities. Amendment 54 is straightforward and fair, and I hope that it will be accepted. There is nothing controversial in it.

I move amendment 54.

Mr Gibson: In evidence taken at the Local Government Committee, members were advised that decisions of the arbiter should be made within a maximum of five working days, to ensure that the system is not clogged up and vulnerable

people left disadvantaged. The committee accepted that position unanimously.

Amendment 94 allows too long a time scale and thus is impractical. Amendment 97 seeks to put a time scale in guidance, but it would be more robust and appropriate if the time scale was in the bill. I urge members to support amendment 111 and to reject amendments 94 and 97.

Tommy Sheridan: Amendment 94 puts a time scale on the arbitration period, which is better than no time scale. The purpose of the amendment is to ensure that where there is a homelessness dispute between the council and the registered social landlord, the arbitration process will not drag on indefinitely. Section 5(4)(a), which amendment 96 seeks to delete, would allow the Scottish ministers to produce guidance on the issue.

Amendment 94 provides that the homeless person or their adviser will receive a copy of the arbiter's decision. Currently, the bill does not provide for the homeless person or their adviser to receive a copy of that decision.

We have to spell out the time frame in the bill. The committee should bear in mind that guidance does not legally have to be followed. People must have regard to the guidance, but it does not always have to be followed, so it is important to spell out the time frame at the outset. What is the point of going to arbitration if it will take longer than going to court? If the time frame is spelled out and it is shorter than would be the time involved in going to court, that is very important. If it is not shorter, why include it if going to court remains the speedier remedy?

It is important that the homeless person has sight of the arbiter's decision. A homelessness application is at stake; the homeless person should have the right to find out what is going on with their application.

Robert Brown: Amendment 165 picks up, in a slightly different way, on the point that Tommy Sheridan has just discussed.

Ultimately, this is not about big fights between large bodies; it is about the housing that is to be provided to a homeless person, so that person should have some part in the procedure. That is not easy to achieve in a precise format, but the Executive ought to consider that requirement and the procedure should take it on board.

There is scope for having a fixed time scale. It is doubtful whether the guidance powers in section 5(4) give ministers power to fix a time scale for the determination of the arbitration, as opposed to the appointment. Tommy Sheridan's proposed time periods are reasonable.

I see where Sandra White is coming from with amendment 54, but since the request would come from the council in the first place, there would be no advantage in, or any need for, the registered social landlord having the right to make the request, because nothing would be achieved by that. The council, not the RSL, is trying to do something in that regard, so the amendment is obsolete.

Karen Whitefield: My colleague Elaine Smith, who lodged amendment 97, has asked that I speak on her behalf. She is unable to attend as a result of other parliamentary commitments.

Elaine Smith lodged the amendment because she believes that it is important that Scottish ministers have a duty to publish guidance that indicates the maximum duration for an arbitration procedure. Rather than a prescriptive period being written into the bill, it is important that a maximum period be included in the guidance to give the Executive an opportunity to discuss with COSLA, local authorities and RSLs their views on the appropriate period within which an arbitration process should be executed.

I hope that other members, and the Executive, will support the amendment.

Sandra White's amendment 54 is not necessary. The bill already provides that, when there is no agreement between an RSL and the local authority, Scottish ministers have a responsibility to appoint an arbiter. There is an incentive for local authorities to call in an arbiter at an early date, because they have a statutory duty to house a homeless person.

Jackie Baillie: I will start with amendment 54, which, as we have heard, is concerned with the procedure for appointing arbiters.

The appointment of an arbiter is currently triggered by a request from a local authority, as it needs to be clear when agreement has not been reached, and local authorities will have the incentive to call in Scottish Ministers sooner rather than later. Our fear is that extending that power to RSLs may create a situation in which the involvement of Scottish Ministers would become a negotiating tool between the parties; although there would be a dispute in only a limited number of cases, we would wish to avoid that situation.

Amendment 165 would add unnecessary wording to the bill. The bill allows for guidance to be issued on the procedure to be followed at arbitration and will include guidance on when it would be relevant for the arbiter to seek a homeless person's views. The guidance will need to state clearly that we do not envisage the involvement of the homeless person in every arbitration. For arbitration to provide quick and effective resolutions to disagreements, it should be focused predominantly on whether the RSL had good reason to refuse to comply with the local

authority's request to house. When the RSL's good reason was simply that it did not have accommodation, the arbiter's decision would be focused on whether that was the case. In those circumstances, it would obviously not be beneficial or desirable—for either the process or the homeless person—to involve the homeless person in the arbitration.

