



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Wednesday 3 November 2010

Session 3

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Scottish Parliament

Wednesday 3 November 2010

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

Time for Reflection

The Presiding Officer (Alex Fergusson):

Good afternoon. Our first item of business is time for reflection. Our time for reflection leader today is the Rev Ian Benzie of St Andrew's church in Irvine.

Rev Ian Benzie (St Andrew's Church, Irvine):

He was the student of the century and outstanding in all areas—practical and theory. Even the lecturers in the college of carpentry bowed to his expertise, and he knew it. He revelled in criticising students and staff alike.

As the end of his four-year course approached, it was time for the final exhibition. All the students worked hard at their designs, chose their materials with care, and the work began in earnest.

The star pupil got down to work, too. He looked down his nose at his fellow students' work and he was not slow to tell them what he thought. But his was a masterpiece of craftsmanship and design—the largest item ever made in the workshop. Alongside the chairs and tables, the cabinets and bowls, his modern-style welsh dresser stood supreme. The final finish was like a mirror to the eye and velvet to the touch. It was priceless.

He was assured of the gold medal and he told everybody in sight. It would be the best in the history of the college. During the build, some of the lecturers offered to talk through the work, but he dismissed them with a shrug. Some of the less-intimidated students had also approached him and asked, "Do you mind if I say something?". "Of course I mind. You cannot improve on perfection!"

The time came to move from the workshop to the exhibition hall. Everything was carefully carried out—except the welsh dresser. It would not fit through the doorway; it had to be broken up and scrapped! The public exhibition was also the final examination, and the culmination of four years of hard work. The know-it-all student failed. He did not even get an ordinary degree.

There is a possible modern-day mirroring of that parable in Jesus's tale about taking a speck of dust out of your colleague's eye but not attending to the plank in your own. So many fellow students and lecturers had tried to offer advice to the so-called expert, but his pride in his ability to go it alone set him so far apart. He tolerated no opinion

but his own. His four-year degree course culminated in public humiliation.

Jesus's tale came from experience. He made, and still makes people think today: "Am I like that fool who wouldn't listen? Do I prefer to confront and to criticise rather than to share and to welcome offers of help from others?"

I know that I can be like that; that is my personal confession. But could it be yours, too, in private or in public life?

Business Motion

14:04

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-7327, the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Housing (Scotland) Bill. If any member wishes to speak against the motion, they should press their request-to-speak button now.

Motion moved,

That the Parliament agrees that, during Stage 3 of the Housing (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the Stage being called) or otherwise not in progress:

Groups 1 to 3: 30 minutes

Groups 4 to 6: 1 hour

Groups 7 to 9: 1 hour 40 minutes

Groups 10 and 11: 2 hours.—[Bruce Crawford.]

Motion agreed to.

Housing (Scotland) Bill: Stage 3

14:04

The Presiding Officer (Alex Fergusson): The next item of business is stage 3 proceedings on the Housing (Scotland) Bill. Members should have with them the bill as amended at stage 2, the revised marshalled list and the groupings, which I have agreed as Presiding Officer. The division bell will sound and proceedings will be suspended for five minutes before the first division. The period of voting for that first division will be 30 seconds. Thereafter, we will allow a voting period of one minute for the first division after a debate, and 30 seconds for all other divisions.

After section 3

The Presiding Officer: We come to group 1. Amendment 17, in the name of the minister, is grouped with amendments 26 to 34.

The Minister for Housing and Communities (Alex Neil): These amendments deal with the performance of the Scottish Housing Regulator's functions, and respond to concerns that members of the Local Government and Communities Committee raised during stage 2. Amendment 17 requires the regulator to prepare, consult on and publish a statement that explains how it will discharge its functions in respect of its section 2 objective, and how it will do so in a proportionate, targeted and transparent way.

The regulator's objective under section 2 is to safeguard and promote the interests of those who are or may become homeless, tenants or recipients of housing services that are provided by social landlords. Section 3(2) requires the regulator to perform its functions in a proportionate, targeted, accountable and transparent way, which will in effect provide the framework for the exercise of all its functions.

Amendment 17 responds to concerns that committee members raised about how the regulator would achieve its objective in respect of homeless people and those on waiting lists, and how it would ensure that its regulation of different types of landlord, particularly smaller landlords, would be proportionate.

The additional duty under amendment 17 requires the regulator to consult on and issue a broad statement of its policy and principles—in effect, a statement of intent. That would set the context for its more detailed codes of practice and statements on specific functions, such as the code of practice on inquiries. I would expect the statement to reflect the differences in approach that the regulator will need to take in protecting and promoting the interests of different groups,

and to explain how the regulator will take account of the different circumstances and resources of social landlords and avoid imposing unnecessary burdens or bureaucracy.

Amendment 26 removes the regulator's power to charge a fee to bodies that apply for inclusion in the register of social landlords. It is a technical amendment to ensure consistency with the amendment that was made at stage 2, which removed the power for the regulator to charge fees in respect of its functions.

Amendment 27 and the remaining amendments in the group add prospective tenants, people who are homeless and those who receive housing services from a social landlord to the list of those to whom the ministers and the regulator must have regard, or whom they must consult on their different functions under the bill. Under its section 2 objective, the regulator must safeguard and promote the interests of those groups along with the interests of tenants and homeless persons. The amendments ensure that the views of interested parties on relevant matters are considered, and that the consultation requirements throughout the bill are consistent.

I invite Parliament to support amendment 17 and the other amendments in the group.

I move amendment 17.

Amendment 17 agreed to.

Section 7—The Regulator's membership

The Presiding Officer: We come to group 2. Amendment 18, in the name of the minister, is grouped with amendments 19 to 25.

Alex Neil: The amendments relate to the Scottish Housing Regulator's constitution. Amendment 18 removes the provision for the chief executive to be a member of the board, and the concept of ordinary members appointed by ministers as distinct from the chief executive, as that is no longer relevant.

The other amendments in the group are consequential. The chief executive will be a member of the regulator's staff, and as the senior official they will be its accountable officer. The amendments are intended to avoid any potential for or perception of conflict of interest. They are based on the principle that the accountable officer's duty to ensure the regularity and propriety of expenditure by the board is not compromised by their being a member of the board. Accordingly, I invite the Parliament to support amendment 18 and the related amendments.

I move amendment 18.

Amendment 18 agreed to.

Amendment 19 moved—[Alex Neil]—and agreed to.

Section 8—Disqualification and removal from office

Amendment 20 moved—[Alex Neil]—and agreed to.

Section 9—Expenses of ordinary members

Amendment 21 moved—[Alex Neil]—and agreed to.

Section 10—Chairing

Amendments 22 to 25 moved—[Alex Neil]—and agreed to.

Section 22—Application

Amendment 26 moved—[Alex Neil]—and agreed to.

Section 24—Legislative registration criteria

Amendment 27 moved—[Alex Neil]—and agreed to.

Section 33—Scottish Social Housing Charter: supplemental

Amendments 28 and 29 moved—[Alex Neil]—and agreed to.

Section 34—Performance improvement targets

Amendment 30 moved—[Alex Neil]—and agreed to.

Section 35—Guidance: housing activities

Amendment 31 moved—[Alex Neil]—and agreed to.

Section 36A—Financial management or governance targets for registered social landlords

The Presiding Officer: We come to group 3. Amendment 45, in the name of Patricia Ferguson, is grouped with amendments 46 to 51.

Patricia Ferguson (Glasgow Maryhill) (Lab):

The purpose of my series of amendments in the group is to remove from the bill a number of provisions that would give the Scottish Housing Regulator significant new powers to set governance and financial targets for housing associations. In introducing his amendments at stage 2, the minister suggested that the new sections would add

“to the lower-level powers that are available to the regulator to address performance issues among RSLs”

and

“to the range of regulatory tools that the regulator can use to promote improvement in the management of RSLs.”—
[*Official Report, Local Government and Communities Committee*, 22 September 2010; c 3457.]

I believe that the powers are simply unnecessary. Section 14 already gives the regulator open-ended powers to address concerns about governance or financial performance. Section 36 allows it to publish standards for the financial management and governance of registered social landlords. Section 52 gives it wide-ranging powers to require an RSL to submit a performance improvement plan if the regulator is concerned about financial management or governance, and section 53 gives it wide-ranging powers to issue an enforcement notice if it is concerned about an RSL's financial management or governance. The powers that I have described are in addition to the higher-level intervention powers in sections 55, 57, 59 and 62.

I want the bill to have teeth where it needs them to deal with poor performance or risk. Indeed, my amendment 47 makes that clear. However, including in the bill a general power to set targets is not the way to do it.

I move amendment 45.

Mary Mulligan (Linlithgow) (Lab): I support my colleague Patricia Ferguson's amendments 45 and 46. The first reason to delete sections 36A and 36B is that it appears that they were inserted into the bill without adequate consultation. The bill already contains more than adequate powers for the regulator to take enforcement action and apply sanctions against an RSL that is performing badly. An RSL should be accountable to its tenants and communities. Sections 36A and 36B interfere with that principle. A number of the briefings that we have received support Patricia Ferguson's amendments and I hope that the Parliament will do so, too.

Robert Brown (Glasgow) (LD): I support the comments that have been made on the matter, subject of course to the comments that the minister will make later on. The issue has been the subject of considerable agitation and concern from Glasgow housing associations in particular, which take the view that the Government did not consult them about the additions to the bill, which were highlighted only relatively recently. The housing associations are uncertain what the additional powers would be used for and do not believe that they are necessary.

The key point is the one that Mary Mulligan touched on: there is a bit of a tension between the regulator's oversight function and the accountability of a community-based housing association to its local community and people. We

need to get the balance right, but it seems to me, at least, that sections 36A and 36B go considerably beyond what is necessary and substantially interfere with that balance. That is unhelpful, particularly given the other extensive powers that are in the bill. I hope that the minister will have second thoughts on the matter.

14:15

Johann Lamont (Glasgow Pollok) (Lab): I urge the minister to support the amendments for reasons that are very much along the lines of what members have already said. Undoubtedly, one of the strengths of the community-controlled housing association movement was that effective regulation and its strong asset base gave it deep and real credibility and encouraged banks to lend; however, it was also strengthened by the sense that it had to respond to its tenants and community and the fact that, because of the close scrutiny of local tenants, it had a different way of doing business and making spending decisions.

I am concerned by the fact that the measures have been described as draconian by not only the Chartered Institute of Housing in Scotland, but the Glasgow and West of Scotland Forum of Housing Associations, which is very serious about this business and recognises that there is a particular problem. It feels, for example, that there is an issue about micromanagement and independence. I ask colleagues throughout the chamber, who I know support the housing association movement and are opposed to overregulation, perhaps to reflect on what the powers will do. We should be celebrating the achievements and power of housing associations, but their anxiety about the lack of full consultation on the provisions has led them to ask us to think again about them. It would be good if the minister took heed of that by supporting Patricia Ferguson's amendments, so that we can ensure not just that the movement is properly regulated but that we do not squeeze out the very thing that has made it most effective.

The Presiding Officer: I remind members to ensure that their BlackBerrys and mobile phones are switched off while they are in the chamber.

Alex Neil: After last Thursday, Presiding Officer, I have checked that my mobile phone is indeed off.

I am puzzled that Patricia Ferguson has lodged these amendments. When provisions to allow the regulator to set financial management and governance targets were discussed at stage 2, they met no resistance from the committee. I remind members of the principle here: the role of the regulator is to safeguard and promote the interests of tenants as well as homeless persons and others who receive services from social

landlords. For RSLs, strong financial management and governance are critical not only to the delivery of good services for tenants, but to their viability. Private lenders set great store by the regulator's ability to step in to take action as quickly as possible where concerns about financial management and governance arise. These powers allow the regulator to take early action—

Robert Brown: Will the minister give way?

Alex Neil: I would like to make some progress before I let the member in.

As I said at stage 2, the power to set improvement targets for financial management and governance is similar to the section 34 power allowing the regulator to set performance improvement targets for housing activities. These powers are some of the lower-level powers that are available to the regulator to protect tenants. At stage 2, the committee discussed and agreed the provisions; Patricia Ferguson's amendments seek to remove them and, as a result, to remove some of the safeguards for tenants.

I am not sure that the amendments will be welcomed by all RSLs, given that they seek to replace assessment and regulation based on specific targets set by the regulator with regulation based on broader matters such as those that are set out in the section 36 code of conduct or other aspects of financial management and governance that the regulator considers relevant. That could undermine the regulator's objective of being transparent in carrying out its functions.

Robert Brown: By anyone's account, these are not low-level powers. If they are as important as the minister says they are, why were they not set out in the bill as introduced? After all, they were added relatively late at stage 2 without any background discussion, apart from the limited debate in committee.

Alex Neil: In the consultation prior to stage 1, and indeed during stage 1, we had representations on the need for this approach and, having listened to the committee and various other representations, we decided to introduce the provisions.

The financial management and governance targets in the bill should be seen in the context of the protections and balances on the regulator's powers that are provided for elsewhere in the bill. They ensure that there are clear parameters within which the regulator must work. For example, there is the section 3(2) requirement for the regulator to be "proportionate, accountable and transparent" and the section 51 requirement for the regulator to prepare and consult on a code of practice that sets out whether and how it will intervene. Because the bill gives greater definition and clarity to

everybody, I invite Patricia Ferguson not to press her amendments.

Patricia Ferguson: The amendments that have been made to the bill are wholly inappropriate in dealing with locally based housing associations. Value and weight are put on those housing associations by their tenants and those in nearby communities, who often want to be looked after and cared for by them. It is a matter of their independence. The fact that those associations are locally based is one of their great assets.

What is currently in the bill is too vague. The only real protection on offer for housing associations is the fact that the regulator's decision can be challenged through appeals to Parliament and a judicial review. That is not appropriate. My amendments, particularly amendment 47, would achieve clearer statutory provision and would avoid that.

The minister mentioned that RSLs might be concerned about my amendments. If he thinks that, he might have consulted them before lodging his amendments, but he and his officials patently failed to do that. The Glasgow and West of Scotland Forum of Housing Associations consulted its members. Sixty of those who were consulted in the short period of a week were against the provisions as they stand.

I will press amendment 45.

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

Members: No.

The Presiding Officer: There will be a division. As it is the first division of the afternoon, there will be a five-minute suspension.

14:22

Meeting suspended.

14:27

On resuming—

The Presiding Officer: The question was, that amendment 45 be agreed to. We were not agreed, so there will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)

Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

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

It therefore falls to me to use my casting vote. As always, I do so to maintain the status quo and must therefore vote against the amendment.

Amendment 45 disagreed to.

Section 36B—Guidance: financial management or governance targets

Amendment 46 moved—[Patricia Ferguson].

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

Members: No.

The Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)

Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

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 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 61, Against 63, Abstentions 0.

Amendment 46 disagreed to.

Section 38—Assessment of social landlords

Amendment 47 moved—[Patricia Ferguson].

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

Members: No.

The Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)

Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)

Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGregor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 61, Against 63, Abstentions 0.

Amendment 47 disagreed to.

Section 42—Inquiries: survey powers

Amendment 48 not moved.

Section 45—Information from tenants on significant performance failures

Amendment 49 not moved.

Section 47A—Social landlords' involvement of tenants etc when providing information

Amendment 32 moved—[Alex Neil]—and agreed to.

Section 48—Code of practice: inquiries

Amendment 33 moved—[Alex Neil]—and agreed to.

Section 51—Code of practice: regulatory intervention

Amendment 34 moved—[Alex Neil]—and agreed to.

Section 52—Performance improvement plans

Amendment 50 not moved.

Section 53—Enforcement notices

Amendment 51 not moved.

Section 107—Effect of disposals without consent

The Presiding Officer: We come to group 4. Amendment 35, in the name of the minister, is the only amendment in the group.

14:30

Alex Neil: Amendment 35 makes it clear that a disposal of land by a registered social landlord would be void if it did not seek the regulator's consent before the disposal is made.

Section 107 provides that a disposal of land by an RSL without the regulator's consent, where that consent is required, is void. That means that such a disposal would be treated for all legal purposes as invalid and the RSL would not be able to seek consent retrospectively. Amendment 35 is intended to put that position beyond doubt, and I invite Parliament to support it.

I move amendment 35.

Amendment 35 agreed to.

Section 127B—Removal of residential restriction on a long lease where lessee is a social landlord

The Presiding Officer: We come to group 5. Amendment 36, in the name of the minister, is grouped with amendment 37.

Alex Neil: Amendments 36 and 37 extend exemptions to the 20-year lease and standard security rules to rural housing bodies. I pay tribute to my colleague Alasdair Morgan for raising the issue at stage 2 and to other members, such as Fergus Ewing, who has worked tirelessly on behalf of, in his case, rural housing bodies in the Highlands, to bring back the issue at stage 3.

The Government is supportive of widening the options for affordable housing in rural and in urban areas. I am very sympathetic to the difficulties that are faced by many rural communities and

organisations, such as Dumfries and Galloway Small Communities Housing Trust—I mention that just in case amendment 35 also goes to the casting vote, Presiding Officer—as they try to address the shortage of affordable housing in their areas. The Government agrees with the view that rural housing bodies should be included in the exemptions from the 20-year rules, which have already been accepted for social landlords.

Amendment 36 allows rural housing bodies to lease property from other organisations for 20 years or more for residential purposes. Amendment 37 gives rural housing bodies the option to give up their right to redeem long-term debt early if they wish to do so. Together, the amendments should enable rural housing bodies and rural landlords to work together to provide much-needed affordable housing in our rural areas. I ask Parliament to support amendments 36 and 37.

