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Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Wednesday 25 April 2012

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Wednesday 25 April 2012

CONTENTS

	Col.
TIME FOR REFLECTION	8331
HOMELESSNESS	8333
<i>Motion moved—[Maureen Watt].</i>	
Maureen Watt (Aberdeen South and North Kincardine) (SNP).....	8333
The Minister for Housing and Transport (Keith Brown)	8336
Elaine Murray (Dumfriesshire) (Lab)	8339
Alex Johnstone (North East Scotland) (Con)	8341
Aileen McLeod (South Scotland) (SNP)	8343
Hanzala Malik (Glasgow) (Lab)	8344
Gordon MacDonald (Edinburgh Pentlands) (SNP).....	8345
Margaret Burgess (Cunninghame South) (SNP)	8347
Malcolm Chisholm (Edinburgh Northern and Leith) (Lab)	8349
Richard Lyle (Central Scotland) (SNP).....	8351
Jim Hume (South Scotland) (LD).....	8352
Humza Yousaf (Glasgow) (SNP)	8354
Alex Johnstone	8355
Richard Baker (North East Scotland) (Lab).....	8357
Keith Brown	8358
Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP)	8361
LONG LEASES (SCOTLAND) BILL: STAGE 1	8364
<i>Motion moved—[Stewart Stevenson].</i>	
The Minister for Environment and Climate Change (Stewart Stevenson).....	8364
Rob Gibson (Caithness, Sutherland and Ross) (SNP).....	8368
Claire Baker (Mid Scotland and Fife) (Lab)	8370
Alex Fergusson (Galloway and West Dumfries) (Con).....	8374
Annabelle Ewing (Mid Scotland and Fife) (SNP).....	8376
Claudia Beamish (South Scotland) (Lab)	8377
Marco Biagi (Edinburgh Central) (SNP)	8379
Jim Hume (South Scotland) (LD).....	8380
Jamie Hepburn (Cumbernauld and Kilsyth) (SNP).....	8382
Margaret McDougall (West Scotland) (Lab)	8383
Nigel Don (Angus North and Mearns) (SNP)	8385
Alison Johnstone (Lothian) (Green).....	8386
Alex Fergusson.....	8388
Claire Baker	8389
Stewart Stevenson	8392
BUSINESS MOTIONS	8396
<i>Motions moved—[Bruce Crawford]—and agreed to.</i>	
PARLIAMENTARY BUREAU MOTION	8398
<i>Motion moved—[Bruce Crawford].</i>	
DECISION TIME	8399
ALLOTMENTS REGENERATION INITIATIVE (NORTH AYRSHIRE)	8400
<i>Motion debated—[Kenneth Gibson].</i>	
Kenneth Gibson (Cunninghame North) (SNP)	8400
Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)	8403
Margaret McDougall (West Scotland) (Lab)	8404
Jackson Carlaw (West Scotland) (Con)	8406
Alison Johnstone (Lothian) (Green).....	8408
Margaret Burgess (Cunninghame South) (SNP)	8410
Claire Baker (Mid Scotland and Fife) (Lab)	8411
The Minister for Environment and Climate Change (Stewart Stevenson).....	8412

Scottish Parliament

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

Time for Reflection

The Presiding Officer (Tricia Marwick): Good afternoon. The first item of business is time for reflection. Our time for reflection leader today is Michele Morrison, church elder of Banchory West church.

Michele Morrison (Banchory West Church): Good afternoon. It is a privilege to stand before Parliament and lead this time of reflection. In many countries today, Christians and other believers risk their freedom and life, even for expressing faith privately.

It was under grey, lowering skies that the skipper pushed the craft off from the jetty and steered into the cold and choppy waters of the Sea of Galilee. It was March, and I believe that Scotland was at the time basking in Israel's usual sunshine. I was on a holy land tour, and had spent three days on my feet and on buses, sightseeing biblical landmarks, many of which are obscured by ornate churches. It was a relief to be out on the water, without an icon or gold cross in sight, except on the chest of the skipper, who was selling them.

Jesus often sailed on the lake, which is prone to sudden squalls. Once, when his friends were out without him, a fierce storm broke. Exhausted from rowing, the disciples suddenly saw Jesus approaching, walking on the water. Terrified, they thought that he was a ghost.

"Take courage! It is I",

he assured them. Peter, with characteristic impetuosity, asked Jesus to prove it by inviting him to join him. When Jesus said, "Come," Peter was over the side in an instant. Initially, he kept his feet dry, his eyes fixed on Jesus but, then, distracted by the wind, Peter's confidence vanished and he began to sink. Jesus took his hand, helping him back into the boat, and the storm abated.

Peter was the only one to step out of the boat. You might think that he was foolish and that the others were the sensible ones, and no doubt they were, but sometimes life challenges us to take risks. A strong conviction may be a call to put our head above the parapet of popular opinion or the party line and dare to champion a cause or to question something that is wrong. People do amazing things when they dare to step out of the boat and focus on a goal, undeterred by criticism.

As a Christian, I believe that, when Jesus calls us out of our comfort zone, he enables us to do impossible things as we trust in him, like the persecuted Christians in other lands who stand firm in their faith despite the cost.

May the Lord Jesus Christ bless you all with vision, courage and peace. Amen.

Homelessness

The Presiding Officer (Tricia Marwick): The next item of business is a debate on motion S4M-02675, in the name of Maureen Watt, on homelessness in Scotland: the 2012 commitment.

14:03

Maureen Watt (Aberdeen South and North Kincardine) (SNP): I welcome the opportunity to open on behalf of the Infrastructure and Capital Investment Committee the debate on the committee's report on progress towards the implementation of Scotland's 2012 homelessness commitment. It has certainly been a day of contrast in the Scottish Parliament. It has probably not escaped members' notice that, this morning, one of the world's wealthiest and most high-profile businessmen gave evidence to one of our committees. This afternoon, we are in the chamber discussing how we ensure that we deliver on a commitment to improve the rights of one of the most vulnerable groups in our society.

The 2012 commitment, which was created under the Homelessness etc (Scotland) Act 2003, entitles all unintentionally homeless people to settled accommodation by the end of this year. Currently, local authorities have to secure settled accommodation only for those homeless applicants who have been assessed as being unintentionally homeless and in priority need. The act stipulates that the priority need distinction must be abolished by 31 December 2012. That means that, from the point of abolition, all unintentionally homeless households will be entitled to settled accommodation.

The 2003 act has been acknowledged as groundbreaking legislation by commentators elsewhere in the United Kingdom and around the world—we often beat ourselves up in this country, but many people have recognised that this is groundbreaking legislation. I do not consider it any exaggeration to say that it is one of the most important pieces of legislation that the Scottish Parliament has passed.

Given the importance of the homelessness legislation, I was delighted that the Infrastructure and Capital Investment Committee agreed to check on progress towards meeting the 2012 commitment and to identify any barriers to its delivery. I express the committee's thanks to all the organisations and individuals that provided detailed and informative oral and written evidence to the committee during its inquiry. I also thank the clerks to the committee—especially Ruth McGill—and the Scottish Parliament information centre for all their help. The committee undertook a programme of informal visits to the Ayrshire and

south housing options hub, Moray Council, Turning Point Scotland, Glasgow Housing Association, East Lothian Council and City of Edinburgh Council. We are grateful to all those who agreed to meet us and to provide an extremely valuable practical insight into the work that is being done on the ground to deliver the commitment.

I also thank those who attended a lunch-time event with the committee today, prior to the debate, some of whom have stayed and are in the public gallery. I offer particular thanks to Angela, a former user of Shelter Scotland services, who kindly agreed to speak to committee members about her experience of homelessness, the options that were available to her at the time and her experience of raising a family in temporary accommodation. We are very grateful to her for giving up her time to share her experience with us.

The committee acknowledges the varied progress among local authorities in Scotland towards meeting the 2012 commitment. However, we were encouraged by the fact that the majority either had already met the commitment or were close to doing so. The committee heard that the 2012 commitment has led to considerable improvements in the provision of services for homeless people in Scotland.

One of the most significant steps forward, which we highlighted in our report, has been the development of the housing options approach. That approach allows for better assessment of people's individual circumstances and enables local authorities to pursue effective prevention work. Indeed, it may be responsible for the overall 20 per cent reduction in the number of homelessness applications shown in the Scottish Government statistics covering the period from April to September 2011. Although the housing options approach is at different stages of development across Scotland, there are good examples of positive results. It is encouraging that the minister has indicated that the Scottish Government and Convention of Scottish Local Authorities 2012 joint steering group remains supportive of the approach and the benefits that it brings through homelessness prevention and sustainable outcomes.

Another issue that the committee has highlighted is the importance of partnership working, which can result in early intervention to prevent homelessness. The committee heard how, in 2010, five housing options hubs were created to promote the housing options approach and to share best practice across all Scotland's 32 local authorities. That initiative has met with considerable success, as the committee experienced when it visited the Ayrshire and south hub. The committee considers that that success

should be built on and that, post 2012, the worthwhile work of the hubs should continue and be developed further. Therefore, we have recommended that the Scottish Government examine the potential for the provision of continued financial support to develop membership of the hubs. I welcome the minister's indication, in his response to the report, that the Scottish Government is identifying additional resources to enable that work to continue and I look forward to hearing of the outcome of that exercise in due course.

We also heard that, although there have been considerable improvements in partnership working between, for example, housing, health and social services, further work could be done. Therefore, we have recommended that the 2012 Scottish Government-COSLA steering group investigate and report on methods of further developing and improving such partnership working.

The committee considers that it is not unreasonable to anticipate a link between achieving the commitment and an increased demand for temporary accommodation. We will continue to monitor the matter following the 2012 deadline to ensure that the commitment and other pressures that local authorities face do not lead to unacceptable levels of dependence on temporary accommodation.

The committee has also recommended that the Scottish Housing Regulator should report to the Government and Parliament on how it will ensure that temporary accommodation meets acceptable standards. The committee hopes to engage with the regulator over this parliamentary session to discuss that and similar matters.

Our report acknowledges that local authorities must juggle the requirements of building sustainable communities, serving people who are on waiting or transfer lists and ensuring that homeless people are allocated settled accommodation. We heard positive evidence about common housing registers, their importance to allocations policy and their importance to fostering partnership working in local authority areas.

In his response to the report, the minister has provided a helpful update on CHRs, which states that 16 are in operation, with a further four launching imminently and another three in 2013. I hope that the local authorities that do not yet have CHRs in place will be given every encouragement and support to introduce them.

Although progress towards achieving the 2012 commitment has been positive, the committee heard about potential barriers to progressing the homelessness agenda. One key issue is, of course, the supply of affordable housing. The

committee will continue to monitor and assess the Scottish Government's progress towards achieving its affordable housing targets and has made several recommendations on how supply might be improved across the tenure types. The role of housing in the private sector is particularly important to housing supply. I note that the Scottish Government, working in partnership with the Scottish private rented sector strategy group, published a consultative strategy for the private rented sector on 17 April, and I hope that the issues that the committee raised will be addressed as part of that consultation.

In response to evidence that disabled people are still reporting that insufficient accessible permanent and temporary accommodation is available, we asked the Scottish Government to provide information on the levels of available accessible accommodation and its plans to increase the supply of such accommodation. The committee welcomes the work that is being undertaken on an accessible housing register and the work by the Government's adaptations working group. It will monitor those important developments.

Another potential barrier is, of course, the likely negative impact of the United Kingdom Welfare Reform Bill on the ability of local authorities to achieve the 2012 target. The main point of concern for the majority of the committee was the impact of the provisions that relate to underoccupancy, which could affect local authority applications policies—Alex Johnstone dissented on that, which was a surprise. Other points of concern were the general reduction in benefits, which could lead to increased arrears and evictions—again, Mr Johnstone dissented—and the change to providing universal credit, which will include a housing benefit component, to claimants monthly in arrears. The latter measure could cause problems for those who have difficulty with budgeting.

The committee has asked the Scottish Parliament's Welfare Reform Committee to examine the full details of the regulations on those provisions.

I move,

That the Parliament notes the conclusions and recommendations in the Infrastructure and Capital Investment Committee's 2nd Report, 2012 (Session 4): *Homelessness in Scotland: the 2012 Commitment* (SP Paper 97).

14:14

The Minister for Housing and Transport (Keith Brown): I thank Maureen Watt for her opening remarks and the members of the Infrastructure and Capital Investment Committee for the report. I welcome the report, which

recognises the positive progress that has been made towards achieving the 2012 homelessness target.

For clarity, I remind everyone what the target is, because it is often misquoted. It is that

“by end December 2012, local authorities will provide all unintentionally homeless applicant households with settled accommodation as of right”.

As Maureen Watt said, the target has been internationally acclaimed. That is to the credit of previous Administrations and Oppositions, as well as the current Administration and Opposition groups, because there has been a general consensus on the benefits of the target.

We concede that the target is a challenging one to meet in difficult economic times but, despite that, we are committed to supporting local authorities to achieve it. We will introduce the necessary secondary legislation to the Parliament before the end of the year.

It is important to note that much of what we will do this year to reach the target will be a precursor to what will have to happen when the target has been achieved. At that time, we will start another process and embark on the important task of maintaining quality services for homeless people and, of course, preventing homelessness wherever possible.

I have already written to the committee convener with the Scottish Government's response to the committee's 24 recommendations. They were all made in a positive spirit and there were some constructive suggestions.

As the convener mentioned, positive updated homelessness statistics were published in February for the period April to September 2011. They record a reduction of about 20 per cent in homelessness applications and assessments, which is the biggest ever fall. *The Guardian* has quoted the corresponding figure in England as being a 14 per cent increase. We should recognise the efforts of our partners, particularly in local government, towards meeting the target.

As we have heard, in 90 per cent of homelessness assessments in Scotland, those concerned are regarded as being in priority need and so are entitled to settled accommodation. Nine local authorities are fully meeting the 2012 target and 11 are within 10 per cent of achieving it. However, even more local authorities have met the target since the statistics were reported. The new statistics will be published in June 2012, and we hope to see further progress in future.

The Scottish Government and COSLA joint 2012 steering group was established in 2009. I first attended the group in November last year and I know that there is a focused effort to ensure that

we do not take our eyes off the ball. At the most recent meeting of the group that I attended, I suggested that as soon as the local elections have passed—just in case anyone is in doubt, I remind members that there are some local elections next week—we, or COSLA, should have an early meeting with the newly appointed housing conveners to reinforce the need to make further progress and achieve the target.

The priority areas for the group have been the prevention of homelessness, which has required substantial joint working and corporate buy-in; investment in the appropriate areas; and the opening up of access to all housing tenures. Chief among those priorities has been prevention. In that area, the work that Alex Neil led previously led to the establishment of the five regional, local authority-led housing options hubs across Scotland. They focus on the individual and the range of needs that they might have, and the action plans that the hubs have come up with are being implemented with positive results. A culture change has begun that has seen the refocusing of homelessness services for the better, and it has been an important, innovative public service reform.

The convener mentioned the committee's desire for the Scottish Government to allocate further resources to the hubs. I can announce today that we will provide another £150,000 of on-going funding to support the hubs throughout 2012-13. We will discuss the disbursement of that funding with COSLA, and an independent evaluation of the hubs approach will be published shortly.

We can see the beneficial impact of good prevention work, but the other side of the issue, which I am sure members will mention, is the supply of new housing, which remains a priority for us. We have committed to the delivery of 30,000 affordable homes over the next five years, at least 20,000 of which will be social rented homes. We also want access to the private rented sector to be made easier to assist homeless households, and we are working with the Scottish Federation of Housing Associations, through its membership of the 2012 group, and individual registered social landlords to enable greater access to that sector.

The convener made an important point about the impact of the UK Government's welfare reforms on housing benefit, and we are apparently in the midst of a second recession, which also makes the work extremely difficult.

The welfare reforms will have a major impact and risk effect on the underoccupancy provisions and the way in which we can configure new housing stock. That is happening during a recession—until yesterday, we could have said that it was a recovery, but we are now into a second recession. We should acknowledge the

achievements of local authorities in particular in making progress towards the target at what has been an extremely difficult time for them. They deserve credit for that. They are working hard to stay on track to achieve the target and a strong foundation is being built for what comes after 2012. I am confident that, if we keep an eye on the ball, between us, our partners and local government we can achieve the target despite challenging conditions such as welfare reform and the economic situation.

I am delighted to have seen the committee's report. I will continue to work with the committee and will report back to it to ensure that we achieve what we all want, which is to meet the 2012 target by the end of this year.

14:20

Elaine Murray (Dumfriesshire) (Lab): I, too, congratulate the committee on its report on the important issue of progress towards the 2012 homelessness target. As others have said, Parliament set national and local government a challenging target when the Housing (Scotland) Act 2003 was passed, and it is encouraging to learn that local authorities are making such good progress towards the elimination of consideration of priority need and, indeed, that nine councils have already achieved 100 per cent assessments without consideration of priority need.

As others have said, too, at the heart of the issue is an affordable housing supply. Since the passing of the 2003 act, the supply of social rented housing has not increased in the way that it probably needed to for the implementation of the homelessness target to be meaningful. For example, the Scottish Government's statistics show that the number of social rented homes in Scotland fell by 2 per cent between 2007 and 2011.

As has been mentioned, the Government has committed itself to the construction of 6,000 affordable homes annually, with 4,000 of those being social rented homes. That commitment was in place when the draft budget and spending review were published last autumn. I would be interested to learn how many more affordable homes ministers expect to be constructed, given the addition of £10 million for affordable housing in the spring revision of the 2011-12 budget and the additional £87 million for the period of the spending review. I hope that those will mean that even more properties can be constructed.

Due to the housing shortage, many families who become homeless have to rely on temporary accommodation as there is no suitable property available for them in their time of need. That is clearly less than satisfactory, especially for

families with children. I recently visited the Shelter offices in Dumfries, where I saw the results of a project that works with children affected by homelessness, which included drawings that they had done to try to express what losing their home meant to them.

The impact on homeless children can include separation from the family pet, because the family cannot take the cat or dog with them when they go into other accommodation. That might seem unimportant to some adults—although it would seem important to me—but it can be extremely traumatic for children, on top of having to change school, leave friends behind and know about the stigma that applies to their situation. Shelter reckoned that almost 6,000 children in Scotland spent last Christmas in temporary flats or bed-and-breakfast accommodation, although thankfully the incidence of children being in B and Bs has diminished to around a fifth of its 2004 level since the adoption of the Unsuitable Accommodation (Scotland) Order 2004.

Shelter and the Chartered Institute of Housing believe that there ought to be a temporary accommodation standard, particularly where children are involved, which would include physical, location and service standards and which could be applied by the regulator when assessing local authorities' performance on homelessness. Shelter also points out that the Welsh Assembly Government has had a temporary accommodation standard in legislation for over three years. I invite ministers to consider whether similar provision would be appropriate in Scotland.