In a few circumstances, the reasons for refusal may have related directly to the personal circumstances of the homeless person. In such a case, in the interests of natural justice, the arbitration would need to take into account the personal circumstances in question and the arbiter would seek the homeless person's views.

The remaining amendments are concerned with the time scales within which arbitration should take place. We are very much of the view that, to allow the flexibility that we think is desirable, the time scale should be a matter for guidance rather than fixed for all time in the bill. There is no experience to draw on. I notice that Tommy Sheridan's amendment 94 and Kenny Gibson's amendment 111 refer to different time periods. We have considerable sympathy with Tommy Sheridan's position. We need to agree time periods in discussion with the interested parties and to use the regulator to monitor and enforce them.

I ask members to cast their minds back to the recommendations of the homelessness task force, in its initial report, which provide us with guidance. Paragraph 44(iii) states:

"we envisage a quick, informal arbitration process taking no more than 48 hours"

We think that a process that is as speedy as that will be applicable in the majority of cases. It is important, in the interests of the homeless person, that that is the case. We recognise that some situations may be more complex. There must be a degree of flexibility and we intend to implement that in guidance.

Karen Whitefield, on behalf of Elaine Smith, suggested an extension to the guidance power to cover the maximum length of time for the arbitration period. That is already covered by the provision that allows for guidance on the procedure to be followed at arbitration. Although the extension is unnecessary, we recognise the desire not to have a long, drawn-out affair so the committee may consider it reasonable to include this power in the bill.

I urge the committee to resist all those amendments, with the exception of amendment 97, which the Executive is in a position to support.

The Convener: I ask Sandra White to wind up and to indicate whether she wants to press or withdraw amendment 54.

Ms White: I will press amendment 54.

I take on board the comments that members have made. Karen Whitefield talked about local authorities, but it is also necessary to consider the individuality of RSLs. Without the provision, it is implied that if RSLs and local authorities do not agree, only the local authority can decide to bring in an arbiter. The RSLs may want to bring in an arbiter if they feel hard done by. Amendment 54 should be agreed in the interests of fairness.

The Convener: The question is, that amendment 54 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 54 disagreed to.

Amendment 111 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 111 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 111 disagreed to.

Amendment 94 moved—[Tommy Sheridan].

The Convener: The question is, that amendment 94 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Brown, Robert (Glasgow) (LD)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 94 disagreed to.

Amendment 96 not moved.

Amendment 165 not moved.

Amendment 97 moved—[Karen Whitefield]—and agreed to.

12:45

The Convener: Amendment 106, in the name of Tommy Sheridan, is grouped on its own.

Tommy Sheridan: The purpose of amendment 106 is to plug what is generally perceived to be a loophole if a registered social landlord fails to implement an arbiter's decision. The solution that is provided by the amendment is to create a criminal offence, with a built-in defence and on-going fine for failure to implement a decision.

The justification for the amendment is that various housing bodies, including Shelter, the Chartered Institute of Housing in Scotland, the Scottish Federation of Housing Associations and COSLA have all raised the question of what happens if a registered social landlord ignores the decision of an arbiter. The simple solution suggested by the amendment would be to apply the standard sanction that would apply to councils and RSLs if, for example, they should ignore a court order in relation to environmental health law, where there are statutory nuisance provisions under the Environmental Protection Act 1990. As some members will be aware, under the Environmental Protection Act 1990, a person can be found guilty of a statutory offence and there is an on-going daily rate of fine if they refuse to abide by the ruling.

The amendment would provide a straightforward solution to the loophole that has been raised by most housing bodies—there is currently no action that can be taken in relation to a RSL that ignores an arbiter's decision. I hope that that never happens and that the amendment would never have to be used. However, in such a comprehensive bill, it is important to have some provision should a decision be ignored.

I move amendment 106.

Robert Brown: I want to speak strongly against amendment 106, which goes entirely against the whole idea of having a consensual basis to the bill. Introducing draconian remedies that would act against a public sector voluntary body seems quite unnecessary given the extent of the problem. There is a procedure for dealing with such problems—it is the arbitration process.

