



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Wednesday 27 June 2012

Session 4

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## Scottish Parliament

*Wednesday 27 June 2012*

[The Presiding Officer *opened the meeting at 09:30*]

### Time for Reflection

**The Presiding Officer (Tricia Marwick):** Good morning. The first item of business is time for reflection. Our time for reflection leader is the Rev Gordon Craig, the United Kingdom oil and gas industry chaplain.

**The Rev Gordon Craig (UK Oil and Gas Chaplain):** Good morning. I am being inducted into the role of chaplain to the UK oil and gas industry. Technically speaking, I am a Royal Air Force chaplain who is undergoing a civilian workplace attachment as part of my resettlement to civilian life following 24 years in a military environment, so my life is a little complicated as my ministry progresses to its next stage.

A few weeks ago, I was reading for a sermon that I was due to deliver when I came across a quote from George Bernard Shaw:

“Reasonable people adapt themselves to the world. Unreasonable people attempt to adapt the world to themselves. All progress, therefore, depends on unreasonable people.”

According to Shaw, you have to be unreasonable if you are to make progress, because progress demands disagreeing with what everyone else thinks; it means disturbing people; it means annoying people. Being unreasonable means asking questions about what everyone else takes for granted; it means being prepared to say what no one else has so far said; it means being prepared to go where no one else has been prepared to go. Politics, invention, and science: each demanded unreasonable people to make progress. Being unreasonable is also at the heart of the history of Christianity because, for the most part, Christianity sits uneasily with how our world understands matters.

However, here is the thing. If you are unreasonable just for the sake of it, surely you cross the boundary to ignorance. When I arrived in Aberdeen last week it came as a bit of a surprise to find that the oil and gas industry did some things better than the Royal Air Force. I tried, in Shaw’s terms, to be reasonable about that, and I kept quiet about how the RAF might have tackled similar situations. Being unreasonable over those matters would have displayed ignorance.

You and me are in the business of serving people. During your summer recess, you will be busy and your mind will whirl away at some point

to develop ways of progressing your plans and your policies. This morning, I leave you with a challenge. When it comes to doing the best for the people of Scotland, how will you identify what is reasonable and what is unreasonable? All progress depends on unreasonable people. That is an interesting thought, but one that assumes that everyone else is, of course, wrong.

May God bless you in your efforts to do the right thing for the people whom you serve.

## Business Motions

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of business motion S4M-03499, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revision to the business programme for this week.

09:34

**The Cabinet Secretary for Parliamentary Business and Government Strategy (Bruce Crawford):** I will explain where the change is, as it would be useful for members to know that. To enable us to consider all the proposed amendments to the Police and Fire Reform (Scotland) Bill at stage 3, it was decided yesterday that we need to move the business around a bit, finishing the morning's business at around 12:45 and recommencing at 14:45.

Also, when I moved the business motion last week, I promised that I would do all that I could to fit in a ministerial statement on the Rio+20 earth summit, and that will now be scheduled for first thing on Thursday morning.

I move,

That the Parliament agrees the following revision to the programme of business for—

(a) Wednesday 27 June 2012—

delete

2.30 pm Continuation of Stage 3 Proceedings:  
Police and Fire Reform (Scotland) Bill

*followed by* Standards Procedures and Public  
Appointments Committee Debate: 4th  
Report 2012, Scotland Act: Standing  
Order Rule Changes

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

and insert

2.45 pm Continuation of Stage 3 Proceedings:  
Police and Fire Reform (Scotland) Bill

*followed by* Standards, Procedures and Public  
Appointments Committee Debate: 4th  
Report 2012, Scotland Act: Standing  
Order Rule Changes

*followed by* Legislative Consent Motion: Electoral  
Registration and Administration Bill – UK  
Legislation

*followed by* Legislative Consent Motion: Local  
Government Finance Bill – UK  
Legislation

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.15 pm Decision Time

*followed by* Members' Business

(b) Thursday 28 June 2012—

after

9.15 am Parliamentary Bureau Motions

insert

*followed by* Ministerial Statement: Rio+20 Earth  
Summit

and after

2.55 pm Stage 3 Proceedings: Welfare Reform  
(Further Provision) (Scotland) Bill

insert

*followed by* Legislative Consent Motion: Crime and  
Courts Bill – UK Legislation.

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S4M-03495, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Police and Fire Reform (Scotland) Bill.

*Motion moved,*

That the Parliament agrees that, during stage 3 of the Police and Fire Reform (Scotland) Bill—

(a) debate on the groups of amendments specified below in relation to the morning and afternoon shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated;

(b) each time limit specified in relation to the morning shall be calculated from the beginning of proceedings in the morning and each time limit specified in relation to the afternoon shall be calculated from the beginning of proceedings in the afternoon; and

(c) all time limits shall exclude any period when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in each of the morning and the afternoon being called) or otherwise not in progress:

### Morning

Groups 1 to 3: 40 minutes

Groups 4 to 6: 1 hour 20 minutes

Groups 7 to 9: 1 hour 55 minutes

Groups 10 and 11: 2 hours 25 minutes

### Afternoon

Groups 12 to 14: 30 minutes

Groups 15 and 16: 1 hour

Groups 17 and 18: 1 hour 30 minutes.—[Bruce Crawford.]

*Motion agreed to.*

## Budget Outturn 2011-12

**The Presiding Officer (Tricia Marwick):** The next item of business is a statement by John Swinney on the budget outturn 2011-12. The cabinet secretary will take questions at the end of his statement and there should, therefore, be no interventions or interruptions.

09:36

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** I am grateful for the opportunity to inform the Parliament of the provisional Scottish Government financial outturn for 2011-12 and to set out further measures to deliver economic stimulus.

The Government is focused on maximising the value of every public pound as we pursue programmes to support economic recovery and deliver high-quality, efficient public services. The Government's three-year spending plans are predicated on a carry-forward of £100 million from 2011-12 to 2012-13, and I confirm that that has been achieved. I also report to the Parliament that the provisional outturn for 2011-12 is expenditure of £27,539 million against a fiscal departmental expenditure limit budget of £27,718 million—an underspend of £179 million, which includes that £100 million carry-forward. Deducting that planned carry-forward leaves a fiscal DEL underspend of £79 million—0.3 per cent of our total fiscal DEL budget.

Fiscal DEL is now the key control aggregate used by Her Majesty's Treasury and is made up of the cash resource and capital budgets. The £100 million planned carry-forward and the additional underspend of £79 million have been reported to HM Treasury. The total sum is made up of £149 million in resource and £30 million of capital.

There is a forecast underspend in non-cash DEL of around £8 million on a budget of £632 million. That is the ring-fenced element within the budget that is intended to cover depreciation, some impairments and other technical accounting items. An underspend in that budget cannot be used to buy goods and services.

The 2011-12 provisional outturn white paper is due to be published by the Treasury in July. In it, the total DEL underspend for the Scottish Government, against Treasury control totals, will go on record as being £187 million.

The Parliament will wish to note that the devolved Administrations budget exchange mechanism that was agreed with HM Treasury in July 2011 will be utilised for the first time this year. Since devolution, the Scottish Government had

had the facility to carry forward any unspent budget to future years in a process known as end-year flexibility. However, end-year flexibility was abolished unilaterally as part of the 2010 United Kingdom spending review. In the knowledge that there could be no guarantees that unspent balances could be retained across different spending review periods, the Scottish Government drew down practically all of its unspent end-year flexibility balances in the years up to the end of 2010-11.

Together with my finance minister colleagues from Wales and Northern Ireland, an agreement was reached with HM Treasury in July 2011 for a budget exchange mechanism for the devolved Administrations to operate over the current spending review period. That new mechanism allows the Scottish Government the flexibility to carry forward from one financial year to the next up to 0.6 per cent of its resource DEL budget and 1.5 per cent of its capital DEL budget. That equates to a cap this year of around £195 million in total.

Accordingly, I inform the Parliament that the balance of the fiscal DEL underspend will be carried forward in full to augment existing spending plans in 2012-13. The sums to be deployed will be confirmed in the autumn budget revision when the audit of the financial year is complete.

In the meantime, the £30 million capital DEL underspend from 2011-12 will be used to fund existing capital projects, due to the alteration of timescales compared to plan. The deployment of the balance of £49 million fiscal resource DEL in 2012-13 will support Olympic legacy initiatives and assist the economic stimulus package that I will announce today.

I draw the Parliament's attention to two key areas in our spending plans for 2012-13 that are designed to further stimulate economic growth. Unlike the UK Government, we believe that investment is needed sooner rather than later. In March, the Prime Minister asked the First Minister for a list of shovel-ready projects that could be supported to protect jobs and inject growth into the economy.

We have written to the Prime Minister on several occasions to urge the UK Government to take action now to encourage growth. Although the chancellor has performed many U-turns on his budget proposals, sadly that has not been the case on capital investment. As a result, this Government has looked again at what we can do to encourage growth in Scotland.

First, we will continue our investment in the renewables and low-carbon sector, which offers huge economic opportunities for Scotland. The

first projects to be funded by the fossil fuel levy will begin this year.

In March 2012, we announced the development of a new renewable energy investment fund to leverage additional funds. Having consulted with industry on that proposal, it is clear not only that that money is much needed, but that the industry would welcome the money over a longer period than the immediate financial year. As a result, we are drawing down the fossil fuel levy funding of £103 million this financial year to be invested in renewable energy projects. In line with guidance from HM Treasury, we propose to spread the investment of the fossil fuel levy funding of £103 million over the three years of the spending review to ensure that we maximise the value for money from that spend on renewable energy initiatives and to match the timescales that the industry requires.

We have identified some £16 million of renewable energy projects into which we can invest the fossil fuel levy money this year, and we are working on the best possible vehicle for deploying the finance that marine, district heating and community projects require. We are now working on the longer-term project pipeline for the fossil fuel resources so that all the £103 million will be spent on the promotion of renewables.

Secondly, in the interim, the remaining resources will be put to good use to help economic stimulus and wider benefits. We will accelerate nearly £3 million in funding to deliver another round of the green bus fund to support manufacturing employment. We will provide funding to the Rutherglen low-carbon zone and invest a further £2 million in improvements to the Arnish renewable energy facility in the Western Isles.

One of the challenges that Scotland's economy faces is the impact that the UK Government's decision to reduce the number of air bases in Scotland will have on the local economy. The closure of RAF Kinloss brings with it challenges for the people and the economy of Moray. We have already confirmed that the region will benefit as one of our enterprise areas, thus offering incentives for private investment. Today, we are investing an additional £10 million in getting work under way to support enterprise and infrastructure activity in Forres. A further £6 million to support the Inverness campus will bring wider benefits to the Highlands and Islands and support a strategic development with significant economic potential.

We will also continue our support for essential infrastructure. I can announce today that the A75 between Hardgrove and Kinmount will be upgraded later this year.

This Government has invested significant sums in housing. Last year, we achieved our target of delivering more than 6,000 affordable homes. Today we will add to that investment by accelerating £15 million in housing expenditure from future years plus an additional £20 million to deliver a further 650 homes and assist in revitalising the construction sector.

Communities throughout Scotland will benefit from an acceleration of £15 million of maintenance projects in the health service, and a number of regeneration projects in Riverside Inverclyde will also be brought forward.

Tourism has offered a real boost to Scotland's economy in recent years. It is one of the success stories, having increased revenues and visitors through the downturn. As we look ahead to the winning years and next year's year of natural Scotland, we will support a number of projects in our national parks and through Forestry Commission Scotland and botanic gardens that will enhance facilities for visitors. We will also invest in our cultural heritage, with support for the maintenance of historic properties and national collections.

This package of measures, worth more than £100 million in this financial year, will be funded through the careful stewardship of our overall budget through the spending review period. The measures that I have announced today are designed to continue our efforts to develop the renewables sector in Scotland and to give a much needed boost to transport, health, tourism, regeneration and the construction industry in housing. It is a capital investment programme that Scotland needs and that this Government is delivering.

I commend these outturn figures to the chamber. They demonstrate once again the firm grip that this Government has on Scotland's public finances. Our latest economic stimulus is a demonstration of our determination to act to secure the future of this country in the face of Westminster economic neglect. This Government is focused on delivering sound and strong leadership to Scotland in these difficult times and on using all the powers that we have to create new opportunities for our people. We have demonstrated that effective governance can be delivered in Scotland and we aspire to achieve much more with the full powers that we seek.

I invite the Parliament to commend today's outturn figures and the competent financial management that they represent, to welcome the economic stimulus that is vital to boosting growth and to support our longer-term efforts to deliver the lasting changes that Scotland needs and deserves.



**Ken Macintosh (Eastwood) (Lab):** I thank the cabinet secretary for the advance copy of his statement. This is the first use of the new budget exchange mechanism, and I will begin by asking the cabinet secretary whether he believes that the new framework achieves the right balance between spending controls and end-year flexibility.

This has been a month for budget U-turns at Westminster. I am pleased that Mr Swinney is partially following suit by reinstating some of what he cut from the housing budget in Scotland. The cabinet secretary has clearly recognised the strength of the Opposition's argument about cutting such a vital sector when we are supposedly pursuing economic growth. Has he yet recognised the damage that he has done to Scotland's colleges and the prospects for Scotland's young people? If so, why is there nothing in today's announcement about education?

The statement gives Mr Swinney the opportunity to report on how much taxpayers' money has been spent. Has he made any assessment of the outcomes that have been achieved through his spending decisions? Earlier this year, he said that his was a budget for jobs and growth. We now know that more than 25,000 jobs were lost last year in the public sector alone—the area for which the cabinet secretary has primary responsibility. Has the outturn of the minister's budget been to deliver any economic growth for Scotland? If so, in which areas?

**John Swinney:** Mr Macintosh's first point was about the appropriateness of the budget exchange mechanism. We arrived at a sensible and useful agreement with the Treasury on the scale of the budget exchange mechanism. For many years before I became the minister with responsibility for finance, my predecessors were in the position of being unable to spend all of their budget and had enormous underspends that were of a very different character from the one that I have set out today—in 2004-05, the underspend was £382 million, which represents quite a feat of financial management by anyone's description—so I think that the budget exchange mechanism has to be set at a realistic level and must represent a sensible level of carry-over. I have no complaints about the mechanism and I think that the arrangements that we have put in place, particularly because our spending plans were predicated on a carry-over of £100 million, have enabled us to utilise it.

Mr Macintosh also asked about housing. I have brought forward expenditure into this year to support the construction sector. As the member well knows from our discussions on other subjects, I cannot spend money that I do not have and I have allocated capital budgets fully. I remind Mr

Macintosh that our capital budget has been reduced by approximately 33 per cent on an annual basis, so, clearly, some things will be unable to be afforded.

My statement did not go through all the projects that I am announcing today, but the note that has been made available to the Parliament gives information on particular projects that are being taken forward. In the college sector, we are supporting the infrastructure expansion at the West Highland College in Fort William. Of course, I referred earlier to the funding for the Inverness campus, which the last time I looked was a college project in Inverness, and a substantial one for the benefit of the Highlands and Islands.

Mr Macintosh's final point was about outcomes, the assessment of which is carried out through the constant monitoring of the national performance framework, which demonstrates whether the Government is making progress, along with our public sector partners, in achieving the national outcomes that we believe to be important. Clearly, that is a particularly challenging environment in the context of the economy just now. However, the fact that unemployment is falling and employment is rising is an indication of the progress that is being made, which is coupled with the fact that we continue to command substantial private sector investment in the Scottish economy, as demonstrated by the Ernst & Young attractiveness report that was published just last week.

**Gavin Brown (Lothian) (Con):** I, too, thank the cabinet secretary for advance notice of his statement.

A year ago the cabinet secretary claimed that by having a record low underspend of £12 million he had a firm grip on Scotland's finances, and in that I think he was correct. Today, with an underspend of £79 million that is six and a half times the size of the previous one, he claims he has a grip on Scotland's finances. Investment is needed now, but there is £79 million that he was unable to spend in the financial year. Why is the underspend this year six and a half times the size of the underspend last year?

There was a capital underspend of £2 million last year, but £30 million this year, which is 15 times the size of the previous underspend for capital. What has slipped? Given the number of shovel-ready projects that the cabinet secretary claims, why was he unable to bring investment forward so that we did not have an underspend of £30 million this year?

Finally, while we welcome the additional housing money that he mentioned today, some of which is accelerated and some of which, on the face of it, is new, what is the actual real-terms cut to the housing budget now for 2012-13?

**John Swinney:** If Mr Brown looks at the note that has been made available to the Parliament, he will see that the underspend in 2010-11 was £98 million; that is the comparison at which Mr Brown should look.

The Government operates a very tight capital programme in which we must ensure that projects have resources available to them when they are required, according to the timing of the construction projects. We have about £30 million of expenditure that we considered would be likely to materialise in this financial year that will be required at the start of the next financial year. I am sure that Mr Brown will accept that in the timescales of an end of financial year a sensible and pragmatic decision is to enable that expenditure to be undertaken when it is required, perhaps a couple of months after the end of a financial year compared with immediately before a financial year—that is what the benefit of the budget exchange mechanism is for Scotland.

Finally, the Government is putting in place £35 million of housing expenditure in this financial year that would not have been capable of being delivered because of the significant reductions in capital expenditure that have been applied to the Scottish Government by the UK Government. I think that on this occasion Mr Brown would be well served by welcoming the fact that the Government is using every device that it can to make up for the severe cuts in public expenditure that have been applied by the UK Government.

**The Presiding Officer:** Many members want to ask a question of the cabinet secretary. Time is tight, so to allow me to get as many members in as possible I would be grateful if members would ask only one question, without preamble, and if the cabinet secretary could be as succinct as he needs to be.

**Kenneth Gibson (Cunninghame North) (SNP):** The latest figures show that Scotland has the highest employment rate in the UK. Also, Scotland is top of Ernst & Young's UK attractiveness survey. Does the cabinet secretary agree that that proves that Scottish Government efforts to boost the economy are far more successful than the cuts agenda pursued by the UK Government and that it disproves the lie of the Scotland is not good enough to make its own decisions campaign that the independence referendum is deterring inward investment?

**John Swinney:** It is pretty clear from Mr Gibson's points about the high employment level and the Ernst & Young report that the Scottish Government's economic measures are having a beneficial effect on the Scottish economy. I have demonstrated that we can deploy further flexibility and are prepared to do so. It is clear that the UK Government has the capability to deliver flexibility,

but it does not have the willingness to do so. That demonstrates that government in Scotland for Scotland is in the best interests of the people of Scotland.

**Rhoda Grant (Highlands and Islands) (Lab):** The cabinet secretary has used the budget outturn statement to make announcements on spending £16 million of the fossil fuel levy. How will the remainder of the £103 million fund be spent? When will the cabinet secretary be in a position to bring that detail to the Parliament?

**John Swinney:** Some £16 million of the £103 million total is being used on fossil fuel levy projects this financial year; the remainder will be spread over the subsequent two financial years. We will set out details to the Parliament once those projects crystallise and we are confident that they represent best value for money. I reiterate that the Government has every intention of ensuring that every penny of the £103 million from fossil fuel levy resources is utilised to support renewable energy developments in Scotland.

**John Mason (Glasgow Shettleston) (SNP):** I congratulate the Government on being 0.3 per cent within budget. I wish that I had been able to achieve that at any point in my working life.

Danny Alexander and Alistair Darling have suggested that Scotland's capital budget has perhaps increased, but I understood that it was cut by £600 million between 2010-11 and 2011-12. Can the cabinet secretary clarify the matter?

**John Swinney:** The point that Mr Mason makes is correct. Broadly, the capital budget in Scotland is around £1 billion lower than its trend position in the latter part of the previous decade. It is clear that that puts enormous pressure on public expenditure and our ability to fund all the programmes that we wish to fund. We are trying to deploy as much flexibility as we can to address the needs of the Scottish economy, and my statement was designed to do that.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** The latest European Union construction figures show that, in April 2012, production in construction fell by 18.1 per cent in the UK. That was by far the largest recorded fall among the member states—Slovenia was a distant second, with a fall of 9.3 per cent. Does the cabinet secretary agree that the evidence against the UK Government's austerity agenda is stacking up? Will he join me in calling on the UK Government to bring forward £300 million for the Scottish Government to invest in shovel-ready projects?

**John Swinney:** A series of measures that are designed to provide opportunities for the construction sector across a range of different areas of the economy in Scotland, geographically and sectorally, is at the heart of what I have said. I

recognise the difficulties that the construction industry faces. The level of decline and contraction in the sector has been going on for a more significant period than any of us envisaged; it has not recovered in the fashion that I would have estimated or predicted. Ensuring that capital projects of a construction nature can be taken forward is therefore an important foundation of the programme that the Government takes forward.

**Willie Rennie (Mid Scotland and Fife) (LD):** I thank the cabinet secretary for early sight of his statement and welcome the reallocations to social housing. Does the cabinet secretary think that they will be enough to meet the Scottish National Party's manifesto commitment on social rented housing?

Also, does he plan to make a statement on the extra capital—the extra borrowing—that will be available through the Scotland Act 2012? We have heard about the acceleration of the A9 project. What else will benefit?

**John Swinney:** I made the point in my statement that the Government's commitment to deliver 6,000 affordable homes was met in the previous financial year, and we have every intention of meeting our targets in the years to come.

I will, of course, make whatever statements the Parliament requires of me in relation to the use of borrowing powers, but it is some way off 2015, which is when we get those powers. A few budgets have to go under the bridge before we get anywhere near the borrowing powers that are promised by the Scotland Act 2012. I make the simple point that the Scottish economy needs investment now, which is why the Government has acted as it has done today.

**Neil Findlay (Lothian) (Lab):** Will the cabinet secretary invest as much of the fossil fuel money as possible in community and co-operative renewables projects rather than continuing to invest in large-scale projects? Those are often owned by foreign multinationals and venture capital firms whose profits flow out of the local economy—

**The Presiding Officer:** Will you come to your question, please?

**Neil Findlay:** Will the cabinet secretary ensure that there is investment in local community renewables projects in order to keep the money in the local economy?

**John Swinney:** In my statement, I made the point that the Government is working on the best vehicle for deploying the finance that marine, district heating and community projects require. I am sympathetic to the point that Mr Findlay makes. Community renewables projects are

excellent examples of the way in which we, in all our areas, can participate in the renewable energy revolution, and the model of co-operative ownership in that respect is a substantial opportunity for communities across Scotland.

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** The cabinet secretary has previously invested funding in green buses, which has brought fuel bills down for bus companies such as Lothian Buses. Can he confirm that there will be further investment in green buses this year, and that it will be open to the new East Lothian Buses to bid for that?

**John Swinney:** We will bring forward expenditure on the green bus fund from future years to provide a further stimulus to manufacturing employment in Scotland. That will be openly tendered, so any relevant and eligible party will be able to participate in the process.

**Elaine Murray (Dumfriesshire) (Lab):** I hope that you will allow me some preamble, Presiding Officer, because when a cabinet secretary does what we have been asking for, the obvious response is to say, "Thank you very much." May I, on behalf of my constituents, welcome Mr Swinney's announcement regarding the A75 Hardgrove to Kinmount upgrade scheme. In my members' business debate of Thursday 31 May—

**The Presiding Officer:** Will you come to your question, please?

**Elaine Murray:** —I suggested that this might be a mechanism for funding the scheme, and I am delighted that the cabinet secretary has taken it up. Can he tell us the probable timeline for completion of the scheme and its estimated cost?

**John Swinney:** I estimate the cost to be of the order of £20 million and I expect construction activity to start probably around the turn of the year.

**Mark McDonald (North East Scotland) (SNP):** The cabinet secretary highlighted that he has remained within the budget exchange limits. Does he agree, however, that it is ridiculous that the Treasury is able to cap the exchange mechanism and that, if the Parliament had full financial responsibility, we would be able to deliver the full range of shovel-ready projects now, rather than waiting for George Osborne's next U-turn?

**John Swinney:** I follow up my earlier comments to Mr Macintosh by saying that I am a believer in and practitioner of fiscal responsibility. There have to be rules around public expenditure and control of public expenditure, so I cannot disagree with the statement that some constraints have to be applied. However, it would be much more relevant for the Scottish Parliament to be able to consider the full range of variabilities and flexibilities to

enable us to adjust our economic interventions to meet the needs of the people of Scotland, rather than having to wait for somebody else to take those decisions. I have demonstrated today another example of how we can do that within Scotland, in so far as the limitations that are placed on us enable us to do it.

**Mary Scanlon (Highlands and Islands) (Con):**

I welcome the acceleration of £15 million of maintenance projects in the national health service, but may I reasonably ask what action the finance secretary is taking to ensure that all public sector buildings, new and old, are properly maintained and not allowed to fall into disrepair?

**John Swinney:** I think that that is the most reasonable question that I have ever heard Mary Scanlon ask. It is obviously a sign of great things to come. I admire her consistency in making her point about maintenance in the NHS. She has made a number of comments about that over time, and it is an important matter.

There is an obligation on public bodies, particularly given many of the issues that we are raising with them about energy efficiency, to ensure that maintenance is prioritised and that they pursue sensible, modest investments that can deliver real returns, particularly in energy efficiency. That is part of the management arrangements that are put in place for all public bodies in Scotland.

**The Presiding Officer:** That ends the statement and questions.

## Scottish Parliamentary Corporate Body Question Time

10:05

### Garden Furniture

**1. Annabelle Ewing (Mid Scotland and Fife) (SNP):** To ask the Scottish Parliamentary Corporate Body whether it will provide benches in the garden area. (S4O-01209)

**Linda Fabiani (East Kilbride) (SNP):** The SPCB plans to install external furniture on the paved area in the members' garden. However, in light of discussions on having a members' coffee lounge downstairs rather than upstairs and information that has been imparted in that respect, the furniture will take the form of tables and chairs rather than benches.

**Annabelle Ewing:** I am very pleased to hear about the provision of some outdoor furniture, which I hope will afford staff, visitors and—from time to time, though obviously not too often—members the opportunity of appreciating the building's outdoor environment. However, I still make a plea for consideration in due course of the odd bench in the outdoor area.

**Linda Fabiani:** Annabelle Ewing is absolutely right to suggest that we take advantage of the Parliament's beautiful garden. Perhaps we should get a bit tougher and, instead of parasols, use big umbrellas.

I note that concrete benches have already been built into the landscape in the members' garden. During those great occasions when we have spells of good weather, the benches are certainly well used by members and staff and they, of course, supplement the tables and chairs that are placed outside the garden level restaurant.

### Information Technology (Members Services)

**2. John Wilson (Central Scotland) (SNP):** To ask the Scottish Parliamentary Corporate Body what impact the recent changes to the Parliament's information technology system have had on services to members. (S4O-01211)

**David Stewart (Highlands and Islands) (Lab):** Like most other modern organisations, the Scottish Parliament is reliant on IT for the effective and efficient delivery of business. Recent changes to the IT systems have included increasing the resilience and speed of our voice and data systems to provide greater capacity for internet services such as e-mail, web browsing and remote access, and to reduce costs.

In addition, contractual changes have provided a vehicle for ensuring that all local offices are equipped with the fastest broadband service that their local telecommunications infrastructure supports, as well as providing the potential to exploit different technologies where the local broadband infrastructure provision is insufficient. Members have also benefited from increased mailbox sizes and improved reliability of remote access solutions.

The SPCB also recognises the impact of unplanned IT downtime on members, and the corporate body receives regular updates from officials working with suppliers to ensure that service availability is optimised. IT staff will also continue to work with individual members to tailor services to meet their needs and to seek feedback from members to help ensure that future IT strategy is member focused.

**John Wilson:** I thank the member for his extensive response. Following changes to the Scottish Parliament website, members of the public are no longer able to access MSPs' work via the theyworkforyou.com website, even though they can still receive notification of what MPs and Northern Ireland Assembly members are doing. It is my understanding that work has been carried out to create data in a format that external organisations can automatically use, but there is no indication that www.theyworkforyou.com does not cover the Scottish Parliament.

Will the SPCB investigate the possibility of making the website compatible with theyworkforyou.com services to ensure that all members of the public can get automatic updates when MSPs ask questions or make speeches in the chamber as they can with MPs and Northern Ireland MLAs?

**David Stewart:** I know that the member takes a great interest in these matters. He is right to say that theyworkforyou.com helps to publicise the work of the Parliament and members' individual contributions. One of the advantages of the changes to our website design is that they will allow us to work to ensure that information is available to external organisations. However, the current format of our data means that external organisations cannot automatically get the information that they wish to have. The member makes a very good point, which I will raise at the next meeting of the corporate body.

### Scottish Beer

**3. Patrick Harvie (Glasgow) (Green):** To ask the Scottish Parliamentary Corporate Body what it is doing to promote the availability in the building of beer brewed in Scotland. (S4O-01215) [Applause.]

**Linda Fabiani (East Kilbride) (SNP):** That is obviously a popular question.

We actively encourage the use of Scottish products throughout the catering services. Currently, we sell bottled and draught beer from a local Scottish brewery. During previous Scottish food and drink fortnights we have invited the brewer to host tastings with people in the bar area.

**Patrick Harvie:** I draw members' attention to my declaration of interests, which states that I am a member of the Campaign for Real Ale.

