



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 19 June 2014

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.scottish.parliament.uk or by contacting Public Information on 0131 348 5000

Thursday 19 June 2014

CONTENTS

	Col.
BUSINESS MOTION	32471
<i>Motion moved—[Joe FitzPatrick]—and agreed to.</i>	
GENERAL QUESTION TIME	32472
General Practitioners (Rural and Remote Practices)	32472
Private Educational Establishments (Rates Relief)	32473
School Buildings (Inspection)	32474
Public Buildings (Heating Systems).....	32475
Independence (Intelligence Agency)	32475
NHS Lanarkshire (Meetings)	32477
Local Government Concordat (Waste Collections)	32478
FIRST MINISTER'S QUESTION TIME	32480
Engagements.....	32480
Prime Minister (Meetings).....	32483
Cabinet (Meetings)	32486
Independence (Written Constitution)	32487
Independence (Local Income Tax).....	32488
Football Matches (Alcohol Ban).....	32489
SHOWMEN'S GUILD (125TH ANNIVERSARY)	32492
<i>Motion debated—[Richard Lyle].</i>	
Richard Lyle (Central Scotland) (SNP).....	32492
Mary Fee (West Scotland) (Lab)	32494
David Torrance (Kirkcaldy) (SNP)	32496
Alex Johnstone (North East Scotland) (Con)	32498
John Mason (Glasgow Shettleston) (SNP).....	32500
Siobhan McMahon (Central Scotland) (Lab)	32501
Stewart Stevenson (Banffshire and Buchan Coast) (SNP)	32502
The Minister for Local Government and Planning (Derek Mackay)	32504
SCOTTISH PARLIAMENTARY CORPORATE BODY QUESTION TIME	32507
Police Action on Parliament Complex	32507
Commercial Access (Pricing)	32508
Environmental Targets	32509
Digital Working.....	32510
Security Support and Advice	32511
BUILDINGS (RECOVERY OF EXPENSES) (SCOTLAND) BILL: STAGE 3	32513
BUILDINGS (RECOVERY OF EXPENSES) (SCOTLAND) BILL	32518
<i>Motion moved—[David Stewart].</i>	
David Stewart (Highlands and Islands) (Lab)	32518
The Minister for Local Government and Planning (Derek Mackay)	32522
Sarah Boyack (Lothian) (Lab).....	32525
Alex Johnstone (North East Scotland) (Con)	32527
Kevin Stewart (Aberdeen Central) (SNP)	32528
Alex Rowley (Cowdenbeath) (Lab).....	32529
Roderick Campbell (North East Fife) (SNP)	32530
Alex Johnstone	32532
Anne McTaggart (Glasgow) (Lab)	32533
Derek Mackay.....	32534
David Stewart	32536
HISTORIC ENVIRONMENT SCOTLAND BILL: STAGE 1	32540
<i>Motion moved—[Fiona Hyslop].</i>	
The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop).....	32540
Stewart Maxwell (West Scotland) (SNP)	32544
Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab)	32547
Liz Smith (Mid Scotland and Fife) (Con)	32549
Clare Adamson (Central Scotland) (SNP).....	32552

Neil Bibby (West Scotland) (Lab)	32553
Mike MacKenzie (Highlands and Islands) (SNP)	32555
Liam McArthur (Orkney Islands) (LD).....	32556
Linda Fabiani (East Kilbride) (SNP).....	32558
Jayne Baxter (Mid Scotland and Fife) (Lab)	32559
George Adam (Paisley) (SNP)	32561
Mary Scanlon (Highlands and Islands) (Con).....	32562
Patricia Ferguson.....	32564
Fiona Hyslop	32566
POINTS OF ORDER	32570
HISTORIC ENVIRONMENT SCOTLAND BILL: FINANCIAL RESOLUTION	32573
<i>Motion moved—[Fiona Hyslop].</i>	
DECISION TIME	32574

Scottish Parliament

Thursday 19 June 2014

[The Presiding Officer *opened the meeting at 11:40*]

Business Motion

The Presiding Officer (Tricia Marwick): Good morning. The first item of business this morning is consideration of business motion S4M-10372, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Buildings (Recovery of Expenses) (Scotland) Bill.