As others have said, meeting the homelessness target in any meaningful way will require the involvement of the private sector. I know that that is accepted by Shelter and the Chartered Institute of Housing as well as by the Scottish Government. Local authorities are permitted to discharge their duties through private sector lets so long as those are assured tenancies of at least 12 months. The committee report notes that that power has not been used to the extent that had been expected. That solution is perhaps less appropriate for families with children, where permanence of residence is important to maintain attendance at the same school for example, but the private sector could be an avenue for single homeless people. It would be useful to understand why that avenue has not been used to the extent that had been anticipated. I know that there is a consultation at the moment on a number of aspects of private sector rentals. It will be interesting to see what lessons can be learned through that.

The committee heard positive evidence about the use of common housing registers and about their importance to allocation policies and to

fostering partnership working. It is therefore disappointing that eight local authorities still do not operate common housing registers and have not even set a launch date for them, particularly as the previous Scottish Executive made £3 million available across Scotland for that purpose between 2004 and 2006.

I am sorry to say that the offenders include my council, Dumfries and Galloway Council, but I understand that additional funding from the council and RSLs has now been allocated to appoint a responsible officer and to look at information technology issues, which seem to be one of the major barriers. If half of Scotland's local authorities have implemented common housing registers, surely examples of good practice are out there, which other councils could take on board and which could help to bring them forward.

I commend the committee's focus on preventing homelessness, as prevention is always better than cure. I look forward to hearing more about what can be learned from the committee's report as we go forward towards the end of 2012.

14:25

Alex Johnstone (North East Scotland) (Con):

I congratulate Elaine Murray on getting an eight-minute speech into five minutes—that was quite an achievement, which I do not intend to match.

All of us in the Parliament should—rightly—be proud of the commitment to the homelessness target. I and some of my Conservative predecessors have very different views from others on some aspects of home building and housing in the long term, but our fundamental commitment to the 2012 target has been unwavering.

I am delighted that the report has thrown up the fact that many of our local authorities are well on the way to achieving the target. I hope that that good practice, which has been demonstrated by a number of local authorities around Scotland—including Angus Council on my home ground and Dundee City Council—will be used to ensure that we can achieve the best objectives around Scotland by the time that this year is out.

The production of the report considerably benefited me because, when I joined the committee, it allowed me to go on to a steep learning curve on a policy that had not been my responsibility, although like other committee members and members, I have experience of dealing with people who face homelessness or who find themselves in temporary accommodation. We all need to work hard to avoid that problem.

In the longer term, our objectives must be achieved by working together at every level. I repeat the comments that a number of members have made about common housing registers. Achieving the objective of having common housing registers across Scotland will ensure that we grasp as early as we can the opportunity to ensure that all social housing providers that receive funding from the public purse play their full part in ending homelessness. We should take no pride in the fact that some appear to avoid doing that. Social housing providers must work together with local authorities.

On the availability of housing, it is hard to escape in the report the point that we need more houses. I have criticised the Government for cutting its funding for the construction of social housing—the budget for which has dropped in recent years—and for its failure to broaden its attitude on including other funding. The minister suggested that we are back in recession. The figures appear to indicate that, but does not that give us the opportunity to offer institutional investors and others in the private sector a safe and secure investment? They can invest in bricks and mortar when riskier investments might not be so available.

The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil): I do not ask the following question to try to score points. Given that we have gone back into recession and that the construction industry provides one of the best and quickest ways of getting us out of recession, does the member think that the UK Government should consider allocating additional funding for capital spending, particularly on housing and construction?

Alex Johnstone: I understand why the cabinet secretary says that and I might agree on some aspects, but does not the fact that we are talking about a physical resource that retains its value over time, and can in some circumstances increase its value, provide an opportunity to use investment from other places than simply the public purse to deal with some of the housing problems that we have?

The final issue that I will address is my dissent on certain aspects of the report relating to welfare reform. I am fully aware of the problems that must be addressed in Scotland as a result of the welfare reform process that the Westminster Government has triggered, but I will not dissent from the line that I have taken in the past, which is that too many people in Scotland have been left better off on benefits and that, consequently, we have a dependency culture.

I want to do whatever I can to get people away from that dependency culture. Finding new ways to inspire individuals to help themselves, wherever

possible, and giving assistance through local government and the Scottish Government to achieve that objective are worthy aims. Therefore, I will continue to take the approach that I have taken throughout the process and to support the commitment of the Government and the committee to monitor the process beyond the 2012 deadline.

14:31

Aileen McLeod (South Scotland) (SNP): I thank my fellow committee members and the clerks for their work on the report. As a relatively new member of the committee, I was not involved in the preparation of the report or the evidence sessions, but I am pleased that I will be involved in the committee's future work in monitoring the implementation of Scotland's 2012 homelessness commitment after this year's deadline.

As we consider the committee's report into meeting the commitment to have all unintentionally homeless people settled by the end of this year, let us remember why the legislation was introduced in 2003. As we all know, homelessness can have a variety of causes, including, among many others, eviction, instances of domestic violence and abuse, and discharge from hospital or prison—and we should not forget people living in overcrowded or temporary accommodation.

Recent figures from February show that 23,796 homeless applications were made between April and September 2011. Although I appreciate that the figure represents a 20 per cent decrease on the previous year, I am sure that we all agree that it presents a challenge for all local authorities. The committee's report goes some way towards identifying where work can be improved but also where things are being done well.

One obvious example of a positive impact being made is the implementation of the housing options approach, which Maureen Watt mentioned. I fully support the committee's calls for that approach to be implemented consistently throughout Scotland. Few would take issue with the proposition that preventing homelessness in the first instance can play a major part in ensuring that some of the most vulnerable people in our communities do not fall victim to a range of other problems that are directly associated with homelessness. Evidence presented to the Christie commission also pointed to those connections. I would therefore go slightly further and suggest that membership of the hubs and the way in which they operate could be standardised to ensure consistency throughout Scotland and so that best practice is shared and rolled out across the country to maximise the results.

I welcome the minister's announcement today of £150,000 of on-going funding to support the hubs. Such partnership working was a key feature of the committee's recommendations. Having met representatives of various housing associations in my own region, such as Dumfries and Galloway Housing Partnership, I am well aware of the benefits of good communication between the different agencies involved in dealing with homelessness cases. In fact, DGHP's involvement at a strategic level with the council on homelessness policy is held in high regard as an example of positive and productive partnership working.

I share the concerns that some witnesses raised about the potential implications of the UK Government's welfare reforms for homelessness. It has been estimated that the number of people classed as priority homeless as a direct result of the Welfare Reform Act 2012 could reach 3,000. If that figure is accurate, Scotland's local authorities have said that they will struggle to provide enough permanent homes and that there is a real challenge.

Furthermore, the housing benefit changes with regard to underoccupancy have the potential to force people out of accommodation and increase homelessness, especially among the 25 to 35 age group. The changes will therefore impact on a group in society that is already highly vulnerable in employment terms as a result of the UK Government's austerity policy. The figure of £100 million has been estimated as the cost to the economy of the changes and I am concerned about where that shortfall will be met from.

Although it is clear that the Scottish Government is making good progress in working with local authorities and housing associations to meet the 2012 homelessness commitment and that the committee's report contains many good ideas on how to produce even better results, we cannot ignore the significant challenges that are on the horizon as a direct consequence of the UK Government's misguided policies.

It is therefore imperative that parliamentarians, third sector agencies, housing associations, local government and national Government work together to ensure that the good work that is being done in Scotland to tackle homelessness is not blown off course by the ill-judged measures that are being legislated for by the London Government, which are directed against the interests of some of the most vulnerable people in Scotland. I support the motion.

14:35

Hanzala Malik (Glasgow) (Lab): I am pleased to have the opportunity to take part in the debate

and I welcome the Infrastructure and Capital Investment Committee's report on the 2012 commitment on homelessness in Scotland.

I will focus on Glasgow, which is the area that I represent. Glasgow City Council pointed out in its submission to the committee's inquiry that in 2010-11 the city received 19 per cent of the total number of homelessness applications, although the area's share of the population is only 11 per cent.

Although the council has made good progress towards meeting the 2012 target, one of the main barriers that remains is the shortage of quality social housing. It is important that the 10,000 new homes that housing associations promised at the time of the Glasgow stock transfer are delivered. The city council is working in partnership with Glasgow Housing Association and other registered social landlords and charities to secure a greater number of lets for homeless households.

The council's job has been made more difficult by the UK Government's changes to housing benefit funding, which have forced the council to make savings from its homelessness services budget, including through staff reductions. I therefore warmly welcome paragraphs 44 and 47 of the report and the recommendation that the Scottish Government include

"money advice and debt counselling as an integral part of the housing support to be made available to persons who are homeless or threatened with homelessness".

I commend the work of the prevention of homelessness partnership, which is led by Govan Law Centre. The partnership has done a particularly good job.

The 2012 commitment has already improved the lot of homeless families in Glasgow and beyond, but I concur with the committee's conclusion that challenges remain and that councils will need support from the Scottish Government if they are to meet those challenges and resolve the issues.

Housing associations are under pressure in relation to property sales, but the resource from sales does not go back into associations' coffers. That is stunting opportunities for housing growth in Scotland. I suggest that the money from sales should go back to the housing associations, with a view to it being spent on the construction of new homes. That would contribute to the Scottish Government's commitment to have more houses on the ground.

14:38

Gordon MacDonald (Edinburgh Pentlands) (SNP): I am a member of the Infrastructure and Capital Investment Committee and I welcome the committee's report on homelessness in Scotland.

As part of the evidence gathering for the report, Malcolm Chisholm and I made an informal visit to the City of Edinburgh Council, where we had the opportunity to discuss with senior housing officials the problems that are faced by expanding cities such as Edinburgh.

Paragraph 85 of the report refers to National Records of Scotland figures that highlight that in 2010 there were fewer than 2.4 million households, compared with nearly 2.5 million dwellings. The figures suggest that Scotland has 130,000 more homes than it requires, but that can be explained by the 87,000 homes that lie empty for short periods as tenancies change, ownership transfers or repairs are carried out. Included in that number are 25,000 homes that have lain empty for six months or more. I welcome the Scottish Government's Local Government Finance (Unoccupied Properties etc) (Scotland) Bill, which is intended to tackle the issue. In addition, more than 30,000 holiday homes in Scotland are only seasonally occupied.

Of course, the places in which there are empty homes might not be those in which demand lies. That is the case in Edinburgh. It has been projected that Edinburgh will be the fastest-growing Scottish city, and the number of households in it is expected to increase by 35 per cent in the period from 2008 to 2033. That is the context for the statement in paragraph 6 of the report that Edinburgh has

"assessed between 80% and 90% of homeless cases as having a priority need".

The City of Edinburgh Council launched the 21st century homes programme in order to move towards meeting its obligation to abolish the priority need distinction by 31 December. The first new council homes in a generation have been built, and eventually 1,400 new homes will be built across the city, including 320 in north Sighthill in my constituency.

The council and, as part of its commitment to build 30,000 affordable homes, the Scottish Government are continuing to work with housing associations throughout Edinburgh to redevelop brownfield sites. That will result in the completion of nearly 600 affordable homes this year and a further 225 homes in the first five months of 2013. In addition, the council has worked in partnership with the private sector to introduce rent deposit guarantee schemes, as detailed in paragraph 73 of the report. That work has helped hundreds of tenants to secure tenancies in the private rented sector and thereby ease the pressure on council waiting lists.

Local authorities across Scotland have made great strides towards meeting the commitment that is contained in the Homelessness etc (Scotland)

Act 2003, despite the changed circumstances since it was introduced. The recession has increased the number of evictions and repossessions, house builders have reduced the number of private homes that are being built from around 20,000 to 11,000 per year, banks are demanding higher deposits and more people have been driven into the rented sector. The UK Government changes in entitlement to housing benefit, incapacity benefit and disability living allowance will make it harder for people to retain their tenancies. Paragraph 86 of the report refers to COSLA's written submission, which states:

"Welfare Reform alone could lead to up to an additional 3000 homeless presentations in Scotland".

Against that background of difficult circumstances, the report scrutinises the work of Scotland's 32 local authorities in meeting their 2012 obligations.

I support the motion.

14:42

Margaret Burgess (Cunninghame South) (SNP): Like other members, I congratulate the Infrastructure and Capital Investment Committee on its report "Homelessness in Scotland: the 2012 Commitment", and I welcome the committee's recognition of the progress that local authorities have made towards meeting the commitment.

From my experience in the advice sector, there has been a seismic change over the past 10 years in local councils' attitudes and approaches to homelessness. There is now a far better understanding of the reasons for homelessness, and councils have a genuine desire to work collaboratively with other agencies to prevent homelessness and to support vulnerable people in sustaining tenancies to try to redress the problem of repeat homelessness.

That was not the situation 10 years ago. Then, there was almost a stand-off between local authorities and the advice sector. Neither the local authorities nor the advice sector really trusted the motives of the other, and each did their own thing, which was to no one's advantage. We now know that collaborative working produces results, and there has been a welcome reduction in homelessness throughout the country. Like Shelter, I believe that those changes are due to the 2003 legislation, which all parties in the Parliament supported. It made everyone put their heads together and recognise that there was a real problem that had to be addressed.

The reasons for homelessness are numerous and complex, as are the solutions, and we have heard about many of them today. Councils should be congratulated on their progress but, as has been said, there are still potential barriers ahead that could impact on their meeting their targets.

Those barriers include welfare reform, which a number of members have mentioned, and the housing benefit changes, the single occupancy rules and the downsizing of houses, which will perhaps result in local authorities facing a lack of housing of the correct size. There are more mortgage repossessions due to the economic conditions, and we should not forget that poverty produces homelessness—particularly repeat homelessness. I acknowledge the Scottish Government's approach in trying to get everyone into employment and to produce the sustainable growth in the country that will help to alleviate poverty. We will never eradicate homelessness unless we eradicate poverty.

There is also a lack of funding for advice. Advice is a method of preventing homelessness, and I am encouraged that the issue was covered in the report and that the report recognised and recommended that advice should be part of the statutory procedure.

Members will not be surprised that I want to talk about the key role that independent advice can play in preventing homelessness. The value of good money advice cannot be overestimated. Many people have been prevented from losing their home simply by getting good money advice on mortgage and rent arrears, by being put on to debt arrangement schemes, or by being assisted with mortgage-to-rent schemes. All that sometimes happens without the local authority knowing about the situation. Homelessness is being prevented by advisers doing their job, but sometimes the statistics do not reach local authorities' books.

No one can overestimate the effect that the threat of losing a home has on an individual. I will share with members one of the first cases that I saw when I was an adviser, which is well beyond 10 years ago. A woman approached the citizens advice bureau the day that her house had been repossessed. She had been put out of her house that morning. Her children were at school, and they had not been told. I will never forget that story or the stress in that woman. She totally broke down; she could not cope with the situation, which she had kept from everyone. Her children were at school, but they did not know that they were coming home to a house that had been repossessed and was boarded up.

Such situations can no longer happen. The mortgage lender would have to tell the local authority that there was a possible repossession action, and the local authority and the other agencies could step in and prevent that from happening. We must therefore appreciate the improvements that we have made. We may think that there has been no improvement in

homelessness, but enormous improvements have been made, and those must continue.

Maureen Watt: Will the member give way on that point?

Margaret Burgess: Yes.

The Presiding Officer: I am sorry, but the member must wind up.

Margaret Burgess: I am sorry—I just had to share that story, because I will never forget it.

We still need to move forward on homelessness, but we are going in the right direction. I certainly support the recommendations in the report and the actions that the Scottish Government is taking to improve the homelessness situation in this country.

14:47

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): As the convener reminded us at the start of the debate, the homelessness legislation—in particular the 2012 commitment—is one of the most important pieces of legislation that this Parliament has ever passed. It is also perhaps the most internationally recognised Scottish legislation, as I discovered when I spoke at a homelessness conference in Brussels in 2005 and realised that the whole of Europe was looking at Scotland's approach to homelessness legislation.

We should pay tribute once again to the various organisations that made important contributions to the preparation of that legislation, particularly those in the homelessness task force. Many of those organisations have continued to contribute to our discussions, including our committee deliberations and the stakeholder event that we held at lunch time today.

Like the convener, I thank Angela, the service user, with whom I spoke at lunch time. Nothing is more important for MSPs than to talk to those who are experiencing or have experienced the problems of homelessness.

We all know that homelessness is about more than bricks and mortar, although those are clearly vital, as I will discuss further in a moment. Prevention has always been central to the homelessness agenda. I agree with Margaret Burgess that there have been great improvements in the past 10 years, and many witnesses who gave evidence to the committee spoke about the change in culture that had come about through the housing options approach and in other ways.

The committee makes two recommendations in that regard: first, that there should be measures to ensure consistency in the housing options approach; and, secondly, that there should be a

measurement tool for homelessness prevention work.

Various members have mentioned the 20 per cent reduction in applications in one year. I do not wish to rubbish that figure, but members ought to note the recent article by the director of Shelter, which asked probing questions about that. We must be very careful to ensure that the housing options approach is implemented in the most effective way, which is why measures to ensure consistency are particularly important.

On prevention, there is a new duty to provide support, which arises from the Housing (Scotland) Act 2010. A consultation on that has just concluded. The committee recommends that that support should include money advice and debt counselling. At lunch time, I became aware that a debate is going on about whether regulations or guidance should be provided in relation to that duty. It was interesting that most of the stakeholders to whom I spoke at lunch time thought that guidance would be preferable.

We do not have time to speak at great length on the supply of affordable housing, but the committee clearly believes that it is strongly relevant to the issue of homelessness. I have spoken on many occasions over the past few months about the importance of investment in affordable housing, and I repeat my view that it should be the number 1 priority for capital expenditure, although I recognise the late improvements that were made in the budget process to increase the amount of money that goes into that area.

The private sector is important, too. The committee looked in considerable detail at the sector's role and recommended that the Government should look at the possibility of a new tenancy regime for the private sector to make that sector more attractive for people who are homeless. It is clear that the housing benefit changes could have a negative impact on that. Time is running out, so I cannot make the obvious points that I made in the recent debate on housing benefit about the general negative effect that those changes will have on our homelessness commitment.

Temporary accommodation will have to be used even more from the end of this year, but the committee cautions against unacceptable levels of temporary accommodation and recommends that there should be standards for temporary accommodation, on which the Scottish Housing Regulator should report.

My time is up. We should recognise the progress that has been made, but we should certainly not be complacent.

14:51

Richard Lyle (Central Scotland) (SNP): I thank the minister for reminding me that, in eight days' time, I will demit office as a councillor. For the past 36 years, I have been at the coalface of housing. I have dealt with homelessness, housing and evictions. I got my first case the day after I was elected, on 6 October 1976. Over the years, I have helped more than 5,000 people to get a house. However, I know that it is time to go when a constituent comes to me and says, "You got my mother a house many years ago. Can you get me one?"