I move amendment 36.

David McLetchie (Edinburgh Pentlands) (Con): The amendments tidy up the principal amendments, which were lodged by the minister and approved by the committee at stage 2 in order to bring, as the minister said, rural housing bodies within the ambit of the amendments made to the Land Tenure Reform (Scotland) Act 1974, which exempted social landlords and their connected bodies from the 20-year rules. That change in the law will enable social landlords to lease residential properties for periods in excess of 20 years, which would otherwise be prohibited by section 8 of the 1974 act.

It is worth reflecting on exactly what that will mean in practice, because it is not as innocuous as it looks. In essence, it is designed to permit housing associations to enter into funding transactions whereby they will sell part of their housing stock to an institutional investor, such as a pension fund, a bank or another city institution, and lease back the homes on a long-term basis, such that they continue to be managed by the housing association, which will continue to be the landlord in respect of its tenants.

I support the Scottish Government in that objective, as do my Conservative colleagues. Other members should note before they vote that what we are talking about is the sale by Scotland's housing associations of hundreds if not thousands of rented homes to city institutions. Is it not a supreme irony that the members on the Government, Labour and Liberal benches, who have been and will be voting today to deny the rights of ordinary working people to purchase their own home from their housing association, are quite happy to support the proposition that the same housing association should be able to sell that home, over the tenant's head, to an

institutional investor? That is exactly what will happen. It is indeed an irony that the Scottish National Party Government supports selling Scotland's affordable homes to the city of London but not to the tenants who live in them. I trust that members will reflect on that before they vote.

Alex Neil: Mr McLetchie should read the rest of the bill, because one of the amendments that I lodged at stage 2 provided that tenants had to approve by ballot any change in the ownership of the housing association. That means that any transfer of ownership or any takeover has to be approved by the tenants. So, although Mr McLetchie gave an ingenious and very funny speech, the primary objective of amendments 36 and 37 is to allow us—as Glasgow City Council wishes to do immediately that the bill becomes law—to raise private capital for the funding of social housing. At a time when the coalition Government is slashing investment in housing south of the border, we are trying to maintain that level of investment by innovative financial engineering to ensure that the housing remains in social ownership as it is at present.

Glasgow is a very good example of what amendments 36 and 37 will do. They will allow us to get the investment needed to build many more houses—in Glasgow's case, particularly in the transformational areas—to try to overcome the impact of the cuts that the coalition Government is imposing from London.

Amendment 36 agreed to.

Section 127C—Heritable security redemption rights where debtor is a social landlord

Amendment 37 moved—[Alex Neil]—and agreed to.

Section 129—Limitation on right to buy: new tenants

The Presiding Officer: We come to group 6. Amendment 4, in the name of David McLetchie, is grouped with amendment 6.

David McLetchie: The purpose of amendment 4 is to delete section 129 from the bill and preserve for new tenants in Scotland the right to buy conferred on them by the previous Labour-Liberal Democrat Scottish Executive in the Housing (Scotland) Act 2001, when they were given a modernised right to buy. Of course, that was a pale and poor imitation of the generous right to buy conferred on them by Mrs Thatcher, but it was welcome for all that, because it acknowledged two key points. The first is that owning one's own home remains an aspiration for many Scots and people on lower incomes should be assisted to own their homes in the communities in which they

live, which would be all the better for having a diversity of tenures.

The desire of Government and Parliament to facilitate that aspiration is precisely why we have shared ownership and shared equity schemes. As I have said in previous debates, why is it that the Scottish Government devotes more than £40 million per annum to schemes that would give a council tenant of five years' standing the opportunity to buy a new house on a new estate but is hell-bent on denying that same tenant the opportunity to buy the home in which he or she has lived for the past five years so that they can remain in their community? That simply does not make sense.

The second key point that the modernised right to buy recognised is that receipts that are generated from right-to-buy sales could play an important role in financing new affordable housing. Overall, since the right to buy was introduced in 1980, sale receipts have amounted to more than £7 billion in monetary terms, which amounts to more than £11 billion in real terms, at today's prices. Those receipts have facilitated the construction by councils and housing associations of more than 130,000 new affordable homes for rent and financed the improvement of many more homes for the benefit of the tenants who have chosen to stay as tenants rather than become home owners.

The Government seems to wish to do away with that important source of revenue precisely when affordable housing budgets are likely to be squeezed significantly, as the minister just said. That is sheer madness. Evidence to the Local Government and Communities Committee from housing associations and evidence from the Parliament's own Finance Committee has highlighted the negative impact of a drop in sales receipts on future programmes of new building and home improvement. We ignore that evidence at our peril. That is why we should continue to give new tenants the right to buy their homes after five years, should they wish to do so.

Amendment 6 would delete section 131 entirely and preserve the modernised right to buy for new supply social housing. It has been argued that, if the right to buy was not abolished for new social housing, no new social housing would be built. That is nonsense, like much of the other nonsense that is parroted about the right to buy and its impact. The historical record shows that, from 1979-80 to date, councils and housing associations have built 137,744 new dwellings. Throughout the 1980s and 1990s, when the right to buy was at its peak, between 3,279 and 7,708 new affordable homes for rent were built every year. That was possible because of the benefits of

recycling sale receipts into the construction and improvement of new affordable homes.

The fundamental difference between my party and others in the Parliament is that, for us, affordable housing is affordable, whether it is rented from a social landlord or owned by its occupiers, who might have been assisted to own it through a discounted price under the right to buy or through shared equity schemes that the Government finances. Our concern is to increase the total stock of affordable housing. Some are obsessed with who controls affordable housing and seem to think that only housing that is rented through a council or social landlord can be classified as affordable. That is reflected in the absurd claim that selling a council house means that the house is lost, as if—as I have said before—it was towed out into the middle of the North Sea and sunk, instead of continuing to provide a home for the working family that has bought it and lived in it for many years.

Margo MacDonald (Lothians) (Ind): Will David McLetchie give way?

David McLetchie: No, thank you.

Sustaining the right to buy can help us to build more affordable homes for our people in the future and to increase and improve our total housing stock in Scotland.

With pleasure, I move amendment 4.

Mary Mulligan: Mr McLetchie repeated his standard speech on the right to buy. He is correct on one point: Labour members will not support his amendments 4 and 6. Anyone who considers the statistics on the demand for social housing will see that that demand is increasing. Despite the new homes that councils and housing associations have built, demand is still not being met. Indeed, thanks to the unreasonable conditions that mortgage lenders are placing on people who might seek to obtain a mortgage, the demand for social housing is increasing even faster.

Therefore, it is proportionate to prohibit the right to buy for new-build housing and new tenants. When people in those circumstances take up their new tenancies, they know the conditions under which they do so. No rights will be removed from existing tenants. The Government and the Local Government and Communities Committee have agreed exceptions, which include that in my amendment on people who move because of another's antisocial behaviour.

I suggest to members that the bill contains the correct balance of measures to meet demand and aspirations.

14:45

Jim Tolson (Dunfermline West) (LD): Members may, like me, have heard that speech from Mr McLetchie before. Mary Mulligan was right to say that it is a regurgitation of words that we have heard from him time and again. Whether it is in the chamber or in committee, Mr McLetchie seeks to justify the unjustifiable.

The social rented sector has moved on significantly since the 1980s. Thank God, say I and many others. We need to modernise the right to buy and bring it fully up to date. Mr McLetchie's amendments would be a retrograde step, which is why the Liberal Democrats will not support them this afternoon.

Alex Neil: At stage 2, Mr McLetchie complained that the rest of us were obsessed with the issue of ownership. Clearly, it is a disease that he has caught.

The big difference between right to buy and programmes such as shared equity is that with shared equity, people pay their way and the assets of the housing sector are not stripped through a huge discount. Tenants who are left have to pick up the bill for the outstanding debt, both capital repayment and interest.

At the moment, 3,300 new council houses are being built in Scotland. If Mr McLetchie's amendments are agreed to, that would not happen.

I remind Mr McLetchie that in 1980, when the right to buy was introduced by Mrs Thatcher, more than 5,000 new council houses were built in Scotland. The number declined year upon year until 1997—the last year of the previous Conservative Government—when councils built 177 new houses in Scotland. If that is not living proof that the right to buy destroyed the council house building programme in Scotland, I do not know what is.

The Government has been balanced and moderate in its approach in the bill. Mr McLetchie has achieved something unique in the Parliament: thanks to him, I am going to agree with Mary Mulligan, in saying that we have the balance about right. By the end of stage 2, all members of the Local Government and Communities Committee except Mr McLetchie had agreed that the bill gets the balance right.

I remind members of the Government's intention, which is to safeguard the existing stock of social housing. Up to 18,000 houses will be kept in the social rented sector that otherwise would be sold under the right to buy, while we continue to respect existing entitlements and encourage new social housing, particularly new council housing. The provisions command the support of members

of all parties, apart from the Conservatives, and of those who work in the sector. The Government's response to Mr McLetchie's amendments reflects the broad consensus in Parliament and beyond on the issue.

On the detail of the amendments, as Mary Mulligan said, the provisions in amendment 4 were considered and rejected at stage 2. Removing the limitation on the right to buy for new tenants would strike out one of the most significant measures that the bill introduces to reduce right-to-buy sales. It is completely at odds with the action needed now and with the bill's approach to the right to buy.

Amendment 6 would remove the provision to restrict the right to buy on new supply social housing. The same amendment was debated and rejected by the committee at stage 2. It would strike out the other significant measure that the bill introduces to limit the right to buy—a measure that, again, is supported by the majority of committee members and by all the stakeholders. Therefore, the Government's response to amendments 4 and 6 reflects the broad consensus among all, with the exception of the Scottish Conservatives.

I invite Mr McLetchie to withdraw amendment 4 and not to move amendment 6, and by doing so to bring himself in line with the realities of life in the 21st century rather than in the first part of the 20th century.

David McLetchie: I have listened with interest to other members' remarks. I was particularly interested to hear Mary Mulligan confirm the Labour U-turn on the issue of social housing and the right to buy, underlining Labour members' betrayal of the working people they like to pretend to represent.

Jim Tolson said that I had made this speech many times. I have, because the right thing to say is well worthy of repetition in the Parliament and is heard all too little.

The minister sought to distinguish between shared equity and the supposedly huge discounts that he is abolishing. The substantial subvention that is attached to shared equity schemes is far greater than the subsidy that is attached to the modernised right to buy that the minister seeks to abolish for new housing and new tenancies. As the minister will be aware, the huge discount that he is abolishing is subject to a maximum ceiling of £15,000, which has been fixed at that level since 30 September 2002, so the subsidy is far from huge. If he wished to abolish huge discounts, he should have addressed the generous preserved right to buy that Mrs Thatcher provided. Of course, the minister and the Government do not have the courage to take on the tenants who benefited from

Mrs Thatcher's measures. That is the significant difference.

As the minister well knows, the people who presided over the final demolition and destruction of the council house building programme in Scotland were Labour and the Liberal Democrats, who—as SNP members constantly tell us—built zero, or near to zero, houses during their term of office.

Members: Six!

David McLetchie: I beg your pardon, Presiding Officer—it was six. How could I have forgotten the six that were built in eight years. In fairness to the Labour and Liberal Democrat Executive, the minister omitted to say that both the Executive and the Conservative Government built many thousands of affordable homes through our housing associations. The minister's policy should have continued along those lines.

I will press my amendments.

The Deputy Presiding Officer (Alasdair Morgan): The question is, that amendment 4 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

Against

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)

Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)

Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 16, Against 106, Abstentions 0.

Amendment 4 disagreed to.

Section 131—Limitation on right to buy: new supply social housing

Amendment 6 moved—[David McLetchie].

The Deputy Presiding Officer: The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

Against

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)

Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 16, Against 107, Abstentions 0.

Amendment 6 disagreed to.

After section 131

The Deputy Presiding Officer: Group 7 is on reports on right to buy. Amendment 7, in the name of David McLetchie, is grouped with amendments 8 and 9.

David McLetchie: The purpose of these three amendments is to impose on ministers a duty to collect and publish information on a number of matters relating to the right to buy. One of the features of the Local Government and Communities Committee's inquiry into the bill at stage 1 and its stage 1 report was the extent to which we were able to deconstruct some of the myths and prejudices surrounding council housing and the right to buy. The committee's report was able to bring together the facts about right to buy in a single document, and to contradict some of the wilder and unfounded assertions that were made in the course of stage 1 by certain protagonists, most notably the Minister for Housing and Communities himself.

One of the wilder assertions, which remained uncorrected and which was perpetuated by the minister in the stage 1 debate—and which came close to being repeated today—was that made in relation to the outstanding debt on council houses following the exercise of right to buy.

The minister said at stage 1:

"if a council sells off a house at a £15,000 discount, and it uses the receipts from that sell-off to put down against the debt, an outstanding debt of around £7,000 per house on average still remains."—[*Official Report*, 23 June 2010; c 27619.]

That is quite simply not true. It is demonstrably false—although it was merely a repetition of an

equally false assertion that was made by the minister in evidence to the committee, which is recorded at paragraph 108 of the stage 1 report. Not surprisingly, that assertion was the subject of a correction letter from the minister to the committee on 3 September. No wonder the minister had to qualify and correct his remarks, because what he said was manifest nonsense.

Written answers from the minister to questions lodged by me established that receipts from right to buy exceeded the amount of debt that was repaid by councils on housing account and that fell due for repayment year on year. Accordingly, the reason why the level of debt rose between 2005 and 2007 was not because of the right to buy; it was because councils contracted new debt on their housing accounts. Moreover, without the surplus that was generated by right-to-buy receipts, either the projects that those borrowings were financing would have been curtailed or scaled back or the amount that was borrowed would have increased, and the debt burden on the remaining tenants would have been even greater.

Amendment 7 requires the Scottish ministers to bring together on an annual basis all that useful information about housing debt and sale receipts.

The purpose of amendment 8 is to impose an obligation on ministers to collect and publish information—which they presently fail to do—on the numbers of tenants who are eligible for a modernised right to buy and for a preserved right to buy.

One would have expected any provisions on reforming the right to buy in this so-called evidence-based bill—such legislation is held up constantly as being one of the characteristics of the Parliament—to have been based on analysis of the nature of the right to buy that tenants presently hold and how that has changed since the introduction of the modernised right to buy on 30 September 2002. Members will appreciate that, as new tenancies are granted, the new tenants have the modernised right, rather than the preserved right. Accordingly, as time passes, the proportion and number of tenants with a modernised right to buy will increase and the proportion of those with a preserved right to buy will fall.

That information is important, because the bill applies only to new housing stock and new tenancies. Accordingly, it reflects only the miserable modernised right to buy, which was introduced by the previous Labour-Liberal Democrat Scottish Executive.

Alex Neil: Just for clarification, I am sure that it was a slip of the tongue, but Mr McLetchie is wrong to say that the bill applies to new

tenancies—it applies to new tenants, and there is a big difference.

David McLetchie: I beg your pardon, minister—I stand corrected. The minister is quite right to say that it is new tenants—I am happy for him to correct me on that point, although that does not, of course, undermine the substance of what I was saying.

When we talk about restricting the right to buy, all that we are restricting is the right of tenants to buy their home after five years' occupation, subject to a maximum discount of £15,000 in cash terms. That is the discount that we are talking about.

It came to light at an early stage of consideration of the bill that the Scottish Government does not collect and publish that most basic information about the nature of the right to buy that Scotland's tenants hold. Government officials have apparently been incapable of writing to Scotland's councils to ask for a breakdown of stock, even though the information is readily available, as I established by writing to the 26 councils in Scotland that are still landlords.

For example, Falkirk Council told me that there have been 6,238 new lets since September 2002, with tenants on the modernised right to buy, which left 9,389 tenants on the preserved right to buy. Angus Council has 3,099 tenants on the modernised right to buy and 3,684 on the preserved right to buy. I could go on through all 26 councils—

15:00

The Deputy Presiding Officer: Please do not do so, Mr McLetchie.

David McLetchie: I think that members get my drift.

We need to ensure that in future members have a sound evidential basis for policies that are brought forward in the Parliament. I commend amendment 8.

Amendment 9 highlights another glaring omission, this time on the receipts that registered social landlords derive from the sale of homes under right to buy, which apparently cannot be made available, because RSLs report only on the sale of fixed assets and although RTB sales are included in those sales, they are not separately identified.

It cannot be too difficult for every housing association in Scotland to inform the Scottish Government about how many houses it has sold under right to buy in a given year and about the proceeds that were derived from those sales.

Even in these difficult times for our hard-worked civil servants, it cannot be too difficult to compile and publish the information along with the plethora of other information on housing that is readily available. Let us do that in future, so that we can assess the extent to which social landlords utilise receipts from right-to-buy sales to fund new building programmes or improvements to existing stock.

I move amendment 7.

Mary Mulligan: I support amendments 7, 8 and 9. At stage 2, I moved an amendment that would have required a report to be compiled three years after the bill was enacted, to show the overall impact of right-to-buy legislation, including the bill. It is unfortunate that my amendment was not agreed to.

The amendments in David McLetchie's name would provide for the publication of some of the information that could have been included in the report that I envisaged. The publication of such information would allow members to see the statistics and conduct their own analyses. Our analysis and interpretation of the figures might be slightly different from that of Mr McLetchie, but at least we would be able to produce it. Therefore, we will support amendments 7, 8 and 9.