Sadly, it is only the CAMRA annual reception that showcases the best of the quality real ale and craft beer that Scotland now produces to a much greater extent and diversity than in previous decades. I encourage the corporate body to look at what more can be done in the bar and mainstream catering or in the events and receptions that take place in the Parliament, which serve wine pretty much every night but rarely serve beer that is brewed with locally produced ingredients to a high quality in Scotland.

**Linda Fabiani:** I am more than willing to do that as long as it does not compromise the wine, as I am not a beer drinker.

I repeat that we do encourage that use. If members know of any company with a strong Scottish identity and product who would be interested in supplying the Scottish Parliament, they should please get in touch with our facilities management team. Our facilities management manager has met MSPs, including my colleague Aileen McLeod, to explain the process. We are happy to continue that practice, and I encourage members to get involved.

### External Screening Facility

**4. Graeme Pearson (South Scotland) (Lab):** To ask the Scottish Parliamentary Corporate Body what advice it sought regarding the proposed external screening facility. (S4O-01210)

**David Stewart (Highlands and Islands) (Lab):** In 2007, the corporate body commissioned and received official security advice about the measures in place at the Parliament in relation to current risks and threats. In 2011, we asked our security adviser to review the recommendations received in 2007. We received clear advice from our adviser, other official security sources and the police that the risks and threats that had been identified were still relevant.

We have also received professional architectural and construction advice, as well as advice from the solicitor to the Scottish Parliament about the corporate body's responsibility to ensure the safety of employees and visitors.

**Graeme Pearson:** I understand the sensitivities involved in this issue, but is the member able to share with the chamber the identified at-risk groups that use the Parliament and the responsibilities the corporate body faces in discharging that risk?

**David Stewart:** I know that Mr Pearson takes a great interest in security matters because of his background as a senior police officer in Scotland and London. The corporate body has a duty of care to MSPs and staff, and to the thousands of people who visit the Parliament every year. We have to live in the real world and acknowledge that, regrettably, the Parliament is a target for a small minority of obsessed individuals. We have to get the balance right between managing an open and accessible Parliament and our legal and security responsibilities to the Scottish public. No final decision will be made on the project until after the summer recess.

### Living Wage

**5. Jenny Marra (North East Scotland) (Lab):** To ask the Scottish Parliamentary Corporate Body what action it is taking to become a living wage employer. (S4O-01212)

**David Stewart (Highlands and Islands) (Lab):** Following questions raised by members at previous corporate body question times, we have considered whether the corporate body should become a living wage employer. I confirm that all directly employed corporate body employees and agency-recruited staff are paid above the living wage. However, our legal advice is that to impose a requirement on contractors for them to pay their staff the living wage may be in breach of European Union regulations. The Cabinet Secretary for Infrastructure and Capital Investment, Alex Neil, has written to the EU to seek clarification on the matter, and we will review our position on becoming a living wage employer when that has been received.

**Jenny Marra:** I thank the member for his answer. When will the corporate body ensure that all staff, including contracted staff, are paid above the living wage?

**David Stewart:** I am grateful for that question from Jenny Marra. I know that she has an interest in and a commitment to this issue. I believe that adopting a living wage policy is essentially a gold standard for an employer. As Jenny Marra identified, the challenge is around our contracted services, which are cleaning and catering. That contract is due for renewal in 2015. Currently, 15 catering staff are paid 5p an hour below the living wage and seven cleaners are paid 35p an hour below that threshold. The key is the EU advice. If the EU advice allows us to make the living wage a

contractual obligation, that would be a matter for the corporate body to consider in the future.

**John Wilson (Central Scotland) (SNP):** How many agency staff are currently employed by the Scottish Parliament?

**David Stewart:** I will get back to the member on that particular point.

The key point is that relatively few staff—even among the contracted staff—are actually below the living wage. My personal view is that we need to look for a solution that means that everybody is above the living wage. I stress that that requires a positive response from the EU first.

### Event Costs (Small Charities)

**6. Alison Johnstone (Lothian) (Green):** To ask the Scottish Parliamentary Corporate Body how it helps small charitable organisations to meet the costs of organising events in the complex. (S4O-01214)

**Linda Fabiani (East Kilbride) (SNP):** There are no costs imposed by the Parliament to organisations to hold an event here as the SPCB does not charge for room hire, plasma screens, laptops, or the in-built public address system and so on. Any costs incurred by organisations are in respect of additional services hired in for their events at their own discretion—catering or audio-visual services, for example.

**Alison Johnstone:** I thank Linda Fabiani for her answer. I recognise the professional and courteous service offered by the Parliament events team to small and large organisations alike. When organisations invite people into the Parliament they like to offer hospitality. Currently, the least expensive package of canapés and drinks is more than £17 per person. Could the SPCB consider a sliding scale of charges for organisations based on their income and size?

**Linda Fabiani:** I cannot give an immediate answer to that, because there is an awful lot behind that question and an awful lot of work there. We also have to consider the relationship that we have with the contractors who provide those services.

We try to provide low-cost catering options at the moment. There would be difficulties in offering a two-tier catering tariff, or even something beyond that. In exceptional circumstances, we allow food to be brought in for consumption as part of an event—for example, ethnic food that our catering provider is not equipped to prepare.

The question is certainly not an easy one to answer. We can look at it, but the main function of using the Parliament is to get an organisation's message across. The other things are additional to that.

## Procurement

**7. Helen Eadie (Cowdenbeath) (Lab):** To ask the Scottish Parliamentary Corporate Body how its procurement contracts take account of article 19 of the European Union procurement directive. (S4O-01213)

**Mary Scanlon (Highlands and Islands) (Con):** I commend the member for the support that she has given to procurement opportunities for supported businesses.

As part of our responsible purchasing policy, the SPCB aims to have at least one contract with a supported factory or business. At project planning stage, forthcoming requirements are examined to identify contracts that may potentially be reserved for supported businesses. The supported business directory is used to identify those suppliers.

To give one example, the SPCB information technology disposal services contract was awarded to Pluss, which is a social enterprise that supports people with disabilities and other disadvantages into employment each year. About half of Pluss's own workforce has a disability. Although the contract value was below the EU threshold, the requirement was reserved and the competition was undertaken with three supported factories and businesses.

**Helen Eadie:** I thank Mary Scanlon, a member of the corporate body, for that answer, and I commend the corporate body for its continuing commitment to make some inroads into this important aspect of our work in the Parliament.

I appeal to the SPCB members to work in collaboration with the Minister for Energy, Enterprise and Tourism, Fergus Ewing. He is working with the trade unions to look at what more can be done to support supported businesses and how we can expand on that commitment, because the Scottish Parliament has historically been a pathfinder in that regard and is an example for other businesses throughout Scotland to follow.

**Mary Scanlon:** The issue of procurement has been raised by several members. I will raise the point about working with Fergus Ewing, and I have also had an offer from the head of procurement. Liam McArthur and I would be happy to discuss the issue further with Helen Eadie.

## Police and Fire Reform (Scotland) Bill: Stage 3

10:21

**The Deputy Presiding Officer (Elaine Smith):** The next item of business is stage 3 proceedings on the Police and Fire Reform (Scotland) Bill. In dealing with the amendments, members should have before them the bill as amended at stage 2, which is SP bill 8A, the marshalled list, which is SP bill 8A-ML, and the groupings, which is SP bill 8A-G.

The division bell will sound and proceedings will be suspended for five minutes for the first division of the morning. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. All other divisions will be 30 seconds.

Members who wish to speak in the debate on any group of amendments should press their request-to-speak button as soon as I call the group.

Members should now refer to the marshalled list of amendments.

### Section 2—Functions of the Authority

**The Deputy Presiding Officer:** Group 1 is on functions of the Scottish police authority and chief constable. Amendment 5, in the name of the Cabinet Secretary for Justice, is grouped with amendments 6 to 8, 13, 14 and 73.

**The Cabinet Secretary for Justice (Kenny MacAskill):** I will speak to amendments 5 to 8, 13 and 14 in my name, and amendment 73 in the name of Lewis Macdonald.

The Scottish police authority's ability to hold the chief constable to account for the policing of Scotland is wide ranging and allows the authority to scrutinise and challenge the chief constable on all of his or her functions and roles and on all aspects of policing. Amendments 5 to 8 make the authority's role more proactive.

Amendment 5 gives the authority an explicit function to promote the policing principles that are set out in section 32 of the bill. Amendment 6 requires the authority to keep under review the policing of Scotland. Amendment 7 makes it clear that, as part of holding the chief constable to account for the policing of Scotland, the authority is to hold the chief constable to account particularly for carrying out his or her duties as listed under section 17.

Amendment 8 relates to the authority's obligation to maintain the police. It makes it clear

that the authority is obliged to provide the chief constable with details of how the authority intends to allocate the financial resources that it expects to have available to it in respect of that financial year, as it will be important for the chief constable to know what financial resources he or she can expect to have for the year in order to be able to plan effectively.

Amendments 13 and 14 strengthen the accountability of the chief constable to the authority so that the chief constable “must ensure”, rather than “must seek to ensure”, that the policing of Scotland is done with due regard to any recommendation or guidance issued by the authority.

In amendment 73, Lewis Macdonald proposes that the authority should not be able to authorise any of its committees or any member of its staff to call on a senior officer to resign or—where appropriate—to retire from office in the interests of efficiency or effectiveness of the police service. I cannot support that amendment, as it is for the authority to decide how it will organise its functions. If the authority has, for example, a human resources sub-committee, it may be entirely appropriate for that sub-committee to have the role of calling on a senior officer to resign or retire.

I have it made clear in my letter to the Scottish Chief Police Officers Staff Association that I would expect the authority to set out the process that it will follow in taking a decision, and I fully expect that any representations that are made will be considered by all the authority’s members.

I move amendment 5.

**Lewis Macdonald (North East Scotland) (Lab):** It is appropriate that consideration of the bill at stage 3 should begin with a debate on, among other things, one of the powers that the bill will give to the new national police board—namely, the power to

“call on a senior officer to resign or ... retire from office in the interests of efficiency or effectiveness of the Police Service.”

That is a sweeping power, and it immediately places a limit in real terms on the operational autonomy of the chief constable. It also reduces his or her responsibility for deputy and assistant chief constables, to whom section 14 also applies.

Henceforth, ministers will appoint the members of the board of the Scottish police authority. They will have the power to reappoint them—or not—four years later. Ministers will also have the power to veto the appointment of the chief constable. Now the board, which will be appointed by ministers, will also have the power to get rid of the chief constable, although it will, of course, have to consult ministers first.

Those powers would have to be abused only once to bring the whole system into disrepute. If a chief constable had different priorities from the minister and there were board members who were too eager to please, the result could well be the removal of a chief officer whose face no longer fitted. As the chief officer will hold powers over a much wider area than any previous chief officer in Scotland and will be accountable to far fewer people, there must be whatever safeguards the Parliament can devise to protect that chief officer from undue interference.

I lodged a similar amendment at stage 2, when the Government envisaged giving the board only the power to require retirement in the interests of efficiency or effectiveness. It has extended that power. Amendment 73 would require simply that the power to call for retirement or resignation should not be delegated to a small group of members of the authority but should be the responsibility of all members acting together. That is a modest change, which recognises that there are risks—or the perception of risk—and seeks to reduce them.

We welcome the Government’s amendments in this group, and I hope that the cabinet secretary will think again about his intention not to support amendment 73.

**Kenny MacAskill:** I understand the concern that SCPOSA has raised with the member; indeed, I have met the association. However, we have made it clear that these are matters for the authority, and ultimately Mr Macdonald recognises that fact. His position is that they should be dealt with by the full authority, rather than by being delegated to a sub-committee. It seems to me that how they are dealt with should be a matter for the authority, which will be charged with good governance. Representation will also be made by SCPOSA or any successor organisation.

We should take into account the fact that the power will be used sparingly by the authority—I have no doubt about that. When it has to be used, it should be for the appropriate authority to decide how it handles the matter. Equally, as has been referred to, it is doubtless the case that every authority member will be well aware of it and have to consider it.

*Amendment 5 agreed to.*

*Amendments 6 and 7 moved—[Kenny MacAskill]—and agreed to.*

### **Section 3—Maintenance of the police**

*Amendment 8 moved—[Kenny MacAskill]—and agreed to.*

### **Section 4—General powers of the Authority**



**The Deputy Presiding Officer:** Group 2 is on contracts and other arrangements for the provision of services. Amendment 35, in the name of Jenny Marra, is grouped with amendments 36, 38, 57, 58, 60, 61 and 72.

**Jenny Marra (North East Scotland) (Lab):** Amendments 35 and 57 relate to the procurement of services for the single police service and the single fire service. They seek to ensure that, when the police and fire authorities enter into contracts, they reserve the right to use article 19 of directive 2004/18/EC to provide at least one contract to supported workplaces every three years.

10:30

The amendments are modified versions of amendments that I lodged at stage 2. They reflect the Government's support for the principle of providing contracts to supported businesses and address the Government's concern that my stage 2 amendments were too prescriptive.

By reserving the right to use article 19 in participating in one unspecified contract every three years, amendments 35 and 57 would allow the police and fire authorities the flexibility to choose a suitable area of tender in which to use article 19 and would ensure that they provided work for supported businesses. That guarantee would go further than any current or planned provision for the use of article 19 in Scottish public sector procurement.

There is consensus across the parties that we should support the commendable work of Scotland's supported workplaces, yet now—more than ever—the staff of supported workplaces such as Remploy face an uncertain future. It is the Scottish Government's responsibility to do all that it can to help vulnerable people in supported workplaces to maintain their livelihoods and their dignity in work. The bill presents us with an unprecedented and timely opportunity to do that, by creating sustainable jobs in areas on which our supported workplaces have proven track records in delivery, such as the creation of uniforms or specialist personal protective equipment.

The single police and fire services will be among the biggest public sector procurers in Scotland. As such, the cost of procuring from supported workplaces would be minimal in relation to the benefit that they and their workers would receive.

I hope that the Government will accept that amendments 35 and 57 address the concerns that it raised at stage 2. Given the cabinet secretary's support for the principle, I hope that the Government will see the benefit that the amendments would bring to the new police and fire services.

I move amendment 35.

**Lewis Macdonald:** Amendment 36 and my other amendments in the group are designed to give police staff and fire and rescue service staff some certainty that their jobs will not be lost as the result of the contracting out of services after the bill has been passed.

Mr MacAskill has been keen to say that no privatisation will take place on his watch, but he has resisted the opportunity to build that assurance into statute. It is fair to say that he has been reluctant to acknowledge the scale of civilian job cuts that have been made in the police service on his watch—1,000 posts have gone and thousands more are at risk. Jobs have gone not because wicked chief constables conspired against their non-warrant-holding employees but because shedding civilian staff is the only way that is readily open to the police service—even under existing conditions—to make the savings that the cabinet secretary demands within the limits that he has set on chief constables' actions.

That can only get worse. Unison has warned that, under the terms in the financial memorandum, 2,000 jobs might go. The Association of Chief Police Officers in Scotland has warned that another 800 jobs might be lost because Mr MacAskill has failed to avoid liability for VAT for the new service.

Given the financial pressures, the temptation to make savings by contracting out will only grow. Senior managers in the police service are discussing that even now—that was confirmed by the recent conference of the Association of Scottish Police Superintendents.

There are reports about how the new contractor for prison transport has cut staff terms and conditions to deliver savings to the Government, and there are rumours aplenty that the same fate lies in store for civilians who work for the police in custody suites and call centres. I think that such rumours have been encouraged by Mr MacAskill's enthusiasm for putting police officers back into running police cells.

The amendments in my name would make placing contracts with and securing services from third parties subject to ministerial approval and would allow ministers to exclude by order minor or essential contracts from that general provision. If ministers really are set against contracting out, they can demonstrate that by supporting my amendments.

Support for the amendments in Jenny Marra's name would allow the Scottish Government to turn its commitment to and guidance on supported employment into a statutory requirement for the public services that we are discussing—an

example that the rest of the public sector might follow.

**Kenny MacAskill:** I will speak first to amendments 36, 38, 58, 60, 61 and 72, in the name of Lewis Macdonald. The amendments are to provisions that are not new. In fact, the police provisions come from section 9(1)(b) of the Police (Scotland) Act 1967, as amended by the Criminal Justice (Scotland) Act 2003. The fire provisions in the bill update sections 35 and 36, on assistance and delegations, of the Fire (Scotland) Act 2005. They are therefore tried and tested approaches.

As we have heard, Mr Macdonald's amendments would allow ministers to specify the circumstances in which the Scottish police authority and the Scottish fire and rescue service would require to obtain ministerial consent before they entered into contracts or made arrangements for assistance to be obtained from, or functions to be delegated to, other persons. I cannot support amendments that enable the Government to interfere in the operation of the SPA and the SFRS in that way. I am also concerned that with services such as policing and fire and rescue, there might be a requirement to bring in additional resources or people at very short notice to deal with a particular problem or to free up others to deal with that problem. Do we really want the services to be waiting for ministerial consent before they can do that? Accordingly, I do not support amendments 36, 38, 58, 60, 61 and 72.

However, I reiterate that I am totally opposed to the privatisation or contracting out of our vital public services. I also assure members that, should a future Government want to privatise the direct carrying out of police functions, primary legislation would be required to allow a range of police powers to be given to non-police officers.

I turn to amendments 35 and 57, in the name of Jenny Marra. I thank Ms Marra for her engagement throughout the bill proceedings on the use of supported businesses in the procurement of goods and services for the SPA and the SFRS. From the outset, I have said that the Scottish Government recognises that supported businesses have a valuable role to play in assisting people who have disabilities to integrate into the labour market and in helping to improve their overall independence and wellbeing, which is crucial in the building of a healthier and fairer Scotland. However, I cannot support amendments that single out the SPA and the SFRS as public bodies that must enter into at least one contract with supported businesses in a three-year period. It would be wrong of ministers to prescribe in legislation the type of supplier that a public body must contract with.

Ms Marra is also wrong to give the impression that, through that requirement, we could secure

the future of businesses such as Remploy. It is essential that the SPA and the SFRS retain their flexibility to issue tenders and enter into contracts that meet their needs and secure value for money for the public purse.

Jenny Marra's point goes beyond policing and fire and rescue services, and the Scottish Government will actively consider the issue for inclusion in the public procurement bill in relation to public bodies across the board. Indeed, the issue was mentioned in the exchange with Helen Eadie during Scottish Parliamentary Corporate Body question time. I do not support amendments 35 and 57. I do not support the amendments in the group.

**Jenny Marra:** I will first address amendments 36, 38, 58, 60, 61 and 72, which address the need to build assurances into statute that services will not be privatised. The cabinet secretary seemed to make the point in his response that contracting out is an operational matter. We contest the assertion that contracts for police staff and services are operational matters—I invite the cabinet secretary to check the position with police staff and police chiefs.

I move to amendments 35 and 57 in my name. The cabinet secretary says that it would be wrong for ministers to specify contracts with supported workplaces in this country. I argue that many of the workers who work in supported workplaces across this country would see it as being his job, in spending public money, to support some contracts for public services going to workers in supported workplaces.

**Kenny MacAskill:** Does the member recall that I said that the issue should be dealt with across Government and not simply in the SPA and the SFRS? That ties into the response, from a Scottish Parliament perspective, given to Helen Eadie, which I recall Ms Eadie welcomed

**Jenny Marra:** I would indeed welcome such a commitment across Government, but the cabinet secretary will be aware that, although the specification exists in the public contract regulations, it is not being implemented. I invite him to take the bold and welcome step to be the first cabinet secretary to put it in statute that we in the Parliament support our workers in supported workplaces across the country; that we value the high-quality work that they do; and that we think that they are worthy of providing goods and services to our police and fire services.

The measure would be easy to implement. Article 19 of the European Union procurement directive is a piece of EU law that is within the cabinet secretary's gift to put in the bill, easily giving people in our supported workplaces a chance to get the contracts. Amendment 35 also

gives the cabinet secretary the ideal opportunity, which I did not think that he would bypass, to bring the contracts back to Scotland, because at present all the uniforms are made south of the border. I invite the cabinet secretary to reconsider and to support amendment 35, which I will press.

**The Deputy Presiding Officer:** The question is, that amendment 35 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division. As this is the first division at stage 3, I suspend the meeting for five minutes.

10:41

*Meeting suspended.*

10:46

*On resuming—*

**The Deputy Presiding Officer:** I ask members to ensure that their cards are properly inserted into the terminals for the purpose of voting; some cards do not appear to be showing on my screen.

We now proceed with the division on amendment 35. This is a 30-second division, and I ask members to cast their votes now.

#### **For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)

Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

#### **Against**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McGregor, Jamie (Highlands and Islands) (Con)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)

Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 40, Against 77, Abstentions 0.

*Amendment 35 disagreed to.*

*Amendment 36 moved—[Lewis Macdonald].*

**The Deputy Presiding Officer:** The question is, that amendment 36 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)

Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McGregor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)

Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 36, Against 81, Abstentions 0.

*Amendment 36 disagreed to.*

### Section 5—Directions

**The Deputy Presiding Officer:** Group 3 is on directions by the Scottish ministers. Amendment 37, in the name of John Lamont, is the only amendment in the group.

**John Lamont (Ettrick, Roxburgh and Berwickshire) (Con):** Section 5 contains a ministerial power that the Scottish Government has repeatedly asserted will rarely be used and will apply only to non-operational matters. The power enables ministers to direct the authority in any non-operational matter, and the rationale behind it is that it is required to enable Scottish ministers to act in the public interest and to execute the will of the Scottish Parliament if necessary. However, a number of organisations have expressed real concern that the power risks political interference with the police force. The organisations that have expressed concern include the Convention of Scottish Local Authorities, the Scottish Police Federation and the University of Glasgow's Professor Jim Gallagher.

Amendment 37 accepts that a ministerial power may be necessary but seeks to force the minister to justify its use by issuing a statement before it is used. We still believe that there is a lack of clarity about the instances in which the ministerial power will be used. At stage 2, the cabinet secretary said:

"The bill clearly defines the respective roles and responsibilities of the chief constable, the authority and the Scottish ministers. It is absolutely clear that the only person who can direct and control constables is the chief constable."

He added that he was

"not persuaded that a statement ... would add to that clarity."—[*Official Report, Justice Committee*, 29 May 2012; c 1385.]

If the Government is so clear about when and where the power could be used, I question why it does not support the idea of a clear statement being published before the power is exercised. I encourage the Scottish Government to support the amendment.

I move amendment 37.

**Graeme Pearson (South Scotland) (Lab):** As outlined by John Lamont, the authority must comply with any direction—general or specific—that is given by the Scottish ministers. That is an outlandish power, which will be available to ministers in future Governments, and it is not clear how such a power might be used. Amendment 37 offers some comfort to the Parliament about the precise circumstances in which such directions might be given.

Section 5(2) states:

"A direction may not be given in respect of ... a specific operation being or to be carried out by the Police Service".

I presume that that acknowledges the operational independence that our society so welcomes and values. Nevertheless, a general or specific direction that is given by ministers could have an impact on the way in which the police carried out their operational duties.

I ask the minister to give grave consideration to the amendment, which would offer comfort to the Parliament in the knowledge that we would have the opportunity to question a minister and be assured that a general or specific direction was necessary. It would also ensure that the Government was open to accepting some of the advice that was offered by people other than Government ministers.

**Kenny MacAskill:** Following the defeat of his amendment at stage 2, Mr Lamont has reintroduced it as amendment 37. I understand where he is coming from, but I am not sure how he expects ministers to publish a statement that covers all possible eventualities and which, despite that, seems to be set in stone for ever more. More important, the bill is already clear in excluding from the power of direction the way in which specific operations are being or will be carried out. That provides sufficient clarity and protection from interference in on-going or planned operations.

The bill also provides for parliamentary scrutiny by requiring that any direction must be published and laid before the Scottish Parliament. I am, therefore, not persuaded that a statement by the Scottish ministers would add any value or enhance transparency, and I will not support the amendment.

As I have said before, the nature of policing, the nature of society and the nature of crime are continually evolving and it is not reasonable to expect all future eventualities to be addressed prior to the first use of the power. It might be helpful for me, instead of trying to predict all the scenarios in which such a power would not be used, to provide the chamber with some illustrations of when such a power could be used.

The power might be used to ensure that the SPA complies with general Government policy that applies across the whole public sector, such as policy on pay and workforce issues. Alternatively, it might be used to ensure that the SPA takes action on recommendations arising from the work of external independent bodies, such as the Auditor General, parliamentary committees and public inquiries.

**John Lamont:** I am not persuaded by the cabinet secretary's analysis of how the power will operate in practice. Graeme Pearson set out clearly the concerns that we and Labour have about how the power could be used. The cabinet secretary has articulated some of the circumstances in which the power could be used. I do not see why he is prevented from being more explicit on the face of the bill about those circumstances, or why, before the power could be used, he could not come to the chamber to explain them or set them out.

For those reasons, I press amendment 37.

**The Deputy Presiding Officer:** The question is, that amendment 37 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)

McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)

Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 54, Against 63, Abstentions 0.

*Amendment 37 disagreed to.*

### **Section 16—Temporary service as constable of the Police Service of Scotland**

**The Deputy Presiding Officer:** Group 4 is on temporary service in the police service of Scotland. Amendment 9, in the name of the cabinet secretary, is grouped with amendments 10 to 12 and 16.

**Kenny MacAskill:** This is a group of technical amendments that clarify that an individual who is engaged on temporary service with the police service of Scotland has exactly the same status in law as constables who are appointed directly to that service.

Amendments 9 to 11 are minor technical amendments to make the wording consistent.

Amendment 12, which provides that

“An individual engaged on temporary service under such arrangements holds the office of constable”,

replaces three specific provisions on the direction and control, functions, powers and privileges of such individuals. The effect is to clarify that those individuals have exactly the same status in law as constables who are appointed directly to the police service of Scotland. Through amendment 12, we remove the need for the specific powers currently described in section 16(4).

Amendment 16 is a consequential amendment to the definition of constable to confirm that constables on temporary service are included.

I move amendment 9.

*Amendment 9 agreed to.*

*Amendments 10 to 12 moved—[Kenny MacAskill]—and agreed to.*

### **Section 17—Chief constable’s responsibility for the policing of Scotland**

*Amendments 13 and 14 moved—[Kenny MacAskill]—and agreed to.*

11:00

### **Section 26—Police staff**

*Amendment 38 moved—[Lewis Macdonald].*

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

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

**Against**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)

Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 34, Against 81, Abstentions 0.

*Amendment 38 disagreed to.*

#### Before section 40

**The Deputy Presiding Officer:** Group 5 is on examination of police service costs. Amendment 39, in the name of John Lamont, is the only amendment in the group.

**John Lamont:** The Scottish Government has estimated that a single force will result in £130 million-worth of savings a year and £1.7 billion-worth of savings over 15 years. However, those figures are based on an outline business case, on which the financial memorandum was based, that was produced in July 2011. The financial memorandum states that it does not provide a plan or blueprint for the future delivery of the services and is not intended to be used to set future budgets. When giving evidence at stage 1, Chief Constable Smith of ACPOS said that the outline business case was

“never intended by the police officers who were party to it, or by the consultants, to be a document that contained sufficient detail on which to base significant decisions about investment and savings.”—[*Official Report, Justice Committee*, 28 February 2012; c 971-2.]

The Scottish Government’s position is that a full business case is a matter for the services themselves, as it will influence and determine the detailed design of the new police and fire and rescue services. The Government expects that that will be completed at the earliest opportunity that is available to the new services. However, when considering the matter at stage 2, the cabinet secretary initially suggested that a full business case would be produced before stage 3, but then went on to clarify that it was still being prepared by stakeholders and would be produced at the earliest possible opportunity.

Our amendment seeks to force the Scottish Government to publish a full business case before the implementation of the act. It is hugely regrettable and, frankly, unacceptable, that that has not yet been produced by the Scottish Government.

We all accept that the reason behind the creation of a single police force is to produce a more efficient service, but the Scottish Government has not even produced fully thought-out evidence to the Parliament that shows what savings will be delivered.

Additionally, our amendment seeks to compel the Auditor General to review the savings that are made by the creation of a single force, following the publication of the full business case. That must be done as soon as is practicable after the creation of a single force, and the report must be laid before the Scottish Parliament. We decided against the inclusion of a time period on the basis



that that might restrict the Auditor General or the information available to him.

Although the bill allows the Auditor General to consider the efficiency of the single service, it does not explicitly state that any report must consider the savings that are being made. Those are the figures that we need, which is why the Scottish Conservatives have proposed the amendment.

I move amendment 39.

**Graeme Pearson:** Supporting John Lamont is becoming a habit with me, but I will try to break it as I go on. *[Interruption.]*

**The Deputy Presiding Officer:** Order.

**Graeme Pearson:** I am pleased to have awakened the Government benches.

John Lamont has pointed out an important matter that members should take seriously, which is that we are going to upset a £1.4 billion business to its very foundations and move it forward in less than a year's time. In the Justice Committee, we repeatedly invited witnesses to share with us the process for producing a full business case. As was said earlier, Kevin Smith indicated that his initial understanding had been that such a case would be produced by the Government but that he subsequently became aware that the service was to produce the full business case. He gave a commitment that that case would be made available as soon as reasonably possible and he said that he thought that the majority of the work would be completed within four weeks—that would have been in March this year.