I welcome the debate and note that there was a drop of more than 20 per cent in the total number of homelessness applications between 2010 and 2011, with the number of applications decreasing in 28 of the 32 council areas. The homelessness application figures are the lowest in a decade. Nine councils now meet the 2012 commitment, whereby 100 per cent of homeless applicants are assessed as being in priority need. Six more councils meet the commitment than in 2010. The SNP Government has provided £500,000 for the development of housing hubs, which support training and the sharing of best practice, and I welcome the announcement that a further £150,000 will be provided.

I am content that the SNP is committed to its target of providing 30,000 affordable homes over the next five years, at least two thirds of which will be homes for social rent, including 5,000 council houses. I say to Alex Johnstone that neither the Tories nor Labour built a single council house between 1970 and 2003. Labour and the Lib Dems built only six council houses after that. That is the problem that we faced—not a single council house was built over those decades. The SNP Government has picked up that burden and is doing its best to address the situation. I record my appreciation for the two best housing ministers: the cabinet secretary, Alex Neil, and his friend and sidekick, Keith Brown, who are the Batman and Robin of housing.

Working with COSLA, we have already filled the gap that the Tory-Lib Dem cuts to council tax benefit gave rise to, which could have badly affected the 558,000 people in Scotland on low incomes who receive the benefit. If members want to know about homelessness, I invite them to cast their minds back to "Cathy Come Home", which was shown on television back in the 70s—perhaps they can pick it up somewhere—because it showed what homelessness is like.

The Welfare Reform Act 2012 will reduce housing benefit for those who live in social rented housing that is larger than they require. The Scottish Council for Single Homeless reported to the committee that at least 75 per cent of social

housing in Scotland comprises two to three-bedroomed accommodation, with the majority of housing for homeless people in Scotland having a single bedroom. The change will make the 2012 commitment more difficult to meet.

I note that the Scottish Government is working with COSLA, local authorities, the SCSH, Shelter and the Housing Regulator to develop a measurement tool for homelessness.

The Tory-Liberal Democrat Government plans to reduce housing benefit for those living in homes that are bigger than they require, as I said. The Scottish Government has undertaken an impact analysis of the measure and has identified more than 95,000 social tenants who will lose between £27 and £65 a month. That will remove £50 million a year from the Scottish economy.

Last night on television, we saw what is facing people in Newham, but that is for another day—I have run out of time.

I support the motion, and thank the two gentlemen on the front bench, who are doing such a good job.

14:56

Jim Hume (South Scotland) (LD): I think that Richard Lyle is looking for a job.

I commend the committee members and the clerks for their work in producing the report, as well as those who submitted evidence to the committee. Although I am not a member of the committee, I recognise the importance of ensuring that Scotland's homelessness commitment is achieved.

The Infrastructure and Capital Investment Committee's report on the 2012 homelessness commitment contains some important insights and recommendations. The insights include those into the success of the housing options approach to facilitate early intervention in cases that, in the past, would almost certainly have led to a presentation of homelessness by the individual or family. I associate myself with the committee's call for the Government to undertake a review of the tenancy regime in the social rented sector to establish whether it has the required flexibility to adapt to future needs, and for more debt counselling and money advice to be included as an important part of the housing advice that is offered to those who are threatened with homelessness.

The Scottish Liberal Democrats were proud to have been part of the Government that legislated for the 2012 commitment—I think that we should recognise Malcolm Chisholm's involvement in pushing that through at the time. The commitment has rightly received international acclaim.

However, it is only fair to highlight that the target was always going to be challenging, particularly in a climate that could not have been foreseen nine years ago.

The report states:

“The Committee acknowledges the strong relevance of affordable housing supply to the homelessness issue.”

It is correct to state that housing supply is critical to the homelessness issue, but it is homes for social rent and not simply affordable homes that are required. Members should note that some affordable homes require an element of purchase that is simply out of the question for the majority of those presenting as homeless. Therefore, I regret the committee's failure to highlight the Government's reneging on its commitment to build 30,000 homes for social rent over this parliamentary session.

Keith Brown: Will the member give way?

Jim Hume: I am sorry; I do not have time.

The Government now intends to build 10,000 fewer homes for social rent over this session. On that point, I correct Mr Lyle and remind him that more than 40,000 houses in the social rented sector were built in the eight years of the Liberal Democrat-Labour coalition, mainly housing association homes.

It is absolutely vital that the Government ensures that there is not an explosion in the use of temporary accommodation and in the duration of stay in such dwellings. A number of stakeholders highlighted that in their evidence. Highland Council stated:

“Meeting the 2012 target will place additional pressure on temporary accommodation and will almost certainly increase the average length of stay.”

It is widely acknowledged that stays in temporary accommodation can be particularly damaging for children's life opportunities, and prolonged stays even more so. At the end of last year, responses to freedom of information requests that I sent to all local authorities revealed that more than 2,000 families with children in Scotland were residing in temporary accommodation in October, with almost 800 of them having done so for more than six months. My fear is that that figure could be significantly higher in 18 months' time, once the Government has—we hope—achieved the 2012 commitment.

It is no good our focusing to so great a degree on the eradication of priority need assessments in homelessness only to exacerbate existing problems with the use of temporary accommodation, much of which falls below a comfortable standard of living. I therefore welcome the commitment in the report to monitor the situation. We can all agree that we do not want a

dependence on temporary accommodation to become an unintended consequence of a well-intended piece of legislation.

15:00

Humza Yousaf (Glasgow) (SNP): I, too, echo the committee's praise of the progress that Scotland's local authorities are making towards meeting the 2012 commitment. I thought that the report itself was very constructive and contained some very practical suggestions on how we might move forward and ensure that all our local authorities achieve the 100 per cent target. Of course, the problem with being the last member to speak in the open debate is that all my best lines have been stolen. Nevertheless, I want to focus on what I think are the most vulnerable groups to be threatened with homelessness in our society.

On Saturday, I attended a demonstration to oppose the real threat of homelessness that is faced by up to 100 asylum seekers in Glasgow. Although those people's appeals for asylum have been rejected, the UK Government is unable to send them back to their countries of origin because they have been deemed unsafe conflict zones. Under that policy, individuals who have had their application rejected lose their right to accommodation and any other support after 21 days, and those asylum seekers now face the very real threat of homelessness and destitution. However, such an option is still preferable to returning to their home countries, where they might face persecution or conflict.

Ypeople, the current accommodation provider for asylum seekers in Glasgow, has allowed these individuals to stay in their properties for longer than the prescribed 21 days; however, it recently lost its contract to a private company and, as I have said, the asylum seekers are now facing real destitution. Some of them have even been served with notice of eviction. As many of them come from oppressive regimes such as Iran, Iraq, Somalia and Eritrea, it would be a complete injustice to return them to those unsettled conflict zones. With no recourse to public funds—a horrible phrase that is straight out of a Dickens novel—and no ability to return to their home countries, they are caught in complete limbo and undoubtedly face homelessness. It makes a mockery of any target that we have put in place. Instead of punishing such individuals, we should be providing help and support to protect those who are most at risk of homelessness and real poverty.

Continuing the theme of those who are most at risk of homelessness, I recently met in Glasgow representatives of the Wise Group—an organisation known to many in the chamber—who told me about its routes out of prison project with ex-offenders. We need to remember that ex-

offenders might have done the crime, but they have also done the time and should be treated no differently from anyone else who is looking for a roof over their head. I was told that these individuals are often released on a Friday and therefore cannot secure a bed in a hostel; they are forced on to the streets for three nights over the weekend; and those who get into the habit of sleeping rough do not find any settled accommodation thereafter.

I heard real-life case studies of housing associations that did not have the capacity to offer accommodation to ex-offenders advising them to go to a police station and ask for a cell to sleep in. It is quite unbelievable. One man even stole a carpet from a police station entrance so that he could be arrested and spend the night off the streets. Unfortunately such stories are all too common. The homelessness of ex-offenders is very much a matter of concern, because it traps people further in the cycle of reoffending and does nothing at all for our society.

One motto familiar to all of us—it has been mentioned many times in the chamber—is that a nation's greatness is measured not by its military might or by its economic strength, but by how it chooses to treat the most vulnerable in our society. The test for us all and for Scotland is to strive to be the greatest nation that we can be. We are making significant steps in the right direction, but much more can and must be done.

That said, I thought that the report was excellent and very constructive and I thank the committee members and the clerks for producing it.

15:04

Alex Johnstone: In what has been a good debate, we have broadly drawn together around the objectives of the 2012 housing commitment. I will address one or two key contributions that highlighted the issues that we face.

Margaret Burgess spoke at length of her experience of giving advice to homeless people, and emphasised the need for good advice. I have spoken to Citizens Advice Scotland on the ground, where it is already giving advice. It expressed to me its concern that it might not be able to meet demand, which is likely to increase, unless it has adequate resources. That difficult situation needs to be highlighted today.

The critical importance of advice does not apply only to homelessness. It applies, of course, to the welfare reform process, which we are going through. Malcolm Chisholm pointed out that the Housing (Scotland) Act 2010 imposes a duty to provide advice on homelessness. It is important that we ensure that that advice is provided, and

Margaret Burgess did well to highlight that situation.

Hanzala Malik's contribution interested me. He spoke about houses that were being sold off and the need to replace them. Not for the first time, I find myself in agreement with Hanzala Malik. I argue, and will continue to argue, that the opportunity for tenants to become owners of their property is very important—although I understand that the member did not say that. He said that it is important to replace houses that have been sold to their tenants. We need to address that challenge, rather than prevent the right to buy; we need to ensure that we build new houses to replace those that are sold.

Richard Lyle's contribution was spirited and very supportive of ministers on the front bench. However, if he were to look back in history he would see that there were record levels of council house building in Scotland between 1951 and 1964, under a Conservative Government. In 1979, an 18-year period of Conservative Government began, and a few council houses were built—but not many. However, during that period housing associations came into existence. They were a massive step forward and are today one of the most important tools in the armoury of any Government that wants to provide new housing.

However, it was never illegal for councils to build houses. In fact, many councils used the proceeds of sales to improve their stock and left the building of new houses to the active housing associations that existed.

Richard Lyle: Will the member take an intervention?

Alex Johnstone: Unfortunately, I need to come to a close soon.

It is important to acknowledge that there are councils that are building houses today, in some circumstances in spite of Government policy, not because of it.

Finally, I want to address an issue that I did not have time to cover in my opening speech—a key issue that the minister must be prepared to face in the near future. A problem on the horizon is that our armed forces are about to enter the process of disengagement in Afghanistan. As our soldiers arrive home, many will come home to Scotland. Many of them will not have a future in our armed services. The difficulty of not having a proper, established home, which is one of the consequences of the military action that we have been involved in in recent years, means that there will be a particular problem for those who are leaving military service.

I acknowledge that efforts are being made, but the housing professionals to whom I spoke

expressed concern that the measures taken will not be enough and that our veterans deserve better—in fact, they deserve the best.

15:08

Richard Baker (North East Scotland) (Lab): Scottish Labour is proud of the 2012 commitment on homelessness made by the previous Scottish Executive. It was a bold commitment that set the course for ensuring that no one and no families in Scotland needlessly suffer the trauma of homelessness.

As Shelter said ahead of the debate, the target has given local authorities the impetus to substantially improve homelessness services in a way that otherwise would not have happened. Of course, this Parliament's pledge on homelessness is shared across the parties and there is a broad recognition of the importance of making good on the commitment. I welcome the committee's report and the chance to debate it.

Although progress has been made, it is clear that there is still a varying picture across the country in terms of how close local authorities are to meeting the target—Elaine Murray referred to that. Further action will be required from the Scottish Government and I welcome the committee's stated intention to monitor progress throughout the year. Indeed, I hope that we will return to discuss this subject at greater length as we approach the time for the commitment to be fulfilled.

In the short time that I have available, I will emphasise key issues that other members raised during the debate and which will need to be addressed if we are to get a successful outcome at the end of the year.

A number of members referred to the UK Government's changes to housing benefit and how they represent an obstacle for a number of reasons that are outlined in the committee's report. We and the ministers share those concerns, and the committee is right to call for ministers to make a detailed plan of mitigation measures. I know that ministers have such plans in mind, and I urge them to bring them before the Parliament when they have been fully developed.

Further obstacles to meeting the target have been created by the Scottish Government. Difficulties for local authority housing departments have resulted from the poor funding settlement for councils. A 30 per cent cut to the housing budget will only hinder the work of tackling homelessness.

Keith Brown: Will the member give way?

Richard Baker: I have only four minutes. The minister will be able to reply to my points during his summing-up speech.

Such a cut will affect the provision of the social housing that is badly needed in Scotland. The ministers gave evidence to the committee that they intend to provide 30,000 affordable homes during the current parliamentary session, including 20,000 socially rented homes. However, as Jim Hume pointed out, that falls short of the Scottish National Party's manifesto pledge to build 6,000 socially rented homes in each year of the parliamentary session. Has that manifesto commitment been jettisoned?

The report is right to focus on how we ensure that we avoid cycles of homelessness. Too often, in cases in Aberdeen city, I have seen homeless people being provided with a tenancy but not with the support that they need to sustain that tenancy and deal with the problems that caused their homelessness in the first place.

Kevin Stewart (Aberdeen Central) (SNP): Will the member take an intervention?

Richard Baker: I have only a minute left.

That creates further problems for those homeless people and, too often, for others. When people with such problems are given a tenancy, that should not be seen as the end of the job. The support must also be provided. Shelter Scotland is therefore right to raise the concern that the new support duty for homeless households, which was brought in by the 2010 act, has still not been implemented, 17 months after the legislation was passed. Malcolm Chisholm was right to highlight that point. I hope that the ministers will be able to tell us when that duty will be implemented, and I hope that it will indeed be in the near future.

As the report highlights, much has been done; we recognise that, but there is much more to do on the way to meeting the homelessness target. We welcome the ministers' reaffirming of their commitment to meeting the target, and it will be for the committee and the Parliament to hold them to that. We can be proud that Scotland is leading the way in tackling homelessness and, in doing so, creating a better society for us all.

15:13

Keith Brown: I thank all members who have spoken for their contributions. I will try to address some of their points and give the Government's point of view.

Elaine Murray, Jim Hume and others mentioned the temporary accommodation situation. It is worth noting that there was a 4 per cent reduction in the number of households in temporary accommodation to December 2010; a reduction of 13 per cent in the number of households with children in temporary accommodation; and a reduction of 18 per cent in the number of children

in temporary accommodation. We are now down to only 15 households with children or pregnant women in bed-and-breakfast accommodation; that is also a key indicator. Substantial progress is being made. We have not taken our eye off the ball as we make progress towards the 2012 target.

A number of members made a crucial point on the supply of affordable housing. Richard Baker is quite right to mention the difficulties that the housing benefit reforms and the general economic situation have caused. However, the impact on achieving the target of the 33 per cent cut to the Government's capital resource was not mentioned by the Labour Party, the Conservative Party or the Liberal Democrats. The capital budget has been cut by about one third—that has to be recognised and none of the speeches that have been made so far has recognised it. That cut has had a huge impact on our budgets.

On the other side of the equation, Richard Baker mentioned cuts to local authorities. It is worth bearing in mind the fact that we give a bigger proportion of our budget to local authorities than the previous Administration did. If the previous Administration had carried on doing what it was doing before, it would have given less to local authorities than what it criticises us for giving. We have done well by local authorities and protected their share of public resources.

Hanzala Malik made a point about the return of proceeds from sales. We often do that, but the housing association is required to ask us and make a case to us. If, for example, we have given a grant to allow houses to be developed in the first place, the public moneys have to be protected. We work on a case-by-case basis, but we take a pragmatic approach and try to help wherever we can.

It is worth reasserting that recent statistics indicate the lowest figures for a decade on homelessness applications and assessments. I should also point out the current success of prevention measures. As I said, the Scottish Government will continue to support local authorities to drive the housing options approach. About £70,000 has been made available to the hubs to help them to consider how to mitigate the effects of the housing benefit changes. Initially, £500,000 was given to establish the hubs and, as I mentioned, there is the subsequent award of £150,000, which was announced today. We are providing support. We will learn from the independent evaluation of the hubs approach, which will be published shortly.

It is easy to say this, but it is absolutely crucial that we continue to have cross-sector partnership working. At present, things seem to be working well, with joint responses across sectors and services.

Alex Johnstone raised a point about ex-services personnel. The important thing is to ensure that those people do not suffer a disadvantage. It is more difficult to provide them with an advantage, but they should not suffer a disadvantage, for example by not being allowed to be on a waiting list when they are in service or by not being able to establish a local connection because they are on duty. Several authorities, particularly Aberdeen City Council, take that issue very seriously. We are keen to roll out best practice to other authorities. There are questions for the UK Government, not just about the fact that it is making some of those people redundant, but about ensuring that people are as well prepared as possible for civvy street.

Several members have mentioned the supported accommodation implementation group. The group reports in November, which will be an important step in improving services for homeless people and those who are at risk of homelessness. Humza Yousaf gave good examples of people who are in that category. We also have a consultation on our strategy for the private rented sector, which was published last week. A higher-quality private rented sector can make a great contribution to dealing with homelessness.

We share the Infrastructure and Capital Investment Committee's view that it is vital that the 2012 commitment is met across Scotland. We know that work is required with the councils that still report challenges in meeting the commitment. Members, particularly those who are members of the committee, will know exactly which councils those are. It is important that those councils achieve the target. We have made that point strongly to them, while telling them to let us know what more we can do if there are particular circumstances in their areas.

One thing that is not in doubt is the record of strong support for the 2012 commitment among wider stakeholders. That underlines the fact that Scotland is a progressive nation. That is evidenced by the general consensus on the issue and, as I have said, by the fact that the commitment has been subscribed to by successive Governments and Oppositions. The Parliament has a good record. However, it is perhaps easy for the Parliament to say that we want to achieve something when we know that delivering it is largely up to other people. I was on the other side of that debate back in 2003 when, as a council leader, I signed the accord. By and large, councils and others will deliver the commitment, so they will deserve the credit for doing that if they can achieve it by the end of the year, although that is not to say that the Scottish Government does not have obligations, too. It will be a proud achievement if we can do it.

Even at this stage, we can rightly be proud of the progress that has been made. We bandy about numbers and percentages, but we are talking about people's lives. We heard telling stories, particularly from Margaret Burgess. If people are now avoiding that kind of experience, that is a massive achievement, even at this stage. We will continue to build on the hard work of local authorities and their partners to achieve sustainable outcomes for all homeless people beyond 2012. I am grateful to the members and convener of the committee for their support in that process.

15:19

Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP): I am pleased to wind up a constructive debate on behalf of the committee. It is clear that there is and has been cross-party support for the 2012 commitment in several parliamentary sessions and under different Administrations. It is one policy on which the whole Parliament can take pride in its implementation. As Shelter has pointed out, in 90 per cent or so of council areas, we are there or thereabouts in meeting the commitment. That is an achievement worthy of celebration, not least because it will bring long-term benefits and social wellbeing in the communities that we represent.