Patrick Harvie (Glasgow) (Green): In many previous debates, the Conservatives have persistently told us that we should not pass legislation without being aware of what it will cost to implement. I am sure that it has just slipped David McLetchie's mind to tell us his assessment of how much it would cost Government and RSLs to collect and publish the information that he seeks. Perhaps in his closing speech on the group he will give us the figure and tell us whether in the current context of the cuts that we face, which his party and his Liberal colleagues have imposed on us, money would be better spent providing social housing or collecting information about it.

Alex Neil: Amendments 7, 8 and 9, in Mr McLetchie's name, would require the Government annually to collect and publish information on the right to buy. Much of the information that Mr McLetchie is requesting is already published. For example, information is published on the number of houses sold under right to buy by local authorities, the number of houses sold under right to buy by RSLs and the outstanding housing debt.

However, like Mary Mulligan, I accept Mr McLetchie's argument about placing publication on a statutory footing and providing the additional information that is not currently published. I do so for two reasons. First, the Government has always championed freedom of information and transparency, which the proposed approach will advance in the RSL sector. Secondly, the

publication of the information will perhaps convince even some backbenchers in Mr McLetchie's party that we have got it right and he has got it wrong on the right to buy. Information is power and I hope that in this case it will be persuasive and make him realise the error of his ways.

David McLetchie: The Government introduced the bill against a backdrop of not having the information, so its policy making clearly proceeds on the basis that ignorance is bliss. However, I welcome support for the amendments from Mary Mulligan and the Labour benches and from the minister and the Scottish Government. The approach will aid policy making.

In response to Patrick Harvie's question about how much the proposal will cost, as the minister said, much of the work would involve simply collating information, some of which is in the public domain. With regard to the other information, it is only information that any good local authority or social landlord organisation should already have in its accountancy and audit system, and it need only be presented to the Government. Therefore, we may take it that the cost of the collection and provision of the information is insignificant. If it were not, I am sure that we would have heard a great deal about that from the minister, who has, in the past, opposed other amendments on the ground of cost. I am sure that he would have been quick to make the same point in relation to this amendment if that were a valid point of objection.

On Patrick Harvie's broader question about cuts, he is, of course, unwilling to wake up to the financial crisis that was visited on this country by the outgoing Labour Government, but this party is not going to be found wanting in that regard, as we tackle the deficit and the black hole in the public finances.

As Patrick Harvie says, that might mean that, when John Swinney presents his budget to the Parliament, there will be cuts in the budget for affordable housing. All that I would ask him and other members to reflect on is the possibility that their actions today will preclude the generation of sale receipts from the sale of homes, which would help to finance programmes in the future. Moreover, I ask members to reflect on the crass stupidity of parties in this chamber that did not facilitate the stock transfer of homes, when billions of pounds of local authority housing debt could have been written off had they done so. That crass stupidity is an error that they will come to regret.

Mary Mulligan: Can Mr McLetchie clarify whether the money for stock transfer is no longer available under the Conservative Government?

The Deputy Presiding Officer: I advise Mr McLetchie and others that we must address the

amendments that we are talking about. I know that arguments may go quite wide on occasion, but I think that this one is going too wide.

David McLetchie: In that case, I am not sure how to deal with the points that have been raised. I stuck to the subject and I was merely responding to the expansion of the debate by other members. However, if you wish to reprimand them for that, Presiding Officer, far be it from me to hold you back.

On Mary Mulligan's question, the minister asked a similar question during the stage 1 debate. At that point, I suggested to him that it might be a good idea if he were to write to the Chancellor of the Exchequer. However, that does not detract from the point that, when that money was available, the Labour Party yet again U-turned on its previous policy of supporting stock transfer—

Mary Mulligan: No—

David McLetchie: Yes, it did. The Labour Party—

The Deputy Presiding Officer: Mr McLetchie, please. Come on.

David McLetchie: But they raised the subject, Presiding Officer.

The Deputy Presiding Officer: And there is no reason for you to carry on with it.

David McLetchie: All that I would say is that there is a clear answer to the point that Mary Mulligan and others have raised on that subject, and I would be more than happy to debate the subject again.

Amendment 7 agreed to.

Amendments 8 and 9 moved—[David McLetchie]—and agreed to.

The Deputy Presiding Officer: Group 8 concerns registered social landlords and the exemption from the right to buy. Amendment 10, in the name of Jim Tolson, is the only amendment in the group.

Jim Tolson: Amendment 10 is a proposal that we have unashamedly reintroduced at stage 3. It relates to exemptions from the right to buy for registered social landlords. At stage 2, I sought to extend the exemption beyond 2010, to 2042, but the amendment that I have lodged for debate today would extend the exemption by just 10 years, until 2022. That is to allow registered social landlords not only an opportunity to protect their stock but a reasonable amount of time in which they can reinvest in that stock and build new homes. It would give a guarantee that is not there at the moment. I know that the minister may well tell me that registered social landlords can already

extend their exemption for 10 years, but they may do so only on a voluntary basis.

By including the amendment in the bill, we will not only give all registered social landlords a level playing field but ensure that they have the same chance to reinvest money in the social housing sector, which will provide much-needed homes. In fact, the amendment is supported not only by the Scottish Federation of Housing Associations, which has projected that, if the amendment is not agreed, some 2,800 houses could be lost from the registered social landlord sector across Scotland in the next 10 years, but by the Chartered Institute of Housing in Scotland.

I urge the Government, looking at the issue on a more reasonable timescale, to back the amendment not only for the sake of registered social landlords in Scotland but to ensure that the quality and certainty of housing are provided for those who need it.

I move amendment 10.

Mary Mulligan: Members have heard from the SFHA and individual housing associations on the 10-year exemption from the right to buy. Again, I believe that the bill seeks a balance between not removing individual tenants' rights and maintaining stock in the affordable rented sector to meet demand.

It is not as if housing association tenants will suddenly have the right to buy—the exemption will have been in place for 10 years. It is also the case that some housing associations have become charities and will therefore not be affected by the right to buy and, as the minister confirmed at stage 2, others will be able to apply to ministers to maintain the exemption. That allows a flexibility that is welcome and part of the balance that the committee sought to strike, which I referred to earlier in relation to the amendments in the name of David McLetchie. Amendment 10 is unnecessary, and Labour will not support it.

Alex Neil: Jim Tolson was one of the committee members who thought that the Government could go further in its reforms of the right to buy. I respect his position, and I believe that he understands mine.

The intention behind the first part of amendment 10 is to exempt all charitable RSLs from the right to buy, including those registered after 18 July 2001, which of course includes the six housing stock transfer housing associations. That would interfere with tenants' existing right-to-buy entitlements because all tenants of charitable RSLs who have an existing right to buy would lose that right.

Although we appreciate Jim Tolson's position, the Government cannot support the proposal.

There has been no consultation with the RSLs and tenants who would be affected by the amendment. They may also share my concerns about how the amendment is drafted, which could produce the opposite effect to that intended by Jim Tolson. Amending the Housing (Scotland) Act 1987 in a way that refers to current registration under what is now repealed legislation would introduce the significant risk that the amendment could be interpreted as meaning that no charitable RSLs are exempt from the right to buy. Whether all or no charitable RSLs are made exempt, I do not believe that it would be right to make such a significant change by amendment at this late stage in proceedings.

The second part of amendment 10 would suspend the right to buy for non-charitable RSLs for 20 years instead of the current 10-year period, which runs from 2002 to 2012. Again, that would interfere with the existing right-to-buy entitlements of tenants, so the Government cannot support it. We have a manifesto commitment not to interfere with the existing rights of tenants.

There is already provision in the Housing (Scotland) Act 2001 to extend the 10-year suspension of right to buy if RSLs apply for it. Applications will be assessed against criteria developed in consultation with stakeholders and will be in place 12 months before the current suspension expires. Applications for subsequent 10-year extensions can also be granted. That can all be done without affecting existing tenants' rights. We should also bear it in mind that not all RSLs may require or desire a blanket exemption. Our solution gives them flexibility to apply to opt in or opt out of the right to buy, depending on local circumstances.

The committee's stage 1 report supported our position, recognising the need for flexibility so that landlords can respond to local circumstances.

15:15

Pauline McNeill (Glasgow Kelvin) (Lab): I want to press the minister on what "local circumstances" might mean. In my area in the west end of Glasgow, the level of sale of council houses or social houses for rent is often high. If a registered social landlord could show that the rate of sale was disproportionately high and was reducing its stock at a rapid pace, might that be grounds for applying for a suspension of the right to buy? Would that be considered?

Alex Neil: There might well be different circumstances in different areas. That is why we are retaining the flexibility of the current legislation rather than introducing a blanket measure of the type that Jim Tolson proposes.

Jim Tolson lodged a similar amendment at stage 2. As he said, the only difference was that the period of suspension was to be 40 years. That amendment was rejected by the committee. Both parts of amendment 10 would interfere with tenants' existing rights, which the Government has said consistently it will not do. I therefore ask Jim Tolson to withdraw amendment 10.

Jim Tolson: I have listened carefully to what Mary Mulligan and the minister have had to say. Although I would like to see my proposal go forward, I seek the Parliament's permission to withdraw amendment 10.

Amendment 10, by agreement, withdrawn.

Section 132—Introductory

The Deputy Presiding Officer: Group 9 is on private rented housing. Amendment 38, in the name of the minister, is grouped with amendments 39 to 43, 2 and 16.

Alex Neil: Amendments 38 to 43 are all Government amendments. Amendments 38 to 42 seek to remove from the bill sections 132 to 136, which amend the landlord registration regime in part 8 of the Antisocial Behaviour etc (Scotland) Act 2004. Equivalent provisions are contained in part 1 of the Private Rented Housing (Scotland) Bill, which was introduced on 4 October. The equivalent sections in that bill have been enhanced and extended to take account of concerns that MSPs and stakeholders have expressed.

Amendment 43 seeks to remove from the bill section 141, which amends the houses in multiple occupation licensing regime in part 5 of the Housing (Scotland) Act 2006. That section is replicated in section 13 of the Private Rented Housing (Scotland) Bill.

As I explained at stage 2, I believe that all the private rented sector issues that the bill deals with would best be considered as part of the integrated package that we have presented in the Private Rented Housing (Scotland) Bill, as the committee recommended. I made it clear to the committee that I intended to seek to remove the private rented sector provisions from the bill at stage 3, and that is what amendments 39 to 43 seek to do.

That approach accords with the view that the committee expressed in its stage 1 report on the bill, in which it said that it

"would have preferred to consider changes to the existing legislation in their totality".

I responded to that by bringing forward an integrated package in the Private Rented Housing (Scotland) Bill. Taken together, the measures in that bill provide a substantial and more effective package of improvements to the legislation on the

private rented sector, including further improvements to the landlord registration and HMO licensing systems. It also contains provisions to give local authorities powers to tackle overcrowding in vulnerable communities and changes to the tenancy regime. I believe that those proposals are best considered as a unified approach. It is right to give the whole package proper parliamentary scrutiny and to provide time for stage 1 consideration.

Amendments 2 and 16 relate to the coming into force of section 141 of the Housing (Scotland) Bill, which I have explained should be removed from the bill and considered as part of the Private Rented Housing (Scotland) Bill. Consequently, I do not believe that the amendments in the name of Pauline McNeill are necessary. I urge the Parliament to resist amendments 2 and 16 and ask Pauline McNeill not to move them. I ask Parliament to support amendments 38 to 43.

I move amendment 38.

Pauline McNeill: Amendments 2 and 16 are designed to support the much-needed provisions in section 141. They would have the effect of bringing those provisions into effect three months after the bill receives royal assent. I lodged them because of my experience of amending the bill that became the 2006 act. The Government has still not brought the amended provisions into force; indeed, they will not be brought into force until August 2011. That was why I learned the lessons of the past and am not allowing the Government to wait too long before it brings in much-needed provisions.

I reiterate my support for the work that the minister has done on this point. That is why I am sorry that he is seeking to remove the provisions to another bill; they are needed without delay.

I also reiterate my support for the need for houses of multiple occupation, particularly in my area of Glasgow Kelvin. However, I am also concerned that, in such areas, 70 to 80 per cent of some streets have houses of multiple occupation in excess of planning provisions limiting HMOs to 10 per cent and 5 per cent in other parts of Glasgow. It is ludicrous that the licensing committee can grant a licence to a landlord who complies with the Civic Government (Scotland) Act 1982, even though he might be in breach of planning policy. Last month, the Scottish reporter refused permission for an HMO, but the landlord had been granted a licence. The HMO licensing regime needs to be matched up with planning policy. It would be a matter for local authorities, not national guidance, and they would have to use their own discretion to allow a licensing committee to refuse an HMO on planning grounds.

I am concerned that the good provisions that the minister seeks to remove might be lost. I am looking for the minister to give as much of a guarantee as he can that, if the provisions are put into another bill, that bill will see the light of day before the end of the current parliamentary session. I do not want there to be any further delay. I hope that the minister can assure us that the bill will at least be in the queue to receive royal assent by then.

Mary Mulligan: The amendments in the name of the minister are the most disappointing part of today's deliberations. It is difficult to understand how a Government, with all its resources, can introduce a bill and then, at stage 3, try to remove some of its most important sections. For people such as those to whom Pauline McNeill has just referred, who live in the private rented sector or in HMOs, the sections that we are talking about are important. If the Government was not ready, it should have not included them in the bill. More important, the Government should have been ready and we should have had a comprehensive public and private sector housing bill when the bill was introduced.

Let us be clear. The committee's stage 1 report did not say that the sections should be removed. If anyone has told the minister that, he should go away and look at the stage 1 report again. The report criticised the Government for not getting its act together and putting the provisions for the public and private sectors into one bill.

The Government has now introduced the Private Rented Housing (Scotland) Bill, as the minister said. At this stage, however, my biggest worry is that the minister will not get that bill right either, and there will be no time to introduce the necessary measures. However, the problem that members have today is that, although it is unsatisfactory to take the sections in question out of the bill, we cannot support them as they stand; they are unamended and incomplete. For that reason, Labour members will abstain on the amendments. We will concentrate on making the Private Rented Housing (Scotland) Bill fit for purpose and I hope that, on this occasion, the minister will do the same.

Robert Brown: I am not sure that I entirely agree with Mary Mulligan. I accept what she says about the history of the matter, but there is a lot of logic in doing what we can to have the private sector housing provisions in one bill and the public sector provisions in another. That has been the tradition since the Housing (Scotland) Act 1987 and the Housing Act 1988. The reason for that is that people should be able to find the legislation when they are looking for it.

On the substance of the amendments, I share the concerns about the removal of section 141 on

the HMO licensing regime. I would like to ask the minister not just about the completion of the Private Rented Housing (Scotland) Bill during this parliamentary session but about the timescale that he anticipates for the implementation of the changes to the HMOs. That is the crucial point today, rather than which bill they are in.

The matter has long been outstanding. Like Pauline McNeill, I have had representations on it from local campaigners in the west end of Glasgow since almost the beginning of my time in Parliament. They make an extremely valid point, which the Government has recognised in introducing the sections about the interrelation between the planning regime and the licensing regime. The pre-existing situation has caused uncertainty and confusion with regard to policy on the matter.

If the minister can reassure us on the timescales, I am prepared—as I think other members are—to accept the logic of what he is trying to do. If he cannot reassure us, we have a bit of an issue, because the timescale for implementation is important. There is an on-going issue with regard to the way in which HMO regulation operates and, while we understand that that aspect is difficult, we want legislative action on it in this session, and we want an assurance from the minister on when that legislation will come into effect once it is passed.

Sarah Boyack (Edinburgh Central) (Lab): I add my concerns to those of my colleagues on timescales. Will the minister confirm that he will proceed with the statutory instrument on party flats? In his answer to my parliamentary question yesterday, he said that he still intended to take the matter forward. In the light of the fact that he is dropping the private rented sector elements from this bill, will he assure Parliament that he still intends to proceed with the statutory instrument? When is that likely to be introduced to the Parliament for scrutiny?

Jim Tolson: It seems rather odd that Mary Mulligan is confused about these amendments this afternoon. I strongly recollect that it was Labour's flipping on the amendments that persuaded the Government to keep them in after all. Moving the sections to the Private Rented Housing (Scotland) Bill is legislatively the right thing to do, and we will support that this afternoon.

Alex Neil: I will deal first with Sarah Boyack's specific question on the order in relation to party flats. We are bringing that forward, and I anticipate that it will be implemented early in 2011. We are committed to progressing that legislation, as I have agreed with Sarah Boyack in the past.

I have had numerous discussions with Pauline McNeill and others, such as Ted Brocklebank, on

the legislation on HMOs. Like those members, I am anxious to ensure that we get it right, and that the Private Rented Housing (Scotland) Bill is passed before the end of the current parliamentary session in March 2011.

The bill has already reached stage 1 in committee, which I anticipate will be completed some time in January, with a view to holding stage 2 proceedings in February and stage 3 in March. I take Pauline McNeill's point about the timetable for the implementation of part 5 of the 2006 act. The order in that regard has already been approved by Parliament and the implementation date for that part of the legislation has been approved as August 2011. We will shortly consult on the implementation of the order that has been agreed by the Parliament.

I hope that I have reassured all members who have spoken on these amendments. In response to Mary Mulligan's comments, I point out that I had an informal meeting with the committee, which gave me the clear message that it wanted the measures to be consolidated in one bill. Only Labour members appeared to dissent from that view. I certainly interpreted from the correspondence that I received from the committee that it required such an approach.