Brian Adam: I have considerable sympathy for Robert Brown's point. It might be a function of the regulator to consider such cases, rather than the courts. The effect of such matters going to court could be significant in terms of senior staff time and available finances—particularly if the RSL was small.

There could also be an impact on rent levels. Legal fees tend not to be modest and undoubtedly anyone taken to court in such matters would present a vigorous challenge. Even if the RSL were able to produce the adequate reason described in amendment 106, the costs would still have to be borne. There is no mechanism to allow a small registered social landlord to recoup those costs. A court may well regard the challenge as legitimate and decide that the RSL should bear the costs. However, it is not the landlord who bears the costs; the tenant bears the costs. There are other remedies. I understand Tommy Sheridan's motivation, but I do not think that the time or money that might be used up as a result of the amendment would be in the interest of tenants or prospective tenants.

Cathie Craigie: I understand where Tommy Sheridan is coming from and it is important that RSLs recognise that the decisions of the arbiter are taken in the best interests of all parties and should be implemented.

I am interested to hear what the minister has to say. I would imagine that if an RSL did not comply with a decision of the arbiter, some course of action would be available through regulation. Indeed, the minister may take the powers to appoint a manager. Surely that would be enough of a threat to the independence of the RSL? Although I agree with the principle that such cases should be taken seriously, I do not agree with the route that is suggested by amendment 106.

Jackie Baillie: Cathie Craigie is absolutely right. The homelessness task force recommended—and we have included in the bill—a power to appoint a special manager; that comes under part 3, which deals with the regulation of landlords. We consider that that power will be considerably quicker and more effective than the proposals under amendment 106, because it is backed by the full force of the regulatory regime, rather than relying on the court to determine an adequate reason for failure to implement a decision.

If the proposals were taken to their ultimate conclusion, a criminal offence would be the result and I would not be keen to increase the prison population with members of RSLs. In any case,

amendment 106 leaves open the possibility of further wrangling over the status of the arbiter's decision and we would be keen to avoid that. I urge the committee to reject amendment 106.

Tommy Sheridan: I intend to press the amendment. I hope that the committee will bear in mind that we are discussing a homeless person, in whose favour an arbiter has made a decision that a registered social landlord is refusing to implement. We are talking about the rights of a homeless person and a sanction that the homeless person has in their favour in respect of an arbiter's decision against the registered social landlord. The suggested penalty is in line with current penalties in relation to the Environmental Protection Act 1990 and other anti-pollution legislation. It is not more draconian, but is entirely in line with current legislation.

I hope that the committee will bear in mind the fact that we if we are to have an arbitration process—we have agreed to that, although there is no time scale as yet—we need to have some way of ensuring that arbitration means something. I ask the committee to support amendment 106.

The Convener: The question is, that amendment 106 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
White, Ms Sandra (Glasgow) (SNP)
Whitefield, Karen (Airdrie and Shotts) (Lab)

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

Amendment 106 disagreed to.

Section 5, as amended, agreed to.

Section 6—Persons living in hostel accommodation

The Convener: Amendment 55 is in the name of the minister.

Jackie Baillie: The purpose of section 6 is to set out in subordinate legislation the minimum rights for people who live in certain types of residential accommodation. Amendment 55 is technical and ensures that the regulations that define the types of residential accommodation to which rights will apply can refer to the descriptions of accommodation as well as to the basis of occupancy. It recognises that it may be difficult to define a hostel and therefore allows flexibility for the definition.

I move amendment 55.

Robert Brown: Is not this a case of civil servants running berserk? What on earth does any description of residential accommodation add to the phrase "residential accommodation"? I am not trying to be difficult, but I am not sure whether it is in the interests of plain English.

Jackie Baillie: I cannot add much to what has already been said. However, I should point out that Robert Brown was probably the only person to understand my explanation of amendment 115—I certainly did not. If the amendment makes our intentions in terms of accommodation clearer, by inserting a description of that accommodation, I urge members to agree to what is essentially a technical amendment. It is not the civil servants running riot, but trying to be inordinately helpful.

Amendment 55 agreed to.

The Convener: Amendment 18, in the name of Bill Aitken, is grouped with amendments 19, 20, 98, 99 and 101.

Bill Aitken: Amendment 18 would require the Scottish ministers to specify by regulation the terms of an occupancy. The amendment is intended to obviate some of the problems that have arisen, especially in Glasgow, with regard to the way in which some hostels have been run and the way in which, over the years, people have been exploited by the terms and conditions.