As Maureen Watt and others have highlighted, the housing options approach that has been adopted by local authorities appears to have been very successful and has led to significant improvements in the provision of services for homeless people. In essence, there is now a recognition by local authorities that homelessness is not just a housing issue but requires a corporate approach from local authorities. An holistic approach is required to meet people's needs; therefore, staff now consider the person's immediate needs, their personal circumstances and their short and long-term housing aspirations to work out what the best options are.

Nevertheless, the committee is aware of variation in service provision across the country and wants to see best practice established everywhere. Aileen McLeod suggested that standardising the hub approach could have a beneficial impact. We were particularly keen to see the preventative focus of the housing options approach being made subject to quality measurement; Malcolm Chisholm alluded to that.

An overall reduction of 20 per cent in the number of homelessness applications for the latest period over the previous year is, on the face of it, very encouraging. Authorities such as North Ayrshire Council are to be commended for reducing the number of homelessness applications by 50 per cent over a five-year period.

However, some concern has been expressed that that could be interpreted as evidence of gatekeeping, with homelessness applications not being accepted and people being sent down different routes, preventing them from getting access to their rights. We have been reassured that that is not such an issue here as it is in England, but we recommend that the Scottish Government and the Housing Regulator monitor the area carefully.

The particular importance of partnership working in tackling homelessness has been raised by several members and it was made clear throughout the oral, written and informal evidence that the committee received. That means partnership between housing, health and social services in dealing with problems associated with issues such as mental health, substance misuse and family break-ups, preferably through early rather than crisis intervention.

Margaret Burgess made a telling contribution on the importance of money advice and debt counselling with local authorities and advice organisations working hand in glove. Hanzala Malik and Malcolm Chisholm also mentioned that.

Maureen Watt: Does the member recognise that credit unions have an important role to play in that? Sometimes, people have money stashed away in a credit union and it is not taken into account when they are given advice in this dire situation, as we learned from the cross-party group on credit unions last week.

Adam Ingram: The member makes a very good point, with which I agree.

Partnership is also about local authorities, housing associations, voluntary organisations and private landlords working together to make the best possible use of the available housing supply. The committee believes that the five housing options hubs are well placed to take forward that agenda and we have called on the Scottish Government to continue to provide financial support for the hubs and to encourage them to develop further. We are, therefore, all delighted with the minister's announcement this afternoon of an additional £150,000. I know from personal experience the outstanding work of the Ayrshire and south hub, particularly in preventing homelessness among young people, and consider it well worthy of continuing support.

That said, despite all the good work that has been progressed, meeting the 2012 commitment will be challenging—as will sustaining that commitment. The majority of witnesses to the committee emphasised the importance of improving the supply of affordable housing in all tenures. Although the committee welcomes the Government's commitment to provide more

affordable housing, we agreed that that commitment must be closely monitored, and we intend to assess progress over the coming parliamentary session.

Work must be undertaken to determine what can be done to encourage private sector landlords to make more housing available to those who are at risk of homelessness. Although a secure council tenancy may be the preference of many, feedback from the hubs has been that people are more willing than was expected to consider private sector options, particularly when they help to maintain links to their communities, their place of work or their children's schools.

Improvements have already been made in legislation on secure tenancies emanating from the Housing (Scotland) Act 2010, but the committee has called on the Government to undertake a thorough review of the tenancy regime, not only to provide greater security of tenure within the private sector but to accommodate the shared tenancies that are envisaged under welfare reform.

Much evidence was presented to the committee on the negative implications of the UK Government's welfare reform. We heard many speeches on that in the debate. COSLA considers that welfare reform alone could lead to up to an additional 3,000 homelessness presentations in Scotland, and it is clear that the Scottish Government will need a detailed plan of mitigation measures. The committee has called on the Government to provide the Scottish Parliament's Welfare Reform Committee with such a plan.

We all acknowledge that the 2012 commitment represents a landmark in extended rights for homeless people, but we have more work to do. As other committee members said, the committee intends to continue to scrutinise the implementation of the commitment beyond the deadline. It is one of the most progressive policy interventions that the Parliament has made, and we must do all that we can to ensure its success.

Long Leases (Scotland) Bill: Stage 1

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-02682, in the name of Stewart Stevenson, on the Long Leases (Scotland) Bill. As we have quite a bit of time in hand for the debate, interventions will be welcomed.

15:27

The Minister for Environment and Climate Change (Stewart Stevenson): I look forward with eager anticipation to the thoughtful and helpful interventions that members from around the chamber will make.

The bill that I bring to Parliament today will convert ultra-long leases—that is, leases of more than 175 years that have more than 100 years left to run—to ownership. It will implement the final report in a series of reports by the Scottish Law Commission on modernising property law in Scotland. Previous work included the abolition of feudal tenure.

In its report on the conversion of long leases, the commission outlines why the legislation is necessary. In paragraph 1.1, it says that the report

“seeks to apply to certain types of long lease the principle of conversion already applied to feus by the Abolition of Feudal Tenure etc. (Scotland) Act 2000.”

In paragraph 2.4, when discussing the conversion of ultra-long leases, it says that

“A pseudo-feu should be treated in the same way as the real thing”,

and, in paragraph 2.5, it says that

“In fact the difficulties with leases extend beyond those with feus. Because ultra-long leases are relatively rare, and concentrated within small geographical areas, they are unfamiliar to many legal practitioners. The result is often an increase in transaction costs when the property comes to be sold.”

In its first session, Parliament passed the Abolition of Feudal Tenure etc (Scotland) Act 2000. That landmark legislation affected property throughout Scotland. By comparison, we estimate that the bill will cover about 9,000 ultra-long leases. However, the Scottish Law Commission has said that the difficulties with ultra-long leases are even more significant than those with feus. Parliament has the opportunity to deal with leases that can, in individual cases, give rise to more problems than feus would have done.

I have mentioned a number of the key points in the bill. There are also provisions on compensatory and additional payments to landlords for the loss of rights. It will be possible for some leasehold conditions to become real

burdens in the title deeds. Landlords will be able to take steps to preserve sporting rights in relation to game and fishing, and tenants will be able to opt out of converting to ownership, if that is their wish. The bill also deals with long-standing issues around what are known as Blairgowrie leases, which are a perfect example of the particular and localised complexities that arise in this area of our land ownership law.

Annabelle Ewing (Mid Scotland and Fife) (SNP): Will the minister clarify what a Blairgowrie lease is, for the benefit of those of us who do not know what such leases involve?

Stewart Stevenson: The Blairgowrie lease is a local form that has a high degree of informality but is nonetheless capable of being implemented in law. Some people have said that such leases have been used for many years as a mechanism for people in Blairgowrie to play mischief with people from elsewhere who make purchases. There is broad consensus that action is needed, and the constituency member, who spoke to me about the matter recently, is anxious for it to be resolved by the passage of the bill.

I turn to the history of the proposed legislation. This is the second time that such a bill has been considered by Parliament. The Justice Committee in the previous session of Parliament published a stage 1 report on the previous bill, but that bill fell when Parliament was dissolved for the Scottish elections in May last year. We have made amendments to reflect that committee's report. In particular, we added an exemption for harbours, clarified the exemption for pipes and cables—the issue of wayleave—and exempted leases in which the annual rent is in excess of £100. We have also dealt with the issue of variable rental so that we will not catch leases whose value is, in effect, more than £100 a year but in which the rent is paid in a pattern that does not necessarily make that clear.

I am grateful to the Rural Affairs, Climate Change and Environment Committee, as the lead committee, and to the Subordinate Legislation Committee and the Finance Committee, for the scrutiny that they carried out. Paragraph 54 of the lead committee's report, on leases in which the landlord retains a significant interest, notes that evidence was taken in relation to variable rental. In the light of that evidence, the Government intends to lodge an amendment at stage 2 to deal with certain cases in which the rent has been varied.

Paragraph 84 of the report notes that witnesses made points about updating the land register.

Alex Fergusson (Galloway and West Dumfries) (Con): The minister mentioned that a bill was introduced in the previous session of Parliament. The question of registration was

addressed in that bill. Why has there been a change of heart in the current bill?

Stewart Stevenson: I have a little more to say about that; I will, perhaps, expand on it in the light of Alex Fergusson's question.

As the report notes, Registers of Scotland has decided not to carry out a bespoke exercise to update the land register as a result of the bill as it now stands, because updating the land register is not required for the bill to work. Section 4 provides that, on the appointed day, a qualifying lease will convert to ownership. That will happen independently of any action that is taken by Registers of Scotland.

It was mentioned in evidence to the lead committee that there should be a mechanism whereby the register is corrected on application, for a fee. In fact, it will be possible for those who have an interest in a lease that converts to ownership under the bill to make an application for the register to be updated, and that application can be made at any time. It is worth saying that Registers of Scotland, too, will undertake work on a related piece of legislation that touches on this issue and to which I will return in a minute or two. It is therefore easier, more practical and of lower cost to deal with the issue in this way.

A number of events may lead to information in the land register being updated. In particular, information will be updated in the land register when a property transaction takes place. That would include a sale, but it could also include the granting or discharging of a standard security over the property. If the property is recorded in the register of sasines, the former tenant could apply for voluntary first registration in the land register and pay a registration fee at the outset.

The Government and Registers of Scotland recognise the value to Scotland and the Scottish economy of keeping the land register up to date. That brings me to the Land Registration etc (Scotland) Bill, which will implement another Scottish Law Commission report and which is designed to improve the system of land registration in Scotland. If Parliament agrees to the general principles of the Long Leases (Scotland) Bill, my officials will work closely with Registers of Scotland on implementing it and will take every opportunity to ensure that the land register is as up to date as possible. The two bills will, to an extent, work in tandem. In dealing with the issue in that way, we will avoid having to make a particular provision in the Long Leases (Scotland) Bill and we will reduce effort on the land register without creating any concomitant difficulties. If Mr Fergusson has further questions, I will be happy to address them later.

Paragraph 85 of the committee report notes that amendments may be needed to ensure that the Land Registration etc (Scotland) Bill and the Long Leases (Scotland) Bill work together. We intend to lodge amendments, which may be made directly to the Land Registration etc (Scotland) Bill where that is the appropriate drafting solution. We have further work to do to ensure that we get that right.

The committee report makes a number of comments on common good land and buildings, following evidence that the committee received. I am told that the issue of common good stems from well back, in an act of James VI, so we are going back a considerable time. Many members will receive representations generally about common good land. There are such issues in my constituency; I discussed them at the weekend.

We will continue to work closely with local authorities on information that they have on ultra-long leases and common good. However, ultimately, common good land and funds are the responsibility of local authorities, which must manage them in accordance with their statutory and other responsibilities. Common good asset registers are a matter for individual authorities. Audit Scotland monitors and will continue to monitor progress on the completion of registers, as part of its audit process.

On a possible exemption from the bill for common good, we have not received clear evidence that converting leases of common good land would have an adverse effect on that land. In addition, an exemption for common good land might increase discussions about whether land is held in the common good or not, which could lead to increased litigation and costs for local authorities. That simply would not be in the taxpayers' interest. In any event, there are nine parcels of land involved and in almost every case it is about a transfer from one public form of ownership to another, with only a few exceptions. Therefore, to try to legislate on common good in this context would be a formidable challenge.

In the debate on common good, the committee received considerable evidence about Waverley market in Edinburgh. The Government is not reaching any view as to whether the Waverley market is held in the common good or otherwise. However, the committee noted that the case for exempting the Waverley market site from the bill has still to be made. I advise Parliament, however, that since I gave oral evidence to the committee on 7 March we have had an initial look at other legislation that may touch on that or other leases. Both Waverley market and some common good land in Stonehaven are governed by private parliamentary acts. In view of possible issues arising from provisions in those acts from converting leases to ownership, I have asked my

officials to undertake further work on the matter, particularly on whether it would be appropriate to amend the legislation that covers the two areas that the leases apply to, or to take other appropriate action. We continue to engage on the issue, because it is of substantial concern to a wide range of people.

The bill is quite lengthy and rather technical, but its aim is straightforward—it will simplify Scots property law by converting ultra-long leases, which are essentially akin to ownership, to actual ownership. The consultations by the Scottish Law Commission and the Government showed that there is widespread support for the bill's general principles. The committee also recommended that the Scottish Parliament support the bill's general principles at stage 1. I therefore invite Parliament to support the motion at decision time. I take pleasure in moving the motion that stands in my name.

I move,

That the Parliament agrees to the general principles of the Long Leases (Scotland) Bill.

15:40

Rob Gibson (Caithness, Sutherland and Ross) (SNP): As has been noted, the bill will convert ultra-long leases of more than 175 years into ownership. The Rural Affairs, Climate Change and Environment Committee took account of the evidence that the previous session's Justice Committee heard on a similar bill and focused on new aspects of the bill. I thank the previous Justice Committee for its work.

As well as considering new provisions, the committee heard evidence from witnesses on related policy issues to which the bill does not refer directly. We carefully considered common good and the status of Edinburgh's Waverley market in the future, on which I will say more later.

The bill takes forward work of the Scottish Law Commission by seeking to convert ultra-long leases into ownership unless the tenant chooses to opt out, with compensation to the former landlord. The ultra-long leases in question are leases of more than 175 years that have more than 100 years left to run. Leases that are granted for such long periods are akin to ownership, so the bill will simply convert such leases to ownership. The Scottish Government estimates that there are about 9,000 ultra-long leases in Scotland, most of which are for 999 years, so few people will be directly affected. The committee agrees with that general principle of the bill, which will meet people's needs.

As has been said, the bill is largely technical. I will describe some interesting issues that were raised with the committee.

The bill provides for various exemptions, which include making commercial leases exempt from conversion to ownership by having an annual rent cut-off point of £100. Should the annual rent be varied, that would be taken into account in the commercial lease exemption provisions.

The rent payable is the rent that was set out in the original lease, but variations to the annual rent are not necessarily reflected in the original lease. As drafted, the exemption might not include all commercial leases, if variable rents are not captured correctly, so we welcome the commitment in the Government's response to our stage 1 report to lodge an amendment on that at stage 2.

We considered whether leases for which a single payment, or grassum, was paid in addition to the annual rent would count as commercial leases and therefore be exempt from the bill; for example, a developer paid the City of Edinburgh District Council a lump sum of £6.25 million in 1989 for the Waverley market. We noted the conflicting evidence, but we came to no conclusion.

The committee considered the position of standard securities when long leases are converted to ownership. The bill allows lenders to collect moneys that relate to mortgages on leases once they have converted to ownership.

The number of questions about the potential loss of landlords' rights when leases convert to ownership is expected to be fairly low. The committee noted that sections 50 to 55 provide for additional payments on the basis of the loss of heritable interest and potential development value. There will be a role for the Lands Tribunal for Scotland to determine the amount that is to be paid to landlords.

The bill relates to the Land Registration etc (Scotland) Bill, which is reaching stage 2 scrutiny in the Economy, Energy and Tourism Committee, as has been said. Concern was expressed that Registers of Scotland does not wish to carry out a specific exercise to update the land register to reflect the conversion of ultra-long leases to ownership under the Long Leases (Scotland) Bill. The committee believes that the land register must be updated, and it called on the Scottish Government to respond on that. I have raised the issue of registration in my speeches in the chamber on the Land Registration etc (Scotland) Bill and the Agricultural Holdings (Amendment) (Scotland) Bill. The need to dovetail those bills with this bill requires a more accurate picture of land ownership in Scotland. Thankfully, the Scottish Government has responded to the committee's report by stating that both the Government and Registers of Scotland recognise the value to the Scottish economy of keeping the

land register as up to date as possible. We welcome the Government's assurance that it will lodge amendments at stage 2.

That brings me to the other issues that became major focuses of the committee's work. The bill contains no specific provisions in relation to common good or on whether there should be an exemption for common good land. The committee acknowledges the extreme complexity of common good land law and the lack of robust information being held by councils. Although the numbers are small, such land is of significant importance to the public interest. We recommended that the Scottish Government work with local councils and other professionals to gather and maintain a correct register.

Should common good land be exempted? The committee was not persuaded and neither was the previous Justice Committee. We have acknowledged the legal and administrative complexities in that respect. We were strongly of the view that any financial compensation that would be received by local councils for long-lease conversion must be directed to their common good funds, so we welcome the Scottish Government's intention to write to local councils to tell them just that.

The most contentious part of our evidence taking was on the status and future of Edinburgh's Waverley market, otherwise known as Princes mall. First, is it or is it not part of Edinburgh's common good? It is not for the committee to decide what is, and what is not, common good property. Secondly, should the site have a specific exemption from the legislation? The City of Edinburgh Council insisted that Princes mall is not part of its common good portfolio. It asked us to consider an exemption and we concluded that the case for such an exemption is still to be made. I note the movement in the Government undergrowth on the issue.

Parliament should agree that the bill be passed in order to complete this key part of the Scottish Law Commission's programme of property law reform. It is time to end the types of ultra-long leases in Scotland that the bill addresses.

15:47

Claire Baker (Mid Scotland and Fife) (Lab): I am pleased to take part in the debate and I thank the Rural Affairs, Climate Change and Environment Committee for its work on the bill. The hours that the committee spent taking evidence and debating the key points make my contribution much easier.

It may be appropriate to thank the previous session's Justice Committee, because the bill was initially introduced in the previous session. It is

welcome that, in reintroducing the bill, the Scottish Government has moved to address many of the issues that were raised in the previous stage 1 report.

I also acknowledge the contribution that has been made by witnesses who contributed to the debate. In many cases they illuminated the technicalities of what is a short but complex bill that will, put most simply, enable the conversion of ultra-long leases to ownership.

I am happy to confirm that Labour will support the bill at stage 1 and look forward to the debates at stages 2 and 3.

I thank the Scottish Law Commission, which has been at the heart of the debate over the legal context for land in Scotland. It has carried out a major review of the structure of land law. That review concludes with this bill, which extends the principle of conversion that was established by the Abolition of Feudal Tenure etc (Scotland) Act 2000. The 2000 act prevents—with some exceptions—the granting of leases, after June 2000, that last more than 175 years. The estimated 9,000 ultra-long leases that will be addressed by the Long Leases (Scotland) Bill were largely generated by large estates from around 1750 to 1930, often with the purpose of encouraging the industrialisation of Scotland. As the minister indicated, such leases tend to be concentrated in particular parts of the country.

As the Scottish Law Commission highlights, ultra-long leases are “barely distinguishable from feus” and carry the same disadvantages. As the minister said, in the case of ultra-long leases the difficulties can be even more significant. The disadvantages are that, by providing a small income stream to the landlord, restrictions and other obligations can be imposed on the tenant, although the tenant is the owner, in the everyday sense of that term. The conditions might allow for an inappropriate degree of control by the landlord. Given the conditions that are identified in the bill—annual rents of less than £100, and more than 100 years being left to run on a lease of more than 175 years—the tenant is in a similar position to that of an owner, and the landlord has little real interest.