However, that is now history; it is water under the bridge. The important thing is that we consolidate the private sector measures in the Private Rented Housing (Scotland) Bill, and complete the process for this bill on the public sector. As Robert Brown said, there is a tradition of dealing with such matters in that way, and it is the sensible way to proceed.

15:30

The Deputy Presiding Officer: The question is, that amendment 38 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)

Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)

Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 80, Against 0, Abstentions 43.

Amendment 38 agreed to.

Section 133—Appointment of agents: fees

Amendment 39 moved—[Alex Neil].

The Deputy Presiding Officer: The question is, that amendment 39 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

Gil Paterson (West of Scotland) (SNP): On a point of order, Presiding Officer, some of the voting consoles are not working.

The Deputy Presiding Officer: I am happy to run the vote again, though I suspect it will make little difference. I ask the clerk to clear the voting machines.

The question is, that amendment 39 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross)

(LD)

Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 80, Against 0, Abstentions 43.

Amendment 39 agreed to.

Section 134—Access to register: additional information

Amendment 40 moved—[Alex Neil].

The Deputy Presiding Officer: The question is, that amendment 40 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)

Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 80, Against 0, Abstentions 42.

Amendment 40 agreed to.

Section 135—Penalty for acting as unregistered landlord etc

Amendment 41 moved—[Alex Neil].

The Deputy Presiding Officer: The question is, that amendment 41 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)

Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 80, Against 0, Abstentions 43.

Amendment 41 agreed to.

Section 136—Power to obtain information

Amendment 42 moved—[Alex Neil].

The Deputy Presiding Officer: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)

Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 80, Against 0, Abstentions 43.

Amendment 42 agreed to.

Section 141—Amendment of HMO licensing regime

Amendment 43 moved—[Alex Neil].

The Deputy Presiding Officer: The question is, that amendment 43 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)

Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 81, Against 0, Abstentions 41.

Amendment 43 agreed to.

Hugh Henry (Paisley South) (Lab): On a point of order, Presiding Officer. My console indicated that the vote was on amendment 44.

Members: It also did on mine.

The Deputy Presiding Officer: Surprising though it may be, I am not responsible for what appears on the console screens, but I announced clearly that the vote was on amendment 43 and I cannot change what happened. I also think that members will not think it worth while to rerun the vote.

Section 142C—Scottish secure tenancy: rent arrears pre-action requirements

The Deputy Presiding Officer: Amendment 44, in the name of the minister, is grouped with amendments 11 to 13.

Alex Neil: The Scottish Court Service requested a slight technical amendment to section 142C to make it more precise on the stage at which a social landlord should confirm to the court that it has complied with the pre-action requirements for eviction. The amendment clarifies that eviction proceedings may not be raised until the landlord has confirmed to the court in such form as the Scottish ministers may prescribe by regulations that pre-action requirements have been met. At stage 2, the committee agreed to a Government amendment to introduce pre-action requirements.

The Deputy Presiding Officer: Order. Too many conversations are going on. Members should have their conversations outside the chamber.

Alex Neil: I turn to amendments 11 to 13. I sympathise with what Margo MacDonald is trying to achieve. She is trying to provide maximum protection for tenants who face eviction for rent arrears, but I fear that her amendments could, in practice, make matters worse and not better for tenants. The Government has consulted the Convention of Scottish Local Authorities, the Chartered Institute of Housing in Scotland, the Scottish Federation of Housing Associations and the Scottish Court Service on the possibility of introducing provisions along the lines of Margo MacDonald's amendments. They all raised concerns that such provisions would result in more cases going to court.

The amendments seek to give tenants enormous scope to dispute with their landlord whether pre-action requirements have been met correctly. That would be a diversion from the purpose of the pre-action requirements, which require meaningful dialogue before an action is ever raised. It would be a bad outcome for tenants and would lead to a negative outcome in terms of the level of rent arrears. It would also be a bad outcome for landlords who would be denied

reasonable discretion and would face additional legal costs at a time when we want them to direct all their scarce resources to providing more and better housing for tenants. The proposed provision would also be bad for the courts. It would add pressure to already busy court programmes. Those are well founded and significant concerns. We must heed them.

The provisions in the bill on pre-action requirements were carefully drafted to provide a subjective test for landlords when considering tenants' proposals on steps being taken to reduce rent arrears. Their purpose is to avoid delaying tactics by tenants, which would make matters worse for them, and to prevent potentially large numbers of disputes about compliance from impacting on the courts.

I ask members to consider the significant tenant protections that are already in the bill. For instance, subsection (5) of proposed new section 14A of the Housing (Scotland) Act 2001 will require a landlord to make reasonable efforts to agree a plan for reduction of rent arrears before an action is raised. A test of reasonableness in rent arrears cases is already applied in each case by sheriffs when they consider whether eviction action is appropriate.

Before the existing provisions for pre-action requirements commence, we will work closely with all key stakeholders to develop the secondary legislation and guidance. That will specify further and, where appropriate, the particular steps to be taken, or not to be taken, by a landlord in complying with any requirement, and will therefore further strengthen protection for tenants.

In view of that and the risks for tenants, landlords and the courts that Margo MacDonald's amendments 11, 12 and 13 would cause, I invite her not to move the amendments, and ask members to support amendment 44.

I move amendment 44.

Margo MacDonald: At the outset, I should say that I greatly appreciate the general policy thrust of the bill. That is why I find it a bit puzzling that there should be such a constraint on the rights of tenants in respect of the equality that they should enjoy with their landlord, whether it is a social landlord or not.

The minister's final few remarks give rise to an obvious reason why my amendments should be agreed to: he said that secondary legislation would spell out what is required on equity and reasonableness. Why on earth are there expressions in the bill such as

"in the opinion of the landlord"

and "acceptable to the landlord"? There is unilateral decision making in the bill, but according

to the minister the secondary legislation is likely to be much more equitable. If I can have an explanation of that and how it would work, and the words that will appear in the secondary legislation, which are just as decisive as the words in the bill, I may consider not moving my amendments. However, I think that the bill is tilted in favour of the landlord, and I do not see why it needs to be.

Mary Mulligan: I understand why Margo MacDonald lodged amendments 11, 12 and 13. They could be seen as the next step along the path that the bill is travelling on, which is to give tenants protection against eviction. However, that step is unnecessary.

In its briefing to members, the Chartered Institute of Housing in Scotland made the point that, at some stage, a landlord has to come to a view on whether to take action or not to take action. That is correct. Ultimately, that view will be tested in court.

Section 142C sets a series of steps that a social landlord must take before they start legal action against a tenant for rent arrears. That brings us legislation that is similar to that which protects home owners—I refer to the Home Owner and Debtor Protection (Scotland) Act 2010. I welcome and support section 142C, but cannot support Margo MacDonald's amendments.

Margo MacDonald: It is a fact that no protection is given to tenants that is similar to the protection that is given to home owners under the legislation that Mary Mulligan mentioned, and in which there is no unilateral decision making. The minister said that "meaningful dialogue" between tenant and landlord is needed before a decision is taken to apply to the court. That seems to be equitable to me, and such an approach is taken in the legislation that affects home owners who are unable to pay mortgages.

Mary Mulligan: I accept what Margo MacDonald says, but discussion between the landlord and the tenant is needed, and they need to try to arrive at a solution to the problem.

However, at some stage, the landlord will have to decide whether the matter is resolvable and might therefore seek to take it to the court, which will then take a view on it. Section 142C is similar to the provision on pre-action requirements in the Home Owner and Debtor Protection (Scotland) Act 2010—although the two deal with different situations—and therefore we have gone far enough. Amendments 11 to 13 are unnecessary, but I will support amendment 44.

15:45

Alex Neil: I understand where Margo MacDonald is coming from, but she has to take

the issue in the context of the whole of section 142C, which has been drafted to ensure a proper balance between the rights and responsibilities of landlords and those of tenants. As I said, my main concern about amendments 11 to 13 is about the possibility of unintended consequences, which could damage the interests of the tenant as much as they could damage the interests of the landlord. We could end up with far more disputes, and far more disputes going to court, which would not be in anybody's interest. I therefore invite Margo MacDonald not to move her amendments.

The Deputy Presiding Officer: The question is, that amendment 44 be agreed to.

Amendment 44 agreed to.

Amendment 11 moved—[Margo MacDonald].

The Deputy Presiding Officer: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Harvie, Patrick (Glasgow) (Green)
MacDonald, Margo (Lothians) (Ind)

Against

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Allan, Alasdair (Western Isles) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brocklebank, Ted (Mid Scotland and Fife) (Con)
Brown, Gavin (Lothians) (Con)
Brown, Keith (Ochil) (SNP)
Brown, Robert (Glasgow) (LD)
Brownlee, Derek (South of Scotland) (Con)
Butler, Bill (Glasgow Anniesland) (Lab)
Campbell, Aileen (South of Scotland) (SNP)
Carlaw, Jackson (West of Scotland) (Con)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Coffey, Willie (Kilmarnock and Loudoun) (SNP)
Constance, Angela (Livingston) (SNP)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Don, Nigel (North East Scotland) (SNP)
Doris, Bob (Glasgow) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
FitzPatrick, Joe (Dundee West) (SNP)
Foulkes, George (Lothians) (Lab)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Highlands and Islands) (SNP)
Glen, Marlyn (North East Scotland) (Lab)
Goldie, Annabel (West of Scotland) (Con)
Gordon, Charlie (Glasgow Cathcart) (Lab)
Grahame, Christine (South of Scotland) (SNP)

Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)

Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Godman, Trish (West Renfrewshire) (Lab)

The Deputy Presiding Officer: The result of the division is: For 2, Against 118, Abstentions 1.

Amendment 11 disagreed to.

Amendment 12 moved—[Margo MacDonald].

The Deputy Presiding Officer: The question is, that amendment 12 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)

Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)

Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 2, Against 118, Abstentions 0.

Amendment 12 disagreed to.

Amendment 13 moved—[Margo MacDonald].

The Deputy Presiding Officer: The question is, that amendment 13 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 MacDonald, Margo (Lothians) (Ind)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marilyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)

Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)

Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 3, Against 118, Abstentions 0.

Amendment 13 disagreed to.

Section 143B—Duty to assess and provide housing support needs of persons who are homeless or threatened with homelessness

The Deputy Presiding Officer: We come to group 11, which is on housing support for persons who are homeless or threatened with homelessness. Amendment 55, in the name of the minister, is grouped with amendments 14 and 15.

Alex Neil: The Government retains a firm commitment to the provision of good-quality housing support for homeless households. That is a key component in preventing homelessness and in meeting the target of ensuring that all unintentionally homeless households have the right to settled accommodation by 2012.

I gave my qualified support to Mary Mulligan's amendment at stage 2, but I was mindful that both Mary Mulligan and Jim Tolson spoke of the importance of a cost-benefit analysis of the impact of the amendment on local authorities. Jim Tolson, in particular, raised concerns about the cost implications for local authorities. That is why I indicated my support for amendments 14 and 15 after they had been lodged. However, following consultation of key stakeholders, in particular Shelter, I have brought forward an alternative, which is amendment 55. It will give ministers the power to make regulations about the assessment of housing support needs and the provision of housing support services. Shelter has urged all members to unite behind amendment 55 on a consensual basis.

Amendment 55 also requires ministers to consult bodies that represent local authorities, bodies that represent the interests of homeless persons and other appropriate persons. The regulations will be laid before Parliament for scrutiny and approval.

I believe that amendment 55 offers a constructive way to ensure that homeless people are well supported, while acknowledging concerns about the possible cost implications for local authorities and the support needs of other vulnerable groups. The amendment provides the opportunity for stakeholders to work together in a flexible and collaborative way. I believe that it is prudent to take time to ensure that we develop regulations that achieve the desired outcome,

which is high-quality housing support services for homeless people who need them.

It is important to note that not all homeless households will need housing support, because for some the answer to homelessness is the provision of settled accommodation. I am firmly of the view that partnership working is the way to deliver on the 2012 target and the prevention of homelessness. We will develop the regulations with stakeholders in that spirit of partnership.

Amendment 55 represents a constructive way to make progress on an important issue. I look forward to hearing what Jim Tolson and others have to say on the balance that we are aiming to strike with amendment 55, and I hope that the whole Parliament can support it. I ask Jim Tolson not to move amendments 14 and 15 and I urge Parliament to support amendment 55.

I move amendment 55.

Jim Tolson: The minister will recall—I point this out for the information of Parliament—that both he and I raised concerns at stage 2 about the cost of the proposals that Mary Mulligan put forward on behalf of Shelter. The estimated cost was £40 million and we had to find out whether that figure was accurate. With some reluctance I supported her amendment in order to give us the opportunity to find more information and to challenge Shelter, COSLA and others to produce evidence. I am pleased to say that since that time a significant amount of information has been teased out of those organisations. The projected cost of bringing forward this much-needed support for our homeless people has come down to about £10 million. Although that is not an insignificant sum, it is significantly smaller than the £40 million that I mentioned.

After stage 2 I lodged amendments 14 and 15, the purpose of which was to ascertain exactly how much money the new duty would cost. My serious concerns have now largely been allayed and, having listened carefully to what the minister has said, the Liberal Democrats have looked at his amendment 55 and I believe that it gives a statutory basis on which to provide specific support to the people who most need it—Scotland's homeless. I will therefore not move amendments 14 and 15 and we will support the Government's amendment 55.

Mary Mulligan: There has been much misinformation about the amendment that I lodged at stage 2 on an assessment of homeless people to see what support services they might need. Let me be clear: my intention was to ensure that when homeless people are allocated a home, they are given the support services that are necessary to ensure that they are able to maintain that home. Those support services would be wide-ranging,

from help with budgeting to support with drug and alcohol problems, and would help not only the homeless individual or family but neighbours and the community.

It is just not true to say that my stage 2 amendment would cause resources to be taken away from other vulnerable groups, that it would jeopardise the achievement of the 2012 homelessness target or that it would lead to legal challenges and huge court costs. The Scottish Government clearly agrees with me, and not with such scaremongering, given that it has lodged amendment 55.

Before I talk about amendment 55, I will comment on amendments 14 and 15. Jim Tolson is correct that where there is a cost it would be remiss of us as MSPs just to wave an amendment through. However, at stage 2, we had the opportunity to discuss the issue in more detail. In fact, the terms of my stage 2 amendment have been doing the rounds in housing spheres for some time, so any suggestion that it was suddenly sprung on members out of the blue is slightly misleading. However, I am glad that Jim Tolson has now been persuaded that the principle of the amendment that I moved at stage 2 is the right thing to do and is affordable.

I turn to the minister's amendment 55. I do not understand why he felt the need to lodge an amendment so late in the day, unless it was that he was left high and dry by Jim Tolson's press release that said that Mr Tolson would not move his amendments 14 and 15. I ask the minister to clarify a few points on amendment 55. First, it sets out that regulations, rather than guidance, would be required to direct local authorities' implementation of the duty in relation to housing support. We consider that using regulations rather than guidance will present problems and is unnecessary. The minister might wish to comment on that.

I understand that amendment 55 will cover all homeless people who are unintentionally homeless and in priority need, except those who are in temporary accommodation and who are awaiting a decision. We would like assurances that people in temporary accommodation will be covered by the duty.

I ask the minister to confirm that the duty will also extend to those who are threatened with homelessness where appropriate support might avoid the need for rehousing them.

Finally, when will the provisions in this part of the bill commence?

I still believe, as members might expect, that my stage 2 amendment provided the best way forward. However, in the interests of unity and, more important, of achieving the necessary

assessment of homeless people's support needs, Labour members will support amendment 55.

Johann Lamont: I just want to make a couple of points. On the role of stage 2 and the role of the minister, I have to say that I find it absolutely bizarre that, given that the minister thought that there might be significant issues with the cost of Mary Mulligan's stage 2 amendment, not only did he not ask members not to vote for it, he encouraged others, including SNP members, to vote for it. That does not make sense to me, because the critical voice to which we have to listen at stage 2 is that of the minister, who will have information and advice that other members will not have. If the minister had concerns about cost, he ought at that stage to have urged the Local Government and Communities Committee not to support the amendment and to ask Mary Mulligan to withdraw it so that the issue could have been debated further later. If that had happened, we would not have got into the pickle that we are in now, whereby—

The Deputy Presiding Officer (Trish Godman): I am sorry, Ms Lamont, but there is too far too much talking going on in the chamber.

Johann Lamont: Unfortunately, I was talking and now you have put me off.

The Deputy Presiding Officer: That is a bit unusual for you.

Johann Lamont: Too much talking and not enough thinking. I apologise.

The point that I was making was that the committee might have been minded to support something that was ill advised, but stage 2 is the time when people step back if the minister says that there is an issue. It is not clear why the minister was not properly briefed about the implications of Mary Mulligan's amendment at stage 2, given that he later expressed concerns about it.

16:00

My last point is on the substance of amendment 55. The minister is right to say that all that some people require is a house. The assessment stage's purpose is to identify people for whom simply being given a tenancy is insufficient. Too often, people who are allocated a tenancy on the basis of their homelessness fail that tenancy, fail another tenancy and fail another tenancy. The people who are left to address that problem are housing providers. A challenge must be made to other organisations and agencies that should be supporting individuals to assess not just people's housing need but their capacity to sustain a tenancy. The debate captures that. In that spirit, we will support the minister's amendment.