Last week, I asked the cabinet secretary whether he could share with us the business case that had been promised in the committee. After some fudging, I received a letter only yesterday that indicated that no business case was available yet and which referred me back to the service and indicated that it would prepare the business case.

Amendment 39 is a reasonable amendment, because any organisation would want to have a comprehensive understanding of reorganisation costs and whether proposed savings were achievable. I invite the cabinet secretary to agree to the amendment.

**Lewis Macdonald:** Amendment 39 offers ministers the opportunity to improve the transparency of their decision-making process. As we have heard, the Government's outline business cases were heavily criticised at the time of publication last year. At stage 2, the cabinet secretary appeared to be prepared to at least consider publishing a full business case before the completion of the bill's parliamentary process, but he then reverted to his stage 1 position, which was

that the business case was a matter for the new services.

That seems to me to miss the point of the business case, which is surely to answer the question whether the sums add up before committing to proceed with the changes that the Government has in view. I do not know whether the minister will regret that decision on the business case, but I suspect that the new services might regret being launched into their new format without full business cases having been prepared.

I, too, think that amendment 39 is commendable because, clearly, a report by the Auditor General on the costs before and after the merger of the police and fire services could only improve transparency. Many questions have been asked about the costs, benefits and savings from the mergers, so it would be a matter of regret if the Government chose not to allow the Auditor General to answer those questions.

**Kenny MacAskill:** Under subsections (1) and (2) of the section that amendment 39 would insert, the Scottish ministers would have to publish a full business case before commencing parts of the bill under section 124. As I said at stage 2, the outline business cases, produced in accordance with Treasury guidance and published in September 2011, provided a strong, evidence-based case for the move to single services. Both those business cases demonstrated that single services were the most likely to deliver the necessary savings and other benefits of reform. It was on that basis that we introduced the bill.

Full business cases are to be produced to set out in detail the effect of delivering single services. To enable those business cases to be produced, a series of critical decisions on the design and delivery of the services is needed. It is sensible and right that those decisions should be taken by the police authority, the SFRS board and the chief officers once they have been appointed. They include decisions on the size and shape of the executive teams to lead the services; on the configuration of specialist services such as firearms, murder investigation and flood rescue to meet the needs of communities across Scotland; and on how support services such as HR and training are delivered.

Parliament and the services themselves would be rightly critical if ministers sought to take such decisions on the services' behalf. The two services need to take ownership of the new structures that we are creating and make the detailed decisions that will enable full business cases to be produced. It therefore does not make any sense for the Government to produce full business cases before those decisions have been made.

On subsections (3) and (4), the bill already enables the Auditor General to initiate examinations into the economy, efficiency and effectiveness of the police authority and the police service and the arrangements that they make in relation to best value. Those provisions give the Auditor General full scope to undertake the type of activity that is suggested by the amendment. However, it is important to emphasise that, under the Public Finance and Accountability (Scotland) Act 2000, the Auditor General is deliberately independent of the Government and the Parliament, and it should not be for us to tell him or her—the Auditor General will soon be a her—what to examine or how and when to examine it. However, I assure Lewis Macdonald that, following discussions with the Auditor General, I am confident that he or his successor would respond positively to any request from the Parliament to examine the new services.

**John Lamont:** During this debate about the creation of a single police force, the cabinet secretary and the Scottish Government have made a huge amount of the massive savings that would be delivered. For the cabinet secretary to come to the Parliament at the final stage of the bill and not have a full business case that explains how the savings will be achieved and not show how the business case will be set out is unacceptable. The onus must be on the Scottish Government to produce more information beyond the outline business case, on which it was never intended that efficiency savings and structural change would be based. That has been made absolutely clear by those who prepared that report.

For those reasons, I will press amendment 39.

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

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)

Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)

Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 54, Against 63, Abstentions 0.

*Amendment 39 disagreed to.*

### **Section 45—Local policing**

**The Deputy Presiding Officer:** Group 6 is on the local authority role in policing and fire and rescue services. Amendment 40, in the name of Lewis Macdonald, is grouped with amendments 41, 43 to 47, 47A, 15A, 62 to 65 and 21A.

**Lewis Macdonald:** This group of amendments goes right to the heart of the bill and to the unfinished business at its heart.

A single police force and a single fire and rescue service could have been achieved in a number of different ways, of course. Ministers have chosen to create centralised national services, to take the police and fire services out of the local government family altogether, and to concentrate all power over the new services in the hands of the Scottish Government and boards that are appointed by ministers. Those who believe that civil servants or ministers know best will be rubbing their hands with glee, but those who believe that the best defence of a democratic society, particularly in relation to a service such as the police, lies in a division of powers will worry about how that concentration of powers will work in practice.

Not only that, but the Government's decision to end the tripartite division of power among local authorities, chief constables and St Andrew's house in favour of a simple centralised power structure has also proved to be singularly ill-advised when it comes to saving money.

11:15

Amendment 43, in my name, is, word for word, one of the two illustrative amendments that the cabinet secretary offered the Treasury as an incentive to grant the police and fire services exemption from VAT. Mr MacAskill shared them with the Treasury long before he shared them with members of the Justice Committee, for reasons that I understand, but now, when push comes to shove, he has chosen not to lodge them. That is surprising, as enabling local councils to continue to specify extra services or extra officers was meant to be enough to persuade Treasury ministers to treat the new services as if they were local council services, yet it now appears that Mr MacAskill does not want to do that.

It is perhaps hardly surprising that Treasury ministers were not convinced. Mr MacAskill's wizard wheeze represented less than 1 per cent of the total police service budget, as more than 99 per cent was still to come directly from central Scottish Government funds. Surely the whole point of a fig leaf is not to drop it while one is still arguing the case. If Mr MacAskill has indeed dropped his fig leaf, it is difficult to see how his continuing correspondence with Treasury ministers can have a positive effect.

**The Cabinet Secretary for Parliamentary Business and Government Strategy (Bruce Crawford):** Has Lewis Macdonald spoken to his colleagues in the better-together camp to persuade them that they are going in the wrong direction? He should talk to his friends on the Tory benches and get it sorted out.

**Lewis Macdonald:** It is a fair question, but the person who ought to have been speaking to the Tories long before the bill was introduced is not one on the Labour benches; it is the minister who is responsible for bringing forward the reform. As we have seen from Bruce Crawford's intervention, the minister who is responsible clearly failed to do that part of his job in order to secure these savings to the police and fire service budgets.

If Scottish ministers genuinely believed that they had a case for exemption from VAT, they might usefully have sat down not only with ministers at Westminster but with COSLA to work out a governance structure that would keep a significant part of police and fire funding within the local government family. It is a curious kind of partnership between local and central Government

when local services are taken wholly into the centre and ministers then resist any measures to secure local input to the new national governance structures.

Ministers argue that the partnership lies not in who runs the boards but in the new relationship to be struck up between councils and services at a local level. They proclaim that, instead of just a few councillors on joint boards, every councillor in every council will be able to have something to do with police and fire services. However, as things stand, those councillors on joint boards are in charge of regional as well as local strategy, they have responsibility for police and fire budgets, and they appoint the people who lead those services.

The current system does not work as well as it should and change is required, but the powers in the bill for the 32 councils simply to draw up local policing and fire and rescue plans fall a long way short of the input that councillors have at present. Under the proposed system, councils will be toothless and powerless, with no recourse if the local commander does not want to listen, no right of access to budgetary information, and no say in who their local commander is to be. Only in Kenny MacAskill's ideal world of perpetual consensus will the structures in the bill deliver meaningful local accountability, because only the cabinet secretary appears to believe that councillors will be queueing up for the chance to participate in these talking shops.

Our amendments in the group propose to give councils a say in the appointment of local commanders and senior officers; to provide for reports on budgetary changes, including those between the status quo and the first year of the new force or service, and on costings and staffing under the local plans; and a statutory right to take local disagreements or concerns to the chief constable or chief fire and rescue officer. They do not overturn chief officers' responsibility for delivering their services, which sits at the heart of the bill, but they go some way towards righting the balance and I believe that they will be widely welcomed by councillors of all parties. If ministers had also welcomed them, we could have been confident that they understood the need for balance and proper limits on the exercise of centralised control.

I move amendment 40.

**John Lamont:** Local authorities will incur considerable costs as a result of the bill. After all, local authority representatives or staff might well sit on the Scottish police authority and local authorities will have to scrutinise and monitor the drafting and implementation of local police plans. During its consideration of the bill, the Local Government and Regeneration Committee heard from COSLA that the estimated costs for local

authorities are likely to be between £3 million and £5 million to cover elected members' time, policy support, research, analysis and administrative support. Amendment 45 seeks to force the Scottish Government to ensure that sufficient funding is available for local authority engagement with and scrutiny of the single police force; to ensure that the creation of a single force does not leave local authorities out of pocket; and to protect local authority scrutiny of local policing, thus enhancing local accountability.

On amendment 47, the bill states that a local police plan is to be prepared by the local commander and submitted to the local authority for approval; that, in preparing the plan, the commander must consult such persons as he or she "considers appropriate", which might include local authorities, and that the plan can be amended "at any time" on agreement of the commander and the local authority. However, the bill provides no more detail on what happens when the local commander and the local authority cannot agree and section 48, for example, is unclear about what happens if the local authority does not approve a plan. Our amendment seeks to place an obligation on the police authority to draw up a mechanism to address situations in which the local authority and the local commander disagree over a policing plan. That mechanism must be in place before the first strategic plan is approved to provide clarity on what happens if there is disagreement and avoid stalemate. It is also designed to ensure that local commanders do not ignore the wishes of local authorities and to provide transparency in decision making at a local level.

The Scottish Government's position is that there is a risk that an explicit dispute resolution mechanism would become the option of first rather than last resort and would detract from the important relationship between the local authority and the local commander. Surely that does a disservice to the professionalism of our councils and local commanders. The existence of a mechanism to deal with disagreements would not lead to councils ignoring the need for mature debate and negotiation. The alternative is that the bill remains totally silent over what happens when there is disagreement.

Amendment 47A seeks to put in place an additional protection for local accountability by requiring the authority to submit the dispute resolution mechanism for approval to the Scottish policing commission, as proposed in a Labour amendment that will be considered later.

**Alison McInnes (North East Scotland) (LD):** I fully support all the amendments in this group. The bill and, indeed, the entirety of the Government's plans are woefully short on true local

accountability and lack any real controlling role for local authorities in setting the course of policing in their areas.

The measures in amendments 41 and 62 are vital if local authorities are to have any realistic hope of monitoring how emergency services are serving their areas and, more important, whether the much-vaunted local police plan is being fully implemented. Without information on what resources are being allocated to each area, local authorities will in effect be operating in the dark.

**Sarah Boyack (Lothian) (Lab):** As Lewis Macdonald has made clear, these amendments go to the heart of our police force's future shape and are vital in ensuring effective policing in every part of Scotland. We support the better use of national resources for policing, but it is crucial that such an approach be balanced with improved local accountability.

I strongly support Labour's amendments in this group, because they are about ensuring accountability and getting clarity on what is available for policing. In Edinburgh, for example, the police board's investment in policing is regularly topped up with local police officers who serve our communities in dedicated posts but, for that to continue, we need to know the baseline not just now but every year thereafter. Such a key financial safeguard should be in this bill.

Local police plans should set the shape of policing in our local communities. We need to see a picture of what local policing can be expected by people. There will always be a tension between national and local delivery, but with local councillors serving on boards we will get accountability—it will not come from the new centralised national police force. Without clarity on funding and the staffing resource that is to be deployed, there will be less influence, less accountability and less sensitivity to policing in our local communities. That will be a huge missed opportunity. It cannot be in the interest of good government and it is certainly not in the interests of transparency. Where will the complaints from our local communities go? Will they end up with the national police board, on the ministers' desks, or in the Parliament? We are centralising our national police force, but it does not need to be like that.

As Lewis Macdonald pointed out, we will squander huge amounts of resources that the bill could have made available for policing on our streets and in our communities. COSLA is clear that it wants a more integrated local community service through our police. That could be achieved through these amendments. They would give us democratic scrutiny and engagement and deliver better outcomes for our communities, so I ask the minister to reconsider. This is about strengthening

our national police force so that it is balanced by local accountability. The bill will take us in the wrong direction. If the cabinet secretary and his back benchers do not support our amendments today, it will be unfinished business for the Labour Party. This is not the bill that the Parliament should pass.

**The Deputy Presiding Officer:** I have had a late request from Kevin Stewart to speak.

**Kevin Stewart (Aberdeen Central) (SNP):** I rise to my feet as the longest-serving member of Grampian police board. I do not recognise the picture of local accountability in the operation of police boards that is being painted by Labour and Tory members. The reality is that a few members from each local authority serve on the board. They do not represent their councils on that board—they represent the board. The reality of the bill is that there will be more local accountability than there has ever been. Members of the Opposition should have spoken to members of police boards before they made their speeches today.

**Kenny MacAskill:** Of course tensions and disagreements will arise; that is a natural function of scrutiny and engagement between boards and those who operate with them. However, it would be disproportionate to require a legislative solution. The bill will create a framework for delivery of shared local outcomes, which will give local authorities broad powers to shape delivery and to hold local commanders and senior officers to account. It is clear where ultimate responsibility for local services will lie: the chief constable and the SFRS will be responsible for ensuring that adequate service delivery arrangements are in place in each local authority area.

I believe that the lines of accountability in the bill provide more than sufficient clarity that unresolved concerns about local delivery will be able to be directed to the chief constable or the SFRS without the need for separate statutory provision. I invite members to recall the evidence at stage 1, including that from representatives of the Society of Local Authority Chief Executives and Senior Managers, ACPOS, police authority conveners and staff associations, which comprehensively rejected statutory dispute resolution. Therefore, I see no grounds for supporting amendments 44 and 65.

Similarly, amendments 47 and 47A would bring us back to statutory dispute resolution mechanisms, which have been discussed on numerous occasions. Have we so little faith in the ability of local partners to work together to resolve difficulties maturely that we need to provide detailed escalation and arbitration routes in statute?

Amendments 41 and 62 resurrect amendments that were defeated at stage 2, with slight adjustments, and are supplemented by amendments 15A and 21A. I welcome Mr Macdonald's recognition of the difficulties that new services will face in providing information that preceded their establishment. However, the other concerns that I raised at committee still stand. I remind Mr Macdonald that we are not creating 32 police forces and 32 fire and rescue services. We are creating single services, which will deliver all aspects of policing and fire and rescue, wherever and whenever they are needed and which will deploy specialist resources to meet the needs of communities. The deployment of such resources will often be demand led, varying from day to day, week to week and year to year. The resources that are deployed in any area on one given day could very well be different on another day. On that basis, I cannot support those amendments. However, I can reassure Parliament that the police are already leading work that will identify the number of local community and response officers in each local authority area. That will be a core part of the local plan and will provide transparency to the council and communities from day one.

11:30

Similarly, amendments 46 and 63 would require local plans to include additional information on budget allocation and workforce deployment.

Local officers will deliver across all of the priorities and objectives set out in the plan. For example, a community police officer might be talking to primary kids about drugs in the morning but dealing with a domestic abuse incident in the afternoon. Does Mr Macdonald really think that it is sensible and practical to allocate the budget for that police officer to different objectives?

The bill already requires local plans to set out how the services propose to deliver local priorities and objectives. That is a far more meaningful requirement—it focuses on the means by which outcomes will be delivered, rather than on detailed costings or on a head count of personnel who are expected to be deployed in a local area. I therefore cannot support those amendments.

Although local authorities will no longer have responsibility for the funding and operation of the police service, they will have an important role in shaping and scrutinising police and fire and rescue services in their area. I recognise that local authorities will want to ensure that they have sufficient on-going resources for that role. I assure members that, as is normal, those costs will be met through the local government settlement and that there will be discussions with COSLA on that settlement. A statutory duty is not required for that

to happen and, therefore, I cannot support amendment 45.

I support amendment 43, in the name of Lewis Macdonald, which provides clarity around the role of the local authority.

I also support amendments 40 and 64. The relationships between the local authority and the local commander and between the local commander and the local senior officer will be critical to the success of local relationships, and those amendments reflect best practice without giving the local authority the power to veto an appointment.

I will briefly touch on the matters raised by Mr Macdonald with regard to VAT. We discussed with COSLA whether it wished us to lodge the amendments irrespective of the attitude taken by the Treasury, it said no and we have obliged.

I know that many eyes in the United Kingdom will be focused on Northern Ireland today as the Queen meets Martin McGuinness. It might be useful to explain why the Police Service of Northern Ireland will be VAT exempt but the police service of Scotland will not be—better together indeed. It might be useful to explain why, despite what we offered, academy schools and police commissioners in England will be VAT exempt, but the police service of Scotland will be liable to meet VAT—better together indeed. It might be quite important to point out why the only police service in the UK that will not be VAT exempt is the police service of Scotland. Let them explain how we are better together.

These matters can be addressed by changing VAT south of the border. That opportunity is there to do that, given the new alliance that there is in this chamber, across the country and, doubtless, in Westminster. If members want to make sure that our police service is not liable to VAT, they need to make sure that action is taken south of the border—otherwise we will take those powers once there is constitutional change.

**John Lamont:** Is it not the case that the UK Government set out circumstances in which a new force would be able to claim the VAT exemption but the Scottish Government chose to ignore those circumstances and press ahead with the reform regardless, thereby costing the new force this money?

**Kenny MacAskill:** The Scottish Government offered a whole variety of proposals that mirrored matters that had been dealt with south of the border to address national parks not being subject to VAT. Other examples are academy schools, which were recently brought in, and police commissioners. Each and every one of the suggestions that we put forward was rejected. We asked what would be acceptable and the UK

Government refused to provide us with any options.

The position remains quite clear: this Government has done everything to ensure that our police service is not the only police service in the whole of the United Kingdom that is found liable to meet VAT. The situation can be changed by a simple amendment to an act of the British Parliament. If those who operate in the better-together campaign cannot change that south of the border, they should allow those of us who wish to make that change to have the powers to allow this Parliament to rectify the mistakes and arrogance from down there.

**Lewis Macdonald:** I am glad that the cabinet secretary has agreed that local authorities should have a role in appointing local commanders and chief officers. I am confident that amendment 41 has broad support in local government, and that it will take us a small step in the right direction.

However, I am disappointed that the cabinet secretary will not support a number of the other amendments in group 6. He has said that he will vote for the amendment that he lodged himself, and which he brought to the table to discuss with the Treasury a few weeks ago. That is welcome, although perhaps not surprising.

I am afraid that the bad news for Mr MacAskill is that five minutes of grandstanding in the Scottish Parliament at the end of the bill's process is no substitute for the hard work of negotiating with other Government departments at the appropriate time before introducing legislation that was not only—[*Interruption.*]

**The Deputy Presiding Officer (John Scott):** Order.

**Lewis Macdonald:** Not only was the legislation in the manifestos of Scotland's major parties, but ministers knew before they began that they had not resolved the issues. That is not responsible government, nor is it the right way to obtain agreement. If that is a taste of the type of diplomacy that would be on offer in an independent Scotland, it is no wonder that two thirds of the Scottish people want nothing whatever to do with it.

The amendments in group 6 address the key weaknesses in the bill. The police service is not just another service and local government is not just another stakeholder, and the bill will profoundly change the relationship between the two.

I was interested to listen to Kevin Stewart deriding the police boards' accountability for delivery of police services under the current arrangements. He told us of his long service on Grampian joint police board, untroubled by any

twinges of concern that he ought to be accountable to anyone for the decisions that he chose to make. That is a disturbing tale, and there is no doubt that there is a need for change.

**Kevin Stewart:** Mr Macdonald again paints the wrong picture. We were accountable, but we were not accountable to the local authority, and thus we were not accountable to the electorate of a local authority. Mr Macdonald needs to get that absolutely right, because all councillors and their constituents will now have a say in that, which they did not have before. He must admit that fact.

**Lewis Macdonald:** Perhaps we now have an explanation for one of the mysteries that has troubled me during the bill process. I hear from Scottish National Party councillors that they are concerned about the loss of local accountability and input, but I do not hear that from SNP back benchers. Perhaps they all believe, like Kevin Stewart, that members of police boards elected by the local community are accountable to nobody but themselves. That is a deeply disturbing vision.

Mr Stewart and every other member of every police board up and down the country are, of course, accountable to the people in the communities that they serve. That is surely the principle that should underpin the new boards that we are putting in place under the reforms in the bill.

There is a case for change. The point has been raised that those who are concerned about local accountability should talk to members of police boards. Not only have members on the Labour benches talked to members of police boards, but the Justice Committee took evidence at stage 2 from members and conveners of police boards. Although they had different views about the bill's general principles, they were all but unanimous in believing that extra measures were required in order to improve local accountability to communities for the decisions that are taken by those boards. The amendments in group 6 have been lodged on that basis.

I am disappointed that the cabinet secretary does not recognise, for example, the reassurance that would be given to a community by there being transparency about the money that is spent on policing in a community today and on the money that will be spent in it after the creation of the single force. That would not take away from the fact of there being a single force, but would make it accountable to the local community. That is the basis on which we have lodged our amendments, and it is on that basis that we will press them.

*Amendment 40 agreed to.*

*Amendment 41 moved—[Lewis Macdonald].*

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

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**Against**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)

Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 54, Against 63, Abstentions 0.

*Amendment 41 disagreed to.*

**Section 46—Local authority role in policing**

**The Deputy Presiding Officer:** We move to group 7, which is on gender balance. Amendment 42, in the name of Jenny Marra, is grouped with amendments 52 and 70.



**Jenny Marra:** Amendments 42, 52 and 70 are a package of amendments to introduce a better gender balance on the boards of Scotland's national fire service and national police service, as well as on any local police boards that are created under the bill. They seek to address the systemic underrepresentation of women in Scotland's public sector decision-making bodies, which is stark in our justice system, by harnessing the progressive policy of gender quotas that is used by many of our European neighbours, including Finland, Norway, Denmark and Iceland.

In Scotland, justice feels like men's business. On our police boards, 18 per cent of members are women. On our fire boards, women fare slightly better—they account for 22 per cent of members. That trend is ever prevalent in other areas of our justice system. Men comprise 80 per cent of members of the Scottish Legal Aid Board and of the Scottish Law Commission, 86 per cent of members of the Scottish Police Services Authority and 70 per cent of members of the Judicial Appointments Board for Scotland.

Women's voices are drowned out in scrutiny of our police and fire services and of our whole justice system. Our police and fire services deal daily with gender-based domestic violence and prostitution. Under their current composition, with such systemic imbalance, our boards cannot scrutinise properly. At the heart of Scotland's justice system lies a problem that our European neighbours realised years before us: it is not possible to address an underlying culture of underrepresentation without taking action.

Amendments 42, 52 and 70 would guarantee nothing more than men and women have 40 per cent each of appointments to the boards of Scotland's single police and fire services. That represents a minority stake, which allows for 20 per cent flexibility. The same approach was recently put to the Cabinet Secretary for Education and Lifelong Learning, Mike Russell, by the higher education governance review, which recommended exactly the same 40:40:20 model for university courts, to emulate our European neighbours.

11:45

The Scottish Trades Union Congress, Oxfam, the National Union of Students and Engender have all backed the amendments in group 7. As they and our European neighbours believe, Labour believes that the proposed measure is progressive; the bill gives us the opportunity to design the decision-making bodies of our single services using a progressive image of how we should all expect our decision-making bodies to look. By agreeing to amendments 42, 52 and 70, we can take a small step towards changing the

wider culture in our justice system, which drowns out the needs and concerns of the majority of our population.

I move amendment 42.

**Margaret Mitchell (Central Scotland) (Con):** I sympathise tremendously with the sentiment behind Jenny Marra's amendments, which are similar to stage 2 amendments that she lodged. However, to single out one equality strand—gender—for special treatment could discriminate against other equality strands, when appointments must be made on merit. I very much regret that, for that reason, I cannot support the amendments.

**Alison McInnes:** I thank Jenny Marra for lodging the amendments and congratulate her on how she spoke to them. I support the intention behind the amendments. Until now, I have been reluctant to argue for quotas, but it is clear that voluntary action is not working. We had a useful debate about that in the chamber only a couple of weeks ago.

Let us take a small step forward. From the outset of the new police service, let us make it clear that we respect women equally in our society. If policing is about keeping communities safe, the police authority should take account of women in our communities in setting strategies and priorities. To include women on boards from the outset in the suggested way would be a good signal.

I say to Margaret Mitchell that the proposed approach would not "single out" an equality strand. All the other equality strands are subsets of the gender imbalance, so we must consider the way forward.

**Dennis Robertson (Aberdeenshire West) (SNP):** I cannot support the amendments from Jenny Marra on gender, because they would discriminate against all the other equality strands. Alison McInnes said that the amendments would not discriminate, because they relate to gender balance. However, if we are to be for equality, we must refer to women, race and disability and not just to women alone.

**The Minister for Community Safety and Legal Affairs (Roseanna Cunningham):** I recognise that Jenny Marra and others are passionate about gender equality, although others are passionate about all equalities. Given my position, I am hardly likely to disagree about increasing women's representation on the boards of public bodies. However, I disagree with Jenny Marra's idea that setting such quotas for the bodies that the bill will establish would be a helpful approach.

**Johann Lamont (Glasgow Pollok) (Lab):** Will the minister take an intervention?

**Roseanna Cunningham:** We want to appoint the best people to run the Scottish police authority and the Scottish fire and rescue service on the basis that they have the right blend of skills and experience to manage those vital public services.

**Johann Lamont:** Will the minister take an intervention?

**Roseanna Cunningham:** I will let in the member in a moment!

**Members:** Ooh!

**Roseanna Cunningham:** I do not accept that the choice should be constrained by quotas for any one group.

Now I will let the member in.

**Johann Lamont:** Is the minister seriously suggesting that a body of which 80 per cent are men reflects the talents and abilities of the people of this country? It is incredible to suggest that men forming 80 per cent of a body entirely reflects merit. What an attitude that shows to the women of this country.

**Roseanna Cunningham:** As Johann Lamont must be aware, many organisations that involve her party—including some of the new local authority administrations—can impose such measures internally if they wish to do so. It is interesting that they do not do that.

Parliament recently supported a motion recognising the progress that has already been made by the Scottish Government to improve diversity in the public appointments process, resulting in 34 per cent of public appointments in 2011-12 being held by women. That is not the end result, but the picture is improving and we accept that there is more to do. In fact, I had a conversation about board membership with a fire board yesterday morning. We did not just discuss gender equality because we need also to look at other equality issues.

Appointments to the SPA and SFRS will be made through the public appointments process that all Governments have been happy to use in the past, including Johann Lamont's own party's Government, and we will ensure that underrepresented groups are encouraged to apply. That, of course, includes groups other than women. We will actively raise awareness of the forthcoming appointments through senior women's networks and other diversity and equality organisations. We are also raising awareness in more general ways by opening up registration this week for packs to be issued on the date of publication of the advert.

Ms Marra's amendment 42, which seeks to impose gender quotas on local authority committees, is even more restrictive. Not quite 25

per cent of local councillors are women. Although that might be a record high, if a quota of 40 per cent women is set for police and fire committees, I presume that committees that work on other issues are likely to end up being all male, which is certainly not a desirable outcome. The Government recognises that women should be more equally represented in public life, and we are working to improve the situation. We need to increase the number of women who are putting themselves forward for appointments and we need to make sure that more women are able to progress through organisations to gain the skills and experience that public appointments panels look for.

I cannot support the imposition of statutory quotas for individual bodies.

**Jenny Marra:** I will press my amendment because I believe fundamentally that it is the progressive measure that we should introduce. The party of government likes to talk the talk of being progressive, but when it comes down to action, it rarely walks the walk.

**Mark McDonald (North East Scotland) (SNP):** Does Jenny Marra accept that if the political will existed, what she seeks could be achieved? For example, in Aberdeen, the SNP appointed a 50:50 gender split to the police and fire boards, but the Labour Party appointed a 100 per cent male board.

[*Interruption.*]

**The Deputy Presiding Officer:** Order! Order!

**Jenny Marra:** I absolutely agree that if the political will was there on the issue, the Government would vote for it and put it on the statute. If Mark McDonald wants to audit council representation across the country, he will find that Labour has far more female councillors across the 32 local authorities than does the SNP.

As the Conservatives said, people are always sympathetic to this kind of action, but as I pointed out in my opening remarks, our European neighbours have found that sympathy or encouraging the use of packs of CDs and brochures, such as those that the minister is about to send to people, does not make a difference. Our European neighbours have decided that the progressive and proper way forward is to put the measure on the statute book. In 20, 30 or 50 years, we will look back on today's debate and see that it was the right thing to do.

As for discrimination against other minorities, my party would be happy to come to the chamber to debate better representation for all our minorities, but each minority group deserves to have that time for itself. The Government should not package them all up and say that we do not

care about other minority groups because we want to vote for gender equality.

Fundamentally, I lodged amendments 42, 52 and 70 because I feel that our police and fire services deal daily with serious gender issues and that those issues are not receiving the scrutiny that they deserve. I encourage the Government to rethink its position and to support amendment 42.

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

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)

Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 40, Against 77, Abstentions 0.