The Scottish Government has responded to issues that were raised by the Justice Committee in the previous session of Parliament. I welcome the decision to exempt from the scope of the bill low-base rentals with variable rent, when agreement or order has been registered; leases that include a harbour, either wholly or partly, in relation to which there is a statutory harbour authority, which provision has been included following evidence from Peterhead Port Authority; and leases that are granted solely to allow the installation and maintenance of pipes and cables.

The committee supports proposals to allow for one-off payments to compensate for loss of landlord rights. The minister expects such payments to be modest, and the Lands Tribunal for Scotland will be part of the process. Such matters are complex but relatively straightforward. The bill generated more discussion in the context of its relationship with the Land Registration etc (Scotland) Bill, the role of common good land and how it should be understood in the context of the bill, and the case of Waverley market and whether it should be exempt from the scope of the bill.

The report, as the Justice Committee’s report did in the previous session, talks about common good land. There are a number of issues in that regard. Identification, ownership and use of common good land are complex issues. Although the bill does not address the matter, it will change the ownership of some common good land. Concerns about that were expressed in both reports. The Public Petitions Committee in the previous session also looked at common good funds and identified common problems to do with lack of knowledge of what is common good and how it operates. I do not have the answers, but the issue is challenging. Parliament seems continually to confront the problem without being able to find a satisfactory way of resolving it.

Stewart Stevenson: We are faced with practical difficulties, which we must all consider. A case has been brought to my attention in which a very small piece of land was being sold by a council, and it took three days of effort to search through 200-year-old minute books to ascertain whether the land was common good. There are genuine difficulties, in that record keeping was incomplete and common good land is unindexed. We absolutely share the belief that we should try to achieve a better understanding of common good, but we are confronted with practical difficulties, which are historical.

Claire Baker: The minister gave a good example of the difficulties that we face in relation to common good land. However, MSPs find it frustrating when constituents come to us with a problem and we cannot find an easy solution. The difficulty to do with our confidence in the records of common good property, particularly in relation to land that will be affected by the bill, is frustrating. The committee is right to think that even though perhaps only a small number of cases will be involved, such cases are important to the public interest.

In its report, the committee made a strong comment about compensation payments for common good land and asked whether payment can compensate for the loss of common good land, saying:

"the Committee believes, with respect to leases of land held under the common good, financial compensation on transfer of ownership is not necessarily adequate compensation for the loss of that land and the loss of greater public benefit."

The committee went on to welcome

"the Scottish Government's intention to write to local authorities recommending that the proceeds of any compensation should be directed to its common good fund."

We will not resolve the issue of common good land through the bill. The issue is, rightly, the responsibility of local authorities. I was initially concerned that the minister, in saying that he would write to local authorities to make recommendations about use of compensation, did not fully appreciate the importance that many people place on common good land, which goes beyond its monetary value. However, I note that the minister indicated a stronger interest in the matter in his formal response to the stage 1 report. We will see how the situation develops.

I anticipate that we will hear more about exemption of Waverley market during the debate. The City of Edinburgh Council argued that the grassum that it received in 1989 represents commercial value that is greater than £100 per annum, and that the council should not lose its interest in a property that is within a United Nations Educational, Scientific and Cultural Organization world heritage site. Other people argue that the site is common good land and should be exempted on that basis. The City of Edinburgh Council does not support that interpretation, and the committee and the Government are not inclined to exempt common good land.

The Scottish Government argued that there is no need for an exemption and that the council would be able to maintain an interest through its role as a planning authority. The committee concluded that there is still a case to be made. It may be that the City of Edinburgh Council has still to convince the committee and the minister that there is a case, but as we look to stage 2, the council must be heard. I am pleased by the minister's comment in his opening speech that he is actively seeking a solution to the situation. There seems to be a unique set of circumstances—there is no equivalent case—and it seems that no other local authority has raised similar concerns. The Scottish Government must respond in a way that is in the public interest.

Over the years, the Scottish Parliament has sought to tackle the inequalities, inconsistencies and intricacies of land ownership. The process has been, and continues to be, complex, but it aims to deliver transparent, fair and equitable land laws that will deliver for a modern society.

15:55

Alex Fergusson (Galloway and West Dumfries) (Con): I am more than happy to take part in this debate, but I come to it from a position of considerable disadvantage, given that the committee's commendable and thorough investigations into the general principles of the bill took place while I was not a member of it. Therefore, my opening remarks will probably serve more as a memo to myself on the bill. I hope that I will be forgiven for any repetition of what has been said, although what has already been said perhaps proves that there will inevitably be some degree of repetition in a debate of this nature.

It seems to me that the main policy rationale for the bill is that a tenant's right under an ultra-long lease is akin to a right of ownership. The bill therefore provides for such a right to be automatically converted to a right of ownership on an appointed day, with compensation being paid to the former landlord, if necessary. Broadly speaking, an ultra-long lease is defined as a registered lease of over 175 years that has more than 100 years left to run. That has already been pointed out. The Scottish Government has estimated that there are currently some 9,000 ultra-long leases in Scotland that are eligible for conversion under the bill.

Understandably and rightly, the bill contains certain exemptions to the conversion to ownership for leases that relate to the right to extract minerals, leases in which the annual rent in respect of the lease is over £100, leases for the sole purpose of installing and maintaining pipes and cables, and leases that include harbours for which there is a harbour authority.

Ultra-long leases are essentially a relic of the feudal system, which was abolished in 2000. Indeed, the Scottish Law Commission's 2006 report states that the conversion of ultra-long leases marks the "final stage" of its structural review of land law. The 2000 act prohibited the granting of any type of lease for more than 175 years and converted other types of quasi-ownership to true ownership. The conversion of long leases can therefore be seen as the final step in the abolition of the feudal system.

So far, so good. However, in researching for the debate, it seemed to me that there are three key areas of interest, if not contention, in the bill, the first of which is the issue of common good. A common good fund is a fund of money and assets that is owned and administered by a Scottish local authority in respect of a former burgh within that local authority area. A prominent policy issue that is associated with the bill seems to be the extent to which common good land and buildings will be affected by the proposed conversion scheme for ultra-long leases.

When the previous bill was introduced in the third session of Parliament, the Scottish Government wrote to all 32 councils in Scotland to ask them to identify ultra-long leases of common good land and property in their area. It has already been said that Scottish Government officials have recently confirmed that nine common good leases have been identified. I think that I am right in saying that that is still a matter of some complexity and that it is still unclear whether that number of common good leases is definitive. I find it quite hard to believe that the number can be so low.

Stewart Stevenson: I am not necessarily going to debate the number, but I will make a point that we might think about. The debate about whether Waverley market is common good land relates to a substantial asset, whereas the majority of common good assets that will be affected beyond the nine, if the number has not been identified, are likely to be of very low value, because even 200 years ago, councils would not give away something for a peppercorn rent unless it was of comparatively low value. Although Alex Fergusson's point is well made, I suspect that, in practice, any undiscovered issues are likely—although I cannot say this with certainty—to be of relatively low importance.

Alex Fergusson: I am grateful to the minister for that intervention. I entirely accept what he has said, but that simply highlights the complexity of the whole area.

Although there remains some concern around the bill's impact on common good assets, it does not provide for an exemption. The committee report acknowledges the complexities that would arise from including an exemption in the bill, and the committee remains unconvinced by the arguments for the introduction of such an exemption. Perhaps we can return to the issue in closing remarks.

The second issue is variable rent. The bill provides an exemption for properties for which the annual rent is more than £100, in order to exclude commercial properties from the automatic transfer. The bill also provides that a landlord may register an exemption where the annual rent was more than £100 at any point in the five years before royal assent. That reflects the fact—it is, indeed, a fact—that some leases have variable rents. The whole of that aspect seems to me, with my rural mind, to be incredibly complex, so I look forward to hearing further comments on that during the debate.

The bill contains no requirement for Registers of Scotland to update the land register or the register of sasines to show a change in the ownership of land once the ultra-long lease has been converted to ownership. I hear what the minister said in reply to my intervention, but I remain concerned that the

land register will wrongly show the original landlord as the owner, and the new owner as tenant. Surely a key feature of Scottish property law is that the registers can be relied on. The minister referred to another bill that is currently going through Parliament as perhaps being the correct vehicle through which to address the issue, but I continue to have some concerns in that regard. Again, we may come to that later in the debate.

I appreciate that time is against me, Presiding Officer. I look forward to the rest of the debate. We will, perhaps, in closing speeches return to the points that I have raised.

The Deputy Presiding Officer (Elaine Smith): We move to the open debate, with speeches of four minutes. There is a little bit of time for interventions, but not too much.

16:02

Annabelle Ewing (Mid Scotland and Fife) (SNP): As the deputy convener of the Rural Affairs, Climate Change and Environment Committee, which is the lead scrutiny committee for the Long Leases (Scotland) Bill, I am pleased to speak in the stage 1 debate.

I make my remarks this afternoon in an individual capacity, and not in my capacity as deputy convener. It is important to point that out before I opine on how nice it is to deal with amendments to Scots law in the Scottish Parliament, rather than dealing with poorly drafted amendments that are treated as an afterthought at the 11th hour and rarely given time to be debated, which was the practice in the House of Commons, certainly when I was a member in that place.

As we have heard, the bill emanates from the considerable work of the Scottish Law Commission and was designed to complete the process of the abolition of feudal tenure in Scotland, thereby simplifying property law and—importantly—bringing it into the 21st century. We have heard that the bill will enhance the position of tenants, as long leases—we have heard about how they are to be defined—will be converted to ownership, so the tenant will gain a clear benefit. Such conversion will be automatic unless the tenant chooses to opt out. The bill will facilitate the tenant becoming the owner of the property: that is in effect the de facto position at present for the leases that will fall within the scope of the bill, which will give that position legal recognition.

At the same time, compensation and additional payments will be paid to the landlord, who will have an entitlement, which is important to point out. We have heard about the exemptions that have been set out, including the threshold of £100 for annual rental; the pipes and cables exemption,

which is important; and Peterhead harbour, which—as the committee accepted—is in a unique position.

None of those exemptions was controversial but, as we have heard from several members, two issues arose during our consideration of the bill—one with respect to the common good and one with respect to the Waverley market. In relation to the common good, it became clear during the committee's scrutiny that there was a significant lack of clarity on what common good land would be covered by the bill and even on what common good land was held by the 32 local authorities in Scotland. It also became clear that there was no easy solution to that lack of clarity. As the minister has explained, the difficulties of compiling a register in a timely and non-resource-intensive manner are not insignificant. That is a work in progress that we must look to in the future.

The status of the Waverley market was the subject of considerable debate. The committee was not hugely impressed with the evidence that was provided on the issue. Indeed, we were disappointed in the quality of the case that was purportedly put forward by the proponents of an exemption. However, I am pleased to hear from the minister that the issue is being considered further and that pre-existing legislation relating to the Waverley market that the bill may have an adverse impact on is being examined. I imagine that that will be welcome news to some of the people who gave evidence to the committee.

16:06

Claudia Beamish (South Scotland) (Lab): The bill has been a long time coming. As we have heard, it was considered by the Justice Committee in session 3 before it came to the Rural Affairs, Climate Change and Environment Committee. As I am not, like my colleague Annabelle Ewing, a lawyer, I speak with some trepidation, but I will try to reinforce some of the important points that have already been made and to shed a bit of light on some of them.

I am pleased to highlight Scottish Labour's support for converting ultra-long leases into ownership. I believe that the principle is correct and that the granting of a lease of more than 175 years, in effect, amounts to a transfer of ownership. I agree with the Government that the bill will significantly simplify property law in Scotland.

As we have heard, there are some 9,000 ultra-long leases in Scotland. The committee welcomed

"the new provisions in the Bill to take into account variable rents for the purposes of exempting commercial leases from the Bill"

and the Scottish Government's commitment to bring forward an amendment on the issue at stage 2.

In relation to additional payments, the committee noted the compensation provisions in the bill and the provision of an additional payment. As Rob Gibson highlighted, it is important that the level of that payment will be set by the Lands Tribunal for Scotland.

The committee heard evidence on the concerns that exist about the land register of Scotland in the context of the bill. The Scottish Government's recognition of the value to Scotland and to the Scottish economy—which we have heard about—of keeping the land register as up to date as possible is welcome, as is the minister's recognition that updating the land register is not required for the bill to work. It is important to emphasise that the register should be as up to date as possible.

The recently introduced Land Registration etc (Scotland) Bill will have an impact on the Long Leases (Scotland) Bill. It is reassuring that the minister has explained that that bill will work in tandem with the long leases bill.

The committee acknowledged that the common good is "an extremely complex area". I am aware of that, not least because I live near the royal burgh of Lanark, which is a good example of a place where common good land gives rise to complexities and sometimes causes tempers to rise.

Beyond the bill, although the committee accepts that the task of compiling a more accurate register of common good assets and funds would be expensive, it

"recommends that the Scottish Government works together with local councils and relevant professionals to identify better ways in which this information could be gathered, verified, recorded and maintained."

The minister referred to that earlier.

I believe that that is long overdue and will have far-reaching benefits, not just for this legislation, which it will not actually clarify. It has been highlighted that it is an issue that needs resolution. As Claire Baker pointed out, constituents come to us with concerns about the issue. It is in the public interest to have the issue resolved.

The committee recognised that it was the view of the Justice Committee in session 3 not to support an exemption for common good and noted that there was no compelling case in favour of an exemption. However, as other speakers have said, there is further work to be done on the issue. We perhaps need to take further evidence on the issue before stage 2.

As Claire Baker said, although the Scottish Government is not keen to impose statutory guidance on local authorities in relation to where any common good compensation should go, I seek further reassurance from the minister that it is likely that it will be directed into councils' common good funds. I take the point that many properties will be of low value.

The Deputy Presiding Officer: I would be grateful if you could come to a conclusion.

Claudia Beamish: Scottish Labour supports the bill, in our quest for fairness and in consideration of the public interest.

16:11

Marco Biagi (Edinburgh Central) (SNP): The Government estimates that 9,000 leases will be affected by the bill, but one has commanded a disproportionate amount of attention: that of Princes mall, otherwise known, from its former use, as Waverley market, which is in the heart of my constituency.

Edinburgh residents have, rightly, been concerned by a stream of repeated claims in the media that land that is owned by the council on behalf of the city, with some degree of special status in law, might transfer to the private developers who currently hold the lease, and that the compensation that is to be received by the council could best be described as trivial. The City of Edinburgh Council has itself expressed its dissatisfaction with this aspect of the bill and has asked for amendment. I am therefore glad that the minister has stated his intention to have officials revisit the issue.

I agree with the committee that the case that has been put forward has not always been the most well-argued case that we have heard, but I am clear that the case exists and should be considered. Clearly, I cannot do it justice in the short time that is available to me, so I would be grateful if the minister could indicate to me, when he sums up, whether he would be willing to meet me, in my capacity as the member for the constituency concerned and as an MSP who has raised the matter with him in writing, to discuss the outstanding concerns with regard to the bill's impact and the work that he is instructing officials to undertake.

Stewart Stevenson: It might be useful if I indicated at this stage that I would be happy to meet the member.

Marco Biagi: I am most grateful to the minister. Improvements to bills are a natural part of the parliamentary process and should be welcomed.

A number of points have been raised with regard to Waverley market, which is an important

location. Many of them go right to the heart of the concerns. The question of its common good status is a technical and legal one. I believe that the council is arguing honestly and legitimately its view that the site is not common good land. After all, if it argued that it was common good land, that would potentially have strengthened the case that it was making for exclusion. That said, the view that Waverley market is not common good land is predicated on the council having made an error in 2005, when it listed it on its register of common good assets. The minister stated in committee that the bill

"has certainly thrown up a wider issue about how accurate information about common good is in the generality".—
[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 7 March 2012; c 681.]

I whole-heartedly agree with him on that point. That is quite clearly a matter for local authorities, but we might want to revisit it in the Parliament at a more appropriate time and through a more appropriate vehicle.

I am satisfied that the common good status of Waverley market is not an issue for this bill. The bigger question for me, as the member whose constituency contains Waverley market, is whether it would be in the public interest for this particular long lease to transfer into private ownership for a trivial sum.

The status of landlord, which is currently held by the council, confers a qualitatively different relationship to the status of regulator, through being the planning authority.

The policy memorandum also describes long leases as being

"generally granted by large estates from about 1750 to around 1930."

A deal entered into by a cash-strapped capital city in the Thatcher era, when there was no foreseeable prospect of the lease being converted to ownership, is entirely different from Georgian and Victorian-era attempts to retain and extend feudalism by the back door. Had the deal been made with perfect foreknowledge, I have no doubt that the lease would have been for less than 175 years and would have been outwith the scope of the bill's provisions.

In light of that, I hope that the minister's thinking will continue to develop and I welcome the opportunity to meet him in advance of stage 2.

16:15

Jim Hume (South Scotland) (LD): As we know, long leases are similar to feus; there is little difference in how they work. Following up on the issue of long leases seems to be the logical next

step after the implementation of the Abolition of Feudal Tenure etc (Scotland) Act 2000.

Leases and sub-leases are complex, and their conditions may allow the landlord an inappropriate degree of control, including the opportunity to charge for waivers. In the case of feus, such disadvantages were considered sufficient grounds for conversion to ownership, and on that basis the long leases bill seeks to do the same with leases and sub-leases.

The bill closely follows the scheme for conversion of feus that is set out in the 2000 act. The scheme would be automatic, so tenants would not need to do anything, although they would have the right to opt out. On conversion, the tenant would become owner and the conditions contained in the lease would be extinguished, but with some exceptions. For example, conditions concerning maintenance and use of common facilities, or the provision of services, would survive, and there would be an option to the landlord to preserve certain conditions for the benefit of neighbouring land. Special provision is made for servitudes and sporting rights. The landlord would be entitled to compensation, calculated as a multiplier of the rent. In some cases, additional compensation may also be due. In most and possibly all cases, the amount of compensation would be small, but a tenant who was not willing to pay could opt out.

The committee considered all those issues and, generally speaking, there has been little discontent. The committee noted some unresolved issues that relate to common good land. I have some reservations about that aspect when considering long leases. We are talking about the philosophy and principles behind the protection of publicly owned land.

It has been well noted by many that the accurate recording of common good land is not a straightforward or inexpensive process for local authorities to undertake. Nor can it be done overnight. The number of long leases on common good land is said to be small, but nonetheless that number could be more than we think, given that records are not accurately kept. I do not believe that we can simply ignore what could potentially be damaging to the public interest in Scotland.

The issue of the Waverley market site in Edinburgh has featured heavily in this debate and throughout committee discussions. Under the bill, the tenants could become full owners of land worth perhaps £50 million, which currently may be owned by Edinburgh's common good fund, although there is dubiety over that. If that is correct—and it seems to be so—that would be a strange outcome.