However, we should recognise that critical issues could have been sorted out earlier.

Alex Neil: When the whole Parliament unites in consensus, up comes Johann Lamont to destroy it in a oner. It is obvious from her comments—anyone could guess—that she was not at the committee meeting at which the stage 2 amendment 180 was discussed. Her view is at odds with reality. Had she been interested enough in the subject, she could have been at that meeting.

I will answer Mary Mulligan's points. The regulations will give strong and clear guidance on what needs to be done and when, in order to ensure the highest-quality housing support. We will consult Parliament, the committee and key external stakeholders on the regulations. Subject to that consultation, the regulations will be commenced at the earliest possible opportunity.

We are all on the same page. The only debate was about whether the provisions should be in the bill and, if so, what the bill should say. The need for a good-quality housing support service that meets a minimum standard for homeless people throughout Scotland has never been disputed.

If amendment 55 is agreed to, we will move forward in the spirit in which we have reached agreement with Shelter and in the spirit of the unanimity that I hope has been shown in the chamber. We will move forward as quickly as possible, because we want to ensure that homeless people have the rights and the services to which they are properly entitled.

Amendment 55 agreed to.

Amendment 14 not moved.

After section 143B

Amendment 15 not moved.

Section 151—Commencement

Amendment 2 moved—[Pauline McNeill].

The Deputy Presiding Officer: The question is, that amendment 2 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)

Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)

MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGregor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 42, Against 79, Abstentions 0.

Amendment 2 disagreed to.

Amendment 16 moved—[Pauline McNeill].

The Deputy Presiding Officer: The question is, that amendment 16 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)

Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)

Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 42, Against 80, Abstentions 0.

Amendment 16 disagreed to.

The Deputy Presiding Officer: That ends consideration of amendments.

Housing (Scotland) Bill

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S3M-7294, in the name of Alex Neil, that the Housing (Scotland) Bill be passed.

16:05

The Minister for Housing and Communities (Alex Neil): I am pleased to open the stage 3 debate on the Housing (Scotland) Bill. I thank the Local Government and Communities Committee, under the chairmanship of Duncan McNeil, for its detailed consideration of the bill, which was informed by evidence from a wide range of stakeholders. I appreciate the time that the committee took to seek the views of tenants and service users. The bill has benefited greatly from the debate in the committee.

I thank the clerks to the committee for their help and co-operation throughout the progress of the bill. I give particular thanks to my bill team, who provided excellent advice and back-up support.

The bill introduces important measures that will safeguard social housing for future generations and ensure that social housing is used to deliver good-quality housing and services to those generations. It demonstrates our willingness to seek radical solutions to the problems of inadequate supply and poor quality in housing, as does the discussion document that we published earlier this year, "Housing: Fresh Thinking, New Ideas", which will be followed by the publication of a policy paper in the new year. The Housing (Scotland) Bill will safeguard and improve the supply of housing through reforms to the right to buy, and it will improve the value of social housing to tenants and taxpayers by modernising the regulation of social housing and introducing a Scottish social housing charter.

In the week before we take time to remember those who fought and died for our country, the bill will give to our servicemen and women the same rights to be housed where they have lived and worked that are afforded to everyone else in our communities.

I established a stakeholder sounding board to bring together all those with an interest in the bill so that we could benefit from their views on how it could be improved. I am pleased to say that I was able to incorporate some of their ideas in the bill. For example, tenants told me that it was important that they should be involved in the self-assessment of their landlord's performance, and that charging fees for regulation would impact negatively on tenants. They also told me that the bill should strengthen the protection for tenants

who are threatened with legal action for rent arrears.

I pay tribute to the work of Shelter for persuading us to introduce the pre-action requirements. The Glasgow and West of Scotland Forum of Housing Associations was concerned that the regulator's modernised powers would not allow it to take account of the unique characteristics of community-based housing associations, so I introduced an amendment providing for the regulator to take account of the size and governance of landlords in carrying out its functions.

Margo MacDonald (Lothians) (Ind): I appreciate the amount of consultation and conversation with stakeholders. Did many tenants tell the minister that they thought that landlords should have the sole opinion in deciding whether their benefits payments to catch up on their arrears were satisfactory?

Alex Neil: Landlords will not have the sole opinion. We have introduced a balanced provision.

Finally, registered social landlords and rural housing bodies were concerned about the impact of the 20-year rules for leases and standard securities. Abolishing 20-year leases is a major advance and will allow us to mobilise new sources of capital for investment in social housing. There is no better time to do that than now, given the financial climate in which we are living.

The main reforms in the bill relate to the right to buy—they end that right for new tenants and for new houses. Some committee members and stakeholders argued that the reforms could go further. Although I respect their views, the Government gave a manifesto commitment not to affect existing tenants' rights, and our reforms were shaped to keep that promise. However, over a 10-year period, the reforms may save between 10,000 and 18,000 houses from being sold off under the right to buy.

Our reforms provide reassurance to those local authorities that are building council houses for the first time in many years. The Government has provided £80 million to kick-start that programme of new-build council housing, which will deliver nearly 3,500 much-needed new homes. Councils have been willing to start building again because they know that those houses will continue to be available to future generations as affordable houses to rent.

It is critical that we continue to find ways of increasing the supply of housing and encouraging new and different types of investment to deliver that. One in four people in Scotland live in social housing. We need to ensure that they live in a decent standard of housing and receive good-quality services. We also need to ensure that

those who find themselves homeless or threatened with homelessness are treated fairly, and that adequate consideration is given to the needs of people on waiting lists. The modernised framework for regulation establishes the independent Scottish housing regulator, with the statutory objective of safeguarding and promoting the interests of current and future tenants, as well as homeless persons and others who use the services of local authority landlords, registered social landlords and co-operatives. I was happy to improve those provisions further on the committee's suggestion.

The establishment of a Scottish social housing charter is an important part of the bill. We will take that forward in consultation with the Parliament and key stakeholders.

It is a human right to have a decent roof over one's head. Too many people in Scotland today do not yet have access to the accessible, warm, affordable, comfortable home to which they are entitled. The moral purpose of the bill is to take the additional steps that are needed to ensure that we increase access to social housing and rented accommodation. We will do so by making supply much more stable than it is at present and giving people on the waiting list greater access and a fairer chance of getting a decent home in the future.

I move,

That the Parliament agrees that the Housing (Scotland) Bill be passed.

16:13

Johann Lamont (Glasgow Pollok) (Lab):

Suitably chastised by the minister, I will do my best to be consensual. However, when I express different views, I do so because I disagree with him. As we move forward, seeking a false consensus is probably as much of a problem as anything else.

We have indicated that we are happy to support many of the bill's provisions. In particular, I note and concur with the minister's comments on veterans' entitlements. However, I do not think that the bill deserves to be described as radical. Some of members' disappointment about the bill arises from the overblown rhetoric that the minister used in the early days about his plans to abolish the right to buy. When we voted on the issue, it was recognised that the minister had overstated the case and that past changes had made the really big difference.

There is an overall challenge in relation to housing. It is about the availability of housing to individuals and their families, but it is also about housing's role in sustaining communities, especially at this difficult time. The minister will be

aware of the term "community anchors". Often, housing associations play that role. We should tread gently when we move into that area, to ensure that we do not damage the role that housing providers—housing associations and councils—can play in communities. We will have a tough budget decision to make, and housing providers will play a critical role in determining what happens in the future.

The plans for housing benefit at United Kingdom level have many implications both for individuals and for those who are planning and making decisions at community level. For example, a housing association might be faced with a tenant who has rigorously paid their rent, who has been unemployed for a year, and who discovers that their housing benefit is to be cut by 10 per cent because they have stayed on jobseekers allowance. That sort of situation has implications for housing associations and other organisations that generally manage things in a businesslike way. I have no doubt that the proposals also have implications for people in supported accommodation—there are people with learning disabilities who are currently supported, and we do not know what the proposals will mean for Women's Aid refuges and so on. I am sure that we will have to revisit the impacts of the housing benefit proposals on housing as a whole.

Tough decisions have to be made, of course, and one of the frustrations felt in my party comes from the silliness of some of the things that the minister and the Scottish National Party have said in the past about the division between our support for council housing and RSLs. We took a tough decision to support stock transfer in Glasgow. We brought £1.2 billion into the city. If ever there was a Labour legacy for tough times, it is the fact that properties are still being improved there and there is still new build. There is a new-build development in my constituency that is creating jobs in the construction industry, and the private sector has embraced that. The idea that spending through the public purse does not support private investment and activity is false. We should be careful about making false divisions, which do not help the debate.

I am genuinely disappointed about the decision to remove the whole question of the private sector. The minister says that it is water under the bridge, but the single most significant concern that is brought to me and others in our casework is to do with the quality of rented accommodation in the private sector. Sarah Boyack highlighted the question of party flats, and Pauline McNeill mentioned houses in multiple occupation. There is also the matter of addressing antisocial behaviour, which Charlie Gordon raised. It is unfortunate that, when it was indicated at stage 1 that there was a problem, the minister did not sort it out. There is a

sense of urgency. People do not want those issues to be dealt with slowly. I am concerned that the HMO provisions are not coming until 2011.

There is an issue around the regulator. We know the importance of having solid regulation, but there is a concern that the regulator will increasingly focus on community-controlled housing associations, despite the fact that they generally perform better in inspections. The fear is that the regulator will get a notion that bigger is somehow better, so that there could be forced mergers, although we know that the lesson from the community-controlled movement has been that managing things locally, with control going down to local communities, makes a difference.

Alex Neil: At stage 2, I lodged an amendment to avoid forced mergers. The approval of the tenants will now be required before any merger or takeover happens.

Johann Lamont: I welcome that, but we should ensure that the regulator's approach is light touch. We do not want to kill innovation at a local level in housing.

There is uncertainty about the fact that housing association grant has gone up and down. It has been put to me that there is a fear that banks will use that as an opportunity to intervene and review, and perhaps change the arrangements that they have made with housing associations. That is of concern.

We have already discussed the controversial issues around homelessness, but I reiterate that the issue is the provision of support at the right stage. We have been talking about preventative spend. If we can address the issue at an early stage, ensuring that other agencies are engaged, that will be significant.

We welcome the Scottish social housing charter, but it has to be real. We need to listen to what tenants say about allocations policy; about the difficulties of evicting difficult tenants, particularly drug dealers; about the need to address antisocial behaviour, and the need to bring back a community aspect to how antisocial behaviour is addressed; about sensitive lets and people being told that they cannot identify categories of housing for older people, whose whole lives might be disrupted by younger people being placed in a way that is inappropriate for both of them; and about the role of private landlords. The social housing charter should reflect those concerns of tenants. It should also reflect the fact that tenants want there to be mixed, safe communities. There is a gap between that and what the regulator says. There are also concerns about rent levels going up more quickly for councils and about increased debt being masked by low interest rates.

We are happy to support the bill for the limited changes that it creates, but we trust that we can engage with the minister on the many issues where action is necessary.

16:19

Alex Johnstone (North East Scotland) (Con):

There is an often-held principle in Scottish politics that he who shouts loudest is right. Many members have been honoured today to witness a head-to-head between Alex Neil and David McLetchie. It probably did not amount to a championship bout—no such competition could happen without the First Minister being involved—but it certainly performed the role of championship eliminator, if nothing else.

Scotland has had a number of difficulties with social housing over the years. The slum clearance projects of the 1960s led to the construction of modern slums, in many cases, and many buildings were demolished before the debt that was incurred in their construction was anything like paid off. People who were involved in the construction of public housing in Scotland during the past half century have a great deal to be ashamed of. We must take account of the importance of public housing and how we got to where we are today.

I do not have time to go through the provisions in the bill of which we approve. As I am sure that members realise, I will talk about the bits that we do not approve of. The idea that we should end the right to buy, progressively, by a thousand cuts, is unacceptable to the Conservatives. The institution of the right to buy was the single biggest driver of social change in Scotland in the past 50 years. We will always be proud of the measure that we introduced.

Attempts to cut away the right to buy are symptomatic of a Scottish political establishment that wants to go back to a time when 70 per cent of our houses were publicly owned and rented. The aspiration to own the home that one lives in should not be denied to any social class or individual in Scotland. The approach in the bill is driven largely by political dogma.

Patricia Ferguson (Glasgow Maryhill) (Lab): Will the member give way?

Alex Johnstone: I have only four minutes.

Worse still, the approach avoids opportunities that we could grasp. It is unfortunate that we cannot grasp those opportunities because so many people do not approve of them.

We heard in an exchange that amendments that the minister lodged could facilitate the recycling of capital in Scotland's social housing stock, through the sale of property to financial institutions and the use of the money to build new social housing. That

is a wonderful idea, which we will be forced to consider over time, if for no other reason than that the availability of public money for social housing will be limited in years to come.

Alex Neil: Will the member give way?

Alex Johnstone: I am afraid that I do not have time to do so.

The problem that we face is that although the option might be forced on us, actions that the Government has taken, with the support of Opposition parties, will prevent us from allowing tenants—the occupants of the houses—to become beneficiaries of the approach.

I welcome the fact that the minister has made it clear on a number of occasions that there was a manifesto commitment not to interfere with the existing right to buy, whether we are talking about the original or the modernised right to buy. He said that some people would have had him go further, so I am glad that his manifesto commitment was enough to keep him from doing that.

We cannot afford to have a housing policy that is driven forward by what is, in essence, a prejudice. The Conservatives took Scotland out of public sector housing dependency, by giving people in public sector housing the opportunity to step up. There are members in this Parliament who will vote tonight to pull up the ladder. That is a shame.

16:23

Jim Tolson (Dunfermline West) (LD): I thank the clerks to the Local Government and Communities Committee and the people who drafted the amendments. I also thank all the witnesses who gave up their time to come to the Parliament to give evidence on the bill. Their evidence proved invaluable to me as I worked on the bill.

I have looked forward to such a bill being introduced since the Scottish Parliament's inception in 1999. Little did I imagine in 1999 that I would be so closely involved with one. I have been involved in social housing as a councillor and an MSP for nearly 20 years, so I am only too aware of the pressing need for good-quality social rented housing and the impact that the right-to-buy legislation has had on available stock at a time of increasing need.

If we are serious about tackling that inequality, we need to be willing to take bold steps to reduce homelessness and give reasonable options and timescales to those on the general housing list. That is exactly why I moved a number of amendments at stage 2. In the bill, the Government introduced restrictions on the right to buy in order to protect new homes from being

purchased and lost to the huge social rented housing market. The Liberal Democrats fully backed that measure. I regret that further reforms to the right to buy did not receive full support at stage 2.

Another significant measure in the bill relates to pressured area status. Previously, that allowed local authorities to protect their stock in certain areas. It applied for a maximum period of five years and was available only with ministerial approval. The Government's proposals are a welcome step that will give much more flexibility to local authorities to protect areas where demand for houses vastly outstrips supply, to such an extent that extra measures have to be put in place.

Following stage 2, I lodged amendments 14 and 15 as probing amendments, to ascertain how much money the new duty on housing support assessments would cost. As has been said in Parliament and elsewhere, members were not unanimous on the matter. However, if Johann Lamont or anyone else had read the *Official Report* of the relevant committee meeting, they would have seen that the minister and I both severely questioned the cost implications. However, in a climate in which local authorities are having to make millions of pounds' worth of cuts, it is important to be sure that any financial burdens that are placed on local authorities are proportionate. As I said, the Scottish Government and I raised that issue at stage 2, and the Convention of Scottish Local Authorities more recently raised serious concerns about the extra cost. We are now satisfied that the proposal is affordable—that is why we did not press the amendments—and will help to ensure that the right services are provided.

This is a landmark bill. It has been keenly anticipated for a number of years. It has produced strong debate that has resulted in legislation that will make a tremendous difference to many people in the social rented housing sector. Some opportunities have been missed, of course, but I sincerely hope that the legislation is remembered for its achievements rather than its failings.

16:27

John Wilson (Central Scotland) (SNP): Members know that housing is important; it is one of the priorities of our daily postbag and our surgeries. The timing of this debate is crucial. In 2010, the roof over someone's head should be a right, not a privilege.

It is worth noting that since the stage 1 debate, the private rented sector provisions have been removed and included in the Private Rented Housing (Scotland) Bill. The main policies of the

bill are the improved regulation of social housing and the right-to-buy reforms.

Many social landlords need to do more with regard to the promise to eradicate homelessness by 2012. For example, North Lanarkshire Council effected 162 evictions between April 2009 and March 2010. Only three of those were for reasons relating to antisocial behaviour; the rest were for rent arrears, and it is debatable whether those evictions were based on genuine rent arrears or on technical arrears. The Scottish Government has, quite rightly, placed an emphasis on whether more could be done to protect tenants of social landlords. In March 2010, the consultation document, "Eviction of Tenants in the Social Rented Sector" was published. That led the Government to introduce amendments that strengthen tenants' rights by introducing pre-action requirements before eviction proceedings.

With regard to the spirit of the bill, in the shape of the reform of the right to buy, the bill proposes to end the right to buy for all new tenants, with the removal of the right to buy from newly supplied social housing. I and some other members sympathise with those who wanted to go further with the restriction of the right to buy.

It is good to see the last vestiges of Thatcherism in Scotland continuing to defend the right to buy, despite the housing waiting lists bulging with families looking for four and five-apartment cottage-type housing—the very homes that were snapped up with a 60 per cent discount under the right to buy. That is a concept that the Conservatives have continually promoted. Although my committee colleague David McLetchie pontificates about the benefits of the right to buy, he has never addressed the social costs of the right to buy and its impacts on Scotland.