Motion moved,

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

Groups 1 to 4: 15 minutes.—[*Joe FitzPatrick.*]

Motion agreed to.

General Question Time

11:40

General Practitioners (Rural and Remote Practices)

1. Dennis Robertson (Aberdeenshire West) (SNP): To ask the Scottish Government what it is doing to help recruit and retain GPs in rural and remote practices. (S4O-03377)

The Cabinet Secretary for Health and Wellbeing (Alex Neil): The Scottish Government is working with NHS Highland to promote a range of initiatives to recruit and support GPs working in remote and rural areas throughout Scotland. Recruiting GPs into remote and rural locations is always a difficult task, and we completely understand the frustration that the issue is causing in local communities that are without a permanent GP.

One strand of work, which is supported by £1.5 million of funding from the Scottish Government over four years, is to develop and test innovative ways of delivering healthcare in rural Scotland. The traditional approach to recruitment has not been successful, so as part of that work we are developing, with the support of a marketing expert, a bespoke recruitment exercise, which will be in place by the summer.

Dennis Robertson: I have met several GPs in my constituency of Aberdeenshire West who are concerned about their work overload because of the ageing population and that medical students will not come through the system to replace the GPs who are coming up for retirement. What can be done to alleviate that issue?

Alex Neil: National recruitment data shows that recruitment into GP training remains high, with a 92 per cent fill rate. The Cabinet Secretary for Education and Lifelong Learning, Michael Russell, and I recently agreed to increase the number of trainees and specifically to encourage people who live in rural areas to enrol in medical school. There is clear international evidence that people who come from rural areas tend to go back to those areas to live and work once their training is completed.

We are tackling the problem, and I recognise the issues. Many communities, particularly the remoter ones, have particular problems. We are working with the Royal College of General Practitioners, the British Medical Association, the health boards and a range of other people to try to address the problem. I should, however, remind members that the number of GPs per head in Scotland is actually the highest by far in the whole of the United Kingdom.

Jamie McGrigor (Highlands and Islands)

(Con): Does the cabinet secretary agree that using cash incentives to attract GPs to rural and remote practices has had only a limited effect in the pilots that have taken place and that drastic measures will have to be taken to counter the worrying trends across rural Scotland? What action will he take to create a level playing field between dispensing doctors and pharmacies in rural areas?

Alex Neil: On that latter point, the member will be aware that I have laid regulations in relation to dispensing GPs to try to deal with the situation. If there is an application for a new pharmacy in a rural area, the wider consequences of approving that application, particularly for GP facilities, will have to be considered as part of a board's decision on whether to accept the application. I suggest that the member read those regulations, which have been laid before Parliament and which I intend to implement at the earliest possible opportunity once Parliament has approved them.

On the challenge of recruiting GPs to rural areas, the issue is not primarily about financial incentives, because we have tried such incentives. The key issue is work-life balance. Very often it is not the GP's concern about moving to a rural area but family pressure that prevents a GP from moving to or staying in a rural area. I am particularly conscious of the issue in areas such as west Lochaber, in the Highlands, where we have done everything possible to recruit GPs. I cannot force GPs to go and live and work permanently in a particular location.

As I said, we recognise the problem, which is not confined to Scotland, and we are trying to address it in innovative ways, including the extended use of telehealth facilities. For example, in Kilchoan, people have direct access to consultancy services at Aberdeen royal infirmary.