One peculiarity of common good land is that it cannot be alienated and sold off. That may be the

very reason why Waverley market and similar plots were let out on long leases in the first place—to enable the land to be used productively. However, it was never the intention that the ground should be sold off entirely, so it seems odd that tenants in that position, who have paid very little rent—perhaps to encourage development—could earn vast amounts of money from what is in fact public land.

It is crucial that the common good land issue is addressed and resolved and I look to the minister for assurances that it will be addressed as the bill progresses.

16:19

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): I welcome today's debate. I congratulate the Rural Affairs, Climate Change and Environment Committee, in particular Rob Gibson as the convener of the committee, on the committee's work on the bill. As a member of the Rural Affairs and Environment Committee in session 3, I can say to Alex Fergusson that I feel no comparative advantage. It was not an issue that we looked at in my time as a member, so I cannot claim detailed knowledge of each of the provisions of the bill. I welcome its broad thrust, however.

It is worth remembering that the legislation was not created out of a vacuum but out of the Scottish Law Commission's revision and updating of property law more generally to ensure that it is fit for the 21st century. Alex Fergusson was right to point out that the bill builds on the Parliament's work on updating Scotland's feudal laws and, in its report, the SLC makes the point that the principle of conversion already applies to feus because of previous legislation, which is essentially the same as what will come about under the bill. As the minister said, the Scottish Law Commission says that a pseudo-feu should be treated in the same way as the real thing. I have to say that the word "pseudo-feu" is not something that I thought that I would ever say in the chamber or, indeed, outwith it. There is probably a first and last time for everything.

The bill also builds on work done in the previous parliamentary session. The session 3 Justice Committee looked at the proposals fairly favourably and I note that the Government has proposed amendments following Justice Committee recommendations; that is welcome. As Marco Biagi said, legislation should develop as it goes through the parliamentary process. That has happened in this case and it demonstrates the Government's willingness to work with others on the proposals.

Of course, the Rural Affairs, Climate Change and Environment Committee has scrutinised the bill and concluded that ultra-long leases should no longer exist in Scotland. We should also refer to the fact that the bill has widespread popular support outwith the Parliament, as demonstrated in the consultations undertaken by the Scottish Government and the Scottish Law Commission.

We broadly accept that the bill is necessary because of the difficulties associated with ultra-long leases. The bill will simplify Scotland's land tenure system. The point has also been made that, in effect, ultra-long leases are ownership in all but name, so it makes sense that we consider the matter now.

We should also reflect the fact that owners will, rightly, be compensated, which is all well and good. Mr Hume also made the point that the bill contains no element of compulsion. Any tenant can opt out; tenants are not compelled to become owners. I do not know in what circumstances that would happen, but it is right that there should be no element of compulsion.

Throughout the debate, extensive reference has been made to Waverley market; Marco Biagi was right to say that that issue has dominated the headlines on the bill. I do not have Marco Biagi's constituency interest, nor do I have the benefit of the experience of looking at the matter in the way in which the committee has, but I note that the committee concluded that the case for exempting the Waverley market has not been made. It sounds as if the evidence is just not there. That said, I understand the concerns that have been expressed. Any one of us would be concerned that a wealthy developer could acquire a site for peanuts and make a great profit out of it. I therefore welcome the minister's commitment to look at the matter again and, on that basis, I look forward to the bill proceeding to stage 2 and beyond.

16:24

Margaret McDougall (West Scotland) (Lab): I am afraid that I will repeat much of what has already been said, but I intend to reinforce it.

The bill is similar in nature to the bill that was introduced in November 2010, although it contains some amendments that are based on the Justice Committee's original findings and recommendations in session 3. Many of the issues in the bill were changed before it came back to the Parliament this session.

The bill aims to convert ultra-long leases to ownerships. The leases are those that are for more than 175 years and have more than 100 years left to run. They will convert to ownership, unless the tenant opts out. The bill will also protect

landlords' rights by providing compensation; clarify the position of lenders; and move away from an unnecessarily complex form of land tenure. As has been said, it is estimated that the bill will affect 9,000 ultra-long leases in Scotland. The committee recommends that the Parliament supports the general principles of the bill, but points out that some issues that were raised in evidence should be considered before stage 2.

Brodies LLP called for clarity on sections 64 and 69, to put beyond doubt what can be included in annual rent. Although the people who gave evidence on that felt that the issue was clear in the explanatory notes, they argued that the same could not be said for the bill.

Another issue is the way in which the bill interacts with the Land Registration etc (Scotland) Bill. There was a call for Registers of Scotland to update the land register to accurately reflect the conversion of ultra-long leases to ownership under the bill. The committee recommends that the land register should be updated to accurately reflect ownership and that the Scottish Government should respond to that concern. I thank the minister for clarifying that individual owners can apply to have the land register updated. The Long Leases (Scotland) Bill might need to be amended at a later date, depending on the way in which it interacts with the Land Registration etc (Scotland) Bill.

Every member who has spoken has raised the issue of common good land, although it is not directly related to the bill. There does not appear to be a comprehensive list of common good assets that local authorities throughout Scotland hold. The committee noted that it would be a complex task to compile a register that is 100 per cent accurate. It would be expensive and time consuming to produce a list of all common good properties, but that should be considered. I hope that officials will work with local authorities on that. During the evidence taking on the bill, the small number of common good properties that we are aware will be affected by the bill more than doubled, from four to nine. As common good leases are in the public interest, the committee calls on the Scottish Government to work with councils to find better ways to collect information so that we better understand the effect that the bill will have on common good properties.

The committee took evidence on the City of Edinburgh Council's request for the Waverley market site to be exempt. That is a complex case. Based on the information that was provided, the committee decided that the case had not been made and that we could not say whether the Waverley market should be exempt. I am glad to hear that the minister is investigating ways of addressing the issue.

The committee urges the Parliament to support the general principles of the bill and to allow it to progress, but calls on the Scottish Government to investigate further the issues that have been raised in the debate, some of which do not arise directly from the bill.

16:28

Nigel Don (Angus North and Mearns) (SNP): I thank the Scottish Law Commission for its hard work in producing the template from which the bill has come. I note once again that, in previous years, we have not been very good at implementing the commission's work. I hope that we will get better at that.

I thank Rob Gibson and Claire Baker for their comments on the previous Justice Committee. I think that I am the only member in the debate who was on that committee. Our consideration of the previous Long Leases (Scotland) Bill was interesting. Members have noted that we brought up issues to do with Peterhead harbour, which have been dealt with, but I also remember an interesting discussion about pipes and cables, which did not figure much in the recent investigation. Last time round, there was considerable debate about whether a lease for a pipe or cable even existed as a lease because, apparently, if it did, the area of land was a seam underneath that never reached the surface. I refer members to that interesting discussion.

I want to pick up on the common good issues. As Stonehaven is in my constituency, I ask the minister whether he will spare me some time to ensure that we get the Stonehaven recreation grounds issue sorted properly, not least because, as the minister well knows, the town is short of spare space, so we need to ensure that the centre of the town is correctly laid out.

Stewart Stevenson: That is one of the two leases that we have identified that are covered by a Government act. It is covered by a private act that went through Westminster in 1902, which ties that piece of property to be used in perpetuity for recreation. We understand that the transfer that would be caused by the bill, if it became an act, would leave the use of the piece of land unchanged, and it would then be in a public trust rather than a local authority—it is not a question of the property passing into private hands. That is our current understanding, but it is always subject to further review if more information comes to hand.

Nigel Don: I thank the minister for clarifying that. That brings some relief, although all such things are subject to further clarification and we must ensure that we get it right.

Blairgowrie leases have come up before. My recollection is that they are verbal, annual rolling leases that became locally deemed to be perpetual leases even though they were never actually renewed. That is a bit of local law, but it is honourable law. Nonetheless, it is an opportunity for mischief these days.

I return to a point that others have made about the registers. When one goes to look in the registers, one should get the right answer—surely, that is the basic principle. I do not dispute that the law can change instantly and the registers can catch up later—of course, that is the case. Nonetheless, we should have the correct information in the registers as far as possible, and now is a good time to ensure that. Given that the housing market is at a historic low point and is not likely to pick up any time soon, this is a good time to do the work. I am concerned that we should not miss the opportunity.

There was some debate in the committee about the European convention on human rights issues relating to the bill. Government officials said that those were a matter of huge importance to them and felt that they had been covered. I am not going to argue that the registers are an ECHR issue, but the question arises whether one of my rights as a citizen is the ability to go to a register and get the right information. I have a suspicion that, even if the ECHR does not say that it is, we could readily recognise it as such.

I raise another concern, although to what extent this matters is another issue. Richard Blake of Scottish Land and Estates said:

"I do not think that it will be a huge issue. In my practising career, I have not come across any examples of long leases in which sporting rights have been reserved."—*[Official Report, Rural Affairs, Climate Change and Environment Committee, 22 February 2012; c 628.]*

It may be theoretical whether any funds that change hands will have to go back to any common good fund, as they will probably be so small that they will not matter.

The final issue that I raise is the bill's interaction with the Land Registration etc (Scotland) Bill—an issue that we considered in the Subordinate Legislation Committee. How the two bills interact is fundamentally about the timing of transactions and registrations. Officials now understand that—we are getting indications that they are clear that that needs to be worked through—and I hope that the work can be progressed satisfactorily.

16:33

Alison Johnstone (Lothian) (Green): I declare an interest as a councillor on the City of Edinburgh Council.

The reasons why we have long leases in Scotland are largely historical. They were created because feuing was not permitted on a particular piece of land or because the long-lease option was sometimes cheaper or just normal practice locally. I support the principle behind the bill because, following the abolition of both entail and feudalism, it makes sense for the Government to produce legislation to abolish historical long leases, many of which can be described as “feus in disguise”.

There has been much debate over how the bill affects the lease on Waverley market, in my region, which is the site of the current Princes mall shopping centre. As the bill is drafted, the Princes mall site would be transferred from public to private ownership for the not-so-princely sum of 40p, and the council would relinquish a massively valuable asset that should be available to benefit future generations when the lease runs out.

I have campaigned on that issue for some time, as a councillor and now as an MSP. Rob Gibson mentioned movement in the Government's undergrowth, and I welcome the minister's willingness to explore the options for excluding land that is already subject to statutory provision. Given that Waverley market is subject to a significant amount of statutory provision—the City of Edinburgh District Council Order Confirmation Act 1991 and three other statutes that I have here all relate to it—I suggest that the easiest and most certain way to deal with the issue is to exempt from the bill land that is under such existing statutory provision.

The problem with Waverley market, and potentially with other sites, is that not all long leases are feus in disguise. Some are more like commercial leases, in which the landlord receives a non-nominal rent. The bill that was considered in the previous parliamentary session would have converted such leases to ownership. However, as a result of lobbying on behalf of property interests, such long leases are exempted from the bill that is before us on the basis that the landlord has a continuing interest in the land.

The argument for exempting Waverley market is also based on interest. The council's continuing financial interest in the ground over the period of the lease is nominal: it gets a penny a year. However, the interest that it sought to retain by issuing a long lease was the power proactively to manage the site as the owner for the benefit of Edinburgh's citizens, as opposed to the solely negative powers that it has as the planning authority. On top of that, the council sought to retain the right to regain the valuable land in the future for the benefit of the citizens.

On top of that, there is the difficult issue, which I have already mentioned, that Waverley market is

subject to substantial existing statutory powers. That is the issue that the minister has recognised needs tackling, and I look forward to seeing what comes of the exemption that he is exploring.

The City of Edinburgh District Council Order Confirmation Act 1991 contains special provisions to help to protect and promote the whole of the Waverley valley. Paragraph 35 of the schedule to the act enables the council to erect and maintain new buildings on Waverley market. The bill does not repeal that provision, nor was the repeal of that existing statutory regime part of the consultation. If the bill is passed as drafted, I am not sure where that will leave the 1991 act. It will certainly be stranded in limbo.

The Waverley market site is subject to existing statutory provision that is not repealed by the bill. It is valuable public land that should not be transferred for the measly sum of 40p. I am pleased at the minister's willingness to iron out problems with the bill and I ask him to confirm that exempting from it land that is under existing statutory provision would exempt Waverley market. I would welcome the opportunity to join him when he meets Marco Biagi.

16:38

Alex Fergusson: I had to smile slightly at the minister's opening remarks. If I picked him up rightly, he said, “If Parliament agrees” the bill. The reason for my slight smile was that that is a highly likely outcome, given the majority that the Government enjoys. I have no objection to that likely outcome, although I find myself voicing a note of caution as we proceed towards stage 2.

Almost all members have raised common good in general and Waverley market in particular. I continue to have concerns about the somewhat inexact nature of the evidence base behind the relevant part of the bill. As Claudia Beamish said in her speech, it is in the interest of the public to have those matters resolved. I agree entirely. When it comes to Waverley market, I have to raise the white flag of surrender in the face of the legal complexities that surround it. I came across the phrase “cumulo rent” in the Scottish Parliament information centre briefing, although not in the context of Waverley market. I had always assumed that the word “cumulo” related to cloud formations, and I am afraid that that is exactly what envelops my brain when trying to address that issue. Therefore, I am delighted that the minister will meet Marco Biagi and, I hope, Alison Johnstone to try to sort out the matter. If they succeed in that, they will have my backing as well as my congratulations.

On a more serious note, I cannot help but feel that those matters and others reflect the degree of

uncertainty—indeed, cloudiness—that surrounds the bill. Some of those other matters relate to the variable rents issue that I mentioned briefly in my opening remarks, but they are definitely in evidence when we consider the issue of registration. As I said earlier, if the bill is not amended, the land register will wrongly continue to show the original landlord as the owner and the new owner as the tenant. As I understand it, it is a key feature of Scottish property law that the registers can be relied on, and I am far from convinced that we should be party to a piece of legislation that might be seen in any way to undermine that principle. I believe that the bill should include a provision that compels either the keeper or the new owners of property to rectify that inaccuracy.

Annabelle Ewing mentioned her time at Westminster—for a moment, I thought that I detected a tear in her eye as she recalled those happy days—and its poorly drafted Scottish legislation. I entirely agree with her about the need to avoid poor legislation. We must heed the evidence that several members of the legal profession gave to the committee during its deliberations, some of which was mentioned by Margaret McDougall. It is not often that one is offered free advice from members of the legal profession and, under some circumstances, I might be hesitant to accept it but, on this occasion, we should look carefully at the evidence if we are to avoid passing poor legislation. Westminster does not have a monopoly on that. Accuracy is vital.

I am happy to confirm that we on the Conservative benches will support the bill at stage 1 but, as it proceeds, I will want to be sure that we do not run the risk of having to review the legislation in three or four years' time because we have got it wrong.

16:41

Claire Baker: I am pleased to be closing for the Labour Party. The debate has been wide ranging and complex. I particularly liked Alex Fergusson's description of the bill in his opening speech as dealing with a relic of the feudal system.

Members covered a number of issues and provided examples from their constituencies and regions. Some members, including Claudia Beamish, focused on the bill's relationship with the Land Registration etc (Scotland) Bill, which is also going through Parliament. These parallel bills interact with each other and, as the minister acknowledged, there might be a need for amendments to the Long Leases (Scotland) Bill at stages 2 and 3 in response to any changes to the Land Registration etc (Scotland) Bill.

Concerns were expressed to the committee that Registers of Scotland has made it clear that it does not intend to carry out a specific exercise to update the land register to reflect the conversion of ultra-long leases to ownership, and that it will therefore not be possible to rely on the register to be accurate and correct. In the committee, the minister replied that the updating will take place the next time the land register is updated in respect of ownership, and that that will be more economical and effective.

We can all appreciate the attraction of that approach, particularly in the current financial circumstances, but there were concerns that that was not a satisfactory response. The committee recommends that the land register should be updated to accurately reflect ownership. Alex Fergusson discussed those concerns this afternoon. Scottish Land and Estates encapsulated the problem when it said in evidence to the committee:

"this would seem to be a very good opportunity to catch some land that might otherwise stay under the same ownership for a long enough time before it triggered first registration."—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 22 February 2012; c 627.]

However, I welcome the further comments from the minister in his response to the stage 1 report, and his recognition of the value to Scotland and the Scottish economy of keeping the land register as up to date as possible. The minister's comment that Government officials will work closely with Registers of Scotland on implementing the bill is welcome, although he might want to clarify whether it relates to both of the bills that are going through Parliament.

As we have a land registration bill going through the Parliament, it seems incongruous that we have a parallel bill that looks as though it will add to the inaccuracy of the land register. The Economy, Energy and Tourism Committee is calling for further information on plans to complete the land register and a target date for its completion. That chimes with the Rural Affairs, Climate Change and Environment Committee's concerns about the accurate inclusion in the register of long leases once they are transferred to ownership.

A few members discussed the Waverley market issue, particularly those with an interest in Edinburgh, such as Marco Biagi and Alison Johnstone, although it was clear that all members found the subject of interest. I was particularly interested in the committee report's reference to the issue of grassum. Following the evidence taking, the committee did not take a firm view on grassum, but it noted the conflicting evidence on it. Part of the City of Edinburgh Council's argument for exemption for Waverley market is that a grassum should be taken into consideration when

the lease is of a commercial nature. It argued that, because a grassum of £6.25 million was paid for the market, the low annual rent does not reflect the true nature of the lease. The minister argued that that was not appropriate because a grassum is not a substitute for rent and that such an approach would misapply a grassum.

I appreciate and understand the minister's point. However, has there been a common misapplication of grassums? Has it been common practice to have a grassum operating as an element of commercial rent? Will the exclusion of a grassum lead to the transfer of land that, it could be argued, is outwith the bill's scope? Alternatively, is it the case that other leases that might be relevant were agreed several hundred years ago, so their grassums can justifiably be discounted, and that the case in Edinburgh is exceptional?

We must consider the consequences of the bill, which I imagine were not envisaged when the lease arrangements for Waverley market were entered into in 1989. Marco Biagi described the economic circumstances and decisions that faced the City of Edinburgh Council at that time and gave some insight into why the council took the path that it did on Waverley market. That might have been short-sighted, but we must respond to the conditions and the circumstances that we face now. I welcome the consideration that the minister is giving to the issue. It would be helpful if more details on the issue could be provided to members as soon as it is available.

Members also raised the issue of compensation payments for long-lease common good land that will transfer to the tenant under the bill. Annabelle Ewing talked about the lack of clarity about common good land and the difficulty in gaining proper information about it. Margaret McDougall highlighted that the committee initially thought that four sites were involved, but now it seems that nine sites are affected. Alex Fergusson asked how much confidence we can have in that figure.

I was intrigued by the minister's statement in evidence to the committee that

"the test is whether the asset and its availability for public good would be affected by what is in the bill."—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 7 March 2012; c 683.]

That suggests that it is not about who owns the land but about how it is used and its availability. I apologise in advance if that is a misinterpretation, but that is my understanding of what the minister said. In his speech, Jim Hume outlined the principles that would challenge that view.