The bill also establishes the Scottish housing regulator and its functions. I am satisfied that the bill ensures that the regulator has the primary role of regulating the housing functions of local authorities. Ensuring the good practice and performance of social landlords is a key element of the bill.

On the intention to move to risk-based and proportionate regulation, I, like some of my fellow committee members, have some reservations about the lack of inspections. Anyone who has read the reports of a registered social landlord's inspection visit knows that they are valuable for scrutiny purposes and are published for everyone to see. As the committee stated, self-assessment must be a meaningful, robust and transparent process that fully involves all tenants.

The bill's intention to give the Scottish housing regulator detailed powers to set performance

targets for social landlords is most welcome. On analysis, it has been an issue for me for some time that, when local authorities talk about sharing services, there is a need for an approach that places the emphasis on housing associations coming together, particularly against the current economic backdrop. I am assured that the proposal to extend the period for pressured area status from five to 10 years, together with local authorities self-designating rather than relying on ministerial approval, will speed up the whole process.

The storm clouds continue to gather, especially considering the impact from the UK Government's comprehensive spending review and emergency budget. As I stated in the chamber in June, the proposal to cut by 10 per cent the housing benefit paid to anyone who is registered as unemployed for more than a year will not be reversed. The Prime Minister seems determined not to give concessions on that cut, and the assessment of local housing allowance by the Department for Work and Pensions means that the average loss will be in the region of £9 to £12 per week as a result of the emergency budget.

In finishing, I say that it is good to see the bill go forward today but, like others in the chamber, I have been slightly disappointed. We could have taken a more radical approach and had a comprehensive housing bill before us. As other members have said, there are issues in housing that need to be tackled, particularly in the private rented sector. I hope that the new bill that the Government has proposed will do that.

16:32

Patricia Ferguson (Glasgow Maryhill) (Lab):

When we came into the chamber, it was to consider a bill that, if passed, would have legislated in the areas of social rented housing and the private sector. However, the bill that we will pass into law tonight deals with only the social rented sector, as the minister has withdrawn all the elements that affect the private sector. Others have commented on that aspect of today's proceedings, and we all agree that this is a unique, if not somewhat unsatisfactory, situation.

I am grateful to the minister for hearing my plea at stage 2 to recognise the different sizes and compositions of housing associations—an important issue for housing associations throughout Scotland. In this short debate, I want to concentrate on two areas in which I still seek reassurance from the minister. The first relates to the transfer of assets from housing associations and the second to the circumstances in which the pre-eviction protocol comes into effect.

At stage 2 I moved an amendment that, if passed, would have introduced an additional test before the regulator could direct the transfer of a housing association's assets. The minister, and indeed most of the committee, did not agree with me that that was necessary or that such a check or balance was required, despite the fact that we see them in other areas.

It now seems that the regulator will be judge, jury and executioner when it comes to a decision to transfer the assets of a housing association. If the same provision applied in local government, it would mean that the Accounts Commission would have the power to exercise draconian powers against a local authority without recourse to the minister. I do not believe that that would be right for local government, and I do not believe that it is right for housing associations either. The set-up does not recognise the responsibilities that housing associations have to their tenants and communities, and I seek the minister's assurance, in spite of his earlier comments, that it will not lead to a policy of mergers and restructuring.

Next we come to pre-eviction protocols. The minister indicated in advance of stage 2 that he was minded to move an amendment that harmonised the pre-eviction protocol for those tenants in the social housing sector who might face eviction for rent arrears. The minister assured me that that would apply only to cases in which rent arrears, not antisocial behaviour or drug dealing, was the issue, which is something that I have pursued for some time.

The minister's assurance that that was the case was very welcome, as was his on-the-record response to a committee colleague at stage 2, in which he said:

"we have drafted the provisions extremely carefully to ensure that people who are being convicted for antisocial behaviour cannot hide behind the pre-action protocol for rent arrears."—[*Official Report, Local Government and Communities Committee*, 6 October 2010; c 3576.]

My concern here is about the wording of the Government's stage 2 amendment, which says that provisions come into play

"on the ground that rent lawfully due from the tenant has not been paid ... or on grounds including that ground".

In other words, rent arrears might not be the only consideration at that stage. Schedule 2 to the Housing (Scotland) Act 2001, which lists the other grounds, runs to some five pages. One of those grounds is

"using the house or allowing it to be used for immoral or illegal purposes".

Another is acting in a manner, which

"in relation to an action or course of conduct, means causing or likely to cause alarm, distress, nuisance or annoyance".

To my mind, that most definitely covers antisocial behaviour. I would be grateful if the minister could provide clarification.

After hearing Alex Johnstone's speech, I almost ripped mine up and wrote a new one, but I decided not to. However, I would just say this: Alex Johnstone and David McLetchie are right that the right to buy is all about ideology; it is about the Conservatives' ideology. For many members, the issue is how we best serve our constituents, and we do not serve them well by continuing with an unfettered right to buy.

I close by thanking the clerks to the committee and the Parliament's legislation clerks, who were of great help to me in preparing manuscript amendments, which, unfortunately, did not comply with the regulations.

16:37

Bob Doris (Glasgow) (SNP): I continue in the same vein, by thanking our committee's clerks and researchers, who have done a sterling job in helping us to navigate our way through the bill. The Government civil servants have been excellent, too, in ensuring that we have had the maximum amount of information to allow us to scrutinise the bill. Both groups have done a fantastic job.

In the small amount of time that I have, I will quickly set the scene on affordable housing in Scotland. I remind the chamber that 2,609 more affordable houses were built in Scotland in 2009-10 than in 2006-07. That was the result not of a magic wand approach by the Scottish Government, but of sheer investment—£1.7 billion was provided, which represented a 19 per cent increase. To that can be added the capital acceleration from 2010-11.

I mention that because we know that capital investment is starting to dry up because of cuts by the UK Government in the amount of spending for Scotland. That is why reform of the right to buy is important. The Scottish Government is to invest £80 million in council housing. Up to 3,500 new council houses will be commenced in this session, not just because of Scottish Government investment, but because of reform of the right to buy.

Only six new council houses were built under the previous Labour-Lib Dem—sorry, Lib Dem; although perhaps I was right the first time—Executive. The springboard for the upsurge in that number was not just the Scottish Government's financial commitment; it was the clear signposting in the SNP manifesto of the ending of the right to buy for new-build houses, which I believe will become increasingly important as we navigate our way through UK Tory spending cuts.

That is important because local authorities can deal with a subsidy of around £20,000 to £25,000 in terms of a housing association grant subsidy. The reason for that is that they bring additional things to the table such as land and other assets that housing associations sometimes do not have. They would not be willing to use those assets were it not for the reform of the right to buy. I think that that is a core element of what we have in front of us, and I am proud to say that we are part of that. I, too, reject the negative, dogmatic ideology of the Conservatives on the right to buy.

The social housing charter is quite a serious issue—perhaps Mr Tolson should stop laughing—as it looks at the wider role and activities of the housing associations, local authorities and landlords and praises them for how they benefit the amenity and environmental wellbeing of local areas and for how they participate in their regeneration. Many a housing association has done that in the past, but has not always received the credit for it.

I will mention one local housing association, with which I know that Patricia Ferguson also has a relationship. Cadder Housing Association has intervened to help a local community to keep its community centre, which was threatened with closure. One of the issues that Cadder raised with me was that it has to make sure that it concentrates on its core business of providing affordable housing. Under the social housing charter and the wider role, the housing association will be able to be assessed and given credit for its positive community activity.

It is important to mention the benefit cuts. This morning, the Local Government and Communities Committee heard that some local authorities could be down by 25 per cent in housing benefit revenue and 10 per cent in council tax benefit revenue because of the Tory cuts over the next three or four years. That is a heavy impact indeed, and I am delighted that this Government and most parties in the chamber are rallying to protect social housing. That is what the bill does, and I am delighted to be able to support it at stage 3.

16:41

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I thank the minister for the co-operative approach that he has taken during the passage of the bill. I and my colleague Jim Tolson appreciate it.

Although I am not a member of the committee, and have not been at any stage, I thank the committee for its work under the convenership of Duncan McNeil. Albeit at second hand, I appreciate the detail with which I have been furnished. Also, and just for the sake of it, I thank

my colleague Jim Tolson, who is not the Liberal Democrat spokesman for housing but is a member of the committee—one of the anomalies that occur in the Parliament—and has shouldered a difficult burden and done a good job.

In the limited time that I have available I will talk briefly about the minister's comments. One of the things that strikes a chord with the Liberal Democrats, and the minister has mentioned it, is the idea of a decent deal for our servicemen and women. That will reach out into our electorate in a way that some of us perhaps do not quite realise; it is important.

When the minister spoke about mobilising new sources of capital, particularly within the rural housing context, it was music to my ears. I believe that it will—if I may use the expression—ginger up housing provision in rural areas, such as parts of the Highlands.

The minister rightly made the point that the right to buy for existing tenants is being protected. That is important, and we should not forget it.

Johann Lamont spoke about the necessity of revisiting the legislation. I accept that. Perhaps Alex Johnstone was making a debating point when he said that we got things wrong in the past, but all parties have got things wrong in the past and it does not alter the job that lies before us. The bill is a step in the right direction, but it might well be—in fact, it is a racing certainty—that in a future session the Parliament will look at the legislation again and fine tune its detail.

Statistics have been bandied about to show whether the right to buy is a good or a bad thing. Let us park the issue: we do not propose to alter the rights of existing tenants. However, I have 24 years of experience, first of working for a housing authority and then as an MSP, and I remember the days of 1986 when Ross and Cromarty District Council was building houses. We were proud of that, because we could house people and give them some hope. When we came to 1996, no houses were being built in the Highlands. Facts are chieftains that winna ding, and that was a pretty hopeless situation.

I should make this important point to the Conservatives. We can argue about a property-owning democracy and allege that the Labour Party is all about people being incarcerated in rented accommodation, but it is not so. Ownership is not for everyone. Some people have found themselves in difficult and deep waters, to say the least. Perhaps for all the best and altruistic of reasons they got the first step on the housing ladder, but then they were encouraged to borrow, to buy a bigger house and to get into debt. We should remember that ownership is not for everyone; the private sector and the public sector

play their part. That is the balance that we must strike.

I believe that the bill that we will pass today is a step in the right direction. When we return to our constituencies, we can greet the people who come to us with a flood of housing problems by saying that the Scottish Parliament has taken a step in the right direction that may, in the fullness of time, be of help to them.

16:45

David McLetchie (Edinburgh Pentlands) (Con): I have very much enjoyed participating in the consideration and scrutiny of the Housing (Scotland) Bill as a member of the Local Government and Communities Committee. Like other members, I thank those who supported the minister and the committee in progressing the legislation, and all the individuals and organisations who gave written and oral evidence.

We must view the bill in the context of the shambolic Scottish National Party housing policy, which got off to an inauspicious start with Nicola Sturgeon's rapid ditching in half a sentence of the promise to give every first-time buyer a £2,000 grant. Do we remember that one? No—I suspect that some would like to forget it.

That was followed by the failure to encourage further stock transfers of council housing to housing associations, which would at that time have written off Scotland's housing debt balance of £2.2 billion. The SNP did that because it wanted to embark on a council house building programme to spite and embarrass the Labour Party rather than recognise the wisdom and good sense of the Labour, Liberal Democrat and Conservative policy of identifying housing associations as the principal providers and managers of affordable social housing in Scotland. Remarkably, the SNP succeeded in that, because a shame-faced Labour Party backed off from supporting further stock transfers—even with tenants' approval—in a number of debates in the Parliament, even when we gave it every opportunity to support the policy.

The latest instalment in the sorry saga is the SNP's assault on the right to buy, with the connivance of Labour and the Liberal Democrats. In a few weeks' time there will be much greeting, wailing and whining when the affordable housing budget is cut by John Swinney. Members should pause to reflect that the policies that they have supported have led to a situation in which there will be limited funding for new building and development programmes, not through any decision taken by Mr Osborne or Mr Alexander, but as a result of decisions taken by this Government in this Parliament.

I wonder if that is why the SNP Government is now promoting the sale and lease back of hundreds and thousands of affordable homes in Scotland to institutions in the City of London. I point out to back-bench SNP members who tried to protest in denial of my interpretation of that provision that the minister did not deny it. He merely said that it required tenant approval in a ballot—not unlike a stock transfer from a council to a housing association. The SNP Government does not support stock transfers, however, so how does it square all that? Frankly, it is all over the place.

It is a pity that a bill that contains many useful sections on the housing regulator and the governance of registered social landlords should be tainted by association with the inclusion of the ill-judged proposals on the right to buy. That is why the Conservatives will not support the bill at decision time tonight.

Other parties in the chamber may wish to betray the aspirations of ordinary working people to own the home in which they live in the community in which they live, but the Scottish Conservatives will not do so. Home ownership is an aspiration that we have enabled half a million families in this country to fulfil over the past 30 years. We are proud to have done so and we want others to have the opportunity to do the same.

The social benefits of the right to buy for Scotland over the past 30 years have far outweighed any social costs, and for that reason we will vote against the bill this evening.

16:49

Mary Mulligan (Linlithgow) (Lab): I join other members in thanking the clerks and the witnesses who came to the committee and helped us to bring the bill to the chamber. Usually on such occasions, we say how delighted we are to be passing the legislation. I am pleased with the bill, and we will—unlike Mr McLetchie and his Conservatives—support it tonight.

However, I have a nagging feeling that we could have done more. That is not just about our having removed the private sector aspects. It is also about the need to address some of the issues that my colleague Johann Lamont raised. The need for a comprehensive housing policy is there for all to see. There are pressures on all tenures. Whatever tenure we consider, be it ownership, public sector renting or private sector renting, people are having difficulty in accessing housing that meets their needs. Whatever happens after the elections in May and whichever party is in power, there will be a need to consider housing issues further and we might need to bring forward yet more legislation.

I am pleased that the minister mentioned the Scottish social housing charter. There was great

agreement between the parties on the measures that are being brought forward. Unfortunately, the result of a lot of agreement is often that things do not get highlighted as they should, so I am glad that the minister mentioned the charter. I stress that tenant involvement in its development will be critical to its success, but I am sure that the minister will see to that.

The minister mentioned the amount of consultation that has taken place on housing. That is to be welcomed. However, there comes a time when consultation has to stop and action has to take place. We are now in a position to answer some people's needs, whether they are older people, with their particular housing needs, or young people, who presently have few options with regard to housing unless they have family or friends who can help them. We will need to look at those issues when we next legislate in this area.

When the bill was launched earlier in the year, there was much trumpeting that it was to contain the abolition of the right to buy. No matter how many times we see the minister in his JCB with his hard hat on, the fact is that we have not abolished the right to buy today. However, we have made a pragmatic response to where we are with it. I disagree with Alex Johnstone. We should not just sit back and allow things to continue as they are. We have to look at the circumstances in which we find ourselves, and the demand for social rented housing means that we need to ensure that its supply is increased. The committee and the Government have sought to strike a balance between increasing the availability of stock and ensuring that tenants do not have their rights removed.

I welcome new council house building, but I remind the minister that it was the Labour Party that provided the financial framework to ensure that it could happen. It is not helpful for the likes of Bob Doris to come to the chamber and reiterate the myth that the previous Administration built only six council houses. We built thousands of affordable houses, and it is insulting to people in those homes to keep repeating nonsense as some members do.

Alex Johnstone suggested that the changes to the right to buy are an ideological choice. The ideological choice that we are seeing from the Con-Dem Government south of the border is one that we should all be condemning. People will not have the choice to rent affordable homes because his Government will make that unobtainable to them. We believe that people should have that choice. Those who want to rent should be able to rent and those who want to buy to be supported to do so. Perhaps Alex Johnstone could speak to his banker friends sometime about making mortgages available to people.

If we look the role of community housing associations—

The Deputy Presiding Officer: You should be finishing now, Mrs Mulligan.

Mary Mulligan: As Johann Lamont said, community housing associations have been the backbone of housing throughout Scotland and we should continue to support them.

I am always happy to take part in debates that improve housing in Scotland, but I say to the minister that I still have a feeling that we could have done more. I believe that we will need to return to the issues after the next elections.

16:55

Alex Neil: I will try to answer some of the points that were raised in the debate. I turn first to genuine points of inquiry. Patricia Ferguson raised two points about our policy on housing association mergers. On her first point, I make it absolutely clear that we have no policy of forced merger. We have never forced mergers on housing associations and we will never do so. As far as we are concerned, the way in which housing associations are structured is primarily a matter for them. That is decided by their boards, members and tenants; it is not decided in Edinburgh by Government ministers.

Patricia Ferguson's second point was a reasonable point of inquiry on the provisions in relation to the pre-action protocol. I make it clear that I share her view that we should not in any way allow people who are guilty of antisocial behaviour to get away with using any law to escape eviction where eviction is justified. As a result of the manuscript amendments that she lodged yesterday, we double checked the legal position, which is as I outlined at stage 2. If someone is being evicted for rent arrears, the pre-action protocol applies. If they are being evicted for rent arrears and antisocial behaviour, the pre-action protocol applies. However, if they are being evicted only for antisocial behaviour, the pre-action protocol does not apply—it absolutely does not apply.

Patricia Ferguson: Will the minister give way?

Alex Neil: I need to move on I am afraid.