The amendment is related to amendment 19, as it seeks to provide protection for a vulnerable section of the population, many of whom find themselves in considerable difficulties from time to time as a consequence of the conduct of the antisocial minority who tend to occupy the hostels and prey on other residents. There must be an effective and immediate way in which to remove that minority from the hostels for the safety of innocent parties and of those who run the accommodation.

I move amendment 18.

The Convener: I call Robert Brown to speak to amendments 20 and 99 and the other amendments in the group.

Robert Brown: I take up the issue of the protection and rights of people in hostels and other such forms of accommodation. It is important that the bill should include a commitment to a minimum period of notice for eviction, and minimum standards. Amendment 20 would provide a basic phraseology for establishing those, and amendment 99 is intended to spell the matter out in more detail and identify what should be included. I want some movement on the matter, although I accept that the Executive might want to ponder it and return to it. The bill should contain more on the issue than is contained in section 6.

The Convener: I call Tommy Sheridan to speak to amendments 98 and 101 and the other amendments in the group.

Tommy Sheridan: Amendment 98 is an attempt to clarify the rights of hostel dwellers, in view of the fact that they often have fewer rights than other tenants and will still have fewer rights after enactment of the bill. It is important that time periods, rights of appeal and periods of notice are specified, so that hostel dwellers will not be pushed aside without reference to the law or regulation. Amendment 98 tries to spell out their rights, as do amendments 99, 20 and 19.

Amendment 101 is designed to ensure that the common-law requirement for reasonable notice on eviction, which has been stated in much case law, is not affected by the bill. That is important, and I hope that the minister will refer to it. It is vital that the common-law requirement for reasonable notice is not undermined.

Brian Adam: I have considerable sympathy with the attempts to secure rights for hostel dwellers and to protect the rights of hostel dwellers whose peace and comfort is disturbed by others. It is a difficult matter in which to get the balance right.

I am not utterly convinced by amendment 101. Amendment 20 probably covers the point that Tommy Sheridan is trying to make. Not being a lawyer, I shall be interested to hear what the minister has to say about whether contract law would cover the point. Amendment 20 is the best in the group, because it strikes the right balance between ensuring that the minimum period of notice is given, and protecting the rights of those who might be put in fear and danger through the unreasonable behaviour of others.

I served on local authorities for some time, yet I did not come across any complaints from people who felt that they were being evicted unreasonably from hostel accommodation. Perhaps I was lucky. In scrutinising legislation, I am always interested to hear about the practical problems that we are trying to tackle and whether the legislation can provide a solution. However, I am not aware of people being evicted unreasonably from hostel accommodation, although I know that some people can suffer fear and trepidation because of the unreasonable behaviour of others, whether through violence, drugs, drink or whatever. We must err on the side of protecting the majority while trying to look after everybody's interests.

I have great sympathy for amendment 18, although it might have been better if it had included a time scale.

13:00

Ms White: With no disrespect to Brian Adam, we could probably debate the meaning of unreasonable, as well as the meaning of reasonable.

Amendment 18 beefs up section 6 by inserting the word "shall". Therefore I support that amendment.

I understand where Bill Aitken is coming from in amendment 19—it is much the same as where Robert Brown is coming from in amendment 20, which is more minimalist—but I am a wee bit worried about what it says about somebody being evicted from a hostel within 24 hours. Some of the people who go into hostels could be ill, and 24 hours might be an unreasonable period in which to determine why they should be evicted. Therefore, I cannot support amendment 19. Amendment 20 is much better, and I support it.

Amendments 98 and 99 are similar, but I support amendment 98 simply because it is a wee bit sharper.

Amendment 101 must be included in the bill for people's protection. Brian Adam might not have experience from working in a local authority of people being evicted unreasonably, but I have come across people who have been in that situation, who did not know where to go and who were not told of their rights under the law.

It is important that some of the amendments are agreed to—the minister is smiling favourably. Although none of the amendments was lodged by me, I think that they are all admirable. I hope that they will be considered in the spirit in which they have been lodged, which is to protect and help people who are in the unfortunate position of having been put into hostels and who have no other hope. I trust that the Executive will accept all the amendments, as I do, with the exception of amendment 19.