*Amendment 42 disagreed to.*

*Amendment 43 moved—[Lewis Macdonald]—and agreed to.*

*Amendment 44 moved—[Lewis Macdonald].*

**The Deputy Presiding Officer:** The question is, that amendment 44 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 54, Against 64, Abstentions 0.

*Amendment 44 disagreed to.*

*Amendment 45 moved—[John Lamont].*

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

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)

Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 54, Against 64, Abstentions 0.

*Amendment 45 disagreed to.*

#### Section 48—Local police plans

*Amendment 46 moved—[Lewis Macdonald].*

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

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)

Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 55, Against 64, Abstentions 0.

*Amendment 46 disagreed to.*

*Amendment 47 moved—[John Lamont].*

*Amendment 47A moved—[John Lamont].*

12:00

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

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**Against**

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)

Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 53, Against 64, Abstentions 0.

*Amendment 47A disagreed to.*

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

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**Against**

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)

Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 54, Against 63, Abstentions 0.

*Amendment 47 disagreed to.*

**Section 50—Appointments, promotions etc**

**The Deputy Presiding Officer:** Group 8 is on the conditions of retirement of the chief constable and the chief officer. Amendment 48, in the name of Lewis Macdonald, is grouped with amendment 56.

**Lewis Macdonald:** The amendments are intended to address the issue of the proper reward



of chief officers and, in particular, the specific issue that is raised about the conditions of their retirement.

The intended salary of the new fire chief was announced recently: in this age of austerity, that individual will be required to get by on a mere £165,000 a year. Of course, the question may be asked who came up with such an imaginative step for the use of taxpayers' money. Was it a sub-committee of former chief officers, a cabal of aspiring civil servants, or a panel of candidates for the job? Perhaps it was Mr MacAskill's idea to take the biggest salary that the Government dispenses and simply add a five-figure sum—to reflect the increased scale of the responsibility, of course.

We gave the cabinet secretary the opportunity at stage 2 to explain his thinking and the process, but he chose not to take it, so today we raise the related issue of the reappointment of chief officers. Under the bill, chief officers can retire, be paid a lump sum, and then get back on the team to do much the same job, at much the same salary, but with a tidy little sum already salted away. That is good for chief officers, but it is perhaps not the best way to look after public money.

The issue is not the fitness or otherwise of retired officers to do the job; for me, that question does not arise. The question is one of equity. If retired teachers can work as supply teachers but are required not to take on a full-time teaching job that would take that job away from a colleague who has chosen to keep working, it is hard to see why the chiefs of the police and fire services should be any different.

The amendments are designed simply to ensure that retirement means what it says, and that public servants are treated much the same, whether they are running the new national police and fire services at unprecedented salaries, or leading a local school. It is not about favours; it is about fairness, and the point at which we make the transition to the new national services is surely the point at which to address the anomaly.

I move amendment 48.

**Kenny MacAskill:** I fully understand what Lewis Macdonald is seeking to achieve through his amendments. I share his concerns about the cost to the public purse and the message that such a reappointment would send to the public. However, I cannot support the amendments.

There may be unforeseen and exceptional circumstances in which it would be appropriate to reappoint a retired chief constable or chief officer. Any such appointment would have to be consistent with the principles of best value, and only in exceptional circumstances could the reappointment of an individual who has retired, is

in receipt of a pension and has benefited from a lump sum deliver best value.

**Lewis Macdonald:** That is helpful. If amendment 48 is not agreed to, will the cabinet secretary issue guidance to the new services to indicate that such a reappointment should happen only in exceptional circumstances?

**Kenny MacAskill:** I am happy to put on record that it would happen only in exceptional circumstances that, in all likelihood, would never arise. However, we must prepare for every eventuality. The chief constable and senior team might be incapacitated for some reason. We have seen such instances that have affected the Police Service of Northern Ireland, and there have been difficulties in the higher court in Scotland. I am happy to put on record that I am talking about exceptional circumstances that we do not expect to occur. Nevertheless, we must prepare for every eventuality.

I assure members that the appointment of chief constables must be approved by the Scottish ministers, and I would expect there to be very good reasons for a reappointment before it would ever be approved.

**Lewis Macdonald:** It is encouraging to hear the cabinet secretary make that clear statement. However, it would be even more encouraging for the matter to be made clear in the bill by amendment 48. A statutory provision would offer certainty. The cabinet secretary will be aware that there have been concerns about such matters in different parts of Scotland. On that basis, although I take on board the cabinet secretary's comments, I am inclined to press amendment 48.

**The Deputy Presiding Officer:** The question is, that amendment 48 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a one-minute division.

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)

Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)

Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 40, Against 76, Abstentions 0.

*Amendment 48 disagreed to.*

#### Section 74—Functions of inspectors

**The Deputy Presiding Officer:** Group 9 is on the functions of inspectors. Amendment 49, in the name of Graeme Pearson, is the only amendment in the group.

**Graeme Pearson:** Amendment 49 seeks to amend section 74 as it applies to Her Majesty's inspectorate of constabulary for Scotland. The function of HMICS is to have the skills and experience necessary to act as a professional adviser not only to Government, but to chief officers. The functions of inspectors as laid out in section 74 do not refer specifically to the constables and police staff who are engaged in the policing of Scotland.

Given the controversies that have occurred over the past few years with regard to the balance between police constables and support staff, and the unforeseen impact of the commitment to the additional 1,000 police officers, whereby more than 1,000 support staff have apparently gone missing from the service, it would be reasonable, not only for this Government but for future Governments, to include in the functions that HMICS could make inquiry about, the adequacy of the numbers of constables and police staff in ensuring that the objectives that are set out in the

strategic policy priorities and local police plans are met.

It would not be unreasonable to expect that HMICS could deliver on that. The knowledge that HMICS would be able to pay attention to matters in relation to staff and report accordingly would offer some comfort and support to those staff. Although such reports would not be mandatory, they would offer an independent and expert assessment of the current wellbeing of the police force at any one time.

I move amendment 49.

**Kenny MacAskill:** When amendment 49 was debated by the Justice Committee at stage 2, Mr Pearson said that we should place concerns about staffing issues and police numbers on record in the bill to show the public that we identify with those concerns. However, I consider that concerns about staffing and police numbers are best addressed through the regular face-to-face engagement between me and my officials and various representative bodies, such as the Scottish Police Federation and Unison.

The bill gives Scottish ministers the power to direct HMICS to carry out inquiries into any matter that we consider appropriate. I could direct HMICS to do what Mr Pearson suggests without it needing to be specified in legislation.

Giving an isolated example of the kind of thing into which HMICS may inquire could be construed as intending some sort of limit on the kind of inquiries that HMICS is to make. That would be an unfortunate unintended consequence, therefore I cannot support amendment 49.

**Graeme Pearson:** I am disappointed at the cabinet secretary's response. I press amendment 49.

**The Deputy Presiding Officer:** The question is, that amendment 49 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)

Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**Against**

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)

Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 55, Against 62, Abstentions 0.

*Amendment 49 disagreed to.*

#### After section 92

**The Deputy Presiding Officer:** Group 10 is on statement on compliance with the objective of OPCAT. Amendment 50, in the name of Lewis Macdonald, is the only amendment in the group.

**Lewis Macdonald:** The bill is about restructuring the police and fire services, but chapter 16 is designed to meet in Scotland the United Kingdom's obligations under the optional protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was agreed by the United Nations 10 years ago.

The objective is described in section 90 as being to establish

"a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty".

12:15

If that meant all the places in which people are deprived of their liberty, I suspect that we would not now be facing proposals from Mr MacAskill to

abolish prison visiting committees, which are well designed to be OPCAT compliant. However, it was made clear at stage 2 that the bill does not affect prisons, and ministers were clear that they did not want it to. Therefore, the amendment, like the bill, relates only to people who are deprived of their liberty in police custody.

The bill places firm requirements on the new police service to give custody visitors access to those in cells, including visits without notice, meetings with detainees in private, and access to detention records. It extends even greater rights of access to members of the United Nations sub-committee on prevention of torture and other cruel, inhuman or degrading treatment or punishment, which was established under OPCAT and whose intended visit can be blocked only

"on urgent and compelling grounds of public safety, natural disaster or serious disorder"

That is all very welcome, but OPCAT compliance has to go beyond rights of access. Those who carry out the visits must be enabled to become part of the UK's national preventive mechanism, which is a further safeguard that is required by international obligations and currently includes—in England, but not in Scotland—the Independent Custody Visiting Association and the independent monitoring boards that visit detainees who are held in prison.

Putting independent custody visitors on a statutory footing is the first step towards them becoming part of the NPM, but they must also fulfil specific membership criteria in order to be declared OPCAT compliant. The UN guidelines on national preventive mechanisms state that:

"The NPM should be identified by an open, transparent and inclusive process which involves a wide range of stakeholders, including civil society. This should also apply to the process for the selection and appointment of members of the NPM, which should be in accordance with published criteria."

The guidelines also state that, once it is established,

"The NPM should ensure that it has the capacity to and does engage in a meaningful process of dialogue with the State concerning the implementation of its recommendations"

and that

"It should also actively seek to follow-up on the implementation of any recommendations which the SPT has made in relation to the country in question, liaising with the SPT when doing so."

The inclusion in the bill of independent custody visitors is an important and useful first step in the right direction, but it will not achieve its purpose of OPCAT compliance unless independent custody visitors become part of the national preventive mechanism and the NPM is able to

“engage in a meaningful process of dialogue with the state”  
and

“follow-up on the implementation of any recommendations”.

Amendment 50 requires ministers to make a statement to Parliament six months after this part of the bill comes into force on what they have done to further the OPCAT compliance of custody visiting and to move independent custody visitors in the direction of becoming a designated part of the national preventive mechanism.

Preparing such a statement will perhaps also assist ministers in thinking about what else they need to do to achieve OPCAT compliance for all

“places where people are deprived of their liberty.”

I move amendment 50.

**Kenny MacAskill:** Lewis Macdonald’s amendment would place in the bill an obligation on the Scottish ministers to make a statement in Parliament within six months of the bill coming into effect on what actions have been taken to comply with the objectives of OPCAT through the implementation of independent custody visiting.

The provisions in the bill for independent custody visiting are in pursuance of the objectives of OPCAT, which was ratified by the UK in 2003. That established a national preventive mechanism, of which the independent custody visiting scheme that is proposed in the bill would be a part.

Visits to places of detention ensure that the rights and treatment of detainees and the conditions in which they are held are monitored and protected. The responsibility for independent custody visiting rests with the new Scottish police authority. The visitors will report direct to the SPA and any areas requiring action will be directed by the SPA to the new chief constable of the police service of Scotland. It will therefore be for the new Scottish police authority to report on the progress of the independent custody visiting scheme as it develops, not for Scottish ministers. The annual report by the national preventive mechanism will report on compliance. It is the intention that the scheme will become a member of the NPM.

Although I am content to support continuing dialogue on this issue, I do not think that it is appropriate to place that requirement on ministers. In any event, the new visiting scheme will develop over time and a six-month deadline is not appropriate. I therefore ask Lewis Macdonald to withdraw amendment 50.

**Lewis Macdonald:** I listened carefully to what the cabinet secretary said and I take on board the point about the responsibility of the Scottish police authority in relation to this matter. However, there is a wider responsibility for the Government,

whose responsibility is not confined to the area of custody visiting in police cells. That is why I think that it would be a useful development and requirement for ministers to make a report on the matter not only within six months of the implementation of this part of the bill but, indeed, at what I hope would be future regular intervals.

I am encouraged to an extent by the cabinet secretary’s support for OPCAT and the process that we have described, but I will press amendment 50 because I believe that the point about the accountability of the Government, as well as that of the police authority that will report to the Government, is important.

**The Deputy Presiding Officer:** The question is, that amendment 50 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
Baker, Richard (North East Scotland) (Lab)  
Beamish, Claudia (South Scotland) (Lab)  
Bibby, Neil (West Scotland) (Lab)  
Boyack, Sarah (Lothian) (Lab)  
Brown, Gavin (Lothian) (Con)  
Carlaw, Jackson (West Scotland) (Con)  
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
Davidson, Ruth (Glasgow) (Con)  
Dugdale, Kezia (Lothian) (Lab)  
Eadie, Helen (Cowdenbeath) (Lab)  
Fee, Mary (West Scotland) (Lab)  
Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
Fergusson, Alex (Galloway and West Dumfries) (Con)  
Findlay, Neil (Lothian) (Lab)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Goldie, Annabel (West Scotland) (Con)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Gray, Iain (East Lothian) (Lab)  
Griffin, Mark (Central Scotland) (Lab)  
Harvie, Patrick (Glasgow) (Green)  
Henry, Hugh (Renfrewshire South) (Lab)  
Hume, Jim (South Scotland) (LD)  
Johnstone, Alex (North East Scotland) (Con)  
Johnstone, Alison (Lothian) (Green)  
Kelly, James (Rutherglen) (Lab)  
Lamont, Johann (Glasgow Pollok) (Lab)  
Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
Macdonald, Lewis (North East Scotland) (Lab)  
Macintosh, Ken (Eastwood) (Lab)  
Malik, Hanzala (Glasgow) (Lab)  
Marra, Jenny (North East Scotland) (Lab)  
Martin, Paul (Glasgow Provan) (Lab)  
McCulloch, Margaret (Central Scotland) (Lab)  
McDougall, Margaret (West Scotland) (Lab)  
McGrigor, Jamie (Highlands and Islands) (Con)  
McInnes, Alison (North East Scotland) (LD)  
McMahon, Michael (Uddingston and Bellshill) (Lab)  
McMahon, Siobhan (Central Scotland) (Lab)  
McNeil, Duncan (Greenock and Inverclyde) (Lab)  
McTaggart, Anne (Glasgow) (Lab)  
Milne, Nanette (North East Scotland) (Con)  
Mitchell, Margaret (Central Scotland) (Con)  
Murray, Elaine (Dumfriesshire) (Lab)  
Park, John (Mid Scotland and Fife) (Lab)

Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)

Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 55, Against 62, Abstentions 0.

*Amendment 50 disagreed to.*

#### After section 93

**The Deputy Presiding Officer:** We now move to group 11, which is on parliamentary scrutiny of arrangements under the bill when enacted. Amendment 2, in the name of Graeme Pearson, is grouped with amendments 67 and 4.

**Graeme Pearson:** For me, the amendments that I will speak to at this time are the most important amendments in relation to democratic accountability, and they have significance for all members sitting in the chamber who are not members of the Government. The amendments go to the very heart of how we hold a Government to account. It is about not only the Government that exists today but the Governments that will exist in the decades ahead. It has taken us 50 years to arrive at the creative changes that we propose in the bill, and members can be sure that it will be another 50 years before we revisit any mistakes that we make at this time.

Given the decisions that members took earlier about local accountability and acknowledging Kevin Stewart's comments about the shortcomings in democratic accountability in previous arrangements, we need to look at what we have agreed so far today and where it takes us. We have talked about the creation of a single police force, but it is more than a single police force: it is a national police force whose power, control, influence, direction and budget will be allocated at a national level. It will focus through the cabinet secretary, with direction to a convener who will be appointed by the cabinet secretary and a board that will be approved by the cabinet secretary, and it will be administered by a chief constable whom the board will appoint with the cabinet secretary's approval.

There is no democratic oversight in the current arrangement that we see, and we need to think about the impact of that. Elsewhere in the world, national law enforcement organisations have the opportunity to play free and wild with the power at their disposal. That is not the Scottish way. Policing by consent involves consent that is offered by the public. It enables police officers, who are warranted and empowered members of the public, to operate on our behalf. It does not involve merely agreement, compliance or knowing; it means that there is an understanding of what

powers we allocate to law enforcers and the police service, and of how we administer them.

Two months ago, I raised the focus of the amendments with the cabinet secretary. In fairness, he acknowledged his interest in the matters that I raised with him, and I was given an assurance that officials would come back to me to discuss the issue fully and that we would try to flesh it out. Unfortunately, that assurance was not followed through.

I met the cabinet secretary and officials only last week and was given an assurance from him that, although he found it difficult to support my amendments, he would offer his support today for the principles that lie behind them and an alternative to those arrangements. It is beholden on members to ensure that the arrangements that we want to see in place are properly spelled out in the bill so that we will know the way forward with some confidence. That is not to say that we are challenging only this Government; we are challenging future Governments and future arrangements.

John Finnie's amendment 67, well meaning as it may be, would allow the Government to make arrangements for keeping under review the operation of the act and to publish reports to the Parliament on its efforts in that regard. That leaves a great deal to cabinet secretaries and Governments in deciding what is meant by keeping under review the operation of the act. My amendments on the provision of a commission set out clearly the criteria under which it would operate and would allow the Parliament to ensure that it behaved within the spirit and word of the legislation.

Last night, the cabinet secretary raised with me the fact that the Lord Advocate understood that the provision of a commission could fetter the independent role of investigation, but that it might have been possible, had there been time, to address some of the concerns. I am surprised that the Government would take that view, given that the wording of my amendments reflects an approach that the Parliament took with the Scottish Commission for Public Audit, which was published and agreed in 2000. That commission has operated for the past 12 years with no apparent problem for the independence of the Lord Advocate and their role in the scheme of things.

I hope that members will realise that, in light of the proposed dramatic changes to the police service, there is a pressing need for us as parliamentarians to provide proper and effective scrutiny of the arrangements and relationships that are created by a single police service. A blank-cheque approach will not provide parliamentarians with the confidence that there is effective scrutiny.

Parliamentarians should realise that the issues are not political. We should co-operate collectively and seek consensus to give the general public confidence that we are up to the role that we seek to take in these matters; that we take seriously the policing of Scotland; that we support those who police on our behalf; and that we will ensure that they deliver in the spirit that we intend them to deliver.

I move amendment 2.

12:30

**John Finnie (Highlands and Islands) (SNP):** I fully support the need for robust parliamentary scrutiny of the police and fire and rescue services, but the policing commission that Graeme Pearson proposes would do nothing that the Parliament cannot already do.

My amendment 67 seeks to make it clear that the Parliament has an important role to carry out in scrutinising the new services as they are established and as they bed down, but it does not prescribe how that should be achieved.

I have been an MSP and a member of the Justice Committee for over 12 months, and the committee has provided valuable scrutiny of this bill and other legislation that has passed through the Parliament. That is an excellent example of what a committee, working effectively, can do.

I support the establishment of a single police service and a single fire and rescue service for Scotland, but I recognise that it represents a significant change, not least in governance. The bill already provides new opportunities for scrutiny. My amendment simply seeks to provide a further safeguard to ensure that the Parliament takes up those opportunities.

I appreciate the motivation behind Graeme Pearson's amendments, and I understand the deeply felt views that he has on the issue, but I do not consider that it is necessary to put in place new structures to achieve scrutiny. We should build on the existing committee structure. Policing and the fire and rescue service are key public services, and the Parliament would be failing if it did not find time to scrutinise the transition to and operation of the new services. I consider that there is merit in the idea of setting up a new committee that is dedicated to that role, but that is a matter for the Parliament to decide.

**John Lamont:** I rise to speak in favour of Graeme Pearson's amendment 2, to return the favour from earlier in the day. He proposes the creation of a Scottish policing commission to oversee the work of the single police force. We believe that reform is necessary to protect front-line policing. However, our support for reform is

conditional on the protection of local accountability.

Graeme Pearson spoke effectively and clearly about the dangers of unfettered power and the need for the Parliament to be able to scrutinise the single police force and hold it to account. I fully accept that the current Government may not have any sinister intentions for our police and security forces, but surely the Parliament's job is to plan for the worst-case scenario, to protect accountability and to protect the right of this place to hold our police to account. That is why I am happy to support Graeme Pearson's amendment.

**Alison McInnes:** I commend Graeme Pearson for bringing back his proposal for a Scottish policing commission following further discussions after stage 2. The Government has been extremely lukewarm on the idea and it has cited any number of concerns about accountability, blurred lines of responsibility and so on. However, the fact remains that the Government's reforms will take responsibility out of the hands of locally elected representatives and put it into the hands of a wholly appointed board that is hand-picked by ministers. The bill concentrates unprecedented power in the cabinet secretary's hands, which is a dangerous step that takes no account of how a less benign Government might use the powers.

Graeme Pearson's amendment is a sensible safeguard against the dangers that are inherent in the bill. John Finnie, who is a member of the Justice Committee, has not really grasped the enormity of the problem that we are articulating today. The cabinet secretary may see scrutiny as an inconvenient burden, but ordinary citizens demand it. They demand to know that any public service—especially one that is as fundamental to their safety and security as the police—is properly accountable and, most importantly, accountable to them. The loss of locally based police boards means that it is incumbent on members of this Parliament to take up that role.

The police have an unparalleled role in our everyday lives. They have the power to arrest and detain and the right to wield firearms. The establishment of a formal standing body to monitor and scrutinise the police is an absolute necessity and I hope that the cabinet secretary will treat it as such.

**Patrick Harvie (Glasgow) (Green):** I am sympathetic to Graeme Pearson's amendments in group 11. They represent a better approach than Mr Finnie's suggestion, which in effect would bind a parliamentary committee in its work programme. I do not recall that we have created such a statutory requirement in any previous legislation, and it seems to me to be an odd approach.

I ask Mr Pearson to address two aspects in his closing remarks. The first is the composition of the commission that he proposes. Does he anticipate that it would work along similar lines to our Scottish Parliamentary Corporate Body, with a balance of the political parties in the Parliament being represented on it, or would he expect it to lock in a majority of the Government of the day?

Secondly, with regard to the commission's operation, would Mr Pearson expect it to be required to meet in public and to have its proceedings on the record?

**Nigel Don (Angus North and Mearns) (SNP):** I come to this debate somewhat unprepared but, looking at what is in front of me, I have to wonder how Mr Pearson's proposed commission would differ from any ordinary parliamentary committee. What powers would it have that would be different from those of, say, the Justice Committee, under whose remit such matters would normally fall? Mr Pearson is a member of the current Justice Committee and I was a member of the previous one but I cannot at the moment see how what the proposed commission would do would differ from what the Justice Committee could do.

I agree with John Finnie that, given the Justice Committee's history of being very busy, perhaps another committee with a new name and another set of folk in the Parliament should be set up. In short, I simply cannot understand why we need a commission to be put in the bill when the Scottish Parliament can set up a committee to carry out this work.

**Kenny MacAskill:** I concur with all members who have spoken of the need for robust parliamentary scrutiny of policing. Of course, how that is achieved is a matter for the Parliament, not the Government of the day. Indeed John Finnie's amendment requires the Scottish Parliament, not Scottish ministers, to keep the act "under review" and "publish reports".

As has been mentioned, policing by consent has been the cornerstone of Scottish policing since its inception. We must maintain that principle as we move forward, and the Parliament has a key role in ensuring that we do so. We are all well aware that the establishment of a single Scottish police authority and police service significantly changes the structures of accountability and scrutiny of policing, and we have built into the new structure plenty of opportunities for Parliament to play a role in that scrutiny. Strategic priorities, strategic plans and annual plans are all to be laid before Parliament, as are the Scottish police authority's annual report and reports from Her Majesty's chief inspector of constabulary and the new police investigations and review commissioner. Parliament can also proactively inquire into any aspect of policing and require any person to attend



proceedings to give evidence or to provide documents for such an inquiry.

I am not clear that Mr Pearson's proposed commission would have any additional function that is not already available to the Parliament, although I note that necessary safeguards on disclosure of information relating to the investigation of crime are absent. Moreover, its membership would not differ from that of a parliamentary committee. I am not therefore convinced that it is necessary to establish a new type of body.

It has been suggested that the Justice Committee is already busy and does not have sufficient time to scrutinise the transition to and operation of the new police service. This Parliament was set up to scrutinise all devolved matters. Surely with a new single service the scrutiny of policing should be central to this Parliament's priorities, and surely, as a corporate body, we should be ensuring that we set aside sufficient time to carry out this role effectively, diligently and proportionately.

This Government is receptive to establishing a new committee under existing standing orders. That would provide a more flexible solution that can be adapted as the new service beds in.

**Patrick Harvie:** I want to ensure that I understand what the cabinet secretary is saying. He has said that he wants a new committee to be established under existing standing orders. Is that an alternative to Mr Finnie's proposal for a scrutiny arrangement to be put in place under the auspices of the legislation that we might be about to pass?

**Kenny MacAskill:** No. I am simply supporting John Finnie's amendment 67, which would facilitate this alternative approach. It is up to Parliament, not the Scottish Government, to decide the nature of committees, and we are happy to support the decision that Parliament makes. Although amendment 67 seeks to commit Parliament to keeping the bill's operation under review—which emphasises the importance of the two key public services of policing and the fire and rescue service—it does not dictate the mechanism by which that should be done. Maintaining that flexibility of response is important for this chamber, not for me or my successors.

**Margaret Mitchell:** Does the cabinet secretary accept that the will of Scottish ministers and the will of the Scottish Parliament are one and the same thing in a majority Government?

**Kenny MacAskill:** No, I do not accept that at all. There is a clear divide. Having a parliamentary majority makes a difference that we welcome—we do not deny that it makes matters easier—but I think that the member underplays the role and

importance of Parliament and what is available to members. [*Interruption.*]

**The Deputy Presiding Officer:** Order.

**Kenny MacAskill:** I do not believe that a Scottish policing commission is necessary. It would also present some risks that should be carefully considered. First, the relationship that would exist between Parliament and the commission is not clear. Would the commission take over Parliament's role in the scrutiny of policing, or would it have an additional role? What would happen if Parliament and the commission took different views on an issue?

Furthermore, the commission could result in overlap and confusion that could blur the existing governance and scrutiny arrangements for the police. The bill already sets out a clear and logical structure for scrutiny at each level, and it would not be helpful to add another layer.

Finally, there are significant concerns—which Mr Pearson underplays—that the commission could fetter the Lord Advocate's independent role in the investigation and prosecution of crime, particularly because it would have powers to compel police officers, and possibly prosecutors, to provide information relating to the investigation and prosecution of crime. The Scotland Act 1998 and the standing orders of this Parliament provide that Parliament cannot obtain such information, which could be sub judice, and that is for good reason.

In summary, I suggest to members that the establishment of a parliamentary commission to scrutinise policing is neither necessary nor advisable. If Parliament wishes to impose a specific scrutiny mechanism by means of the bill, I recommend John Finnie's amendment 67. I repeat my offer to work constructively with the Parliament to establish a committee for that purpose, if it would be helpful. However, it is not for the Government to establish a parliamentary committee; it is for Parliament.

**Graeme Pearson:** It is wise to acknowledge that no Government in the world enjoys scrutiny. No Government invites appropriate and active scrutiny; it is inconvenient, it is difficult and it needs to be dealt with month in, month out.

With amendments 2 and 4, we seek to achieve the ability to scrutinise the Government officials and executives who will be involved in the administration of policing in Scotland. John Finnie indicated that Parliament already has the opportunities and powers available to it. If we already have them, why do we not put a name to those opportunities and have our commission? Let us allow back benchers the opportunity to play their role responsibly. The notion that a commission operated by members of the Scottish

Parliament would in some way cause challenges and difficulties is imagined and not likely to happen in the future.

The construction of an alternative committee was mentioned. Like John Finnie, I have been in Parliament for only a year, so I am not completely aware of how that committee might be constructed and arranged. However, it is fair to acknowledge that, only last week, the cabinet secretary said to me that any alternative to the commission would not be a gold star response and would be second tier. That is the opportunity that John Finnie's amendment 67 offers.

There has been a lot of political noise about the various parties offering support to each other on this amendment. I would like to think that that is some evidence of a consensus in the views that members are sharing in the chamber. There will not be a member in this chamber who has not been approached by constituents who are worried about the changes and who want to know how democratic accountability will be delivered.

Only within the past month, President Sarkozy left office and three French senior police officers were dismissed from service: the head of federal police, the head of city police, and the head of intelligence. The significance of that is that they were dismissed because they were seen as being too close to the Government and personally identified with the President. We cannot have changes to the police service occurring with changes of Government. I ask members to think about that.

12:45

There needs to be a balance between the powers of the Government and the powers of the Parliament in order to reflect the will of the general public. Nigel Don asked what the difference would be between the proposed commission and an ordinary parliamentary committee. The commission would be appointed by the body of Parliament to reflect all the interests of the parties in this chamber in a balanced way—and not in a way that reflects Government influence. That would ensure that the commission calls the Government to account and that the police service operates as this Parliament would wish.

**Bruce Crawford:** Can Graeme Pearson tell me why it is not possible to construct a committee in this Parliament that represents every political party in this chamber in a proper way? That is absolutely the right way to do it—all he is doing is undermining the whole process of the parliamentary committees.

**Graeme Pearson:** I point out that, if the member felt so strongly about it, we had the past eight weeks to discuss it at length. I am not an

unreasonable person. What I want is a better police service, not a political advantage.

I ask members to consider seriously my amendments 2 and 4, which I offer in good will. I believe that the option that was offered by John Finnie will not achieve what we seek to achieve for the future.

I will press the amendments.

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

**Members:** No.

**The Deputy Presiding Officer:** There will be a one-minute division.

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)

Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 55, Against 62, Abstentions 0.