I turn to other points that were raised in the debate. Johann Lamont raised the situation in Glasgow. In fact, when we took over, the Glasgow Housing Association situation could be described only as an unholy mess. The core element of the promise that Labour made to the people of Glasgow was that second-stage transfer would happen, yet the GHA had transferred not one house to local community associations. By next

Christmas, 20,000 houses will have been transferred under second-stage transfer.

Mary Mulligan made a much more moderate speech than Johann Lamont did, which would not have been difficult. However, Mary Mulligan got into difficulty when she spoke about the number of council houses. What she said stimulated me to do some research. I have the facts before me. I looked at Labour's record on council house building during the eight years that it was in office and, just for the record and in the interests of transparency, I can tell the chamber that—*[Interruption.]*

The Presiding Officer (Alex Fergusson): Order.

Alex Neil: —in the eight years of the Labour/Liberal coalition, the total number of council houses built in Scotland was 497. We will build seven times that number over the next two years. We have made substantial progress.

In her fairly moderate speech, Mary Mulligan said that there was much more to be done in housing and that we should have done much more in the bill. I have been looking at Labour's leaked policy document for its new ideas on housing, but I struggled to find one new idea. Before Labour criticises others, it should look at the state of its own policies. As far as housing is concerned, it is a bare cupboard.

I say to Mr McLetchie, who is in opposition to these measures, that the bill that I hope the chamber will pass today is a major step forward. It will keep in the rented sector up to 18,000 houses that would otherwise have been sold under the right to buy. When we took over, we inherited one of the longest-ever waiting lists and a 50-year low in the availability of rented stock. We have been building at a record level, but we have still had to take other measures to ensure that housing stock is available for people who need and deserve it.

The bill is a major advance. On top of it, we are already firing ahead with our new ideas, such as the national housing trust initiative, under which more than 1,000 additional houses will be built in Scotland over the next two years.

In pressing members to pass the bill, I say that we are proud of our housing record. We have a far better record than any previous Government. The Housing (Scotland) Bill is an historic bill for the people of Scotland, and it should be passed unanimously.

Business Motions

17:02

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-7314, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 10 November 2010

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 3 Proceedings: Alcohol etc. (Scotland) Bill

followed by Business Motion

followed by Parliamentary Bureau Motions

6.00 pm Decision Time

followed by Members' Business

Thursday 11 November 2010

9.15 am Parliamentary Bureau Motions

followed by Scottish Government Debate: Curriculum for Excellence

11.40 am General Question Time

12.00 pm First Minister's Question Time

2.15 pm Themed Question Time
Rural Affairs and the Environment;
Justice and Law Officers

2.55 pm Health and Sport Committee Debate:
Inquiry into out-of-hours healthcare
provision in rural areas

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 17 November 2010

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Scottish Government Business

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 18 November 2010

9.15 am Parliamentary Bureau Motions

followed by Scottish Government Business

11.40 am General Question Time

12.00 pm First Minister's Question Time

2.15 pm Themed Question Time:
Finance and Sustainable Growth

2.55 pm Scottish Government Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business—[Bruce Crawford.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motions S3M-7315 to S3M-7322, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out stage 1 deadlines for bills.

Motions moved,

That the Parliament agrees that consideration of the Domestic Abuse (Scotland) Bill at Stage 1 be completed by 21 January 2011.

That the Parliament agrees that consideration of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Bill at Stage 1 be completed by 4 February 2011.

That the Parliament agrees that consideration of the Double Jeopardy (Scotland) Bill at Stage 1 be completed by 11 February 2011.

That the Parliament agrees that consideration of the Local Electoral Administration (Scotland) Bill at Stage 1 be completed by 4 February 2011.

That the Parliament agrees that consideration of the Private Rented Housing (Scotland) Bill at Stage 1 be completed by 28 January 2011.

That the Parliament agrees that consideration of the Public Records (Scotland) Bill at Stage 1 be completed by 11 February 2011.

That the Parliament agrees that consideration of the Protection of Workers (Scotland) Bill at Stage 1 be completed by 14 January 2011.

That the Parliament agrees that consideration of the Reservoirs (Scotland) Bill at Stage 1 be completed by 11 February 2011.—[Bruce Crawford.]

Motions agreed to.

The Presiding Officer: The next item of business is consideration of business motion S3M-7323, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a stage 2 deadline for the Forth Crossing Bill.

Motion moved,

That the Parliament agrees that consideration of the Forth Crossing Bill at Stage 2 be completed by 26 November 2010.—[Bruce Crawford.]

Motion agreed to.

Decision Time

17:02

The Presiding Officer (Alex Fergusson): There is one question to be put as a result of today's business.

The question is, that motion S3M-7294, in the name of Alex Neil, on the Housing (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
Alexander, Ms Wendy (Paisley North) (Lab)
Allan, Alasdair (Western Isles) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Keith (Ochil) (SNP)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Coffey, Willie (Kilmarnock and Loudoun) (SNP)
Constance, Angela (Livingston) (SNP)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Don, Nigel (North East Scotland) (SNP)
Doris, Bob (Glasgow) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
FitzPatrick, Joe (Dundee West) (SNP)
Foulkes, George (Lothians) (Lab)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Highlands and Islands) (SNP)
Glen, Marlyn (North East Scotland) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gordon, Charlie (Glasgow Cathcart) (Lab)
Grahame, Christine (South of Scotland) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Harper, Robin (Lothians) (Green)
Harvie, Christopher (Mid Scotland and Fife) (SNP)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Paisley South) (Lab)
Hepburn, Jamie (Central Scotland) (SNP)
Hume, Jim (South of Scotland) (LD)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Adam (South of Scotland) (SNP)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Kelly, James (Glasgow Rutherglen) (Lab)
Kerr, Andy (East Kilbride) (Lab)
Kidd, Bill (Glasgow) (SNP)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lochhead, Richard (Moray) (SNP)
MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
Macdonald, Lewis (Aberdeen Central) (Lab)
MacDonald, Margo (Lothians) (Ind)
Macintosh, Ken (Eastwood) (Lab)

Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

The Presiding Officer: The result of the division is: For 104, Against 16, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Housing (Scotland) Bill be passed.

RAF Kinloss and RAF Lossiemouth

The Deputy Presiding Officer (Alasdair Morgan): The final item of business is a members' business debate on motion S3M-6920, in the name of David Stewart, on the importance of RAF Kinloss and RAF Lossiemouth.

Motion debated,

That the Parliament considers that RAF Kinloss and RAF Lossiemouth make a substantial contribution to the Moray economy; notes that the two bases collectively support 5,711 full-time equivalent jobs in the local economy, which equates to 16% of all full-time equivalent employment in Moray; further notes that direct on-site employment has been identified as 4,037 full-time equivalents and gross income as £158.3 million; considers that the wider impact on population is significant, with the families of RAF personnel accounting for 1,457 spouses and 1,919 children up to 16 years of age, which is 7% of the total population of Moray and 8% of its working-age population; believes that the economy and population of Moray are heavily dependent on the RAF and that the two bases make a highly significant contribution to the population and economic prosperity of the area, and considers that any decisions about the future of RAF Kinloss and RAF Lossiemouth should take into consideration the social and economic role played by both bases in the Moray area.

17:05

David Stewart (Highlands and Islands) (Lab): I place on record my thanks to all members from across the political divide who have signed my motion and those members who have stayed behind this evening to debate what is an important subject. I congratulate the four party leaders—Alex Salmond, Annabel Goldie, Tavish Scott and my party leader, Iain Gray—on committing to supporting the RAF Lossie rally on Sunday, which I believe will be one of the most important and significant rallies that Moray and Scotland have experienced in the past decade.

RAF Kinloss and RAF Lossie have great personal resonance for me. My father did his national service with the Royal Air Force as a fresh-faced 18-year-old, and his first posting was at Kinloss. During my time at Westminster, I was honoured to serve with the RAF as part of the armed forces parliamentary scheme. I had placements in both bases, as well as in Basra, and flew in Tornado, Nimrod and Sea King search and rescue aircraft. On my last day with the RAF, the Sea King had an emergency to attend at Glencoe. I spent eight hours in the air watching the bravery, expertise and professionalism of the pilots and winch crew as they saved the lives of a young Swiss couple who had suffered facial injuries in a mountain accident.

I will touch on the strategic defence and security review, before referring to the social and economic

impacts of the base closures. As all members will be aware, Kinloss is the home base of the Nimrod fleet of maritime aircraft. The new MRA4 Nimrod came into service this year and a fleet of nine had been ordered from BAE Systems. The decision in the SDSR to scrap the MRA4 will, in effect, close Kinloss as an RAF base. As members will recall, Kinloss also hosts the aeronautical rescue co-ordination centre as well as NATO exercises several times a year.

One of the world's most respected defence commentators, *Jane's Defence Weekly*, has said that the cancellation of the Nimrod programme would not save significant amounts of money from the £3.65 billion procurement costs of the aircraft, because almost all of it has already been spent on development and production. If we add the cancellation fees to the mix, it makes more economic sense to keep the programme than it does to cancel it. It is Alice in Wonderland economics to stop a scheme under which one aircraft has already been built and delivered to Kinloss and the other eight are 90 per cent complete.

The Nimrods are being built at the BAE Systems plant in Woodford, Cheshire. The Unite convener there, Kevin French, was quoted recently on BBC Manchester as saying:

"It looks like they are going to cut them up. They will probably bring in a big company to crush them and cut them up, chop their wings off. It will be as crude as that. It will be the most expensive scrap metal they will have ever paid for. It is such a waste of money—why would you pay almost £4bn and not put the planes into service?"

The new MRA4 is intended to provide the nation's long-range search and rescue capability. Fixed-wing aircraft such as the Nimrod are capable of getting into the search area quickly and covering large areas efficiently and, of course, of remaining on the scene for several hours. We all know about the sterling work that was carried out by the pilots, the air crew and the aircraft during the Piper Alpha disaster.

Who and what will cover the gap? The other assets that we currently have either lack the range, in the case of helicopters, or the necessary electronic search equipment, such as night-vision cameras. However, members should not take my word for that. As recently as September, the Secretary of State for Defence, Liam Fox, stated in a leaked letter to David Cameron:

"Deletion of the Nimrod MR4 will limit our ability to deploy maritime forces rapidly into high-threat areas; increase the risk to the deterrent; compromise maritime CT (counter terrorism); remove long-range search and rescue, and delete one element of our Falklands reinforcement plan."

Just along the coast from Kinloss, as members will be aware, RAF Lossiemouth is home to the

largest fast-jet base in the United Kingdom, containing three operational squadrons of Tornado GR4s and Sea King search and rescue aircraft, as well as an extensive range of operational, logistic and administrative support functions.

The SDSR argued that in the future the fast-jet fleet will be made up of the Typhoon and the new joint strike fighter. In the transitional period there will be a reduced Tornado fleet.

Richard Lochhead (Moray) (SNP): I thank Dave Stewart for giving way to me in my role as the constituency member for Moray. As he indicates, the people of Moray are certainly “Up for the fight”. I use the opportunity to express the very deep gratitude of the people of Moray for the cross-party support that they are receiving for their campaign.

I agree with Dave Stewart that it is complete folly to cancel the Nimrod contract when BAE is completing the aircraft, which are badly needed, and when the UK Government has already spent billions of pounds of public money on that defence capability. Does he agree that, at a time when the defence footprint in Scotland is disproportionately small, it would be even greater folly to jeopardise the future of RAF Lossiemouth by not basing the Tornados at that base, given that the defence, economic and social case is extremely strong? Finally, does he agree that it would be a betrayal of not only the people of Moray but the whole of Scotland were that base to be run down or closed?

David Stewart: I agree with those points. When the base was opened more than 60 years ago, it was sited there not only for social and economic reasons—which I, of course, agree with—but for good defence reasons. Fast jets needed to be placed there for good geographic reasons.

During the Westminster debate, Opposition back benchers referred to a leaked document from the Ministry of Defence that said that the Tornado fleet, along with aircraft maintenance, would be centralised at RAF Marham in a year's time.

I will move briefly to the social and economic impact. Highlands and Islands Enterprise's independent economic impact analysis has identified that both bases support more than 5,500 full-time jobs—16 per cent of all the full-time jobs in Moray—and that the economic impact will be more than £158 million a year. The report concludes:

“It is clear that the economy and population of Moray are heavily dependent on the RAF, probably more so than any other region of the UK.”

Let us now talk about the way forward. We all know that 18 years ago the American naval base in Dunoon closed with a loss of 4,500 American personnel to the Argyll and Bute economy. At that

point, a dynamic economic committee was set up with European Union and Government funding to look at alternatives. Let me place on the record my applause for the work that the Moray task force has done to date.

There is much that we can learn from Dunoon and from the US, where the Government takes responsibility to rebuild and reboot local areas when defence bases close. That functions as a form of social covenant with the local community. Tonight, I am calling for such a social covenant with the people of Moray. There need to be myriad economic levers to attract inward investment, to stimulate local business initiatives and to offer ex-RAF and civilian staff retraining and support, which John Swinney referred to last week. We need to seek to draw down more EU funding, we need to consider relocating more Scottish Government posts and agencies to the area and we need to look at the timescale for the special enterprise zone for Moray.

Moray is a strong and resilient community with businesses—such as whisky, fishing and farming—strong local councillors, churches and trade unionists and a dynamic voluntary sector. In closing, I will paraphrase Canon Kenyon Wright: What if the Government said the bases should close, and they are the Government, but the community of Moray said no—and they are the people?

17:13

Dave Thompson (Highlands and Islands) (SNP): As a Lossie loon, ah ken mair than maist jist foo much Moray fowk are feeling the snell Lib-Con win aat's blawin roon thir necks. Indeed, Moray is gripped by fear and apprehension following the decision of politicians in a distant land to wipe out the Kinloss air base.

The decision will have a devastating impact on service personnel—and their families—who have bought homes and settled in that beautiful part of Scotland, and on hundreds of small businesses, community groups, schools and public services once the RAF personnel are removed.

Thousands of people who are indirectly affected by this controversial discussion are also waiting nervously to find out what impact it will have on the value of their homes, the future of their children's schools and even the viability of their local butcher.

All the while, the people of Moray cannot escape the fear that this disastrous news about Kinloss is merely the harbinger of an even more devastating cut to follow. There are fears that the demise of Kinloss will soon be followed by a similar announcement about the closure of neighbouring RAF Lossie, which raises the

prospect of a second, even more damaging, blow to the economy of Moray and the surrounding communities.

That fear and uncertainty was made clear to me by dozens of people whom I met in Forres, close to RAF Kinloss, when I visited there last month, shortly after they had been shocked by the unwelcome announcement. That was in dramatic contrast to the enthusiasm that I saw when I visited RAF Kinloss with my son-in-law Stefan this summer to have a go on the simulator that is installed at the base to help to train pilots and crew of the eagerly awaited next generation Nimrod surveillance and rescue aircraft, the MRA4.

The effect on Moray will be devastating and I was very disappointed by David Cameron's flippant remarks last week, because the loss of defence jobs in Moray is no laughing matter. Mr Cameron should also know that Scotland is not just one region but several, and that aircraft carriers in the central belt are no compensation for cuts in Moray.

Moray is already disadvantaged, as average wages are just £407.50 a week, which is 13.7 per cent less than the Scottish average. With the loss of the higher wages at the bases, that figure will drop even further below the Scottish average. It is unacceptable that Moray should suffer in that way, especially as the UK Government takes in hundreds of millions of pounds a year from Moray whisky, which is enough to pay for the bases many times over. It is also the case that Scotland does not get its fair share of defence spending and that more is spent on defence in London than on the whole of Scotland.

The Tories, Labour and the Lib Dems have been fond of telling us that an independent Scotland could not afford the Moray bases and that they would close when Scotland got independence. It now looks as though they are intent—as one letter writer to a local paper put it—on punishing the people of Moray for voting SNP. If that is not the case, they must prove it. They must tell us quickly exactly what is to happen at Kinloss.

Mary Scanlon (Highlands and Islands) (Con): Will Mr Thompson give way?

Dave Thompson: I have no time.

They must tell us quickly whether Lossie is safe and they must, at the very least, step up to the plate with a substantial transition fund to offset the economic impact of their decisions. Anything less and they will find that they will not be forgiven by the people of Moray or by the people of Scotland.

17:17

Peter Peacock (Highlands and Islands) (Lab): I will be comparatively brief. I very much welcome the fact that Dave Stewart has brought this motion for debate and I welcome the support from all parties in the chamber on the issues that Moray faces. Dave Stewart's motion captures adequately the scale of the problem that will be visited on Moray and the challenge that that community will face in coming years.

I first became fully aware of the scale of Kinloss as a base in the 1970s when I set up the first citizens advice bureau in Moray, which was in beside that base—it subsequently moved to Forres and then on to Elgin. I made many trips to the base over that period and I became very familiar with service personnel, their comings and goings to and from the base and the huge number of suppliers to the base from the local community—suppliers of food, administrative support and a variety of other things.

I also became aware of the nature of the employment of many of the RAF personnel's spouses. They were employed as nurses, care workers, teachers and classroom assistants, by the local authority, in lawyers' offices or in the retail sector. One of the key things to understand about the Moray economy is that the wider economy is inextricably caught up with the success or otherwise of the RAF bases. Dave Stewart's motion provides the figures on the scale of that impact in Moray.