Cathie Craigie: I ask the committee not to support any of the amendments. Whether they seek to remove a person immediately or to give them 24-hour notice, none of the amendments are acceptable for inclusion in the bill. The bill already makes provisions that will improve the situation of people who live in hostel accommodation. The minister may correct me if I am wrong, but I am sure that the homelessness task force is considering hostel accommodation. I hope that our society will move away from providing that type of accommodation for homeless people, although there is a need for it just now.

Some members heard evidence from the people who provide hostel-type accommodation. They deal sensitively with people who had to be removed for whatever reason. In some cases, such people must be removed very quickly, not only for their safety, but for the safety of other residents. If I remember rightly, the people who were involved in that type of housing provision

said that we had the balance right at that stage. However, I am interested in what the minister has to say, particularly about how the task force will address the issue and whether there will be an opportunity—or need—to lodge any further amendments at stage 3.

Jackie Baillie: I will deal first with amendment 18. I hope that Bill Aitken will accept my reassurances that we are committed to introducing regulations in this area. Apparently, "may" is better wording in legislation; we may take a power—

Bill Aitken: Or you may not.

Jackie Baillie: Ah!

The committee might recall that I have already given a policy commitment to exercise that power and we will indeed introduce regulations. I hope that Bill Aitken will be satisfied with that.

Most of the remaining amendments are concerned with the content of the regulations. Although I agree that there must, to get rid of any doubt, be clarity about the rights of hostel dwellers, it is a very complex area; indeed, it is interesting to note the different perspectives of and the different factors that are listed in the amendments in this group. That only emphasises the complex nature of the matter and the fact that it is difficult to strike the right balance.

Cathie Craigie is right. We have set up a sub-group of the homelessness task force on which all the relevant interests are represented, to explore in some depth the detail of the regulations that will be required. I suggest that the committee should not pre-empt that approach or fetter the sub-group's work, because that group might give rise to regulations that the committee will be able to consider and discuss in due course.

Tommy Sheridan made a point about not using the power to make regulations that would undermine or be inconsistent with the rule of law, with particular reference to common-law provisions. We do not feel that the amendment is necessary; because the regulations need to be consistent with other legislation, it is clearly not our intention to reduce people's rights. The regulations will clarify the rights of residents, which can only be helpful across the board. I hope that, with those reassurances, the proposers will agree to withdraw their amendments.

Bill Aitken: I must press amendment 18. If there is to be any other amendment to the section, amendment 18 must be agreed to, otherwise no other amendment to that section will be competent. As for amendment 19, sometimes offending persons are removed by police using powers of arrest. However, under certain circumstances, the police will not be able to take appropriate action; for example, there might be evidential difficulties through intimidation or lack of corroboration. Although the vast majority of hostel dwellers attract a great deal of pity from us all, a small minority present a nuisance and a danger to others in a hostel. As a result, I feel that the 24-hour limitation should apply.

The Convener: The question is, that amendment 18 be agreed to. Are we all agreed?

Members: No.

The Convener: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions, 0.

Amendment 18 disagreed to.

Amendment 19 moved—[Bill Aitken].

The Convener: The question is, that amendment 19 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
White, Ms Sandra (Glasgow) (SNP)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 1, Against 6, Abstentions 0.

Amendment 19 disagreed to.

The Convener: I call amendment 20, in the name of Robert Brown, which has already been debated with amendment 18.

Robert Brown: I am a bit disappointed that the minister is not prepared to include at least minimum notice for termination of occupancy in the bill. At stage 1, the committee referred to that issue, and no further details have been forthcoming.

I move amendment 20.

The Convener: The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 20 agreed to.

Amendment 98 moved—[Tommy Sheridan].

The Convener: The question is, that amendment 98 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Brown, Robert (Glasgow) (LD)

The Convener: The result of the division is: For 2, Against 4, Abstentions 1.

Amendment 98 disagreed to.

The Convener: I call amendment 99, in the name of Robert Brown, which was debated with amendment 18.

Robert Brown: Although I will not move amendment 99, I ask the ministers to reconsider this general area before stage 3.

Amendment 99 not moved.

The Convener: Given the time and my commitment to finish at 1 o'clock, I intend to finish at this point. The business bulletin will carry a notice about what we will do at the next meeting, at which we will also consider the details of the proposed timetable. I thank everybody for their attendance and forbearance.

Meeting closed at 13:11.

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