*Amendment 2 disagreed to.*

**The Deputy Presiding Officer:** That concludes this morning's business.

12:48

*Meeting suspended.*

14:45

*On resuming—*

**The Presiding Officer (Tricia Marwick):** The first item of business this afternoon is the continuation of stage 3 proceedings on the Police and Fire Reform (Scotland) Bill. I remind members, in dealing with the amendments, that they should have before them the bill as amended at stage 2, which is SP bill 8A, the marshalled list, which is SP bill 8A-ML, and the groupings, which is SP bill 8A-G.

I also remind members that, as with this morning, the division bell will sound and proceedings will be suspended for five minutes prior to the first division. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. All other divisions will be 30 seconds.

Members who wish to speak in the debate on any group of amendments should press their request-to-speak buttons as soon as possible after I call the group.

Members should now refer to the marshalled list of amendments.

#### **Section 95—Transfer of constables, staff, property etc**

**The Presiding Officer:** Group 12 is on commencement, transitional and transitory arrangements. Amendment 15, in the name of the Cabinet Secretary for Justice, is grouped with amendments 20, 21, 23 and 28 to 32.

**Kenny MacAskill:** All the amendments in group 12 will make further provision to assist the preparations for transfer to the new services. Amendments 15 and 21 will require the current police and fire and rescue authorities and joint boards, as well as chief constables in the Scottish Police Services Authority, to provide information and assistance to the Scottish police authority chief constable on the SFRS.

Amendment 23 provides for specified sections of the bill to be commenced the day following royal assent. That reflects the fact that Parliament and stakeholders have pressed us to ensure that the

new bodies and senior officers are in place as soon as possible so that there is sufficient time for them to prepare to take up their full operational functions from April 2013. It is also worth noting that the police service of Scotland will not come into being immediately; the chief constable will be in post only to lead the necessary preparation work.

Amendment 20 flows from the early establishment of SFRS. It will remove provisions that deal with an initial counting period of less than six months. As a result of amendment 23, such a short initial period will not occur. Amendments 28 to 32 will adjust the provisions relating to the police property transfer scheme so that any property or obligations of current chief constables can be appropriately transferred to either the SPA or the new chief constable.

I move amendment 15.

**John Finnie:** The amendment deals with the requirement to consult the Scottish Police Federation. As the bill is drafted, Scottish ministers are required to consult all three central committees of the Scottish Police Federation before making regulations. However, the federation has raised concerns that consultation of its constituent parts might result in separate responses from each, without a clear view being provided. The amendments in the group respond to the federation's concern. Prior to making regulations under sections 11 or 49 of the bill, the amendments will require—

**The Presiding Officer:** Mr Finnie, you are speaking to amendment 1 in the next group.

**John Finnie:** I am. I apologise.

**The Presiding Officer:** We are still on the group of amendments prior to that, so please sit down.

*Amendment 15A moved—[Lewis Macdonald].*

**The Presiding Officer:** The question is, that amendment 15A be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. As this is the first division of the afternoon, I suspend Parliament for five minutes.

14:49

*Meeting suspended.*

14:54

*On resuming—*

**The Presiding Officer:** We proceed with the division on amendment 15A. I ask members to cast their votes now.

## For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

## Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)

Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 55, Against 65, Abstentions 0.

*Amendment 15A disagreed to.*

*Amendment 15 agreed to.*

### Section 97—Interpretation of Part 1

*Amendment 16 moved—[Kenny MacAskill]—and agreed to.*

**The Presiding Officer:** Group 13 is on interpretation and miscellaneous technical amendments. Amendment 1, in the name of John

Finnie, is grouped with amendments 17, 24, 33 and 34. This is your moment of glory, Mr Finnie.

**Members:** Hooray!

**John Finnie:** I thank you and apologise again, Presiding Officer. This is a hugely important issue so it is worth mentioning it two—if not three—times.

The bill requires that the Scottish ministers consult the three central committees of the Scottish Police Federation, which would require a level of consultation that could bring about a situation in which the constituent parts provide separate responses with no clear view being offered. Amendment 1 responds to concerns that were raised by the federation about that and will ensure that Scottish ministers are required to consult the three central committees of the federation sitting together as one joint central committee. Consultation of the federation as a whole through the joint central committee will ensure that there is a single shared view from its members before any regulations are made.

I move amendment 1.

**Kenny MacAskill:** I support amendment 1. Without that definition, the amendments that were made at stage 2 that will require ministers to consult the joint central committee of the Scottish Police Federation are difficult to interpret and might not have the desired effect of enabling the federation to present a single view on behalf of all its members. We refer to the federation in legislation as it is a body that is established in statute. They are the exception, not the rule.

We also value the role of the other staff associations, so I take this opportunity to put on record that the Government fully recognises the support that David O'Connor, president of the Association of Scottish Police Superintendents, has personally and professionally given to reform. I will continue to work closely with David and the ASPS executive committee. That is the most legitimate and effective mechanism for obtaining the views of the superintending ranks—the operational leaders of the police service.

The remaining amendments in the group are minor or technical adjustments, and I ask members to support them.

*Amendment 1 agreed to.*

### Section 99—The Scottish Fire and Rescue Service

*Amendment 17 moved—[Kenny MacAskill]—and agreed to.*

**The Presiding Officer:** Group 14 is on membership of the Scottish police authority and the SFRS. Amendment 18, in the name of the

minister, is grouped with amendments 53, 54, 22, 25, 68, 3, 69, 71 and 27.

**Roseanna Cunningham:** The amendments in group 14 relate to membership of the Scottish police authority and the Scottish fire and rescue service. Amendment 18 will adjust the size of the SFRS board and amendment 25 will adjust the size of the Scottish police authority, increasing their memberships so that in addition to the chairs, the boards must have a minimum of 10 other members and a maximum of 14.

Amendments 22 and 27 are minor amendments that are consequential to that change.

15:00

As members will know, there has been much debate on the issue. During stage 2, Kenny MacAskill indicated that he was willing to reflect further on the issue. Having listened to views throughout the bill process, including those of COSLA, we are now persuaded that the size of the board should be increased to a total minimum of 11 and a total maximum of 15.

The Government has been clear from the outset that members of both bodies should be appointed solely on the basis of their skills and expertise, through a fair and open public appointments process. We debated earlier the steps that we are taking to encourage women to apply for the posts. I now want to take this opportunity to encourage people from all walks of life, from all political parties and from different areas and communities to put themselves forward so that the board truly serves all of Scotland.

Amendments 53 and 71 in the name of Lewis Macdonald would require ministers to have regard to representing persons with knowledge of specific communities, fire and rescue services and policing respectively in all regions of Scotland. Amendments 54 and 68, which are also in his name, seek to ensure that at least a third of the SFRS and SPA membership is from local authorities and that Scottish ministers should select those members from nominations that would be made by COSLA. The committee rejected Lewis Macdonald's similar amendments at stage 2. It does not matter whether he is seeking half or a third; it is essential that members of the SPA and the SFRS all have equal status on the boards and that they work collectively in the best interests of the whole of Scotland.

Accordingly, I also cannot support amendment 69 in the name of John Lamont, which seeks to ensure that in appointing members of the SPA, ministers have due regard to the need for various areas and interests, such as being members of a local authority, representing or having knowledge of communities and policing in the regions of

Scotland and having no direct connection with policing. I share Kenny MacAskill's view that the police authority must have the maximum flexibility to seek a wide range of experience and have the necessary skills to hold the chief constable to account.

Alison McInnes's amendment 3 proposes that membership of the SPA be approved by Parliament. I cannot support an amendment that confuses the lines of governance between the Parliament and the SPA. The SPA is not a parliamentary body so it would not be right for Parliament to scrutinise members that it has agreed to appoint.

I encourage Parliament to support amendments 18, 22, 25 and 27. I will not support amendments 3, 53, 54, 68, 69 and 71.

I move amendment 18.

**Lewis Macdonald:** Group 14 again brings us to issues that are at the heart of the bill, which are to do with the nature of the boards that will oversee the new services.

I welcome the amendments from ministers to increase the size of the boards of both authorities. It is a pity that they saw fit to reject similar amendments that were lodged by Labour and other parties at stage 2, but I accept what the minister said about having reflected on the case that was made and responding accordingly. I am glad that ministers have finally paid heed to the concerns of many people who gave evidence that very small boards could not do the job without co-opting non-members onto their sub-committees.

A further point has, sadly, not been conceded, and that is about the future engagement of local government with police and fire services at national level. The minister talked about wanting to avoid overlap and the confusion of lines of accountability, and about wanting to ensure that maximum flexibility will be possible. That all sounds well and good, but all that it means is maximum discretion and minimum lines of accountability, other than to the ministers who will make the appointments. That is why we are disappointed by the response to amendments that have been lodged by Labour and others.

Ministers have not seen fit to support amendments that we debated earlier, on a parliamentary commission to provide increased accountability through MSPs. Consequently, the only way the new service can be accountable to anyone other than ministers is through support for the amendments in group 14.

Mr MacAskill talked at stage 2 about reserving seats for local councillors on the founding boards of both services, but he also made it clear that he does not want that to be done on a statutory basis

because he believes that councillors will play less and less of a role in running the services in the future. We believe that that approach is fundamentally mistaken. There is a disconnect between making local councils responsible for ensuring that communities have a say in the planning of services at local level and planning to phase out local authority engagement at national level.

**The Minister for Local Government and Planning (Derek Mackay):** I am sure that Lewis Macdonald wants fair representation for local government, so will he comment on the emerging practice of Labour local authorities of stacking delegate entitlement in order to ensure that Labour secures positions in organisations such as COSLA?

**Lewis Macdonald:** What I am bound to comment on is what I have found throughout today's proceedings: the disappointing response of Scottish National Party members in turning issues of accountability and democracy into sectarian issues of party-political preference. Derek Mackay comes from a local government background, so I would have expected him to sympathise with the argument that local councillors know quite a lot about the needs of their local communities and therefore should be heard at national level, but instead all he wants to talk about is some party-political point scoring from the latest developments in COSLA. I think that Parliament as a whole will regard that as deeply disappointing.

Councillors being on the boards of the services is not just about capturing their experience and knowledge of their local communities—important though that is—but would also be helpful in providing a division of powers, which surely is a desirable objective in a democratic society.

Roseanna Cunningham was wrong to say that there is no difference between our proposal at stage 2 on councillors having half the seats and our proposal today on their having a third of the seats. Our current proposal recognises the Government's position and goes halfway to meeting it. It would be pleasing if the Government at some point today showed willingness to come halfway to meeting other parties.

**Alison McInnes:** My amendment 3 looks at the manner in which members of the SPA will be appointed. The cabinet secretary rejected my call during stage 2 to consider using the Crown appointments procedure to appoint the chairing member. He cited the two-tiered board and different lines of accountability that that would create, and I acknowledged his position on that.

By contrast, amendment 3 would leave all members of the authority to be appointed through

the public appointments process, but would also submit all candidates to a confirmation vote here in Parliament. I am content that that would strike a fair balance between the desire for consistency and the need to ensure transparency in the appointment process. I do not foresee that requirement being burdensome, but it would provide an important safeguard.

Too often during the bill process, the Government has forgotten that it may not be in power in Scotland for the rest of time. At some stage in the future there may be a Government in power that is not quite so scrupulous as the current Government, so it is important to build safeguards into our law for such an eventuality. The SPA in particular will be a public body of unmatched scope that will oversee the entire country's policing with a £1 billion budget. I do not think that it is unreasonable for the public to have some reassurances that the people who are tasked with spending that budget have been appointed with the agreement of Parliament.

On the other amendments in the group, I am inclined to support Lewis Macdonald's revised amendments 54 and 68. I certainly see the benefit of having councillors on the SFRS and the SPA. I would prefer all members to be appointed through a transparent formal process, so I have some concern about requiring that appointments be made from candidates who are put forward by COSLA. Nevertheless, the importance of the presence of local elected members trumps that concern. John Lamont's amendment 69 would provide a good alternative that would set in statute the range of experience that would be desirable on a board, without being overly restrictive.

Any of the amendments in group 14 would improve the bill. It is so disappointing that the Government is so thrwn on the subject and will not budge.

**John Lamont:** Amendment 69 deals with the required skills of board members of the new police authority. The bill does not express or outline the types of expertise that should be present in the authority. Paragraph 2(3) of schedule 1 states:

"The Scottish Ministers must appoint as members only persons who they consider to have the skills and expertise relevant to the functions of the Authority."

However, the bill does not point towards the type of skills that will be required, and neither is there mention of the board's membership covering different parts of Scotland. Amendment 69 does not seek to list explicitly the types of expertise that should be on the board or the regions that should be represented on it; instead, it seeks to expand on the provision in paragraph 2(3) of schedule 1. Amendment 69 states that authority must include

"persons with a range of professional expertise, including financial expertise."

We lodged a similar amendment at stage 2, and the Government's response was that the board's expertise would evolve in time to reflect the skills and expertise that will be required at particular points. My view is that a basic requirement for adequate regional representation, local authority cover and external professional expertise from the outset of the single force must be included in the bill.

We also lodged an amendment at stage 2 that would have required the authority to consist of between 15 and 19 members. The cabinet secretary rejected that amendment on the basis that that number of members would not facilitate the strategic and collective decision making that the authority requires. Although the Scottish Government rejected our amendment at stage 2, I am pleased that it has lodged an amendment that will increase the size of the board so that it will include between 10 and 14 members, which is clearly a step in the right direction.

We are happy to support Lewis Macdonald's and Alison McInnes's amendments, which have been debated.

**Roseanna Cunningham:** We have again heard mention of a future unscrupulous Government that may emerge were the unhappy possibility that the SNP is no longer in government to occur. Given that that future unscrupulous Government can come only from the Labour Party, the Tory party or the Liberal Democrats, we should be told which party is likely to deliver such a Government. It certainly would not be the SNP.

I say to John Lamont that I am slightly entertained by the notion that we would use legislation to start to design job specifications. That is not the basis on which anybody governs now, and it should not be in the future.

Some of the issues that Lewis Macdonald has raised will properly be for a parliamentary justice committee to address. That is where, in parliamentary terms, the power lies to bring people to account, and that is what should be done in the future instead of our complicating the issue and providing for other organisations elsewhere that would do the job that the Justice Committee should do.

I say to Lewis Macdonald that, even on the basis of what he said, it is hardly possible that all the areas of Scotland can ever be represented on a board, even at the maximum size that will now pertain. Therefore, the amendments would not achieve what it is claimed they will achieve.

**Lewis Macdonald:** We have not sought geographical representation of every area of

Scotland; we have simply sought a requirement on ministers to appoint members who have a knowledge of circumstances across Scotland. Surely that is something so modest that even the minister might choose to support it.

**Roseanna Cunningham:** I had actually finished my comments, but does Lewis Macdonald seriously think that we will appoint people who have absolutely no qualifications or experience whatever to the boards? What a piece of nonsense.

*Amendment 18 agreed to.*

*Amendment 52 moved—[Jenny Marra].*

**The Presiding Officer:** The question is, that amendment 52 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)



Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)

Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 40, Against 78, Abstentions 0.

*Amendment 52 disagreed to.*

*Amendment 53 moved—[Lewis Macdonald].*

15:15

**The Presiding Officer:** The question is, that amendment 53 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)

Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine)

(SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 54, Against 65, Abstentions 0.

*Amendment 53 disagreed to.*

*Amendment 54 moved—[Lewis Macdonald].*

**The Presiding Officer:** The question is, that amendment 54 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)

Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 38, Against 79, Abstentions 0.

*Amendment 54 disagreed to.*

*Amendment 56 moved—[Lewis Macdonald].*

**The Presiding Officer:** The question is, that amendment 56 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)

Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 40, Against 79, Abstentions 0.

*Amendment 56 disagreed to.*

**The Presiding Officer:** Group 15 is on proceedings of the authority and the SFRS: public access. Amendment 19, in the name of John Lamont, is grouped with amendment 26.

**John Lamont:** I am pleased to see from the marshalled list that amendments 19 and 26 also have the support of Graeme Pearson, so I thank him again. *[Interruption.]*

**The Presiding Officer:** Order.

**John Lamont:** The Justice Committee's stage 1 report raised concerns about the transparency of the SPA. In response, the Scottish Government asserted that the board will hold meetings in public and publish all papers, but no such requirement is included in the bill. Section 2(3) requires the authority to

"try to carry out its functions in a way which is proportionate, accountable and transparent".

At stage 2, we lodged an amendment that sought to compel the board to hold meetings in public and to publish agendas and papers for those meetings

"except in circumstances as specified in standing orders".

It was anticipated that that exception would be used only when security or other reasons did not permit a meeting or part of the meeting to be held in public.

The cabinet secretary stated that he was sympathetic to our amendment, but he wanted to ensure that its drafting would not unduly restrict the authority's freedom to determine for itself the best way of going about its business.

Amendment 19, which was drafted in consultation with the Scottish Government, requires both the SPA and the SFRS to hold meetings in public and publish agendas, papers and reports. It also requires the authorities to publish a statement that sets out the circumstances in which meetings may be held in private and agendas will not be published.

We agree that it is appropriate to include an exemption to allow meetings to be held in private. We would have preferred the authority to be allowed to draw up a statement of circumstances in which it can hold a meeting in private and the statement to be put to Parliament or the proposed Scottish policing commission for approval; however, the current drafting is acceptable. The amendment is an improvement on the wording in the bill, as it seeks to require meetings to be held in public in most circumstances, and I encourage members to support it.

I move amendment 19.

**Graeme Pearson:** I will not prolong the debate. Enough has been said about open and

transparent government, good governance and the need for openness in the publication of agendas and the way in which meetings are run and I believe that amendment 19 encourages the health of the administration of the SFRS and the police authority.

**Roseanna Cunningham:** I am happy to support John Lamont's amendments 19 and 26. From the outset, we have made it clear that the SFRS and the Scottish police authority will carry out their respective functions in a transparent way and that it has always been our expectation that meetings should and will be held in public.

The Justice Committee concluded that the SFRS and the SPA should hold meetings in public and publish their papers, while also recognising that certain occasions might necessitate consideration of items in private. Following stage 2, we have been happy to work with David McLetchie and John Lamont and can support an amendment that achieves that aim.

Accordingly, I welcome the amendments, whose sensible intention is to ensure that the SFRS and the SPA meet in public unless there is good reason not to and that both bodies make clear and publish the circumstances in which proceedings will be held in private. Again, I support amendments 19 and 26.

**John Lamont:** I am very pleased that the Scottish Government has accepted my amendments. I wish only that it had taken a more consensual approach to some of the other amendments that have been lodged.

*Amendment 19 agreed to.*

*Amendment 57 moved—[Jenny Marra].*

**The Presiding Officer:** The question is, that amendment 57 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)

Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)

Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 42, Against 78, Abstentions 0.

*Amendment 57 disagreed to.*

*Amendment 58 moved—[Lewis Macdonald].*

**The Presiding Officer:** The question is, that amendment 58 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)

Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)

McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 38, Against 82, Abstentions 0.

*Amendment 58 disagreed to.*

*Amendment 20 moved—[Roseanna Cunningham]—and agreed to.*

### Before section 100

**The Presiding Officer:** Group 16 is on the functions of the SFRS. Amendment 59, in the name of Jenny Marra, is the only amendment in the group.

**Jenny Marra:** Amendment 59 seeks to amend the Fire (Scotland) Act 2005 so that the functions of the fire service will include, but not be limited to, saving life, rendering humanitarian services and protecting property. The amendment reflects a modern approach to the fire and rescue service, which has expanded to take on a wider role within our communities. Now, more than ever, the public rely on the fire service to perform a wider range of duties, and the service is frequently the first port of call for a range of emergency and rescue situations. I believe that that is not reflected as well as it ought to be in current legislation.

Amendment 59 would put the overarching ethos of the service at the heart of its functions. It would mean that the bill would better reflect the functions that the fire service undertakes. It would strengthen the scrutiny of the service and fine tune its priorities. Furthermore, by agreeing to the amendment we would afford the service greater scope to claim the resources that are necessary to undertake those functions. Those would all be

positive outcomes from amendment 59, and I urge other parties to support it.

I move amendment 59.

**Roseanna Cunningham:** An amendment in exactly the same terms was lodged at stage 2 and rejected by the Justice Committee. The Government is well aware that, for genuine reasons, certain stakeholders would like to see the general functions of the SFRS on the face of the bill, along the lines proposed by Ms Marra. However, we are not convinced that that is either necessary or desirable. The Justice Committee supported that view in its stage 1 report and at stage 2, as did the Chief Inspector of Fire and Rescue Authorities in his written evidence.

The Government recognises and values the wide prevention and response roles that fire and rescue services in Scotland have developed, but we consider that they are fully covered by the existing legislation. The principal fire and rescue functions are set out in the Fire (Scotland) Act 2005 and the Fire (Additional Function) (Scotland) Order 2005. The 2005 act provides the flexibility to confer additional functions by further additional functions orders. It also sets out ancillary fire and rescue functions, including a power for the SFRS to prepare for other eventualities and take action that it considers appropriate to respond to them. That structure, together with the fire and rescue framework, provides flexibility to adjust or expand on the functions in future, without the need for further primary legislation. The new framework will also include a new purpose for the SFRS with a clear focus on prevention and community safety, which the Fire Brigades Union and the SFRS will have the opportunity to input to. Therefore, I do not consider that amendment 59 is necessary.

Amendment 59 could have unintended consequences, as its scope is extremely wide. It would place no limitation on the functions, and it would impose duties on the SFRS to save lives, protect property, and render humanitarian services across Scotland in all circumstances. I do not think that that is reasonable or achievable, so I cannot support amendment 59.

**The Presiding Officer:** The question is, that amendment 59 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)

Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)

Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

15:30

**The Presiding Officer:** The result of the division is: For 42, Against 78, Abstentions 0.

*Amendment 59 disagreed to.*

#### Section 109—Assistance

*Amendment 60 not moved.*

#### Section 110—Delegation

*Amendment 61 not moved.*

#### Section 113—Local fire and rescue plans

*Amendment 62 moved—[Lewis Macdonald].*

**The Presiding Officer:** The question is, that amendment 62 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.



**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**Against**

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)

Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 56, Against 64, Abstentions 0.

*Amendment 62 disagreed to.*

*Amendment 63 moved—[Lewis Macdonald].*

**The Presiding Officer:** The question is, that amendment 63 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)

Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)

Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 56, Against 64, Abstentions 0.

*Amendment 63 disagreed to.*

*Amendment 64 moved—[Lewis Macdonald]—and agreed to.*

*Amendment 65 moved—[Lewis Macdonald].*

**The Presiding Officer:** The question is, that amendment 65 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)

Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)

Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 56, Against 63, Abstentions 0.

*Amendment 65 disagreed to.*

#### Section 114—Annual report

**The Presiding Officer:** Group 17 is on the SFRS annual report. Amendment 66, in the name of Lewis Macdonald, is the only amendment in the group.

**Lewis Macdonald:** We return yet again to the central debate on the bill, which is how best to secure accountability and transparency in the new services. Amendment 66 deals with the annual report of the Scottish fire and rescue service, which is to be published and laid before Parliament.

At present, the bill states that the report should measure the performance of the service against its

framework document and strategic plan, but it requires little specific information beyond that. Amendment 66 seeks to impose a duty on the fire and rescue service to report each year on the number of staff in the organisation. That should not cause any particular difficulty either for the new service or for its senior officer, or indeed for ministers. Such information might routinely appear in the annual report in any case. Staffing levels are certainly of interest to members of the Scottish Parliament and to our constituents, and they are not something that any well-run public service would wish to hide.

Imposing a statutory requirement simply guarantees that that information will be available. It also means that representatives of fire and rescue service staff, such as the Fire Brigades Union, will be able to see directly the impact on their members of changes in the way that the service is run, both in the long term and from year to year.

Many people within and outwith the service will want to know what the Government's future plans may be. If members are able to support that requirement, they will provide some comfort to those across the public services who fear the risk of contracting out that may follow the bill's passage. For that reason, I hope that members will support the amendment.

I move amendment 66.

**Roseanna Cunningham:** I fear that I will disappoint Lewis Macdonald once again. I am not persuaded that the bill should make provision for the SFRS annual report to include details of average staffing numbers for the reporting year as proposed in amendment 66.

**Hanzala Malik (Glasgow) (Lab):** Will the minister take an intervention?

**Roseanna Cunningham:** If the member will let me get beyond my first paragraph.

The average number of staff takes no account of the many different roles that staff play or the differences between whole-time, retained and volunteer firefighters and the range of duties that are carried out by other staff. It is clear that the average number of SFRS staff is meaningless and that reporting it would not improve transparency.

**Hanzala Malik:** To assist the minister, I understand that, under the equalities legislation, all employers must produce a report that demonstrates figures for equality in terms of gender and so on. If that is the case, the legislation would surely accommodate such a requirement.

**Roseanna Cunningham:** The information that the report contains will include a wide range of figures, and I am sure that it will not be beyond the

average individual to tot up and work out what the average number might be, but that is not a particularly useful figure in itself.

Ministers, fire and rescue stakeholders and Scotland's communities want a service that is focused on outcomes, not inputs. The SFRS annual report should tell us how the service has used its resources, including that most valuable of resources, its people—all of them—to deliver improved outcomes for the people and communities of Scotland.

I cannot support amendment 66, and I ask Lewis Macdonald not to press it.

**Lewis Macdonald:** As the minister correctly forecast, I am disappointed with her response. I hear what she says, and it is true that an average figure for staffing numbers in the course of a year is only one fairly simple measure. However, a statutory requirement to provide that measure would encourage the fire and rescue service to provide more detailed information on the different roles and the different types of staff involved, which would be useful.

The minister is right to say that the general public are more interested in outcomes than inputs. However, if that is code for saying that people want their fires fought and do not care who fights them, the minister is mistaken. People are looking for public services that secure their objectives in an appropriate way that is recognised as such by others in the public services.

We are talking about a situation in which the risk of contracting out is very real. It has been discussed, and we have heard about it in relation to the police service in today's debate. It is reasonable and understandable that people in the fire service want some reassurance. Amendment 66 contains a very modest measure that is designed to enable people to get some reassurance, and I will certainly press it.

**The Presiding Officer:** The question is, that amendment 66 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and

Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 55, Against 64, Abstentions 0.

*Amendment 66 disagreed to.*

#### Section 118A—Membership of SFRS: transitory provision

*Amendment 21 moved—[Roseanna Cunningham].*

*Amendment 21A moved—[Lewis Macdonald].*

**The Presiding Officer:** The question is, that amendment 21A be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)

Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 56, Against 64, Abstentions 0.

*Amendment 21A disagreed to.*

*Amendment 21 agreed to.*

*Amendment 22 moved—[Roseanna Cunningham]—and agreed to.*

#### Before section 120

*Amendment 67 moved—[John Finnie].*

**The Presiding Officer:** The question is, that amendment 67 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)

Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDonald, Mark (North East Scotland) (SNP)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)

McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McMillan, Stuart (West Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

### Against

Harvie, Patrick (Glasgow) (Green)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 McInnes, Alison (North East Scotland) (LD)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scott, Tavish (Shetland Islands) (LD)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

**The Presiding Officer:** The result of the division is: For 113, Against 7, Abstentions 0.

*Amendment 67 agreed to.*

### Section 124—Commencement

*Amendment 23 moved—[Roseanna Cunningham]—and agreed to.*

### Schedule 1—The Scottish Police Authority

*Amendments 24 and 25 moved—[Roseanna Cunningham]—and agreed to.*

*Amendment 68 moved—[Lewis Macdonald].*

**The Presiding Officer:** The question is, that amendment 68 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)

Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)

Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 41, Against 77, Abstentions 0.

*Amendment 68 disagreed to.*

*Amendment 3 moved—[Alison McInnes].*

15:45

**The Presiding Officer:** The question is, that amendment 3 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)



Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)

Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 55, Against 64, Abstentions 0.

*Amendment 3 disagreed to.*

*Amendment 69 moved—[John Lamont].*

**The Presiding Officer:** The question is, that amendment 69 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)

Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)

Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 55, Against 63, Abstentions 0.

*Amendment 69 disagreed to.*

*Amendment 70 moved—[Jenny Marra].*

**The Presiding Officer:** The question is, that amendment 70 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)

Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)

MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 42, Against 78, Abstentions 0.

*Amendment 70 disagreed to.*

*Amendment 71 moved—[Lewis Macdonald].*

**The Presiding Officer:** The question is, that amendment 71 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)

Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)

Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 55, Against 64, Abstentions 0.

*Amendment 71 disagreed to.*

*Amendment 72 moved—[Lewis Macdonald].*

**The Presiding Officer:** The question is, that amendment 72 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)

McDougall, Margaret (West Scotland) (Lab)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Dumfries and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)

McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 38, Against 82, Abstentions 0.

*Amendment 72 disagreed to.*

*Amendment 26 moved—[John Lamont]—and agreed to.*

*Amendment 73 moved—[Lewis Macdonald].*

**The Presiding Officer:** The question is, that amendment 73 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)

Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)

Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 55, Against 63, Abstentions 0.

*Amendment 73 disagreed to.*

#### After schedule 3

*Amendment 4 not moved.*

#### Schedule 3A—Period before establishment of Police Service

*Amendment 27 moved—[Kenny MacAskill]—and agreed to.*

#### Schedule 4—Transfer of constables, staff and property etc

**The Presiding Officer:** Group 18 is on limitation on mobility of transferred constables. Amendment 74, in the name of John Lamont, is grouped with amendments 75 to 77.