It would be helpful to have further detail on how far access to and activity on common good land will be maintained if it is transferred. Perhaps the

minister can say more about that in his closing speech. It is expected that nine common good land sites will fall under the bill, but only limited information was provided to the committee on the sites. Does the minister have any idea of the value of the sites? I refer not just to their financial worth but to their community value and contribution. The leases in question in Dumfries and Galloway were created in the early 1800s—there is an example there of a lease that has changed tenancy—and the leases in Glasgow include three parkland sites. Is the minister confident that those leases are appropriate and that the loss of those sites will not have an impact on local communities?

It has been an interesting debate, with many insightful contributions, and it will no doubt provide plenty for us to consider at stage 2.

16:48

Stewart Stevenson: The debate has been interesting if somewhat technical. It carried with it the danger of being that kind of political debate that is over not when everything has been said but only when everyone has said it. However, we managed to avoid falling into that trap. Right up to the very last moment, we were hearing about new aspects of the issues around the bill, which was very welcome.

Alex Fergusson referred to the word "cumulo" as an issue and to clouds in that respect. Perhaps I should draw to his attention the fact that one of the variants of cumulo clouds is, of course, cumulonimbus clouds, which are thunderclouds. Perhaps he might be on to something in dealing with the issue. I know that he just wanted me to make that particular point.

Claire Baker asked whether we would look at this bill and the Land Registration etc (Scotland) Bill, and I can say that we will.

The issue of grassum is complex. In legal terms, it is not a substitution for rent but a transfer of value.

I listened carefully to Alison Johnstone's detailed comments on the bill that was taken through Westminster on behalf of the City of Edinburgh District Council and I will study carefully what she said. Mr Biagi has indicated that he would be happy for all three of us to sit down and discuss the issue, and I would be equally happy to do that. I ask the members to use my private office to make that happen.

Claire Baker talked about the three Glasgow common good sites that are among the nine common good sites that will be affected. Of the three Glasgow sites, it is interesting that one is Balloch country park. The bill will transfer ownership of that site from Glasgow City Council

to West Dunbartonshire Council, which is the tenant. In principle, that should not greatly concern us. The other two sites are recreational areas in Pollok park and, because of how things work, their tenant will remain unchanged in practical terms.

We have talked about the site in Stonehaven—Nigel Don referred to that.

One site is a tiny bit of land at Stevenlaw's Close in Edinburgh that provides long-established access to somebody's house. In Ayr, a little bit of Rozelle house—an ancient house that is looked after by a public trust—is common good and would fall under the bill. Reference was made to the three pieces of land adjacent to Sanquhar that were subject to lease between 1800 and 1810. In practice, the effect of the bill on the nine leases that are known to be common good will not really be of great concern.

Claudia Beamish made a number of references to common good, as did many other members. It is worth saying that the Local Government (Scotland) Act 1973 provides that common good funds do not form part of general funds. That is a more recent provision. It is therefore naturally assumed that, if common good assets are sold, the proceeds cannot be transferred simply on a whim to the general fund. Without giving a definitive legal opinion—I would not want to appear to do that—I think that what we are discussing would remain in the public area.

Rob Gibson talked about registration, as did many other members. One provision in the bill covers one of the tricky issues, which is leases that may or may not be registered. We will look further at section 65 in relation to that.

Variable rent has been mentioned. There is uncertainty because the existence of some leases is uncertain or unknown and owners might be dead. We have to deal with much bigger issues in Scotland's land tenure system.

We heard further comments about Blairgowrie leases as we went through the debate. They are essentially 99-year leases that can be perpetually renewed, but they are not necessarily written down—that is where much of the mischief has come from.

Marco Biagi made a reasonable point about the context in which the Waverley market lease was written—it was almost a gun-to-the-head job on the part of Edinburgh. On that basis, it differs from the overwhelming majority of leases that the bill will affect. I will certainly take forward with officials the complex legal issues that the existing legislation raises. I am certainly motivated to deliver the kind of outcome on which views are broadly shared across the Parliament.

Nigel Don raised the issue of ECHR. I assure him that we have looked at the issue very carefully.

I repeat that we will not take a view on whether or not Waverley market is common good. The lease was entered into in 1992. It was originally for 125 years. Through a complex process of sub-leasing and transfers of interest, the money associated with the asset that went to the City of Edinburgh Council was £6.25 million and other people received £23 million. The lease is a peppercorn rent. I do not believe that the penny is collected, for obvious reasons, as it would be rather difficult to justify the economics of doing so.

As members have said, sections 50 to 55 of the bill provide for reversionary payments. Ultimately, that can be a matter of agreement between the tenant and the landlord or it can be determined by a tribunal. In the case of Waverley market, the lease expires in 2188. On that basis, it would be open to the council to consider claiming an additional payment.

It is certainly likely that any assessment by a tribunal of the residual value that might be due on the return of the asset to the council in 2188 would take account of the grassum that was paid. My own back-of-an-envelope calculations suggest that a 7.5 per cent discount rate on £6.25 million takes us to £25 million today, which is probably there or thereabouts. It may well be that there is not much residual value.

I acknowledge the points made by the City of Edinburgh Council, Andy Wightman and Margo Biagi about Waverley market. The council briefly mentioned the City of Edinburgh District Council Order Confirmation Act 1991 when it gave evidence to the committee, but that act focuses on issues such as the height of Waverley market, which can be controlled by the planning system. We must look at the interaction between the bill that is before us, which I hope will become an act, and other acts. We will take that extremely seriously.

The whole debate around common good is one that is worthy of revisiting in another context at another time. We cannot legislate away some of the practical problems that may exist, but the debate has certainly thrown some of the issues into public view.

I have been grateful for the help that we have had from local authorities in providing information on common good land that might be affected by changes to ultra-long leases. That has been very helpful. We expected the number of such leases to be low, and it is, as we believe that the figure is nine.

When the Justice Committee considered the previous bill, James Kelly asked Andy Wightman,

"Do you therefore accept the view that the number of ultra-long leases of common good property is limited?"—[*Official Report, Justice Committee*, 18 January 2011; c 4036.]

He responded, "Yes." There is a shared recognition that we expected the figure to be low and it is.

To date, we have not received from the City of Edinburgh Council a terribly convincing argument that helps us to see how we can deal with Waverley market differently. However, the work that we are now doing picks up some important issues.

Paragraph 135 of the committee's report

"welcomes the Scottish Government's intention to write to local authorities recommending that the proceeds of any compensation should be directed to its common good fund."

Albeit that it will not be very much money, I will write to the authorities again if Parliament passes the bill.

On the land register, we will certainly see how best to achieve what needs to be done. We believe the current proposals to be proportionate and we will work with the Registers of Scotland. Ultra-long leases are concentrated in particular areas of the country, so we will target those areas.

I am delighted to have the privilege of bringing forward this law reform measure. The principles of the bill have been widely accepted and I urge members to agree to the motion at decision time.

Business Motions

16:59

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-02691, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Wednesday 2 May 2012

1.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

1.35 pm Themed Question Time
Finance, Employment and Sustainable Growth

2.15 pm General Question Time

2.35 pm First Minister's Question Time

3.05 pm Scottish Government Debate: National Performing Companies

followed by Public Body Consent Motion: Public Bodies (Abolition of the Advisory Committee on Hazardous Substances) Order 2012

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 9 May 2012

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 10 May 2012

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
Justice and the Law Officers
Rural Affairs and the Environment

2.55 pm Scottish Government Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

(b) that the period for members to lodge questions for First Minister's Question Time on 10 May 2012 ends at 12 noon on Thursday 3 May; and

(c) that the period for members to lodge questions for First Minister's Question Time on 7 June 2012 ends at 2.00 pm on Thursday 31 May.—[Bruce Crawford.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of motion S4M-02692, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for stage 2 of the Agricultural Holdings (Amendment) (Scotland) Bill.

Motion moved,

That the Parliament agrees that consideration of the Agricultural Holdings (Amendment) (Scotland) Bill at Stage 2 be completed by 11 May 2012.—[Bruce Crawford.]

Motion agreed to.

Parliamentary Bureau Motion

17:00

The Presiding Officer (Tricia Marwick): The next item of business is consideration of Parliamentary Bureau motion S4M-02693, in the name of Bruce Crawford, on substitution on a committee.

Motion moved,

That the Parliament agrees that Jenny Marra be appointed to replace Anne McTaggart as the Scottish Labour Party substitute on the Equal Opportunities Committee.—[Bruce Crawford.]

The Presiding Officer: The question on the motion will be put at decision time.

Decision Time

17:01

The Presiding Officer (Tricia Marwick): There are three questions to be put as a result of today's business. The first question is, that motion S4M-02675, in the name of Maureen Watt, on homelessness in Scotland: the 2012 commitment, be agreed to.

Motion agreed to,

That the Parliament notes the conclusions and recommendations in the Infrastructure and Capital Investment Committee's 2nd Report, 2012 (Session 4): *Homelessness in Scotland: the 2012 Commitment* (SP Paper 97).

The Presiding Officer: The next question is, that motion S4M-02682, in the name of Stewart Stevenson, on the Long Leases (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Long Leases (Scotland) Bill.

The Presiding Officer: The next question is, that motion S4M-02693, in the name of Bruce Crawford, on substitution on a committee, be agreed to.

Motion agreed to,

That the Parliament agrees that Jenny Marra be appointed to replace Anne McTaggart as the Scottish Labour Party substitute on the Equal Opportunities Committee.

Allotments Regeneration Initiative (North Ayrshire)

The Deputy Presiding Officer (John Scott):

The final item of business today is a members' business debate on motion S4M-01922, in the name of Kenneth Gibson, on the allotments regeneration initiative in North Ayrshire. The debate will be concluded without any question being put.

Motion debated,

That the Parliament acknowledges that there are more than 500 community, therapeutic and allotment gardens throughout Scotland involving more than 12,500 people every year; encourages the introduction of the Green Gym scheme, which has so far been established in various areas throughout Scotland, including Kilbirnie in North Ayrshire; understands that planning permission has been granted for more than 70 community vegetable plots and 72 individual allotment plots in Kilbirnie for the Garnock Valley Allotment Association; considers that the Allotments Regeneration Initiative indicates that allotments allow local people not only to grow their own fruit and vegetables in a sustainable way but keep active, meet new people and improve mental health, and understands from similar projects in South Ayrshire that allotment gardening can contribute in many different areas including healthy eating, sustainable food supply, healthy activity, educational purposes and fostering community links and green spaces.

17:02

Kenneth Gibson (Cunninghame North) (SNP): I am pleased that the Parliamentary Bureau selected my motion for debate and I thank MSPs of all parties who signed the motion and made that possible.

Everyone has the right to live in an environment that benefits their health and wellbeing. That is crucial if people are to keep healthy and illness is to be prevented, and it can also be important in the management of or during recovery from mental or physical illness. If we are to improve the health and wellbeing of the nation, we must emphasise the importance of having a decent quality of life. Good health is not all about doctors and nurses.

There are a variety of environmental projects in which individuals and communities can become involved. For example, the British Trust for Conservation Volunteers runs the green gym, which offers people of all ages and backgrounds the opportunity to improve their fitness by getting involved in practical environmental activities, such as tree and hedge planting and creating and maintaining community allotments.

Green gyms help to improve people's cardiovascular fitness, as well as providing the added benefits of fresh air, an improved local environment and social interaction. All green gym sessions involve trained leaders, who support

volunteers. Sessions begin with warm-up exercises, demonstrations of how to use the tools that are provided and a briefing on the task ahead, and they end with cool-down exercises and a tidy up. People—young and old—are shown how to get to grips with digging holes, stone walling and planting, to improve fitness and the local environment. They can also be given hints and tips on how to grow food in their gardens.

I well recall the launch of the green gym at Bridgend community centre, in Kilbirnie in my constituency, on 21 January 2010. The Scottish Government has provided £300,000 to support the expansion of BTCV green gyms across Scotland by 2012—this year.

Research shows that working in the fresh air reduces stress levels, depression and the risk of heart disease and stroke. Such activities also improve muscular strength and help people to lead more independent lives while they meet new people and make friends. In addition, the opportunity is presented for people to conserve wildlife habitats and other aspects of the natural environment and to grow their own food and vegetables in a sustainable manner. Growing food helps to promote healthy eating, and community food-growing initiatives provide a source of fresh fruit and vegetables. There are the added advantages of physical activity and gaining valuable new skills and knowledge.

The let's make Scotland more active national physical activity strategy includes the target that, by 2022, half of all adults and 80 per cent of children should meet the current recommended levels of physical activity. Adults should do 30 minutes of moderate intensity activity five days a week, and children should do one hour of moderate intensity activity every day. In 2009, the Scottish Government Minister for Public Health and Sport stated:

"It only takes"

half an hour

"a day of physical activity, at least five days a week, to gain enormous health benefits and help prevent many serious diseases like heart disease, cancer and stroke."

Soon after I was elected in 2007, I put forward to North Ayrshire Council the idea of establishing new allotments. At first, the idea was not welcomed by the Labour executive. After many discussions and much lobbying, Scottish National Party councillors Craig Taylor—who is, sadly, now deceased—and Joan Sturgeon formally proposed the idea of establishing allotments in the Gamock valley.

Councillor Anthea Dickson and I strongly supported the group of people who subsequently formed the Garnock valley allotment association, and Councillor Dickson started work with the

estates department to identify suitable areas for the GVAA. As the council did not have local land ownership maps on computer, Councillor Dickson did a lot of work to identify a possible location, determine who owned it and have it surveyed for suitability. Members of the group in Kilbirnie spent months raising money and trying to secure a site, and their determination paid off. They won the Scottish learning partnership award for health at adult learners week in May 2010. A derelict patch of ground was transformed into a community sensory garden at Bridgend community centre, and the GVAA has done a great job of turning it into a successfully regenerated green space. The group now has around 70 plots and it continues to grow its membership. Nearly all the plots that are currently available are taken up. Further work on the site is taking place to create proper paths, increase security and develop social areas.

Frustrations remain with the continuous need to apply for funding. Kilbirnie green gym is funded by NHS Ayrshire and Arran, but individual projects, sites and gardens do not have any funding behind them. If we want to encourage people to take more regular physical activity—this ties in with the Scottish Government's preventative spend agenda—allotments and their advocates will require additional funding and support. The key point is that councils may not set up and provide allotments, but would facilitate groups that sought to create allotments.

A further example of the growing success of allotments is described by the allotments regeneration initiative, which has stated:

"There are more than 500 community, therapeutic and allotment gardens throughout Scotland which involves more than 12,500 people every year. These projects range from small communal gardens in urban tenements, to large established rural community farms, to specialised units in prisons and hospitals."

Evidence from the BTCV suggests that people who live in areas with high levels of green space are 40 per cent less likely to be overweight or obese and that exercise in green space can significantly reduce depression. Working with local councils to further develop green gym schemes and other allotment initiatives would benefit communities by improving areas that may have fallen into disrepair. We need to build on the BTCV's capacity to work with local partners, including local authorities, health boards and community groups, to establish more green gyms.

There is no doubt that there is demand for more local allotment sites, that they bring people together, that home-grown food tastes better and is cheaper, and that the health and social benefits of being outdoors are excellent. Allotments are a win-win scenario. I understand from speaking to Brian Adam that, only yesterday, he opened an allotment in Cullen, which is in the minister's

constituency. It was partially funded to the tune of £29,000 from the climate challenge fund. Therefore, I have no doubt that the minister will show enthusiasm for the expansion of allotments in Scotland.

I urge the Scottish Government to support communities to help them to establish allotments and green gyms so that they can become more sustainable and active while they work to help people to help themselves.

17:09

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I am delighted to take part in this debate and congratulate Kenny Gibson on securing a debate on the topic.

Among my limited talents, I am quite green fingered. I am part of the green-fingered brigade, but I have a very small garden and have run out of space. I love allotments, and am one of the many on a waiting list for one. In fact, we find that we are waiting to fill dead men's or dead women's shoes. The waiting lists run to some 10 years.

I have looked far and wide for an allotment. I have looked in my constituency and have noticed that, in Peebles, there are four sites for allotments, 42 allotments and a 10-year waiting list.

In Midlothian—the other part of my constituency—only Penicuik has allotments. There are 23 there, and again there is a 10-year waiting list. The Presiding Officer looks very sad about that—so am I. It will take me ages to get my spade into the ground, as they say.

Recently in Walkerburn, new allotments were opened up on a south-facing slope, and what a difference that has made to the community. Apart from the fact that people can be seen out working, there is a communal shed. No one is allowed to have their own shed, so I am afraid that the days when someone could take a stereo, have a seat and smoke a pipe outside are gone.

The whole area has improved because of the allotments. There is nothing better—I am going to wax lyrical—than someone digging up their own new tatties, taking them home and cooking them in a wee bit of butter and a wee bit of mint. That is wonderful, as are peas—if the crows can be beaten—straight from the pod and strawberries straight from the ground.

Many children do not do such things or know about them because many of the modern housing developments have rather small, twee gardens. Once someone has the twirler, the space for the barbecue and the timber decking to sit on, there is no space left to plant in. I hasten to add that that is

not like my garden, where there is no room for another plant.

As the number of allotments is limited, I suggest an alternative, which I know is done in Edinburgh—the garden share scheme. The scheme takes place under the auspices of care and repair, which, as members may remember, is where small tasks are done for free for elderly, vulnerable and perhaps disabled people. Under the garden share scheme—which is a proper, monitored scheme—somebody who has a great big garden, who wants to stay in the house but who is not capable of digging and maintaining the garden is partnered with someone who is keen on gardening. That person will do the tatties and vegetables, trim the hedge and keep the front garden looking tidy. It costs the homeowner nothing, they have a blether, a cup of tea and some of the produce, and it is sociable, just as proper allotments—if we can call them that—are.

The garden share scheme is to be commended. I tried to do something similar in the Borders about a year or so ago, but, given the current local government hiatus, there is not much point in talking to anybody about anything because they are all too busy fighting for their seats.

However, once the election is over, I will go back to Midlothian Council and Scottish Borders Council and ask whether we can have more space for allotments. The idea that in the country there is a lot of ground to grow on is not true: fields are industrial and contain animals and grain, so they cannot be used. It is therefore important to have allotments in the country. I will also raise with the councils the garden share scheme.

Let me give some breaking news. I understand that the Government is introducing a community empowerment and renewal bill—I know that that is on the tip of all members' tongues. The bill may give members the opportunity to raise issues to do with allotments, such as the protected status of existing allotments. Unfortunately, until fairly recently a lot of housing developments took swathes of allotments out and left people with nowhere to grow things.

I am pleased to take part in the debate, and I will certainly make a press announcement on the day on which I get my own allotment. The spade is ready; it is in the shed with the rake—I have all the tools. Christine is willing: she just needs her allotment.