I have been around public life in the Highlands and Islands for about 30 years. I have seen big closures, such as the closure of the aluminium smelter in Invergordon, with thousands of job losses, and that of the pulp mill in Fort William. I have seen the rise and fall of the oil construction bases in the region. The RAF closures, particularly if the closure of RAF Lossiemouth goes ahead, which I hope it will not, are every bit as big as any other closure that has been visited on the Highlands and Islands at any point in the past 30 years. I know from my experience of working in the CAB when the aluminium smelter closed and of being a local authority leader during other parts of that period that it takes a decade and more for any local economy to recover from such a blow. In that decade, huge personal tragedy follows—there is unemployment and loss of opportunity; people's aspirations go and are blighted; and the value of houses is affected. People experience a range of changes.

As Dave Stewart says, what is particularly perplexing about the Kinloss decision—and possibly the Lossiemouth decision that is to come—is that it is irrational, given all the statements that have been made about the need for that strategic base.

As Dave Thompson hinted and as Dave Stewart said, the UK Government cannot be allowed simply to walk away from the situation. A facility cannot be present in a community for half a century or more and create an economic dependency—which has suited the RAF and the defence industry in that time—from which the Government simply walks away. As Dave Stewart said, a social covenant is required between the UK Government and the community for the future.

The immediate priority is to continue to argue against the closure of Lossiemouth. With other members, I will take part in the demonstration on Sunday. We also need to continue to make it clear to the UK Government that, whatever the decisions and the final impact are, it cannot walk away from its responsibility to play a full part in helping to restore the community's economy. We must not let the UK Government off the hook on that.

17:21

Mary Scanlon (Highlands and Islands) (Con): I, too, thank David Stewart for securing the debate. Like others, I commend the work of the local campaign and of the task force and the *Northern Scot's* petition.

David Stewart's motion could go further. He says that

"the economy and population of Moray are heavily dependent on the RAF",

but Moray is the most RAF-dependent community in the United Kingdom: it has more than 5,700 full-time RAF employees; annual gross income from the bases is £158 million; 2,000 RAF spouses and dependants live in the area; and RAF personnel families account for almost 20 per cent of the school population.

None of us could be happy with the decision to close the RAF base at Kinloss, but I would be incredulous at any suggestion that other parties would not have taken such difficult decisions in government. The £38 billion overspend in the defence budget that the previous Labour Government left meant that difficult decisions would always have to be made.

The coalition Government listened to the advice that the military gave. Unfortunately, the decision to cancel the Nimrod replacement will result in the closure of the base at Kinloss. However, the fight to retain RAF Lossiemouth is still very much alive. I and all my Conservative colleagues fully support it and I confirm that I will be alongside my party's leader and others on Sunday.

Brian Adam (Aberdeen North) (SNP): Will Mary Scanlon give way?

Mary Scanlon: Not at the moment—I am worried that I will run out of time.

The coalition Government is considering Kinloss as a base for the Army. In the next 10 years, 20,000 military personnel and 23,000 spouses and children are due to return to the UK from Germany, and 50 per cent are due to return no later than 2015. The facilities, infrastructure and well-maintained housing that are available at Kinloss are first class. Along with my colleagues in the Parliament, I urge the UK Government to accelerate the resettlement of troops in Kinloss, which will assist the local economy when RAF personnel leave.

We are all getting e-mails and letters from ex-RAF personnel. One such person who is still based in Moray has suggested to me the possibility of using part of the expansive estate at Kinloss as an air salvage unit. Has the Scottish Government considered that option? How would it assist a company that wished to base itself at Kinloss for that purpose?

I understand that, in the aviation industry, 12,500 passenger planes around the world will reach the end of their useful life in the next 20 years—that is more than 400 annually. Such planes are stripped of their useful components and recycled; engineers spend between two and three months on each plane. The suggestion was made because a company near Cirencester uses a former RAF airfield at Kemble. Something like that would utilise part of the Kinloss base and could provide local employment for many of the highly skilled engineers who are based there and wish to stay in the area after the RAF presence has gone. The aftermath of the removal of the RAF at Kinloss will not be easy, but those difficulties can be reduced with assistance from the UK Government and the Scottish Government.

While the social and economic arguments for saving RAF Lossiemouth are compelling, so are the strategic issues surrounding its location. The number of flying hours at RAF Lossiemouth is greater than at any other UK base. The skies are uncluttered and the flying conditions over the North Sea and the mountainous terrains provide ideal tests for pilots.

The Deputy Presiding Officer: The member must conclude now.

Mary Scanlon: We can and must do more to support RAF Kinloss and RAF Lossiemouth.

17:26

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Any Government, in any constitutional arrangement, would have to make decisions about what are the best security

arrangements for our people and our land and what is the best method of projecting our foreign policy around the world. That would be the case whether or not we were part of the United Kingdom. Wherever our military personnel—whether in the RAF, our land forces or our naval forces—are stationed, they will have an impact on the local economy. If they have been stationed there for 65 years, as they have in Moray, they will have made a significant impact on the local economy. The same applies at Glencorse, in my constituency, and in other parts of Scotland. It is right that the minister summing up the debate today is the Minister for Enterprise, Energy and Tourism, because the focus of the debate is the economic and socioeconomic impact.

Moray has often been—and will continue to be—compared with the Borders in my constituency. That is understandable given its economic, socioeconomic and wage profile. The two areas that are always cited as the lowest-wage areas in Scotland are the Borders and Moray. If I was in the place of the local MSP, Richard Lochhead, I would be doing exactly what he is doing. There is no lack of support from the Liberal Democrats for the local work that is going on. Tavish Scott will join the other leaders.

I commend David Stewart for securing the debate. Although the statistics in his motion are bald, they sum up perfectly the significance of the debate not only for jobs but for families and for the future economic success of that part of Scotland.

Peter Peacock made a strong point about the economic impact of closure on an area that is disproportionately reliant on a single employer, be it an RAF base, an electronics company or a textile mill in the Borders. That impact is often much more significant in a rural area than in a city.

I was among those MSPs to receive correspondence from the Secretary of State for Defence at the time of the defence review. All Government agencies, whether in the Highlands or the lowlands, and both devolved and UK, have to work together on behalf of the people they represent. There should be no division, nor should we seek to create a division, between the agencies that are tasked to do that work.

As I said, I speak as the MSP representing Glencorse barracks. Its defence profile is interesting. Glencorse barracks is the permanent headquarters of the second battalion of the Royal Regiment of Scotland. The Royal Highland Fusiliers recruit from Glasgow and Ayrshire. It is Scotland's regiment, if we wish to call it that.

Richard Lochhead talked about the defence footprint. I want to make a brief comment about Scotland's military footprint. There are just over 5,000 troops in Scotland, but two thirds of them

are not stationed in Scotland. Young men and women who wish to serve in the RAF and the navy may not know where they will be stationed, or indeed where they will be sent to serve. However, we know that the military has a significant impact in Moray and that changes to its deployment have long-lasting impacts. This should not be a debate about defence and security, because that would take us in directions that would divide the Parliament; it is good that it is a debate about the communities that all of us seek to represent. Every effort must be made to ensure that those communities are supported to the best of all of our abilities.

17:30

Rob Gibson (Highlands and Islands) (SNP): I congratulate Dave Stewart on securing the debate. Most of us would find it distasteful to have to debate the closure of a large business such as the smelter at Invergordon that Peter Peacock mentioned. At the time of the smelter's closure, I was a principal teacher of guidance at Alness academy, so I can tell members that such decisions have huge effects on families and children.

Jeremy Purvis alluded to the fact that staff at Kinloss do not know where they will go. That creates a terrible feeling of uncertainty and nervousness among families, as much as among serving personnel. It also creates uncertainty in the community. Many spouses and others are staff in schools and hospitals; the children are users of schools and, in many cases, hospitals. In my question to the Cabinet Secretary for Finance and Sustainable Growth following his emergency statement last Thursday, I asked him to take that into account when analysing the economic impact of the proposed closure. We must consider the human impact of the measure, because the wellbeing of the wider community, including service personnel, is at stake.

If there is a planning arrangement and a partnership with the MOD—assuming that it is not prepared to change its mind about Kinloss—it will have to look carefully at the facilities that are available on the base. Having known people who were housing officers, I disagree somewhat with Mary Scanlon about the quality of the housing there. It may have improved in recent years, but it has a long way to go in comparison with council housing. It is also likely that many more houses will be required if Army personnel are brought to Moray.

Mary Scanlon: Will the member take an intervention?

Rob Gibson: I would rather not. The chamber should understand that information that I bring to

the debate is as important as other members' comments. I want to add to the sum of knowledge, not to debate the detail. However, the member made a fair point.

When we demand support for Kinloss people and the Lossiemouth base, we must find ways of ensuring that wellbeing is measured in the debate. It is not just about gross domestic product and wages—it is also about human beings and their feelings about how they conduct their lives. They are service personnel who are doing a job for us, so it is important that we look after them. We expect the task force to try to achieve that with the MOD.

My final point relates to the MRA4, the Nimrod aircraft that we were due to get. It is a conundrum that such aircraft are just as valuable in peacetime as they are in war. We know how much they have helped with search and rescue in the past. It is worrying that, at the same time as the aircraft are being cancelled, the Government in London is thinking of scrapping the coastguard tugs that perform a similar role. Can members imagine how the conjunction of two decisions of that sort will affect people around the north, west and east coasts of Scotland? The conjunction of those decisions, involving search and rescue and how we deal with stricken ships, shows a lack of joined-up thinking about the lives of people in those parts of Scotland and our near waters. It is important that other organisations, such as fishing organisations, recognise the need for them to speak up, because two Cessna aircraft are not a substitute for a squadron of RAF Nimrods. We should fight hard to get some of them back.

17:34

Maureen Watt (North East Scotland) (SNP): I add my congratulations to David Stewart on securing tonight's debate. This is a time when people in Moray are understandably shocked and angry over the coming devastation of their local economy. It is more important than ever that the issues are discussed in the Scottish Parliament, and I welcome the opportunity to take part in the debate.

In previous years, we have seen only too clearly the economic and social devastation that the loss of a local base can cause to communities in Scotland. There can be few examples of past closures, however, where two bases that are so tightly woven into the fabric of a local community and that are so integral to the local economy have been under threat at the same time. As a Keith quine, I know how far from Lossie and Kinloss—through Forres and Elgin—the influences of the bases stretch in the north-east of Scotland.

As the motion makes clear, and as David Stewart made clear in his speech, 16 per cent of all full-time equivalent employment in Moray is directly linked to the bases, and their loss would be a devastating blow to the area. As Rob Gibson and other members have mentioned, that loss would have a significant knock-on effect on local services, including education and health, and on the economic wellbeing of people throughout the area. I know that the Scottish Government and its agencies will work tirelessly to mitigate the impact of the SDSR's decisions as far as they possibly can, but there can be little doubt that there will be really tough times ahead for people in Moray.

As this is a Westminster decision, it is vitally important that Westminster resources are also deployed if one or both of the bases close. Scottish Government resources must not exclusively be left to pick up the pieces after a Westminster decision. Perhaps the minister will tell us what Westminster resources he thinks can be made available.

The importance of the Moray bases extends well beyond the communities that they are part of. As has been mentioned, the Nimrod fleet has played an incredibly important role in rescue operations in many parts of the world, perhaps nowhere as important as the waters off our coast. During tragic events such as last year's North Sea helicopter crashes, or the Piper Alpha disaster in the 1980s, Nimrods from RAF Kinloss have been on hand, often arriving first on the scene, to assist and co-ordinate rescue efforts. They have provided a vital function in saving the lives of people who work in the hazardous conditions of the North Sea, and the cancellation of their replacements will be of concern to many people. Whether it is in the oil and gas sector, the fishing industry or the growing offshore renewables industry, safety is the watchword of all those who work in the North Sea and anything that will diminish it is extremely concerning. I wonder whether support from those industries can be garnered in opposition to the proposals.

The two bases are of local and national importance and the threat that they are under is extremely worrying. Given that the UK's defence footprint is already such that Scotland loses out on the proportion of military installations that it might reasonably expect, the further threatened losses are devastating.

The UK Government needs to end the damaging uncertainty over the future of RAF Lossiemouth and RAF Kinloss as soon as possible. It should accept just how important the bases are to people in Moray and across Scotland, where alternative employment is scarce and current wages in the area are among the lowest in the country.

17:39

The Minister for Enterprise, Energy and Tourism (Jim Mather): I congratulate David Stewart on securing the debate, and I congratulate the people of Moray, its elected members, local officials, the community and its businesses on coming together in common cause to defend the community that is Moray and on defending the investment that they have all made in Moray with their efforts, time and capital.

Moray is a defence-sector oriented community, so the people there are prepared and able to defend and fight. The surprise is that the defence and fight that are needed are against their own UK Government and their own MOD. The further surprise is that the attack on their way of life has the potential to do very material damage, as it is a double whammy—the attack is on both RAF Kinloss and RAF Lossiemouth.

We heard in the debate that the damage could be considerable. We are talking about something in the region of 5,700 jobs—16 per cent of jobs in the area; the London equivalent would be something like 700,000—and about a financial impact of £150 million per year. We heard about RAF families who are embedded in Moray society and partners who work in schools and hospitals and in the private sector.

As Peter Peacock said, there are risks of unintended consequences and a cascade of further problems. David Stewart mentioned what happened in Dunoon, in my constituency. There is also the example of the RAF base at Campbeltown. We are still feeling the impact of those decisions more than a decade after they were taken.

Rhoda Grant (Highlands and Islands) (Lab): Has work been carried out to identify how many family members work in the public services in the area and what impact their loss would have on service delivery locally?

Jim Mather: I think that such work is being carried out by the task force. We will get a proper handle on the matter. There is a material issue. A straight pull-out from Kinloss would cause monumental disruption, as we heard. I very much welcome the task force and its focus on mitigating the impact by considering options. Mary Scanlon talked about the potential for an army base, for example. We need more options, more time and more effort from Government to mitigate the impact and backfill economic activity.

Amid the concern and uncertainty about Lossiemouth, the objective of keeping the RAF in Moray, holding on to the Tornados and protecting the base's future is important. The submission to the task force that will go to London—which I know

will have cross-party support; we will all be at the rally—is vital.

The irony is that this is happening at the hands of the Government and the MOD. We should compare and contrast the approach with what happens in the US, which operates on the ground with base personnel and communities, to understand and align with the community and to ensure that there are no job losses, so that the same number of jobs or more jobs are available as the transfer happens.

People have observed that the MOD treats personnel movements within the UK less sensitively than it treats the bringing of people back from overseas. In Germany there is a five-to-10-year conversation to mitigate the impact on Germany as well as on personnel, but the MOD is not speaking to the communities in Moray. It is breaching the compact with the community to which David Stewart and Jeremy Purvis referred in the context of the need for everyone to work together. The strong psychological contract that has existed for 70 years must be honoured.

We should consider the MOD's behaviour in the context of what is happening in industry, where we find that companies that operated the economic model of thrashing the assets and being callous about the people are in big trouble, and more and more companies are moving to an approach in which they look after the people and build a strong alignment with the community.

John Scott (Ayr) (Con): Does the minister agree that although the scale of job losses in Moray would be devastating, all job losses are important to the individuals and families who are involved? Will he note concerns in Prestwick in Ayrshire, where 40 jobs on the Nimrod project at BAE Systems are under threat? When he considers measures to support Moray, will he please consider proportionate measures for Ayrshire?

Jim Mather: The member's point was well made. People are the issue, as members said time and again. Rob Gibson gave a poignant example of the impact on children, from his perspective as a former teacher.

We must tackle the system that creates the behaviour that we are witnessing. It is time for a rethink. In the 21st century, in a country that is populated by educated people who want and need a long-term compact between employers, employees, suppliers, shareholders and communities, we really need such a rethink. The strategic review, in its dialogue with the community, must recognise that the community is also the employers, employees, suppliers and shareholders. Taxpayers fulfil all those roles. That means that we need much more compassion and

responsible action on the ground. Whether there is withdrawal from both bases or just from Kinloss, there must be responsible withdrawal, which migrates the economy onto a firm footing for the future.

There is lots of thinking about the need for Government, local government, agencies, the private sector, the voluntary sector and communities to work together to ensure that our communities are like resilient immune systems, which can take the knocks but are supported to get stronger and move forward. The MOD must come forward and play a full part in that.

I have heard that RAF personnel are not allowed to attend the rally on Sunday. That is deeply regrettable and flies in the face of democracy. We need to protect the integrity of the community by having everyone in the conversation in order that we can secure the best option. We will never concede defeat on this matter. We cannot let the MOD walk away from this. The economic development action plan that has already been worked on is important, but we need the missing stakeholders to be fully involved; the MOD and the UK Government need to be fully involved in this.

In countries such as the United States, there have been success stories in similar situations, with people coming together to reinvent communities and give them a purposeful mission beyond the elements that Mary Scanlon mentioned, and to consider meaningful alternatives. We have concerns about what might happen at Craigiehall, Fort George and elsewhere, so we need to pull together to ensure that we can do that in those cases, too.

I know that Sunday's rally will be an emotional and poignant event, and that the experience that Rob Gibson had with the closure of the smelter in his area will be repeated. The RAF community in Moray is dependent on the RAF, and we need to ensure that the MOD rolls up its sleeves to ensure that the outcome of this situation is solid, gives the community a real future and brings in as many people as possible. We need the MOD to take as long as is necessary to ensure that the continuity that the people of Moray are entitled to expect after 70 years is achieved.

Meeting closed at 17:46.

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