**John Lamont:** Schedule 4 to the bill concerns the transfer of constables, staff and property following the establishment of a single police force. Paragraph 9(2) limits the transfer of constables to another area of Scotland as constables will no longer be employed by their regional police force but by the Scotland-wide single force. It says that constables may not be transferred if such a move

“would necessitate that constable moving home to a place outwith what was the area of the police force which has ceased to exist.”

However, paragraph 9(4) states that the limitation ceases to apply in three cases, which are

“if, on or after the appointed day, the constable—

(a) is or becomes a senior officer of the Police Service,

(b) is promoted to a higher rank,

(c) gives the chief constable written consent to the lifting of the limitation imposed by sub-paragraph (2)."

The Scottish Police Federation has expressed concern about that provision because it would allow the transfer of officers anywhere in Scotland on promotion to a higher rank. The SPF argues that the provision could damage local policing and act as a disincentive to new recruits due to the disruption that can be caused by relocation. That condition was not included when the previous amalgamations took place in 1975.

The Scottish Conservatives believe that it is appropriate to allow the transfer to other parts of Scotland of constables who seek promotion. As with other professionals, constables should be given the choice to relocate in search of promotion. However, the current wording of paragraph 9(4) of schedule 4 appears to allow the relocation of promoted constables at any future point following promotion. In particular, the use of the term "ceases to apply" appears to permit transfers to any part of Scotland at any time if a constable is promoted after the establishment of the single police force. I hope that that is not the intention but, if it is, it would be very disruptive to employees of the new single force, who would be subject to transfer to any part of Scotland at any time following a promotion.

My amendment 74 seeks to clarify the situation and would replace "ceases to apply" with "does not apply". I also seek to reword paragraph 9(4)(b) to clarify that a constable can be transferred only at the point of promotion and not at any future date.

We lodged similar amendments at stage 2, and have lodged them again because we feel that, at that stage, the Scottish Government did not fully appreciate the policy intention behind them. At stage 2, the cabinet secretary said that the amendments

"would narrow the exception in paragraph 9(4) relating to promotion so that the provision would apply only where the requirement to move outwith their home force area was a direct consequence of the promotion. The effect would be that promoted constables would retain the right to stay in their home force area unless the promotion itself entailed a move outwith the area."—[*Official Report, Justice Committee*, 12 June 2012; c 1462.]

However, the current wording would appear to give a free hand to the Scottish police authority to move a constable anywhere in Scotland at any future point simply because he or she was promoted following the establishment of the single police force. We argue that it is not acceptable to put policemen and policewomen in that position.

I move amendment 74.

**Lewis Macdonald:** Here is a final opportunity for ministers to show that they are willing to take on board amendments from other parties to avoid adverse and, I presume, at least in part unintended consequences of the way in which the bill has been drafted. Police officers understandably value the protection that they enjoy from being required to move from one force area to another. Of course, that protection in its current form will cease to have meaning when the current forces cease to exist. As has been said, ministers have preserved that protection, but not for officers who are promoted, who can be required to move home as part of their new appointment.

As John Lamont described, the problem is that the bill is worded in such a way that officers will lose the protection altogether after promotion, as well as at the point of promotion. In other words, the protection from being required to move house will soon be phased out in practice. Perhaps that is what ministers intend. If it is not what they intend, they have two choices: they can reject the amendments and ask police officers to take their word for it that, in practice, the protection will remain other than at the point of promotion; or they can offer real comfort by accepting the amendments, which are modest in scope and which, taken together, have precise and limited effects.

We proposed a more sweeping amendment at stage 2, but we have not pursued that, in the hope that ministers might accept Mr Lamont's more limited proposed changes. It is now up to Mr MacAskill to choose whether to take the same approach as us and accept the amendments or to stick with the original wording in the bill, regardless of its unintended consequences.

**Alison McInnes:** The requirement to relocate constables is one of the many practical problems that the bill will introduce without providing an adequate solution. In any size of force, there must be flexibility to relocate constables but, in a force area the size of Scotland, there must be reasonable restrictions to protect officers from being asked to move unreasonable distances. The current provisions do not give enough safeguards. John Lamont's amendments are a reasonable compromise, as they allow flexibility, balanced with a regard for family life, so we should support them.

**Kenny MacAskill:** I recognise the need to balance the rights of individual officers with the need to ensure that the police service has the flexibility to organise itself and deploy resources to best deliver policing in all Scotland's communities. Paragraph 9 of schedule 4 provides safeguards for officers who transfer to the service. It provides that an officer

“must not be assigned duties which ... would necessitate that constable moving home to a place”

that would have been in another force area in the current eight-force structure. Paragraph 9(4) provides that the safeguard applies until such a time as the officer

“is or becomes a senior officer”,

is promoted, or consents

“to the lifting of the limitation”.

Even when the exceptions apply, I expect the police service to take a sensible, measured and considered approach to resourcing, not least because of the cost of relocation.

I am not convinced that the case has been made since we last debated the matter at stage 2. I remain convinced that the bill’s provisions strike an appropriate balance between the rights of individual officers and the new service’s need for flexibility. I therefore cannot support the amendments.

16:00

**John Lamont:** I remain unconvinced that the Government has heard the arguments made by the Labour Party, the Conservative Party and the Lib Dems, and, indeed, the Scottish Police Federation. There is a real concern among police officers about the issue, and it is unfortunate that the Government has failed to take heed of that.

**The Deputy Presiding Officer (John Scott):** The question is, that amendment 74 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)

Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)



MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 54, Against 63, Abstentions 0.

*Amendment 74 disagreed to.*

*Amendment 75 moved—[John Lamont].*

**The Deputy Presiding Officer:** The question is, that amendment 75 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)

Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)

McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 51, Against 62, Abstentions 0.

*Amendment 75 disagreed to.*

*Amendment 76 moved—[John Lamont].*

**The Deputy Presiding Officer:** The question is, that amendment 76 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)

McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 54, Against 62, Abstentions 0.

*Amendment 76 disagreed to.*

*Amendment 77 moved—[John Lamont].*

**The Deputy Presiding Officer:** The question is, that amendment 77 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)

Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)

Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 54, Against 63, Abstentions 0.

*Amendment 77 disagreed to.*

*Amendments 28 to 32 moved—[Kenny MacAskill]—and agreed to.*

#### **Schedule 7—Repeals**

*Amendments 33 and 34 moved—[Kenny MacAskill]—and agreed to.*

**The Deputy Presiding Officer:** That ends consideration of amendments.

## **Police and Fire Reform (Scotland) Bill**

**The Deputy Presiding Officer (John Scott):**

The next item of business is a debate on motion S4M-03407, in the name of Kenny MacAskill, on the Police and Fire Reform (Scotland) Bill. I call the cabinet secretary to speak to and move the motion.

16:06

**The Cabinet Secretary for Justice (Kenny MacAskill):** I am pleased to open the stage 3 debate on the Police and Fire Reform (Scotland) Bill. We have come a very long way in a very short time, and I thank everyone who has helped to shape this important bill. The bill has benefited from the detailed and careful scrutiny of four parliamentary committees. I thank the Parliament, the conveners and members of those committees—particularly the Justice Committee—and their clerks for their positive contributions.

In addition to consulting formally twice, we have worked closely with key stakeholders, including the senior management of the services, the Scottish Police Federation, the Association of Scottish Police Superintendents and the Scottish Chief Police Officers Staff Association. Between them, they represent all ranks in the service. We also worked closely with Unison, the Fire Brigades Union, the Association of Principal Fire Officers Scotland, the Retained Firefighters Union and local government. Indeed, members of the FBU and Unison and the Police Complaints Commissioner for Scotland have been or are present in the chamber today. I value their wisdom and thank them for all their positive engagement and continued commitment to reform. Their continued leadership and commitment will be crucial in the months ahead. We have listened and, where it was right to do so, we have amended the bill.

**Willie Rennie (Mid Scotland and Fife) (LD):**

The cabinet secretary has rightly commended those organisations for their contributions to the bill process. Why did he ignore their opposition to the bill?

**Kenny MacAskill:** I do not understand the member's statement given that, as has been pointed out, the FBU supported the bill. In addition, the Scottish Police Federation is now full-square behind it, the Association of Scottish Police Superintendents has always championed it and the Association of Chief Police Officers in Scotland was divided between senior officers who wanted it and senior officers who did not.

Since 2007, we have made significant and sustained progress on building a safer and stronger Scotland. Our police and fire and rescue services are performing well. The number of fire deaths is almost 50 per cent lower than a decade ago, and figures that were published yesterday show that the number of recorded crimes continues to fall and is now at a 37-year low. Scotland is a safer place. Non-sexual violent crimes are now at their lowest level since 1982—a 30-year low—and the clear-up rate now stands at 75 per cent. The number of crimes of handling an offensive weapon has decreased by 10 per cent since 2010-11, and there has been a 44 per cent decrease since 2006-07.

**Alison McInnes (North East Scotland) (LD):**

Why does the cabinet secretary want to unravel all that good work and put at risk all those improvements? The improvements that we have seen in the crime statistics are surely based on good, sound local knowledge and good connections with communities.

**Kenny MacAskill:** Because, as we successfully put to the electorate last year, the alternative is to follow what the Liberal Democrats are doing as part of the coalition Government south of the border, which is to get rid of almost as many police officers as we have serving in Scotland—a record number—and, more important, to attack the terms and conditions of those brave officers who serve. We will not do that. We will maintain a visible police presence in our communities, and honour and adhere to the terms and conditions of the service that they have given without attacking them through Winsor. The men and women of those services would be right to be proud of that record. However, as I have just said, those achievements are under threat from the unprecedented cuts that have been imposed by Westminster. We need to make savings now to protect and improve front-line services.

However, reform is not just about saving money. We can make a virtue out of necessity. We have a once-in-a-generation opportunity to create the sort of world-class, public-focused services that we want for Scotland. Most agree with us that restructuring to create single services is the best way to safeguard and improve services. Single services will keep all Scotland's communities safe and strong by creating more equal access to specialist support and national capacity, such as counterterror investigation, murder investigation, firearms and flood rescue, and strengthening the connection between the services and communities.

The bill provides a blueprint for modern police and fire and rescue services fit to meet the needs of an ambitious 21st century Scotland. It sets out, as never before in legislation, a detailed

framework for the new services, modernising their governance to provide an enhanced focus on delivery of local services. It defines, for the first time, the clear roles and responsibilities of the key players, including unprecedented opportunities for Parliament to scrutinise the services regularly and systematically.

I share Graeme Pearson's ambition for proactive and focused parliamentary scrutiny of policing, if not his suggested approach. That is why I supported John Finnie's amendment this morning to put beyond doubt that the Parliament can fully scrutinise all the provisions in the bill—fire and rescue as well as policing. We will also be using our influence to establish a dedicated parliamentary committee to carry out that role.

The bill has benefited enormously from the input of stakeholders and the Parliament. For example, at stage 1 we were told that key appointments needed to be made as soon as possible to meet the start date of 1 April 2013. Therefore, in addition to amendments at stage 2, I lodged amendments at stage 3 to enable the early commencement of key provisions to facilitate the early appointment of chief officers, board chairs and members.

As I have made clear, I do not anticipate that the chair of the SPA will take many decisions, aside from those required to facilitate the early appointment of the chief constable in advance of other board members being appointed. Stakeholders, and the Justice Committee, told us that the boards may be too small to operate effectively. Hence I lodged amendments at stage 3 to increase their size to between 11 and 15 members.

At stage 2, I supported John Finnie's important amendment to place human rights and equal respect at the heart of the oath that is taken by constables. Following concerns raised by David McLetchie and Graeme Pearson on the transparency of the SPA and the SFRS, this morning I supported amendments to place both under a duty to meet in public and publish agendas, minutes and papers.

Following extensive discussions, the Treasury decided that the SPA and the SFRS should not be able to recover VAT, which means that they will be the only police and fire authorities in the UK unable to recover VAT. That decision is in stark contrast to recent ones taken in relation to police commissioners in England and Wales and academy schools in England. It ignores the fact that the SPA will continue to be able to receive funding from Scottish local authorities to pay the costs of agreed local priorities. The draft amendments that I shared with the Treasury and members of the Justice Committee would have put that beyond doubt. We made every effort to reach

agreement with the Treasury and I am bitterly disappointed that it has not only rejected our proposals but failed to come up with any solutions.

**John Lamont (Ettrick, Roxburgh and Berwickshire) (Con):** I asked this question earlier in the stage 3 proceedings, but I will ask it again. Can the cabinet secretary confirm that the Treasury set out a number of proposals that would have dealt with the VAT issue but which the Scottish Government has chosen to ignore? I do not care about the proposals that the Scottish Government put to the Treasury; I want to know whether the Treasury made proposals that would have dealt with the point adequately.

**Kenny MacAskill:** No, it did not. We put forward matters, as suggested by the Treasury. We proposed amendments. We asked it to say what was necessary and it refused to do so. This Government did everything that it could to meet the criteria that were specified by the Treasury. We put forward amendments and it refused to accept them. Further, it was not prepared to make any suggestions. It is quite clear that we will be able to change the situation only when we have some control over it ourselves.

**John Mason (Glasgow Shettleston) (SNP):** Am I right in understanding that the Scotland Act 1998 says that, if we were to do something that would impose extra costs on the Treasury, we would have to refund that money to the Treasury and that, therefore, logically, if we do something that benefits the Treasury, it should refund us?

**Kenny MacAskill:** Well, we might like to think so, but, unfortunately, that is not the position. Unless the Treasury south of the border is prepared to amend the situation with regard to VAT, which it can do, we will have to have constitutional change that will give the Scottish Parliament the power to do so.

Even with the requirement to pay VAT, the single services will deliver estimated savings of £1.7 billion over 15 years. However, the people of Scotland are being penalised twice: first by the Westminster-imposed cuts; and secondly by the £25 million a year VAT tax grab by the Exchequer. That is manifestly unfair and unwarranted.

The timescale for reform is challenging. Passing the bill is just one step. We are working closely with the services and all the staff associations and unions to achieve a start date of 1 April 2013. We will need strong leaders to lead the services into the future. We are working hard to ensure that key appointments are made as soon as possible. We have already advertised for the chief fire officer and adverts for the SPA and SFRS board chairs and members, and for the chief constable, will be issued in July. I am confident that those posts will attract a strong calibre of candidate.

This is a necessary and important piece of legislation. The reforms that are set out in the bill are necessary to safeguard and improve the front-line services on which communities depend and which are outstanding, but we face unprecedented cuts.

I move,

That the Parliament agrees that the Police and Fire Reform (Scotland) Bill be passed.

16:17

**Lewis Macdonald (North East Scotland) (Lab):** Our starting point in this debate has been that we want there to be more efficient and effective public services, and that creating single services for police and fire and rescue could help us to achieve that. Indeed, Labour was arguing for a single police force and a single fire service when Scottish National Party ministers were still making their minds up, because we believed that resources could and should be used to strengthen service delivery rather than to maintain existing management structures.

We were also clear about two other requirements of police and fire reform. The first is that public confidence in those services is vital, and that public confidence is based first and foremost on local accountability for local services—that is a strength of the current arrangements, in spite of what we have heard today, and something that should have been at the heart of the bill. The second is that, as we said in our manifesto last year, police officers should not be taken off the front line to cover the duties that should be carried out by police staff. That, too, should have been a guiding principle of police and fire reform.

The bill falls short on both counts. It delivers single services, but it does not provide adequate accountability locally or nationally, and it is being delivered at the expense of dedicated civilian staff in the police service in particular.

We have debated accountability from a number of angles today. Although we have welcomed some concessions, we have, in the main, been disappointed by the Government's response—indeed, the tone of some of its rejections has been more disappointing than the rejections themselves.

We have proposed that councils should have greater statutory rights in dealing with police and fire services at a local level. Preparing a plan is one thing, but funding and staffing are what give real authority and accountability, and statutory rights for councils to access information on budgets and jobs are still resisted by ministers.

We have proposed that councillors should be represented on the new national boards on a statutory and permanent basis, which would maintain a link between local and national strategies and decision making not just for the transitional period, as ministers intend, but over the longer term. Those proposals have also been rejected.

We have supported a proposal to have a parliamentary policing commission to improve accountability at a national level. Many members across the parties will be disappointed that that proposal from Graeme Pearson was not welcomed by ministers, especially given that the Government has had some months to consider it but discovered its allegedly insuperable difficulties only in the past few days.

Alongside accountability goes transparency. Some small steps have been taken on that today, but there is a long way to go to achieve the appropriate levels of openness in the management of the services. That can only become harder as knowledge and power are concentrated in fewer hands than ever before. Ministers have argued that the policing commission is unnecessary because of the powers available to Her Majesty's inspectorate of constabulary. However, I discovered only this week that the inspectorate lacks access even to some basic information about how services are currently delivered. It could not tell me, because it does not know, how many police officers and how many civilians are currently employed in police call centres. That is only one example, but it illustrates that there is a real information deficit as we head into the era of single national services. The risk is that that deficit will only get worse.

That deficit also highlights our other key concern about the Government's approach to this process of reform, namely the replacement of civilian staff in backroom jobs by warrant-holding police officers who should be out fighting crime. Even before the last election, the civilianisation of support roles that was taken forward by previous Governments was thrown into reverse. Reform Scotland had to use freedom of information powers to find out that, between 2007 and 2011, one full-time-equivalent police staff member's job was cut for every new warrant-holding police officer post that was created, and that process has only accelerated since.

This is not about chief constables' drivers, as the ministers might want us to believe, but about a range of support functions, from the highly skilled to the routine, which were previously transferred from police officers to civilian staff but which are now being transferred back. Kenny MacAskill has voiced his approval of using police officers to operate custody suites, and putting cops in call

centres is another potential development, but more backroom bobbies is not what the SNP promised at the previous election and it is not what ministers should be doing in delivering the bill.

The threat to staff jobs does not come only from their jobs being given to police officers. The Scottish Government confirmed to Unison this week that the purpose of section 26(2)(b) is to allow private contractors to be appointed as police staff. The threat is that the moment the bill is out of the way and it becomes clear that the sums do not add up, contracting out or privatisation can be used to make further savings at the staff's expense. Of course, the sums will not add up, which is the other fundamental flaw in the Government's approach to the whole process.

Graeme Pearson was offered an explanation just the other day for the Government's failure to publish a full business case, and we heard it again today. The Government has proceeded to this stage on the basis of outline business cases that are widely recognised as flawed and it seems to confuse a full business case on which decisions should be made with the kind of detailed plans that are needed to implement those decisions thereafter. The Government's late flurry of special pleading to Treasury ministers is, frankly, embarrassing. The Government has known since 2007 that national bodies such as the Scottish Police Services Authority are liable to pay VAT, but it has done nothing about it. It has known since the start of the bill process that the same would happen with the new services, but it seems to have had no plan B or strategy for seeking a different outcome if Treasury ministers said no.

The so-called solution that the Government put to the Treasury was that the Government would require councils to contribute less than 1 per cent of total funding for the police and fire services, which is a proposal so lacking in credibility that the Government did not trouble to lodge it for debate today. If ministers had not been so keen to take control away from councils and to concentrate all powers at the centre, a solution might have been found. Instead, the new services will begin with a new tax liability amounting to some £26 million a year, which is hardly the best possible start.

The bill will deliver single services, but it will not deliver the savings, accountability and transparency that it might have done, and it comes at a cost in jobs for civilian staff, particularly in the police service. The challenge for the new services will be to continue to deliver for communities in spite of those fundamental flaws. The challenge for the Government, in contrast with some of what we have heard in the debate today, will be to work with others to address those flaws. If it does not do that, the challenge for the next Government will be to sort them out.

16:25

**John Lamont (Ettrick, Roxburgh and Berwickshire) (Con):** I will focus on the single police force proposals. The fire service proposals are certainly less contentious and appear to be a sensible efficiency measure, although any restructuring of the fire service must retain a visible and effective firefighting presence. By making savings in that area, the bill will, I hope, protect front-line services.

The Scottish Conservatives support the reform of our police and fire services. Indeed, our manifesto last year contained a proposal for a single police force while the SNP remained committed only to reducing the number of police forces. A single police force could represent an opportunity to get rid of duplication in backroom functions such as human resource, information technology and administration functions, and, in turn, protect front-line policing. I am therefore pleased that the Scottish Government has come round to supporting a Scottish Conservative election manifesto commitment.

I am less pleased about how the Government has gone about implementing the policy. The bill is far from perfect. Despite the best efforts of the Opposition parties, it will not adequately protect local accountability or ensure that savings are delivered. The Scottish Conservatives support the idea of reform and a single police force, but that support has always been conditional on a number of factors.

Any reform must protect local accountability. Any restructuring must ensure that police services are accountable to local people and the communities that have a direct relationship with them, which they serve. Unfortunately, the bill is very quiet on how the single police force will work with local authorities; instead, the Government has invested a great deal of faith in its pathfinder projects. Only time will tell whether that was a good idea. We would have preferred to have seen real power delivered to local residents by the introduction of directly elected police commissioners. It is unfortunate that the Government has not accepted that proposal or a number of other amendments that the Scottish Conservatives and other Opposition parties proposed that would have provided clarity on local authority engagement with the single force and enhanced local accountability.

Additionally, the creation of a single force must deliver efficiency savings, and it is important that those savings are delivered alongside the protection of front-line services. The Scottish Conservatives, too, are committed to the maintenance of 1,000 additional front-line officers, whom we helped to secure during the previous session. That is all the more important given

yesterday's news that the number of crimes and offences committed in Scotland has risen this year. If the bill enables more money to be spent on front-line policing, it has to be welcomed.

We have heard a number of times in the chamber that a single police force could achieve £130 million-worth of savings within a year and a total saving of £1.7 billion over 15 years, but those figures are based on an outline business case that was produced in July 2011, before the Government had even decided to establish a single police force. We have already heard that Chief Constable Smith said that that document was

"never intended by the police officers who were party to it, or by the consultants, to be a document that contained sufficient detail on which to base significant decisions about investment and savings."—[*Official Report, Justice Committee*, 28 February 2012; c 971-2.]

We are still waiting for a full business case to be produced. It remains the Government's position that that is a matter for the police and fire services. The consequence of that is that the Parliament has been forced to debate a critical piece of legislation without full figures on how much the single police force will save, which is unacceptable.

The cabinet secretary has made a bit of a song and dance about the VAT position throughout the passage of the bill. The reality is that, when the Scottish Government first set out the proposals, it had full knowledge that they would result in the loss of the VAT exemption; indeed, its own estimates of the impact of the reforms assume that loss. The United Kingdom Government has tried its best to work with the Scottish Government to make the proposals work and to allow the VAT exemption to be retained, but the Scottish Government has failed to engage. Indeed, the cabinet secretary's letter to the Treasury minister in June talks about a failure

"to offer suggested amendments that would meet your policy without undermining our whole programme of reform".

**The Deputy Presiding Officer (Elaine Smith):** Mr Lamont, you must come to a conclusion.

**John Lamont:** That suggests that there were proposals and amendments but the cabinet secretary chose to ignore them.

The Scottish Conservatives sought to work with the Government to establish a single police force that was locally accountable and would deliver the savings. I am disappointed by the bill and by the Government's failure to properly engage.

**The Deputy Presiding Officer:** We now come to the open debate. Time is very tight, so speeches should be of a maximum of four minutes.



16:30

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** In my view, from the back benches, we had an interesting and somewhat lively debate on some of the amendments, particularly those on local accountability, gender balance and the proposal for a Scottish policing commission. I have commented on those topics before in committee and in the chamber and will not reprise my remarks, except to say about the Scottish policing commission idea that I hope that the Parliament will move some way towards having a committee of some nature that is dedicated to holding the chief constable of Scotland to account. That issue is still to be looked into.

We must look at why we are here. We are here simply because we had regional reorganisation in 1975 that led us to have eight chief constables, eight constabularies and everything that goes with that. Since then, we have reorganised again and we now have 32 local authorities. They do not all have their own set-ups, but nevertheless the current position is an accident of history. As the cabinet secretary said, in these straitened times, one must make a virtue out of necessity, so it is quite a good time to look at reorganising the police in Scotland.

The purpose of the bill is modernisation, including a recognition that the fire and rescue service has to meet very different demands from those in the last century. Indeed, that is also true of the police. If we think back 50 or 60 years, I cannot think that we would be talking about things such as drug trafficking, people trafficking, serious organised crime, money laundering through environmental agencies and residential homes for the elderly, or international crimes such as internet crime and terrorism. We live in a changed world, and the police, the fire service, the ambulance service, hospitals and the national health service all have to work closely together, so it seems a good time for these national issues to be considered at a national level.

It makes sense to tighten up the administration, the strategy and the operational matters through a single, dynamic, accountable leadership in a chief constable for Scotland who is answerable to the SPA and to the Parliament both at large and, as I said, perhaps through a specific committee. Balanced against that, quite rightly, is the delivery of local policing, local priorities and local accountability. The public in Scotland rightly ask for and deserve both. Concerns were raised that portrayed the restructuring of police and fire services under a single chief constable and a single chief fire officer as centralisation, which is a pretty dirty word, and raised the spectre of political

interference. I do not think that either of those concerns is worthy at this time.

I am satisfied that, with the checks and balances through the SPA and the SFRS board, through the Parliament and indeed through the fourth estate, or the press, the chief constable will be watched, will act at arm's length from Government at all times in the interests of his remit and will be held to account for delivery at a national level. At the local level, I am also satisfied. Sections 45 and 46 require local commanders to involve local authorities in setting priorities and objectives for the carrying out of police functions in each local authority area. Localism is paramount because, as we all know, the needs of the cities and of rural areas such as mine are very different.

I am short of time, so—

**The Deputy Presiding Officer:** You have 30 seconds.

**Christine Grahame:** We are 5 million-plus people. The bill seems to me to be a sensible and practical solution, and as for scrutiny, it is time that the Justice Committee was made to earn its keep.

16:34

**Graeme Pearson (South Scotland) (Lab):** I say to the previous speaker that I had hoped that the Justice Committee was already earning its keep, but we always want to work harder.

The purpose of the Police and Fire Reform (Scotland) Bill was set out in the financial memorandum, which made it clear that one of the main aspects related to the saving of money. At the beginning of the debates on the bill, it was indicated that those savings would amount to more than £100 million per annum, but the figure has been regulated down since then, hence the importance of the need for a full business case to give us some understanding of what we are trying to achieve, not only in terms of delivering a service, but in terms of how the financial picture plays out in the reality of government.

This is not solely about regulating and holding to account a chief constable; it is important that the board that will oversee that individual behaves in a manner acceptable to this Parliament and the people of Scotland. My previous experience of such boards in the Scottish Police Services Authority does not fill me with confidence that the future for the Scottish police authority will be markedly different. I seem to remember that at board meetings we were assured that VAT would be exempted in due course; indeed, the minutes of those meetings would show that such a decision had been well made and that we were just waiting for the exemption. It was a bit like waiting for Santa Claus at Christmas time; I stood at the

close, I watched the chimney but I never saw him arrive. The same goes for VAT.

I am pleased that the cabinet secretary has acknowledged my point about the threat of a Government abusing its oversight function. There is no doubt that good governance and oversight will be essential to a national police force's management, and I am certain that the set-up of the proposed parliamentary committee to review the act's operation will be of deep interest not only to me but to other MSPs.

The Scottish Labour Party has already declared its commitment to a single police force with a slimmed-down executive, a focus on street-level service delivery and democratic accountability fit for the 21st century. As has been said, the current arrangements, which are set out in the Police (Scotland) Act 1967, were designed for a completely different time. Not only has the internet changed the world, but mobile phones, international travel, migration and immigration have all affected the way in which police officers operate on our streets. Ensuring that accountability reflects that new reality should be the Parliament's focus.

The Government now has the task of working out its priorities and putting in place the management and oversight of the police and fire services. The Parliament must ensure not only that all of that is in good health, but that it is all done in a good light, legally, ethically, morally and in our communities' best interests. I will contribute as best I can to that endeavour and the deliberations that the cabinet secretary intends to have and I hope that, with good will, he delivers what we sought in the first place.

16:37

**John Finnie (Highlands and Islands) (SNP):** Collaborative working is the future of public services and this reform will not only ensure that, but protect and improve local services, despite financial cuts.

We have heard members talk about stopping duplication eight times over; in fact, it can be nine times over if we include the Scottish Crime and Drug Enforcement Agency and the Scottish Police College. This is not about cutting the front line; indeed, according to figures announced last week, the total number of police officers has gone up by 1,202 since 2007 to a record 17,436. There is no doubt that the visible police presence created by those numbers has brought about the lowest crime rate for 37 years.

**Graeme Pearson:** I hope that the member will acknowledge that the support staff who help police officers to deliver services are equally important

and that the loss of 1,000 from their number is a concern.

**John Finnie:** Operational matters are for the chief constable, but I agree that the mix of specialisms that support staff provide is greatly appreciated.

As I was saying, those police officers have brought the crime rate to a 37-year low and the fact that there are 9,000 fewer victims is hugely important.