17:13

Margaret McDougall (West Scotland) (Lab): I thank Kenny Gibson for bringing this debate on allotments to the chamber. As the motion states, allotments bring great benefits to communities. They used to be extremely popular in this country,

and I welcome the fact that they are becoming popular again.

It is good to see that 70 community vegetable plots and 72 individual allotment plots have been created in North Ayrshire: in Kilbirnie, for the Garnock valley allotment association; and in Kilwinning, where the Big Lottery Fund has awarded more than £99,000 to Eglinton growers. That money will be used to create community gardens and more than 80 allotment plots, which will be available for the residents of Kilwinning and Irvine to use.

Such schemes not only promote health and wellbeing, but are a practical example of sustainable communities where people can come together to grow healthy foods such as fresh vegetables. On top of that, they bring a whole range of educational benefits. They are an example of the think global, act local mentality and can be used to promote the tackling of climate change at a very local level. Anyone of any age can get involved in the activity that they encourage people to participate in.

Beyond that, the plots promote social aims, in that they provide a sense of community cohesion and give those who are involved the chance to meet new people who share similar interests, as well as keeping them active through the physical aspect of gardening. What better way to promote a healthy body and mind?

The green gym is another good idea that the motion mentions. As the chair of the North Ayrshire community planning partnership, I have seen at first hand how it has benefited the people with mental health problems who have participated in it. In North Ayrshire, the scheme has been renamed “breaking ground” and it is run by North Ayrshire Council’s education department and rangers from Eglinton park, and is backed by the national health service. The aims of the breaking ground group are to learn new skills, to establish a regular routine and to meet new people. In addition to improving mental and physical health, its work helps to improve the environment.

The scheme introduces people to environmental conservation work, in which many participants may never previously have been involved so, like the allotments, it promotes environmental education. When people take part, they may carry out a number of tasks, from tree planting to path building or clearing land. The group has recently carried out a humongous amount of work on a garden project in Eglinton park, which has involved the making of willow fences, the building of a pond and bird tables, and the planting of hedges. Bee, wasp and butterfly beds have also been created, which will provide a resource for the public and schoolchildren when they visit the park. As well as benefiting the community’s outdoor

spaces, that work will help to promote wider use of them.

The motion highlights the great way in which local volunteers, communities, third sector organisations and councils can make a real difference in improving health and wellbeing at the same time as promoting sustainable communities and environmental conservation and education. We should nurture such schemes and ideas in Scotland, not only to promote and regenerate our outdoor and green spaces, but to help us tackle climate change. The examples that I have given are true examples of thinking globally and acting locally, and they come with great health and community benefits.

17:17

Jackson Carlaw (West Scotland) (Con): I, too, thank Kenny Gibson for enticing this subject into the chamber, and I congratulate Christine Grahame on her “just four minutes” performance, which was without hesitation, deviation or repetition.

I should begin by confessing that a large part of my speech derives from the speech that Annabel Goldie was going to deliver. Unfortunately, she has been called elsewhere. I will leave it to members to work out which part derives from her speech. I will conclude with a practical suggestion for the Presiding Officer, which he may wish to take forward, as he sees fit.

In January this year, Annabel received a joint letter from the Federation of City Farms and Community Gardens, the allotments regeneration initiative and Trellis Scotland, which informed her that there are more than 500 therapeutic and allotment gardens throughout Scotland, in which more than 12,500 volunteers are involved every year. From small communal gardens to large community farms, all those sites offer benefits to their areas and to those who can use the facilities. Those benefits include community regeneration, improvements in mental health, provision of education, training and volunteering opportunities, locally grown sustainable food, the creation of wildlife habitats and, of course, physical activity and healthy living.

As someone who let his wife attend to their garden during the Easter recess, I can assure members that many muscles—some of which I did not know she had—are used during gardening and that it is, allegedly, hard work. That is the part of Annabel’s speech that I had to paraphrase. The benefits of gardening to the individual, the community and the environment are extensive.

The allotments regeneration initiative was launched in 2002 by the Federation of City Farms and Community Gardens. It aims to support and

develop allotment regeneration and to gather and disseminate information about good practice in allotment management. Its original aspiration was to get more people growing on allotments, and that remains the core thinking behind its ethos. Those are very worthy sentiments.

In the autumn of 2010, a community council in East Renfrewshire was keen to embark on the establishment of its own allotments. Its experience is instructive with regard to how, between the theory and the practice, an idea can sometimes get caught up in bureaucracy. The community council had identified a site on council property that lay derelict, and it approached the council to see whether it would be suitable for turning into allotments. The group says that the minute that it suggested opening up the derelict site, the ground suddenly turned into a major capital asset, as far as the council was concerned, and the phrase, “over my dead body”, was used in relation to its being used for allotments.

What made the group’s project possible was the fact that it was awarded a grant of £30,000 from the green network development fund before it got any agreement from East Renfrewshire Council; the fact that it contacted the previous landowner, who was able to confirm that the ground could not be used for anything other than recreation and education; and the fact that it worked with local people adjacent to the site and enlisted their support.

Last September, the council finally agreed to the proposal, although it took a further six months for the lease to be agreed. Various objections were raised along the way, which all turned out to be spurious. The group was told that an old fuel tank on the site would make the ground unsuitable, but no fuel tank was found. The group was told that it must apply for all kinds of planning permissions before the lease could be agreed, and it was given ridiculous estimates of the costs that would be involved. The group felt that many of those instances of planning permission were unnecessary, given the experience of others who had been involved in setting up allotments.

At the end of all that, however, the group has succeeded. The topsoil is now being delivered, 50 people are ready and willing to work the ground and new allotments that will involve the community will be established and made ready for use.

Presiding Officer, the practical suggestion that I have for you concerns the fact that, as I have noticed as I look out of my window in Parliament, many of the Parliament’s roofs are grassed. It seems to me that there is a perfect opportunity for you and your colleagues to consider subdivision of those grassed areas into allotments for members to experiment on and develop as a beacon of hope to others elsewhere. I realise that they would

be suitable only for shallow-rooted vegetables. I by no means wish to insult any member with that observation; I refer to the produce, not the producers.

Christine Grahame: Can I put my name down on that list? It might take me less than 10 years to get an allotment.

Jackson Carlaw: I certainly would not accuse Christine Grahame of being a shallow-rooted vegetable. I leave it with you, Presiding Officer, to establish whether that would be a useful way for Parliament to demonstrate its commitment to allotments.

The Deputy Presiding Officer: If you put the suggestion in writing, we will of course be pleased to consider it.

17:22

Alison Johnstone (Lothian) (Green): I thank Kenneth Gibson for bringing the motion to the chamber. It is topical, given the increasing interest in the “grow your own” approach, and the positive solution that it provides to many of the questions that we face as we work towards a sustainable future that provides energy and food security.

People are increasingly aware that local seasonal fresh food is no more expensive than supermarkets’ fresh food. They are concerned about the way in which some of the supermarkets’ food is processed, the age of the produce and the food miles that are involved, and many people are increasingly aware of the pressure that is put on producers by the supermarkets, which promote loss-leaders—all too often of the junk-food variety—that help to perpetuate the myth that supermarkets are a low-cost option.

For all sorts of reasons, the popularity of allotment gardening has increased. In Lothian, thanks to the efforts of plot holders, some local authorities and other groups, we have many well-tended sites, although—as Christine Grahame pointed out—there are not as many as we need. Such is the demand in Edinburgh that more than 2,000 people are on the waiting list. Christine Grahame mentioned the 10-year-long waiting list for Deanburn allotments in Penicuik. West Lothian has no local authority-run allotments, but the Linlithgow and district allotment society proudly opened its Oakwell community plot last August.

People are so keen to get their hands on land that, in this city, some are resorting to guerrilla gardening, and neglected borders in the city are sometimes transformed by those green-fingered guerrillas, which I welcome.

As has been mentioned, there is also the option of greening derelict sites. Why should we let sites

sit empty? With the slow-down of the property market, we have a lot of brownfield sites that are simply inactive, and they could be put to really good use.

Allotments provide an opportunity for people to lead a healthy, active, outdoor lifestyle and are a form of exercise that can last a lifetime. I had no time to go running the other night, so I got out my trusty old push-pull lawnmower, which provides fantastic exercise that anyone can enjoy. Most people think that the push-pull lawnmower is a relic of the past, but I heartily advocate its use.

Allotments operate with due consideration to the environment, and many of them provide habitats on or around their plots for indigenous wildlife. Boundaries can be formed by planting natural hedgerows, and allotments also contain log piles next to rich flower beds and beetle banks.

As has been said, if we grow locally, we reduce our carbon footprint. Fruit and vegetables arrive in our kitchens in only their natural packaging, so we reduce the demand for resources and for waste disposal. Trees and plants grow and absorb CO₂, and cultivated land produces soakaway, which plays a part in reducing flooding.

Allotments promote social inclusion; they have tenants from all walks of life and of all ages, from very young children gardening with their parents, to people who are well beyond retirement age. Allotment gardening also does much that the Government and the national health service advocate. In some areas, councils provide tenants with sheds or other garden buildings, but in other areas there is not such generous spending. Allotments are a great example of preventative investment because they help with the challenges of peak oil and the need to provide pollen-rich sites for beleaguered bees. They provide the benefits—for both mental and physical wellbeing—of being outside and they offer financial savings to people who grow their own. Allotments are, indeed, a win-win.

I have visited allotments in Bridgend, Redhall, Midmar and the Royal Edinburgh community gardens, and I have been inspired by what is going on. The Transition Network movement is active on this front and the Scottish Association for Mental Health knows the many benefits that are accrued.

In summary, we must ensure that we do all we can to support allotment growth. If we fail to do that, an opportunity will have been missed. Instead of growing potatoes, we will risk producing couch potatoes who drain the NHS budget.

17:26

Margaret Burgess (Cunninghame South)

(SNP): I, too, congratulate Kenneth Gibson on securing this debate on therapeutic gardens and allotments throughout Scotland. Unlike Christine Grahame, I do not have green fingers. I do not intend to take up the spade, but I recognise the value of that for those who choose to do it. It should be promoted.

It is right to acknowledge the environmental, health, recreational and other benefits that allotments can bring to plot holders, their families and the wider community. I will concentrate on a therapeutic garden in the part of North Ayrshire that I represent. As Annabel Goldie did, I received a letter from Trellis, which asked whether I would like to visit a therapeutic or community garden in my area. I admit that I did not know of that project. I said that I would like to take up its offer, and I was referred to Todhill Country Centre, which is situated between Kilwinning and Stevenston.

Todhill Country Centre is a residential unit for men with learning disabilities. It also caters for day-care patients and respite patients who have learning disabilities. Its garden is part of their therapy. The centre, which is set in the country, has a beautiful garden. It has apple trees and pear trees—not being a gardener, I hope I get this right—and it has cauliflowers, cucumbers, courgettes, tomato plants, hanging baskets and flowering plants that it sells to the local community. The plants are all grown from seed by the residents.

The benefits for the residents are incredible. The unit also has small animals; working with them is also therapeutic for the residents. The residents can choose whether to work with the animals or in the garden. Some of the residents have decided that they want to start making garden furniture and garden gnomes to sell to the local community on their open day.

Centres such as Todhill offer natural therapy, the benefits of which include feelings of safety, security and increased self-esteem for the residents. There is also the restorative effect of the natural environment—as we have talked about, there is nothing better than fresh air. The natural therapy also gives the residents a sense of responsibility and pride. They feel that they are part of the community; they are producing things and the rest of the community is coming in, purchasing them and looking around the place.

I was privileged to visit the Todhill Country Centre—I admit freely that I did not know it was there. It was one of those occasions when, as an MSP, one learns about something that is good and positive in one's constituency. The residents and staff were all working together to prepare for their

open day. They were excited about the plants that they were going to sell and they were considering what colours to paint their gnomes. All of that was being done with a great deal of pride.

Community farms, allotments and therapeutic gardens provide tangible benefits to many people's lives by increasing their wellbeing, their community involvement and their pride in their environment. Those benefits go a long way towards supporting the Government's agenda in relation to health, education and social inclusion and they deserve the recognition of Parliament.

17:30

Claire Baker (Mid Scotland and Fife) (Lab): I congratulate Kenneth Gibson on securing the debate. His motion talks about the

"500 community, therapeutic and allotment gardens throughout Scotland",

which illustrates the interest in the issue. Mr Gibson also talked about physical health improvements and mental health opportunities, and the way in which allotments and green gyms can contribute to that agenda.

My region has a network of allotments, many of which are long established and offer the traditional allotment experience. Alongside that, more recent projects have been established such as the community garden in Burntisland, which is a small shared space with some allotment plots that seeks to engage older people in the community and encourage them to work with the primary school. If we can engage children at a young age, they will gain skills that they can carry with them through the rest of their lives.

Kenneth Gibson talked about access to funding. The range of funding possibilities shows that policy makers appreciate the wider benefits of allotments and the whole agenda. Christine Grahame talked about access to land and her experience of the difficulties in trying to find a plot. We are also talking about the advantages of working with the community on community engagement issues. Jackson Carlaw highlighted that when he talked about the objections that were made to some of the projects that he had been involved with—or was that Annabel Goldie? I am not very sure. We need to convince communities and take them along with us by letting them see the advantages and positive benefits of an allotment site.

In the Parliament, we talk a lot about food security. What better way to have individuals contributing to that agenda than by helping them to grow food themselves? How easy is it to grow lettuce all summer rather than buying plastic bags of it, as Alison Johnstone said? That can be done on a windowsill. We need to engage people with

that agenda. Allotments are not just about providing food; there is also an issue around how we impact on our carbon footprint.

Allotments provide a lot of community support and knowledge sharing. In some ways, growing our own fruit and veg is a lost skill. Allotments can provide mentoring. I know that I can grow cucumbers, but I have tried to grow butternut squash and I cannot get the flowers to turn into vegetables. I can read many glossy books and watch celebrity gardeners on television, but if I had someone who has grown veg in Fife and knows what the land is like there, I could find answers to my questions. I am not just talking about myself, but I would like to work alongside experienced gardeners. I would have to find the time as well as the plot and not having an election next spring might help with next year's crop.

I thank Kenneth Gibson for bringing the debate to the chamber. It has been an interesting discussion.

17:33

The Minister for Environment and Climate Change (Stewart Stevenson): I thank Kenneth Gibson and everyone who has contributed to this interesting debate. I am not entirely certain that it is a good idea to have a debate in which we talk about politicians digging holes; we tend to do that metaphorically rather than physically. The debate has been interesting from that point of view.

I was absolutely delighted to hear about the genuine local action and engagement that Kenneth Gibson described from councillors in his area. We forget that a large number of councillors get engaged with issues that matter to local people. The example to which Kenneth Gibson referred, which has led to the action in North Ayrshire, is to be commended.

John Finnie (Highlands and Islands) (SNP): An important function of local councillors is involvement with the local development plan. We have heard repeatedly about the identification of areas of land. I take it that the minister would encourage greater involvement by local authorities in the identification of land. To that end, could the Scottish Government assist by making any land that is within its control more readily available for the use of allotments?

Stewart Stevenson: Mr Finnie makes a good point. With regard to the Government's land, we have already disposed of almost everything that it is possible to dispose of. We are bound by rules that require us to dispose of land at commercial rates. However, local authorities can dispose of land at lower rates for community purposes. In many ways, it is good and appropriate that local

authorities take the lead on the issue. That works well when there is a commitment to do it.

I thank Brian Adam, in his absence, for filling in for me yesterday by opening the Cullen allotments. I had been looking forward to doing that but, because the Cabinet Secretary for Rural Affairs and the Environment is away all week, I had to take on one or two of the responsibilities that he would have discharged, so I had to come to Edinburgh sooner than I had previously planned.

Christine Grahame talked about 10-year waiting lists for allotments. When we took the Climate Change (Scotland) Bill through the Parliament, which was a big effort, one of the happiest days was when the bill team leader, who is an enthusiastic allotment person, received the news that she had reached the top of the list and now had an allotment near Inverleith Gardens. That was a happy day—she even took us out for a drink to celebrate, so excited was she. It was absolutely right that the bill team leader was engaged in that issue, given all the good aspects of that bill.

The small role that I play is that I dig the potatoes that someone else plants in our garden. I generally do it with my bare hands, which is a pleasant thing to do.

Christine Grahame talked about the proposed community empowerment and renewal bill. I am not sure how allotment issues will fit into that, but I will think about it.

In relation to Margaret McDougall's comments, I am delighted that another member of the Parliament likes to use that delightful word "humongous". She made a point about bee, wasp and butterfly beds. The official with whom I worked on this debate referred in some of the notes to bees, but he omitted wasps, because he does not like them. Of course, wasps are an important part of the pollination cycle, just as bees are, but we often forget that.

I was looking forward to hearing from Annabel Goldie, as I knew of her interest in the issue. I am beginning to wonder whether, in the modern climate, there is a gender issue, because it seems that it is all women who are getting engaged in plots and not the seedy old men with flat caps and a pipe, as might have been the traditional view. The important point is that the client base for allotments is changing and broadening, and more people are getting engaged, which we absolutely should welcome. I will watch the parliamentary roof with great interest.

Alison Johnstone talked about brownfield sites. There are successful allotments throughout Scotland on such sites. Boxes are available that can be put on brownfield sites to isolate growing vegetables—and, for that matter, flowers—from

contamination that might be present in the soil. That brings into use brownfield sites that might be difficult to decontaminate because money is not available. In the meantime, with that technology, we can use areas for allotments even though the land is contaminated.

Margaret Burgess talked about therapeutic gardens. I have a particular interest in that, because many members of my family have been involved in mental health activities. My father-in-law was a psychiatric nurse and I briefly worked as one, as did other family members. Therefore, I am absolutely seized of the therapeutic advantages of allotments for people with a wide range of conditions, and in particular for people with mental ill health of one sort or another.

Kenny Gibson highlighted the marvellous work in his constituency. North Ayrshire Council's allotment regeneration initiative is a good example that I hope many other councils will consider. We absolutely recognise the health benefits, the benefits of local growing and having vegetables on the doorstep and the benefits of just getting people outside and taking exercise. The North Ayrshire green gym is an excellent example of a project that encourages that.

A number of good examples have been mentioned in the debate. The Scottish Government is supporting the best practice event that is being held at Battleby, Scottish Natural Heritage's headquarters, on 17 May. The event is being organised by SNH, and interested private and public individuals and organisations will be able to exchange knowledge to help our communities to be even more vibrant places. We are behind what is going on in allotments. The list of public bodies that are engaged in that is substantial and includes the Forestry Commission, SNH, the Federation of City Farms and Community Gardens, Trellis Scotland and NHS Lothian. We also have a grow-your-own stakeholder working group, which is delivering recommendations.

There is much more that I could say on the subject, but time is against us. I commend the work that is being done and assure all those who are present and all who read this that the Scottish Government is fully committed to the grow-your-own agenda and to community garden projects and initiatives. I thank all members for their contributions.

Meeting closed at 17:41.

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