In the brief time that I have, I want to touch on other positive aspects of this reform: equal access to specialist support and national capacity. At the moment, we have a system of mutual aid, by which those who feel that they cannot deal with an issue within their boundary can call in assistance from elsewhere. For historical, personal and other reasons, there has been a reluctance for the system to be used, often because it is seen as a sign of escalation. As a result of this reform, there will be greater national capacity; a helicopter, for example, will belong not to one force but to everyone.

In evidence to the Justice Committee, Assistant Chief Constable Finlay addressed concerns about the seniority of the local commander and what that would mean with regard to access by referring to the system of tactical tasking, which is well understood in the police service.

A number of people have pooh-poohed the suggestion of giving more elected members a formal say. An example I have given, and unashamedly give again, is that of Orkney. Currently, two delegates go to Aberdeen every six weeks. In future, the entire council will be involved in liaison with the local police commander and the local senior fire officer, who they will scrutinise against a plan. There is an important role for better integration with community planning partnerships, an economy of effort and, indeed, a shared direction. That will strengthen the links between both those services and local communities.

An issue raised with me at one forum was the situation in which, historically, a chief constable had attended a meeting, whereas henceforth it may well be a chief superintendent. Of course, throughout Scotland a chief superintendent generally attends such meetings. As the Cabinet Secretary for Justice said, there is a key role for the superintendent rank. I note something that may not be readily understood by everyone: the comment about the role of the ASPS executive as the representative body, recognised as such by the Scottish Government, is a significant statement. I, too, convey thanks to Chief Superintendent David O'Connor for his constructive engagement throughout the process.

I do not know who Tavish Scott was listening to, but the SPF is full square behind this.

**Tavish Scott (Shetland Islands) (LD):** Will the member give way?

**The Deputy Presiding Officer:** The member is concluding.

**John Finnie:** I will perhaps give way later.

**The Deputy Presiding Officer:** You have 30 seconds left.

**John Finnie:** I would like to thank Calum Steele and John Duffy, along with the FBU. Both those individuals are aware of the contrast with England, in relation to 6,000 fewer officers, the Winsor review and the Con-Dem Government's intention to reduce numbers by 20 per cent, offset by a better offer from Labour to reduce them by only 12 per cent.

Mobility was touched upon, and we must have good practice on that to ensure that no officer is disadvantaged in that respect. Given the time, I will finish there.

16:41

**Alison McInnes (North East Scotland) (LD):** I offer my thanks to the legislation team for their work over the course of the bill, and, of course, to the Justice Committee clerks, whose help has been invaluable. I also acknowledge the professionalism shown by our police forces and fire services throughout the debate. Led commendably by the Association of Chief Police Officers Scotland and the Chief Fire Officers Association Scotland, they have been charged with finding a way to implement the Government's flawed vision for the future of our emergency services. Their objections to the Government's plans were simply ignored, yet they have still dedicated themselves to making the best of this bad job. They have my utmost respect for that.

I have made it clear throughout the process that the Scottish Liberal Democrats do not support the bill. We cannot support the savaging of our outstanding local emergency services for little more than the sake of a ministerial power grab. We will vote no this evening, however futile a move that might be.

During stage 2 and stage 3 proceedings, the Labour, Conservative and Liberal Democrat parties lodged a combined total of 125 amendments to the bill. They aimed to improve accountability, strengthen the role of local authorities and create greater transparency. The Government rejected them all, except for five minor amendments.

I do not have much time, but I must talk about the issue at the core of this debate. Should our

emergency services be run locally, guided by local elected representatives, or should they be run centrally, by people appointed by the cabinet secretary? I know which I prefer. At every step of the way, the cabinet secretary has sought to marginalise the legitimate concerns raised by others.

What of the things that we risk losing? A modern police officer's role is about more than working to reduce crime. It is just as much about reducing the fear of crime and working in partnership with communities to make a real difference and improve quality of life for everyone. Our constables help at midnight football leagues, discuss concerns with community councils, and they talk with young drivers about staying safe on the roads. It is about officers of every rank instilling confidence, building up relationships and trust with local communities, and it is about the senior ranks keeping in day-to-day contact with our community planning partners: social services, court services, councils and health boards.

Our excellent emergency services' successes over the past decades—the reduction in crime that the cabinet secretary spoke about, safer communities and fewer house fires—have been achieved because those services are funded, managed and delivered locally. They are accountable to local people, they are responsive to local needs and they can prioritise and adapt based on local circumstances.

The Government has tried to answer those concerns through the idea of local commanders and local policing plans, but it has consistently rejected measures put forward by opposition parties to give local authorities some control and some substantive input into those plans. Indeed, the Government's announcement last week of the proposed area commands is further proof that it just does not get it.

Not only are the areas unwieldy, but they will serve to further remove local authorities from decision making on policing in their regions. For local voices to be heard, councils will have to go through a local commander, an area commander and the chief constable to the police authority. Not even this Government can spin that as being local accountability.

The Scottish Liberal Democrats are not against reforming our emergency services. We fully accept that there is a need to modernise and that there is a need to make greater efficiency savings. However, this bill and these reforms are not about those needs. They are about the Government's centralisation agenda—about taking power away from local communities and putting it in the hands of ministers. Emergency services must and should be delivered locally. This bill is not just a backwards step—it is a destruction of the

community foundations that our police and fire and rescue services are built on.

16:45

**Colin Keir (Edinburgh Western) (SNP):** As others mentioned earlier, the situation is obvious. The slashing of the Scottish budget means that if we are to maintain the high standard of police and fire and rescue services that we provide, the services must be run differently.

We started this process from a position of strength in Scotland. Both the police and fire services—at management and at union level—accepted the need for change. It has been clear in the Justice Committee meetings that the engagement with everyone involved has been first class.

Consider the difference between the situation down in England and the situation here in Scotland. In England they will be losing about 16,000 police officers and there is no confidence in the leadership of the Tories and the Liberal Democrats. Here in Scotland, the Government has a good relationship with the professionals, as represented by bodies such as the ASPS, whose contributions have been invaluable in this process. In Scotland we have record police numbers and the lowest crime figures in 37 years, as John Finnie pointed out. I know which side of the border I prefer to be on.

Moving to a single police authority also provides an opportunity for improvement, despite the cuts. Many of the Justice Committee discussions centred on the composition of the national board of governance and on local accountability. I am glad that the Government took on board the concerns that were expressed and agreed to increase the number of members of the national board to somewhere between 11 and 15.

Although I have some degree of sympathy for Graeme Pearson's earlier comments about empowering a commission to oversee the two services, I am heartened by the cabinet secretary's comments. A parliamentary process has been found that will easily take up that oversight function. I share the views of the Justice Committee convener on that subject.

The larger number of board members will also allow for specialist management to evolve, which will be an asset given the nature of modern law enforcement.

Of course the service must have a local dimension to it. This is where I disagree with Alison McInnes: sixteen local pathfinder schemes are being trialled and I believe that the Scottish Government is correct in not being too prescriptive about ensuring that the same local model is used

across the country. I was rather astounded by Sarah Boyack's outburst this morning—it was as though the sky was about to fall in and local democracy had died. No single model can fit all and the results of the trials will help local senior officers and partners to work out a system that works for their local authority area. Local democracy is not dead and it will not die under these proposals. Local authorities will have access to senior officers of both services and discussions can ensue.

I cannot sit down without mentioning the VAT situation. It is astonishing that the UK Tory-Liberal Democrat coalition refuses to make changes to VAT rules in the same way that it has done for others. Scotland will have the only police force in the UK that is not VAT exempt. Even academy schools in England have had their VAT status changed. That shows the UK Government's attitude to Scotland—Scotland cannot have what the UK Government gives to others, because of who is in government. The UK Government is not interested in making things better, only in telling us what we cannot have—does that ring any bells? Here in Scotland, however, we have a Government that is willing to do things for the better.

I agree with the cabinet secretary that the sooner we are allowed to have the full range of powers that we want for this Parliament, the sooner the people of Scotland will see the benefits. This is a Government that can, not one that cannot or will not.

I support the motion.

16:49

**Sarah Boyack (Lothian) (Lab):** Today's debate on the detail in the bill has demonstrated the SNP's centralising instincts—

**The Minister for Community Safety and Legal Affairs (Roseanna Cunningham):** Said with no irony whatsoever.

**Sarah Boyack:** No, there is no irony, minister. I will explain.

Although there is a powerful argument for better national policing, that must be balanced with effective accountability and local input. Ministers have today not allowed that to be added to the text of the bill.

Other parties in the chamber disagree with the SNP on that matter, and today is a missed opportunity. I am disappointed that local councillors will not play a full enough part in the process, and I thought that Kevin Stewart's arguments this morning totally undermined the SNP's case.

**Kevin Stewart (Aberdeen Central) (SNP):** Will the member give way?

**Sarah Boyack:** No, I will not—the member has had his time.

Local circumstances are different, and there is a discipline that comes from knowing that one must account to people. I know from my mailbag that it is local policing, working with local agencies, that makes people feel safer. For most of us, that is the only time that we will meet our local police.

I believe that we will return to that issue. Unison's Dave Watson commented this morning that there will be centralisation at a cost, with privatisation to come. Ministers have said nothing today to refute or allay those fears.

The proposed committee will need proper consultation. It will not be a Justice 2 Committee, but a committee of an entirely different character. We will all need to pause for breath on that, and the matter will need to be handled carefully and sensitively. The jury is out on that proposal.

There are good things about having a national police force, but that must be counterbalanced by local input. The bill is a missed opportunity, and we will have to come back and improve on it in the future.

16:51

**Annabel Goldie (West Scotland) (Con):** The bill is a very important piece of legislation. As points of conflict and debate have tended to surround the new structure for the police force, I will focus my remarks on that. Other members have eloquently commented on the single fire and rescue service.

The debate about a national police force is not new; it has surfaced over the years. After all, we have a national health service and a national water and sewerage service, so why not a national police service?

I have always felt that a country's law enforcement body occupies a unique position. Given the nature of what it does and the power that it has, there should be a respectful and respectable distance from the political process and a public confidence in how it discharges its role.

Interestingly, since devolution began, there has been discussion about how complaints against the police are handled and how we balance the sensitive and challenging job that we ask the police to do with the legitimate interest of the public, if police conduct gives rise to question, in having that concern addressed.

The present structure of several forces with a complaints investigatory function and a police complaints commissioner has provided that

distance from the political process and served the public interest. However, the bill creates a very different beast. Graeme Pearson correctly described it as a national police force, and that is what it is.

I do not instinctively shy away from that beast. Indeed, as my colleague John Lamont said, my party supported the principle of a single police force, subject to two important conditions. Those were that the savings from such a proposal, having been costed in detail, would demonstrably preserve the presence of front-line officers, which my party were instrumental in securing, and that the distance from the political process and the public confidence in the ability to challenge any abuse of power would be protected. That second condition is of paramount importance when there is a single law enforcement body.

At stage 1, the bill as drafted did not allay the concerns of my party, and we chose to abstain at that point. It is disappointing that the strenuous attempts by Graeme Pearson and my colleague John Lamont to address some of those fundamental concerns and to improve the bill have been rejected.

The general tenor of the debate suggests that some of those fundamental issues of public interest are not fully recognised. Sarah Boyack made an important point in that regard. Speaking to a very senior police officer who had genuine concerns about the proximity to Government, I found that there was a legitimate anxiety about how the bill would work in practice.

Roseanna Cunningham suggested that we are being cynical about the ability of politicians to behave with integrity and probity. My view is that, when we are dealing with something so sensitive, we should create a system that anticipates that every barrel can have a bad apple and that identifies and deals with that possibility, rather than waiting for some disaster to happen and saying, "Goodness—why did we not do something better when we framed the legislation?"

I say with reluctance that, under the bill, the principle of a single police force—which my party supports—does not translate into practices that are safe or healthy. Therefore, with regret, I say to the chamber that my party feels unable to support the bill and we will abstain in the vote at decision time.

16:55

**Jenny Marra (North East Scotland) (Lab):** Scottish Labour was the first party to commit to delivering single police and fire services for Scotland. In our manifesto last year, we made it clear that single services would be delivered nationally but would function locally. Our proposal

stemmed from the knowledge that emergency services are most effective when they operate in the heart of our communities and when they are accountable to those whom they serve. Today, half of that ambition has been fulfilled.

Although the Government has delivered single police and fire services, it has not delivered services with the local accountability that modern services should have or with the transparency that the public demand. Today, provisions that would have provided accountability and scrutiny have been offered in good faith in many amendments but, to the detriment of the bill, those amendments have fallen on the deaf ears of the cabinet secretary and the SNP.

At their core, those amendments sought to redress the bill's insistence on tipping the balance of policing towards the state at the expense of local communities. Labour's amendments were a package to deliver a national police force and a national fire service that would work within local communities. We advocated a police force in which local authorities would have a say in the appointment of a local police commander, would have an insight into the funding for their area, and would be able to raise concerns about local policing issues directly with the chief constable. We envisaged a fire service in which local knowledge would be given due regard by the Scottish ministers. We envisaged that a minimum of a third of the members of the board of that service would be local authority representatives and that local authorities would be consulted before the appointment of local senior officers.

To oversee all those functions, Labour advocated an independent commission that would have been tasked specifically with scrutinising the services to ensure that they acted in the most effective and efficient way possible.

Labour's amendments also sought to bring community benefit. For example, our amendment to empower people in supported workplaces would have given them preference in just one contract every three years. What kind of Government does not wilfully use the power that it already has to save our supported workplaces? This SNP Government.

Labour also lodged an amendment that would have provided a gender balance on the boards of our police and fire services, which deal daily with gender-based justice issues. In responding to that amendment, Roseanna Cunningham said that she could not support it because it did not account for all other minorities. I ask Roseanna Cunningham whether she thinks that Emily Davison, before throwing herself under the king's horse, ever stopped to think that she should not pursue gender equality because making a difference in one area was unfair to others.

Is it not the truth that Roseanna Cunningham's argument, like the SNP's arguments on our amendments for greater transparency and accountability, is merely a fig leaf to cover the real reason for the Government's regressive stance? The ideas are progressive, fair and correct but they were put forward by Labour. It is telling that one of the only Labour amendments to be accepted by the SNP was an amendment in the Government's own words, which it remains convinced would solve the VAT issue.

We support the bill as a foundation—as a first step towards the police and fire services that Scotland deserves. However, we support the principle of the bill in the face of our grave disappointment at the SNP's conduct throughout the bill process. We give a stark warning against the SNP's ethos of dragging our vital local public services closer to the state. The reality is that the SNP, through its stubbornness and its failure from day 1 to listen to Opposition parties in the chamber, to stakeholders and to the Treasury, which has provided clear guidelines, has risked costing the Scottish people millions in VAT. The SNP has nobody to blame but itself, and the Scottish people will blame nobody but it.

Labour members are clear that we will hold the Government to account for the decisions that it has made in the Parliament today and that we will fight for democratic scrutiny and local accountability. We are also clear that, when the next Labour Government comes to power in the Parliament, we will work constructively with parties across the chamber to put in place democratically accountable and fully functioning police and fire services.

17:00

**The Minister for Community Safety and Legal Affairs (Roseanna Cunningham):** It is a good job that Jenny Marra was not here before last year. I do not recall much constructive working across parties in the Parliament when her party was in government with the Liberal Democrats from 1999 to 2007. Far more constructive working has taken place since 2007—that is easily seen by members. Members who have been here since 1999 know perfectly well that, when Labour was in government here, there was nothing by way of constructive engagement.

**Annabel Goldie:** The minister refers to the interesting period since 2007. Did the minority SNP Scottish Government listen to others because it had to?

**Roseanna Cunningham:** We listened to others and we are still listening to others, as is evidenced by the fact that we accepted some Opposition amendments today. I do not recall many

Opposition amendments being accepted by the Labour Government before 2007, and I would be surprised if Annabel Goldie can remember any.

Despite those points and the fact that some speeches appeared to relate to another debate entirely, there is consensus behind the proposals, although members would not always know it. Stakeholders and the Parliament agree that the police service and the fire and rescue service need to be reformed, to safeguard and improve the services that they provide to Scotland's communities.

We and the services have looked at the issue for more than two years. A wealth of evidence demonstrates that single services will deliver the most benefits. The services and stakeholders accept that and are working constructively with us to deliver the reform. John Finnie was right to remind us of the positives of that reform.

I thank the Parliament and the Justice Committee for their positive contributions to the bill. I thank the Local Government and Regeneration Committee for its consideration of key aspects of the bill; I also thank the Finance Committee and the Subordinate Legislation Committee. I extend my thanks to all the stakeholders who worked with us to shape the bill and who continue to contribute to the reform programme's success. That work goes on—particularly in the services and in staff associations, trade unions, local government and other bodies.

Members would not know it from Alison McInnes's speech but, when it has been right to do so, we have changed the bill. For example, we listened to the calls for larger boards, to ensure that they have the necessary range of skills and expertise. As for her nonsense about the destruction of community working, it is just that—nonsense. In truth, the opposite will happen—local links will be strengthened, as described by Colin Keir.

As the minister with responsibility for the fire and rescue service, I particularly thank the Chief Fire Officers Association Scotland and the FBU for their constructive approach. I have been greatly impressed by the way in which the existing services and the FBU have worked together, and continue to work together, to plan for the single service. A huge amount of work has been done to ensure that the public continue to receive a high standard of service from day one of the SFRS. The joint working between management and employees has been exemplary and it provides a strong employee relations model for the new service to build on, so the contribution has been invaluable.

We want to build on that partnership approach. That will include the opportunity at some point for a trade union representative to be a member of the SFRS board. To facilitate that, we lodged an amendment to the bill at stage 2 to allow ministers, by order, to lift the disqualification on staff members, including union representatives, being board members. Discussion of that continues to be active.

I will talk about specifics. Graeme Pearson has—with great consistency, to give him his due—suggested a parliamentary commission. The Government fully supports the need for robust parliamentary scrutiny of policing and fire and rescue, but, as Christine Grahame reminded us, Parliament and its committees already have powers to inquire into any aspect of policing or the fire and rescue service, including requiring any person to attend proceedings to give evidence or to produce documents for such an inquiry. In addition, we have built into the new structure plenty of opportunities for Parliament to scrutinise. Strategic priorities, strategic plans and annual plans will all be laid before Parliament, as will the SPA's annual report and reports from Her Majesty's chief inspector of constabulary and the police investigations and review commissioner.

Graeme Pearson spoke eloquently about his proposal to establish a Scottish policing commission, but Parliament is already responsible for scrutinising policing and there is a real risk that responsibilities would be blurred if we superimposed a new structure. It was for that reason that we could not support Graeme Pearson's amendment. However, we were happy to support John Finnie's amendment, which sought to make clear that scrutiny of police and fire and rescue services is a key role for Parliament but did not seek to dictate how that role should be carried out. I repeat our commitment to work with the Parliamentary Bureau to establish a new committee under existing standing orders, which would be a more flexible solution that could be adapted as the new service beds in.

Lewis Macdonald and others referred to the VAT issue. We are asking not for special treatment for Scotland, but for equal treatment for our essential police and fire and rescue services, and equal respect for this Parliament's clear wishes. The Treasury's decision is in stark contrast to its recent decisions in relation to new police commissioners for England and Wales and academy schools in England.

For those who have criticised our approach, I reiterate the fact that we have made every effort to co-operate with the Treasury and achieve a positive outcome for Scotland's police and fire and rescue services. The Treasury has the powers to enable Scotland's services to recover VAT; it just

does not choose to exercise them, which is not acceptable. It is a tax on Scotland.

We costed our outline business cases responsibly on the basis that VAT would be payable, not because we assumed that to be the case, but because we knew that it would be the prudent approach. Even without the ability to recover VAT, the establishment of a single police service and a single fire and rescue service is the best option for Scotland and will deliver estimated savings of £1.7 billion over 15 years.

John Lamont talked about resources and savings. We believe that the police and fire budgets provide sufficient funding for the services to fully undertake their functions. Future budgets will be agreed following future negotiations around service requirements. As I said, the single police service and the single fire and rescue service will deliver estimated savings of £1.7 billion over 15 years, with annual recurring cash savings in excess of £130 million expected from 2016-17. CFOAS is certain that savings can be made by removing duplication. ACPOS has assured us that it is committed to implementing the police reform programme within budget.

Lewis Macdonald and John Lamont also talked about the business cases. Both business cases demonstrated that single services were the most likely to deliver the necessary savings and other benefits of reform. It was on that basis that we introduced the bill. Full business cases are produced to set out in detail the effect of delivering single services, but to enable full business cases to be produced, a series of critical decisions on the design and delivery of the services is needed. It is sensible and right that those decisions should be taken by the SPA, the SFRS board and the chief officers once they have been appointed. Parliament and the services would rightly be critical if ministers sought to take such decisions on the services' behalf. The new services need to take ownership of the new structures that we are creating and make the detailed decisions that will enable full business cases to be produced. It does not therefore make any sense for the Government to produce full business cases before those decisions have been made. Had we done so, I do not doubt that we would be accused of trying to micromanage the new services.

Reform is vital if we are to protect and improve on the services that our communities receive. The bill provides the framework for that necessary reform. I therefore ask that members support our motion and pass the Police and Fire Reform (Scotland) Bill.

## **“Scotland Act: Standing Order rule changes”**

**The Presiding Officer (Tricia Marwick):** The next item of business is a debate on motion S4M-03309, in the name of Dave Thompson, on the report “Scotland Act: Standing Order rule changes”. I call Dave Thompson to speak to and move the motion on behalf of the Standards, Procedures and Public Appointments Committee.

17:10

**Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** The Scotland Act 2012 will, over time, require a number of changes to the Parliament's standing orders, so members can look forward to a number of speeches from me. However, I will keep this one short.

The changes that are outlined in the Standards, Procedures and Public Appointments Committee's report reflect one of the changes that will be necessary in light of the commencement of the Scotland Act 2012. Over the next few months, the committee will return to the Parliament to make other changes, but it has given one amendment priority so that it can be brought into effect along with the changes to the standing orders that relate to the reform of the parliamentary week. Specifically, the changes to which the Parliament is being asked to agree relate to the provision in the act that will legally replace the term “Scottish Executive” with a term that is already in common use: “Scottish Government”.

The proposal to make the change was contained in the Scotland Bill and was supported by all parties in the Parliament. Given that support, I am pleased to speak to the motion on behalf of the committee. I have no specific comments to make on the numerous individual changes that are set out in the report, but I draw the Parliament's attention to the fact that they include things such as “Executive” bills being renamed “Government” bills and parliamentary questions being addressed to “the Scottish Government”, not “the Scottish Executive”.

I will explain the background to the timing of the implementation of the changes, which is set out in the motion. As members will note, the implementation of the standing order rule changes is tied to the date on which the relevant provision of the 2012 act—section 12—is commenced. At present, I understand that the likely date of commencement is during the summer recess, most probably in July. The motion therefore ensures that there will be no gap between the relevant provision coming into force and the necessary amendments being made to standing orders. I am sure that all members will appreciate



that that approach will ensure that there is no dubiety about the technicalities of those pieces of parliamentary business that continue throughout recess, such as the lodging of parliamentary questions.

On behalf of the Standards, Procedures and Public Appointments Committee, I move,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 4th Report 2012 (Session 4), *Scotland Act: Standing Order Rule Changes* (SP Paper 157), and agrees that changes to Standing Orders set out in Annexe A to the report be made with effect from the date of commencement of section 12 of the Scotland Act 2012.

## **Electoral Registration and Administration Bill**

17:13

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of motion S4M-03481, in the name of John Swinney, on the Electoral Registration and Administration Bill, which is United Kingdom legislation.

*Motion moved,*

That the Parliament agrees that the relevant provisions of the Electoral Registration and Administration Bill, introduced in the House of Commons on 10 May 2012, relating to individual electoral registration and absent voting and rejected postal votes, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.—[*John Swinney.*]

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

## Local Government Finance Bill

17:13

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of motion S4M-03480, in the name of John Swinney, on the Local Government Finance Bill, which is United Kingdom legislation.

*Motion moved,*

That the Parliament agrees that the relevant provisions of the Local Government Finance Bill, introduced in the House of Commons on 19 December 2011, which relates to the establishment of a data sharing gateway for purposes relating to council tax liability, in so far as these matters fall within the executive competence of the Scottish Ministers, should be considered by the UK Parliament.—[*John Swinney.*]

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

## Parliamentary Bureau Motions

17:13

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of four Parliamentary Bureau motions. I ask Bruce Crawford to move motions S4M-03500 and S4M-03501, on approval of Scottish statutory instruments; motion S4M-03502, on committee membership; and motion S4M-03503, on substitution on committees.

*Motions moved,*

That the Parliament agrees that the Legal Services (Scotland) Act 2010 (Ancillary Provision) Regulations 2012 [draft] be approved.

That the Parliament agrees that the Licensed Legal Services (Specification of Regulated Professions) (Scotland) Regulations 2012 [draft] be approved.

That the Parliament agrees that—

Jackson Carlaw be appointed to replace Nanette Milne as a member of the Public Petitions Committee;

Hanzala Malik be appointed to replace Michael McMahon as a member of the Subordinate Legislation Committee;

Jackie Baillie be appointed to replace Drew Smith as a member of the Welfare Reform Committee;

Fiona McLeod be appointed to replace Bob Doris as a member of the Standards, Procedures and Public Appointments Committee; and

Sandra White be appointed to replace Fiona McLeod as a member of the Health and Sport Committee.

That the Parliament agrees that Jackson Carlaw be appointed to replace Nanette Milne as the Scottish Conservative and Unionist Party substitute on the Health and Sport Committee.—[*Bruce Crawford.*]

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

## Point of Order

17:14

**Patrick Harvie (Glasgow) (Green):** On a point of order, Presiding Officer. Members across the chamber are well aware of the controversy that has been generated over the recent consultation on same-sex marriage in Scotland. Members of the public on both sides of the debate engaged seriously with the consultation and had been under the impression that an analysis of the consultation responses and a decision from the Government would be published “in the spring”—that is the form of words that was used in written answers by ministers. We are now told by the media—I believe that this has been confirmed by the Government—that that will not happen until part way through the summer recess.

What opportunity can the Government be given to clarify any change to an indication of such a nature given in written answers, particularly given that a decision seems likely when Parliament is not sitting and questions cannot be put to ministers?

**The Presiding Officer:** I thank Patrick Harvie for advance notice of his point of order. The point that he raises is not a procedural matter for the Presiding Officers. It is up to ministers to decide when to publish the results of their consultation.

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** I thank Patrick Harvie for his point of order because it gives me the opportunity to update Parliament. There has been slippage in the expected timetable, and that is simply due to the huge volume of responses—some 77,000 in total—and the time taken by the Cabinet to analyse and properly consider them. The Cabinet had a first discussion on the issue yesterday, and it has asked for further detail. However, Patrick Harvie will be pleased to know that we fully expect to publish the results next month, and I am sure that Parliament will have ample opportunity in due course to debate the issue.

**The Presiding Officer:** I thank the Deputy First Minister for that clarification. I am sure that, in the light of what the minister has said, the Government will want to ensure that there are arrangements for members and the Scottish Parliament information centre to receive copies of the consultation results if they are published during the recess.

## Decision Time

17:16

**The Presiding Officer (Tricia Marwick):** There are eight questions to be put as a result of today's business. The first question is, that motion S4M-03407, in the name of Kenny MacAskill, on the Police and Fire Reform (Scotland) Bill, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)

MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDonald, Mark (North East Scotland) (SNP)  
 McDougall, Margaret (West Scotland) (Lab)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McMahan, Siobhan (Central Scotland) (Lab)  
 McMillan, Stuart (West Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

#### Against

Harvie, Patrick (Glasgow) (Green)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 McInnes, Alison (North East Scotland) (LD)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scott, Tavish (Shetland Islands) (LD)

#### Abstentions

Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)

Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)

**The Presiding Officer:** The result of the division is: For 101, Against 6, Abstentions 14.

*Motion agreed to,*

That the Parliament agrees that the Police and Fire Reform (Scotland) Bill be passed.

**The Presiding Officer:** The next question is, that motion S4M-03309, in the name of Dave Thompson, on the report "Scotland Act: Standing Order rule changes", be agreed to.

*Motion agreed to,*

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 4th Report 2012 (Session 4), *Scotland Act: Standing Order Rule Changes* (SP Paper 157), and agrees that changes to Standing Orders set out in Annexe A to the report be made with effect from the date of commencement of section 12 of the Scotland Act 2012.

**The Presiding Officer:** The next question is, that motion S4M-03481, in the name of John Swinney, on the Electoral Registration and Administration Bill, which is United Kingdom legislation, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the relevant provisions of the Electoral Registration and Administration Bill, introduced in the House of Commons on 10 May 2012, relating to individual electoral registration and absent voting and rejected postal votes, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

**The Presiding Officer:** The next question is, that motion S4M-03480, in the name of John Swinney, on the Local Government Finance Bill, which is UK legislation, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the relevant provisions of the Local Government Finance Bill, introduced in the House of Commons on 19 December 2011, which relates to the establishment of a data sharing gateway for purposes relating to council tax liability, in so far as these matters fall within the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

**The Presiding Officer:** The next question is, that motion S4M-03500, in the name of Bruce Crawford, on approval of a Scottish statutory instrument, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Legal Services (Scotland) Act 2010 (Ancillary Provision) Regulations 2012 [draft] be approved.

**The Presiding Officer:** The next question is, that motion S4M-03501, in the name of Bruce Crawford, on approval of an SSI, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Licensed Legal Services (Specification of Regulated Professions) (Scotland) Regulations 2012 [draft] be approved.

**The Presiding Officer:** The next question is, that motion S4M-03502, in the name of Bruce Crawford, on committee membership, be agreed to.

*Motion agreed to,*

That the Parliament agrees that—

Jackson Carlaw be appointed to replace Nanette Milne as a member of the Public Petitions Committee;

Hanzala Malik be appointed to replace Michael McMahon as a member of the Subordinate Legislation Committee;

Jackie Baillie be appointed to replace Drew Smith as a member of the Welfare Reform Committee;

Fiona McLeod be appointed to replace Bob Doris as a member of the Standards, Procedures and Public Appointments Committee; and

Sandra White be appointed to replace Fiona McLeod as a member of the Health and Sport Committee.

**The Presiding Officer:** The next question is, that motion S4M-03503, in the name of Bruce Crawford, on substitution on committees, be agreed to.

*Motion agreed to,*

That the Parliament agrees that Jackson Carlaw be appointed to replace Nanette Milne as the Scottish Conservative and Unionist Party substitute on the Health and Sport Committee.

## North Glasgow College (Funding Cuts)

**The Deputy Presiding Officer (John Scott):** The final item of business today is a members' business debate on motion S4M-03226, in the name of Patricia Ferguson, on Scottish Government cuts threaten creativity. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament notes the package of voluntary severances and the possibility of potential redundancies that it understands are being made at North Glasgow College and other colleges across the country; regrets that these cuts might impact on the number and range of courses offered including music production; understands that the cuts, which are being proposed by the Scottish Government, will require the North Glasgow College management to save £823,000 in 2012-13 on top of what it sees as the swingeing cuts of £1 million that the college experienced in 2011-12, considers that these cuts will have an impact on both the level of skill in the workplace and on opportunities for young people, and finds this extremely unhelpful at a time of high youth unemployment when it considers that further education colleges should be able to equip tomorrow's workers with the skills to help Scotland emerge from the recession.

17:20

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** I am sure that I am not alone in having attended and enjoyed school awards ceremonies in the past few weeks. It is always inspiring to hear of the achievements of school pupils, to see their delight in the progress that they have made and to witness and share the pride of their families and teachers. For those who are leaving school, it should be a time of great excitement and anticipation as they look forward to a life beyond school and to moving into further or higher education or into training or work. However, for those whose next step should be further education, it has instead been a time of uncertainty that has been caused by the policies and funding choices of the Scottish Government.

I have witnessed at first hand the efforts that have been made by my local college, North Glasgow College, to minimise the effect of the cuts on the young people whom it serves, on the staff whom it employs and on the range of courses and number of places that are available. However, with a cut of £1 million last year and a further reduction of £823,000 this year, something had to give. Like many other colleges, North Glasgow College has sought to make voluntary severance arrangements with its staff and has, as a result, lost 31 jobs in 2011-12 and a further 16 in the current year.

Numbers on paper do not tell the whole story, however, so I will elaborate a little. The loss of 31

jobs last year equated to the loss of some 500 years of experience and a great deal of on-going anxiety for staff. It has also resulted in the number of places on courses as diverse as communications and support for learning being reduced. This year, places have been lost in plumbing, tourism, and music and sound production, among other courses, and I am grateful to all the potential students and their families who have contacted me with their concerns.

The music and sound production courses are popular and have been the subject of media interest. It seems to be ironic that music and sound production courses are being reduced during the year of creative Scotland—a year in which, the Scottish Government tells us, we should all celebrate our culture and our cultural life. I am afraid that the young people who are being denied places on those courses have little to celebrate. Thankfully, North Glasgow College has been able to relocate potential students to other colleges and to other courses, but that has tied up valuable staff time at an important point in the college year. Looking to the future, the college's senior management team has done its best to ensure that it will be well placed to capitalise on its areas of expertise when formal merger discussions begin.

North Glasgow College is the only college to be located entirely within my constituency, so it is the one that I know best and the one that concerns me most. Nevertheless, I took the opportunity to check the situation concerning the other Glasgow colleges, and the figures are staggering. In 2011-12, Glasgow's colleges lost 39,258 weighted student units of measurement—the recognised measure that is used to work such things out. To put that in perspective, I note that 39,258 weighted SUMs equates to almost exactly the number of SUMs that Stow College has in 2012-13 and is more than the total at John Wheatley College. It is, in effect, the equivalent of losing a Stow College or a John Wheatley College completely. An entire college's complement of student units of measurement has been wiped out because the Scottish Government does not consider the work of those colleges to be a priority.

I seem to recall that the Scottish Government promised that there would be an education or training place for every young person in Scotland. However, there are currently 12,700 unemployed young people in the 16-to-24 age group in Glasgow. Where are the employment, training or education places for them? Let us remember that 12,700 young people are unemployed at a time when there are 39,258 weighted SUMs fewer in Glasgow's colleges. If the Government was living up to its manifesto commitment, it would not be cutting college budgets in the way that it is. These

are, after all, the very people who will help to work us out of recession.

We can judge a Government by the priorities that it sets and the choices that it makes. In its support and encouragement of our young people, the Government has been found wanting; in its recognition of the value of college staff, the Government has been found wanting; and in its commitment to taking young people out of unemployment, the Government has failed dramatically.

I very much hope that the minister will, in closing, be able to offer at least a glimmer of hope for our young people, colleges and communities.

17:26

**Bob Doris (Glasgow) (SNP):** I congratulate Patricia Ferguson on securing the debate. It gives me an opportunity to relay the concerns of the lecturers in the sound and music department at North Glasgow College, who were pleasantly surprised to hear from my office that this debate is taking place today. I am delighted that we can move the issue forward on a cross-party basis. I have written to Mike Russell and Fiona Hyslop about my concerns.

I have been in regular contact with lecturers in recent months and, having met them, I am well aware of how change at North Glasgow is affecting them. Nobody wants courses to be reduced anywhere, but duplication of course provision and cuts to the Scottish Government's revenue from Westminster have led to tough choices.

It is worth noting that the number of full-time equivalent courses at the college has increased since the Scottish National Party came to power. The college received around £8.5 million for course provision and student funding in 2012-13. Although that does not negate the current financial challenges that are faced by the college, some of which were outlined by Patricia Ferguson, it is important to put that investment on the record.

I note gently that no other political party has proposed a different budget settlement on further education and that the FE sector is stronger than the one that was inherited in 2007 by the SNP Government. Once more, although that does not negate the current challenges, it is important to put it on the record.

I want to look past party politics and to voice my specific concerns, following meetings with the sound and music department at North Glasgow College. I met the college's principal, Ronnie Knox, and sought a clear explanation from him on the rationale for course alterations in the college. Many believe that with a reduction of around 10

FTE staff to around five FTE staff, the sound and music department has taken more than its fair share of course reductions.

A final round of cuts was recently announced, and £45,000 worth of cuts was identified in the sound and music department. Staff were interviewed to find out which staff member may have to be redeployed. Staff were also informed that 20 places on courses would be reprovioned to other colleges in the sector. However, staff were constructive and formulated an alternative business plan that would not only have allowed the department to maintain its current staffing levels and course provision, but would have raised additional revenue, including using money from individual learning accounts and other funding streams to make up the shortfall. Unfortunately, the college rejected the plan.

I stress that all staff members in the department remain loyal and committed to the college and the students. I welcome North Glasgow College's on-going commitment to a policy of no compulsory redundancies. There is an understanding that course reductions may be a reality in the short term. However, many people feel that the process has not been handled as well or communicated as effectively as it could have been.

Ronnie Knox has assured me that he will provide additional information about how the process was taken forward. He has also given reassurances that the sound and music department has a future at the college. However, I would like to put on record why there have been concerns in that department in particular.

**Patricia Ferguson:** Will the member give way?

**Bob Doris:** I really do not have time, Ms Ferguson. I apologise.

A draft options appraisal document on college merger that was produced on behalf of North Glasgow College stated that

"Areas of the curriculum North Glasgow College would be prepared to give up"

include "Sound production", which is part of a department that has received a £2 million investment from the Scottish Government and has state-of-the-art facilities.

**The Deputy Presiding Officer:** You should be drawing to a close now, please.

**Bob Doris:** Mr Knox has reassured me that that is not the Government position.

We want some reassurances from the Scottish Government about the level of transparency around all course alterations—not only in North Glasgow College but across the country. We also want acknowledgment of the specific place of the sound and music department in North Glasgow

College, given that Glasgow is the United Nations Educational, Scientific and Cultural Organisation city of music.

17:30

**Drew Smith (Glasgow) (Lab):** I am grateful to be called to speak in this important debate and congratulate Patricia Ferguson on securing it.

The issue of college cuts has probably been one of the biggest in my postbag over the past year, and I am sure that other members will have been similarly contacted. However, over recent months, the e-mails have changed from expressions of uncertainty and unhappiness about the Scottish National Party's cutting of college budgets in general to students asking for my help with specific instances of how the SNP's cuts are affecting their courses or their ability to enrol in certain courses, because those courses are disappearing altogether.

Scotland's colleges play a vital role in our communities and can provide transformational opportunities for young people and others by providing training for work as well, as education for its own sake, in a way that is accessible to the widest possible range of potential students.

Not all colleges provide the same courses and not all courses need to be on offer at every college. However, in the case of North Glasgow College, I have been contacted by current and prospective students who had planned to study music production. Many of those individuals come from the north Glasgow area, but many others come from further afield, including one who e-mailed me from Inverness.

Music production is a popular course, but it is a competitive subject choice, and one in which opportunities are limited. North Glasgow College has a good reputation in the subject and I am pleased with the efforts that the management of the college have made to sustain their involvement in that subject. The college has excellent music facilities that I understand were recently praised by the Deputy First Minister when she was on a visit to the college, I presume that she was unaware that the SNP's college cuts would affect their future use.

College cuts also have an impact on the FE workforce. It was therefore disappointing that, last year, when the Further Education Lecturers Association organised a meeting with all Glasgow's MSPs to discuss the impact of college cuts in Glasgow, not one SNP member of this Parliament showed up to defend the cabinet secretary's decisions on college cuts.

In securing the debate, I believe that Patricia Ferguson has provided an opportunity for the SNP

to come clean about the impact that its college cuts are already having on communities. Although I always listen to SNP back benchers seeking to take the party politics out of a situation when they do not wish to defend their Government, I have to say to Bob Doris that, in reference to ILAs, which he mentioned, he should carefully consider the changes to ILAs that will come in on 1 July and which will have a serious impact on students' ability to continue their studies.

In a time of high youth unemployment, cuts to Scotland's colleges and courses such as those that are offered at North Glasgow College are nothing short of a disgrace.

17:33

**Annabel Goldie (West Scotland) (Con):** I, too, thank Patricia Ferguson for bringing this debate to the chamber. Members' business debates have traditionally been consensual, but I think that this one is unlikely to be so. However, I harbour a hope that, across the chamber, we can perhaps coalesce around some areas that might point the way towards a better direction of travel.

My starting point is a reflection on our Scottish colleges of further education. Historically, they have been unsung and underrated. Of course, the reality was different. Colleges were the accessible, physical presence of further education, providing essential skills in a wide range of trades and occupations and offering school leavers the opportunity to develop and expand on existing educational attainment. Indeed, since being given autonomy of governance, Scotland's colleges have made an outstanding contribution to education and are to be warmly congratulated on doing so.

In Scotland, we have many colleges straddling the country and demonstrating that vital component of local access, and many local economies are crying out for the trades and occupations for which colleges can educate people. It is important that colleges can also, as we know, be the entry point for transition to higher education that can, again, offer affordable local access. I am in no doubt about the vital and flexible educational role that our colleges play or about the importance of their local accessibility. Even with distance learning, that physical presence matters.

That is my starting point, and I hope that there is universal acceptance of those virtues. I think that it is generally understood that our young people have a particular reliance on college education. Indeed, Patricia Ferguson, Drew Smith and—to be fair—Bob Doris commented on that.

The Scottish Government seems to accept the propositions that I have outlined. Certainly it was,

in the most recent election campaign, supportive of the National Union of Students' reclaim your voice campaign, which among other things was committed to protecting graduate numbers and college places. However, the pledge on student places is one thing, but I fear that the reality is different and troubling. According to Scotland's Colleges, the reduction in the further education budget will lead to an estimated 20,000 student places being lost. In 2011 alone, approximately 1,000 people were made redundant in the college sector. So, unless they had been twiddling their thumbs, which I am sure they were not, that must have had an impact on college places.

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** Will Annabel Goldie give way?

**Annabel Goldie:** I am very short of time, but I will briefly give way.

**Dr Allan:** I thank Annabel Goldie for that.

Annabel Goldie has provided a number of estimates, but will she nonetheless acknowledge that in actual terms the numbers show that full-time-equivalent places have been maintained in Scotland's colleges nationally?

**Annabel Goldie:** I note the minister's assertion, but I think that what troubles the rest of us is what is actually happening throughout college campuses at the moment and what projections from informed sources suggest is going to happen. To expand my argument, the difficulty for the Government is that it has reduced the current support budget for bursaries and general student support to £84.2 million from August of this year. That is another aspect that is hitting young people and their ability to contemplate going to college.

I am not diminishing the challenges that confront the Scottish Government—which I accept are significant—but it needs to clarify its focus on the further education sector and its strategy for the sector. The Government knew the state of the public finances when it made pledges that it cannot now afford, and it has even failed to protect the budget share going to further education, which has gone down from 2 per cent to 1.8 per cent—its lowest share in years.

The Government has refused—it has its own political reasons for doing so—to find more resource for higher education through a graduate contribution. I think that that is why it has been forced to do a smash-and-grab raid on further education. Quite simply, at this time our colleges are living from hand to mouth and the Scottish Government needs to do better by them.



17:38

**Hugh Henry (Renfrewshire South) (Lab):** I thank Patricia Ferguson for giving us the opportunity yet again to put on record in the Parliament our appreciation of the work that colleges across Scotland are doing. It is clear from the many debates and questions that we have heard in the chamber over recent months that everyone knows that colleges have a unique role in trying to address the problem of rising youth unemployment and ensuring that this generation of young Scots are properly equipped to make their contribution to 21st century Scotland.

Unfortunately, however, what Patricia Ferguson outlined earlier is depressingly all too familiar to most of us. In fact, if others were being honest, we could say that it is all too familiar to all of us. We can recount similar tales from colleges across the country, whether it is James Watt College in Greenock, Reid Kerr College in Paisley, Anniesland College and Cardonald College in Glasgow, or colleges in Edinburgh, Dundee or Aberdeen: colleges are telling us that they face real problems in trying to maintain student numbers and, more significant, the quality of what they have to offer.

I understand why Bob Doris says that we should put aside party politics on this issue. However, Annabel Goldie is right to say that the Government made pledges that, in effect, it cannot afford. The Government has made decisions to commit money to other areas and has therefore ensured that colleges do not have the money that they need to maintain services. Bob Doris is right to talk about tough choices, but the problem is that the Scottish Government made the choice or decision to cut the colleges' budgets to such an extent that we are now seeing reductions right across Scotland.

Bob Doris said that the FE sector is now stronger than the sector that the Scottish Government inherited. If, by the word "stronger", he means that more lecturers are now being made redundant, that is fine: the sector is indeed stronger. If he means that there are fewer staff to deliver the courses, or that fewer courses and places are available, the sector is, of course, stronger. However, that would be a completely and utterly perverse definition of the word.

I hear in my constituency and from others across Scotland that people are worried. I have received an e-mail from a lecturer at Reid Kerr College, who participated in the recent lobby of the Scottish Parliament. That e-mail said that the staff completely refute what the Scottish Government is saying about its approach to further education.

I agree with Bob Doris. Let us put party politics aside by all means. I would have thought that it

would be possible to forge consensus across all the political parties on the issue of cuts to colleges, and to say that we will make Scotland's colleges a priority in the next financial year and find the wherewithal to ensure that they can invest in training a generation that desperately needs our support. If we decide not to do that, that will be a wilful decision on our part. It will be a decision to abandon those people in their moment of need.

I hope that we can rise above party politics and do the right thing for Scotland's young people.

17:42

**Joan McAlpine (South Scotland) (SNP):** I, too, congratulate Patricia Ferguson on securing the debate. However, I would appreciate some sensible suggestions from the Labour Party on how we can address the unprecedented cuts to Scotland's budget. Its new best friend, Miss Goldie—

**Hugh Henry:** Will the member take an intervention?

**Joan McAlpine:** No. I have only just started. I will take an intervention later.

**Hugh Henry:** The member asked for suggestions. I am happy to give her a suggestion.

**Joan McAlpine:** I have just started. I will take an intervention later.

As I was saying, we are suffering unprecedented cuts to Scotland's budget. We know that Annabel Goldie's party wants to charge higher education students £9,000 a year in fees. Perhaps Labour wants to do that as well—perhaps that is what it means by the phrase "better together". There is a tough choice. Is that what Labour is asking for?

I will take Hugh Henry's intervention now.

**Hugh Henry:** By heavens. Thank you.

On finding money for Scotland's colleges, £75 million a year is being spent on providing free university tuition to European Union students because of decisions that the Scottish Government made. The Cabinet Secretary for Education and Lifelong Learning promised the Parliament that he would solve that problem, but he has still not solved it. If he came to us with the solution, that £75 million could be invested in Scotland's colleges.

**Joan McAlpine:** I think that Hugh Henry knows that those are weasel words. He is well aware that a European law is involved. The matter has nothing to do with any decision that the Scottish Government has made.

I take exception to Patricia Ferguson's suggestion in the title of her motion that the

Government is undermining creativity. In fact, creativity is thriving as never before under the Government. The emphasis on offering opportunities to young people is particularly tangible.

I want to say something about culture before I address the wider issue of colleges. I draw Patricia Ferguson's attention to the new Scots fund, which will put £50 million into emerging young talent in creativity, enterprise and sport over the next four years. We have also put £10 million into the youth music initiative in order to carry that on this year, and Patricia Ferguson will know that there is a major capital investment of £5 million in the new national youth arts centre in Glasgow.

I do not want to go into the detailed operational decisions at the Glasgow colleges because that is not the area that I represent, but I suspect that we are not getting the full picture from Patricia Ferguson. The managements of the colleges recently welcomed the merger of John Wheatley College, North Glasgow College and Stow College. Andy Woolley, chair of the board of management at John Wheatley College, was quoted in *The Scotsman* as saying:

"Our board have endorsed this joint approach to mergers and we are delighted to note similar endorsement from the boards of North Glasgow and Stow Colleges. We at John Wheatley College look forward to working with our partners with a view to creating a new, dynamic college which will deliver a high-quality learning experience for all the communities of north-east Glasgow and beyond."

Regionalisation of colleges is about investing in excellence, and the three colleges that are merging in north Glasgow all have great strengths. Stow College in particular will be well known to many members with an interest in popular culture as a centre of excellence for the creative industries, and I would expect that to continue once the merger is complete. There are approximately 1,000 learners in the faculty of creative industries at the college, and I know from contacts in the music business what a high reputation the sound production courses there have.

However, colleges have a responsibility to ensure that they are training young people for jobs that exist, so numbers have to reflect what future opportunities are likely to be in the industry. To do otherwise would be dishonest and unfair to our young people.

On colleges more generally, the 2012-13 budget, which the Scottish Parliament passed on 8 February, includes provision for an extra £8 million of funding for colleges and £11.4 million for student support.

**The Deputy Presiding Officer:** You should be drawing to a close soon.

**Joan McAlpine:** By 2014-15, further education spending in Scotland will be about £91 per head of population, compared with about £62 per head of population in England. I draw Miss Goldie's attention to that. The better-together parties need to come up with real solutions. One would be to give Scotland control of its own budget and all its resources so that the tough decisions that they deplore do not have to be quite so tough.

17:47

**Paul Martin (Glasgow Provan) (Lab):** Like others, I congratulate Patricia Ferguson on raising an important issue that faces many constituencies throughout Scotland. This might not be the consensual debate that would be within the comfort zone of some of the members opposite, but it is an important debate because the issue faces many communities throughout Scotland.

One of the challenges that we face in our constituencies lies in ensuring that we have good local colleges that can deliver the training programmes that people need to get out of unemployment. That is crucial to communities. The constituency that I represent, Glasgow Provan, has been well served by both John Wheatley College and North Glasgow College. I considered it a great privilege to be involved with both of those colleges when they invested more than £80 million in a capital programme to build three new colleges. They were commissioned and built during the years of the Labour-led Executive from 1999. Those iconic buildings were built in areas where working-class communities face some of the most severe challenges in respect of unemployment.

I remind the minister of the differences that exist in Scotland. Unemployment in my constituency, Glasgow Provan, is double that in the constituency of the Cabinet Secretary for Education and Lifelong Learning. To me, that represents some of the severe challenges that we face in our communities and the need for money to be invested in those communities to ensure that we deal with some of those challenges.

In respect of positive solutions, of course we are united in the Parliament in forming an alliance to deal with youth unemployment and indeed adult unemployment. I do not think that there is one member who does not want to tackle unemployment. However, it is surely perverse, in the economic position that we find ourselves in, that we are not investing in the opportunities that can exist in colleges to get us out of the recession.

I ask the Government to consider the lack of parity that exists between higher education and further education in Scotland. I was appalled to hear the Cabinet Secretary for Education and

Lifelong Learning tell a group of John Wheatley College students that he was very firm in his view that parity did not exist and that his commitment was to higher rather than further education. The challenge that faces this Parliament is ensuring that that lack of parity does not exist in future and that we give every student in Scotland, no matter whether they are in further or higher education, a genuinely equal chance to prosper in their local community and a proper opportunity to improve their educational attainment.

17:50

**Sandra White (Glasgow Kelvin) (SNP):** I was not going to speak in this debate, but I have been appalled by what the Labour Opposition has been saying. I have always had great respect for Patricia Ferguson and thank her for introducing this subject for debate, if only to see exactly what the Opposition has to say on the matter. Basically, the debate has been nothing more than a moan and an attack on the SNP Government.

The Opposition parties were in power from 1999. Paul Martin highlighted the differences in his constituency, but when Labour was in power in Springburn, Maryhill, Baillieston and Provan, what did it do?

**Paul Martin:** Will the member give way?

**Sandra White:** I am sorry, but no.

What did Labour do in the years for which it was in power to help our young people in disadvantaged and other areas get on and meet their educational aspirations? Absolutely nothing. Labour members should not give me their crocodile tears on this matter.

**Patricia Ferguson:** Will the member give way?

**Sandra White:** No.

I am a great proponent of colleges; indeed, I came up through the college route. I did an access course at Cardonald College and then went to Glasgow Caledonian University and the University of Glasgow. I am very much in favour of and speak to colleges. Stow College is in my constituency—the other college that has been mentioned is not—and, having spoken to Robert McGrory, I know that although the college is quite annoyed and upset it is nevertheless willing to work with people to get on and ensure that it has a future for students. I have visited Stow College, Metropolitan College and Central College and the answer to the situation is, as Joan McAlpine has pointed out, amalgamation. The letter from North Glasgow College, John Wheatley College and Stow College makes it clear that their boards have endorsed the merger; Anniesland College, Metropolitan College and Central College, too, have endorsed it.

**Bob Doris:** It is clearly important that North Glasgow College, Stow College and John Wheatley College work together on this merger—and not just at a principal and senior manager level. Given my concerns that the staff and students are not being engaged in the merger, does the member think that the Scottish Government has a role to play in ensuring that we have a real and integrated process?

**Sandra White:** Everyone—not just the Scottish Government, but local elected politicians—has a duty to speak to the staff and other people in the colleges. The way in which Patricia Ferguson started this debate does not help the consensus one bit. The Opposition is playing a blame game; it has no answers. We need to get together and ensure that the colleges work together.

**Patricia Ferguson:** I thank Ms White for taking my intervention. She and Ms McAlpine have suggested that I have, in some way, criticised the idea of merger. My only comment about merger in my motion and in my speech was to point out that North Glasgow College was working hard to best position itself for a future merger. I did not criticise the merger itself. I would also be grateful if Ms White could point out the inaccuracies in my speech, if she can find them.

**Sandra White:** I did not criticise Patricia Ferguson one bit about her comments about the merger; I was criticising her for not working together on this matter and not pointing out that the merger represents a way forward that has been accepted and welcomed by colleges. Instead of using further education as a political football as the Opposition parties have done, we should be looking for positive outcomes and trying to get round the table to find out how we can bring positive attitudes into further education.

17:54

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** The Scottish Government welcomes the opportunity to debate this motion. I recognise Patricia Ferguson's close interest in North Glasgow College as member for Glasgow Maryhill and Springburn.

Last December, I had the pleasure of visiting North Glasgow College and seeing the tremendous work that is done there in what are often challenging circumstances. I commend the contribution that it makes to the people of north Glasgow. Under the principalship of Ronnie Knox, the college provides life-changing opportunities for many people who have suffered disadvantage or endured deprivation. At long last, the college has an estate that matches its ambition.

The motion highlights—and this has never been a secret—that North Glasgow College, like every

other college, has had to withstand budget reductions that we would have rather not implemented but which were made necessary by Westminster's unnecessary and unwarranted reduction of £3.3 billion in Scotland's block grant over this spending review period. The lodger of the motion seems curiously coy—or perhaps I should say “loyal”—about mentioning those cuts.

The motion goes on to tell us, in a way that falls some way short of what I would describe as rapier precision, that it “understands” that there is the “possibility” of “potential redundancies.”

Of course, I do not minimise the impact on college staffing caused by the reductions that we have been forced to seek. However, we have made absolutely clear our expectations of colleges. We do not believe that there is any need for any member of staff to be made compulsorily redundant and we have said that to every college principal. With that in mind, I have—as has been mentioned—had representations from Bob Doris MSP and others, who have urged that, whatever decisions colleges make about mergers, they should make them in a transparent way.

However, we do not have the power to compel or direct colleges in what they do, as Drew Smith and Hugh Henry know fine well. That power used to exist and, if it still did, we might use it from time to time. However, ministers' ability to hold colleges directly to account through a power of direction was removed in 2006 by the Labour minister at the time, Allan Wilson. We will take no lectures about the role of Government in removing the threat of redundancy, but I will take an intervention.

**Hugh Henry:** Will the minister confirm that Scottish Government departments are employing people on fixed-term contracts, paying them off, and then replacing them by bringing in new staff, in order to avoid saying that they are making people redundant?

**Dr Allan:** As the member knows, the Scottish Further and Higher Education Funding Council makes decisions about the funding of individual institutions. To claim that the Government is directly responsible for decisions that colleges make about their own staff is slightly disingenuous.

As I am sure every member knows, we have embarked on the most ambitious reform programme of colleges since 1992. In recent months, we have heard much criticism of the funding settlement for colleges. Unfortunately, we have heard rather less about the additional £40 million that has since been identified for investment in the college sector for 2012-13. I do not in any way seek to minimise the challenges that face all our colleges, but I believe that that is a remarkable achievement, given that we are in the

midst of the worst economic crisis that most of us can remember.

I am pleased that Patricia Ferguson has identified in her motion that the purpose of a college is to equip young people with the skills necessary to drive forward Scotland's economy. It must surely stand to reason, therefore, that college provision should be closely aligned to the needs of the labour market. The Government's position is clear: we have asked colleges to refocus their provision on courses that increase employability by delivering the skills that are most highly prized by employers. That will, of course, mean that colleges will sometimes have to look critically at courses that perhaps do meet a specific economic need. That is a strategic decision that goes right to the heart of tackling the scourge of youth unemployment.

A number of members highlighted the role of colleges in addressing our economic needs and the needs of the young unemployed in particular. Annabel Goldie made that point, even if she somewhat undermined it by calling for an end to free education and claiming that college student support had been reduced to £84 million when it has been maintained at £95 million.

We are already reaping the benefits of some of the measures that have been taken. The latest figures show a 9 per cent increase in the number of full-time students studying advanced-level courses and a 1 per cent increase in the number of full-time non-advanced courses. Those are the true indicators of what we are achieving in the college sector: better courses and better attainment for better life chances.

The success of the college sector should rightly be measured by the quality and economic relevance of provision, not wholly by simplistically counting courses.

The debate has been useful. It has not been entirely straightforward at times, but we have heard informed contributions from Sandra White, Joan McAlpine and Paul Martin—he was making an informed contribution until he resorted to the straightforward untruth that the cabinet secretary had told young people in Scotland that they should not go to college. He should reconsider that outlandish claim.

In conclusion, our vision is for a college sector in which learners who complete a course can be confident they have achieved a prestigious qualification that is highly prized by successful employers in Glasgow and beyond.

**Paul Martin:** On a point of order, Presiding Officer. For the *Official Report*, I did not make the comment that the minister said that I did. I made absolutely clear that the cabinet secretary had stated that there would be a lack of parity and that

his commitment was to higher rather than further education.

*Meeting closed at 18:02.*

**The Deputy Presiding Officer:** I thank the member for his point of order, which I am sure he is well aware is not a point of order. Nonetheless, he has made his comment and it is on the record.



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