Private Educational Establishments (Rates Relief)

2. John Finnie (Highlands and Islands) (Ind):

To ask the Scottish Government how many private educational establishments are entitled to 80 per cent mandatory rates relief and how many are given relief of up to 100 per cent. (S4O-03378)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): Currently, charities, including educational establishments, that are registered with the Office of the Scottish Charity Regulator are entitled to receive 80 per cent mandatory relief, which a local authority may decide to top up to 100 per cent. Data on the number of private educational establishments in receipt of relief and what percentage of relief they receive are not held centrally.

John Finnie: Figures from the Scottish Parliament information centre show that in Edinburgh over the past three years about £5 million of mandatory relief has been given. Given that public resources are scarce, that money should not be going to the pampered and the privileged. Does the minister agree that that £5 million would be better spent on public services for the many? Will he work with colleagues to ensure that mandatory rates relief is removed from social elites?

Dr Allan: The decision about what constitutes a charity comes down to OSCR, not ministers. There has been a rolling review of all private schools in Scotland; of the 39 schools that OSCR examined recently, 35 passed the charity test, two failed and subsequently passed the test after changes, and two are still being considered. Those are very much questions for OSCR and are not matters for Government intervention.

School Buildings (Inspection)

3. Liz Smith (Mid Scotland and Fife) (Con):

To ask the Scottish Government whether it will review the remit of Education Scotland school inspections to include the condition of school buildings. (S4O-03379)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):

School inspections aim to answer three questions: how well young people learn and achieve; how well the school supports young people to develop and learn; and how well the school improves the quality of its work.

Local authorities have responsibility for health and safety and the structural condition of buildings. Although Education Scotland does not inspect the structural aspects of a school, if it becomes aware of a health and safety issue during an inspection it follows up the issue with the school and the local authority to ensure that it is addressed. National guidance is provided to assist local authorities in assessing the condition of their school estate.

Liz Smith: The minister will know that the Cabinet Secretary for Education and Lifelong Learning rightly asked local authorities to review their school estate in light of the tragic accident at Liberton high school. He will also know that this week Audit Scotland flagged up that there is concern in relation to 18 per cent of the school estate. Does he agree that there is a strong case to ensure that there is formal consideration of the condition of school buildings when it comes to school inspections?

Dr Allan: I think that the whole Parliament agrees that we must learn lessons from the tragedy at Liberton. The member will be aware

that there is not a great deal more that I can say about the case, given the on-going investigations.

It is important to say that local authorities are best placed to assess the condition of schools. It is significant that, notwithstanding everything that the member said, the proportion of pupils who are in schools that have been categorised as having poor or bad buildings has dropped from 37 per cent in 2007 to 16 per cent now. We are not complacent about that, but I suggest that the figures indicate that there have been substantial achievements.

Public Buildings (Heating Systems)

4. Liam McArthur (Orkney Islands) (LD): To ask the Scottish Government what flexibility there is in the national calculation method for determining the type of heating system used in large public buildings. (S4O-03380)

The Minister for Local Government and Planning (Derek Mackay): The national calculation methodology for non-domestic buildings currently includes flexibility for 24 types of heating, ventilation and air-conditioning system, which can be used to provide heating in all types of non-domestic building, including large public buildings.

Liam McArthur: As the minister might be aware, Orkney hit the 100 per cent renewables target seven years early last year. That has required innovation and has tested the existing grid's capacity. It has also exposed regulatory obstacles that might hamper achievement of that 100 per cent target.

Will the minister therefore commit to look at potential derogations to existing planning requirements to enable renewably generated electricity to be used more extensively? Will he agree to consult his colleagues Fergus Ewing and the health secretary to see how commercial and community schemes that are looking to supply Orkney's heating load during the coming years, particularly that of the new hospital, can be facilitated?

Derek Mackay: Yes, I will accede to that very reasonable request from Mr McArthur and I will explore all options. I will instruct officials to consider the detail and potential flexibility that might well exist to proceed with the agenda in light of Mr McArthur's comments. We have to bear in mind that there are some legislative and regulatory requirements that we have to stick within, but we will be as flexible as we can to deliver the desired outcome.

Independence (Intelligence Agency)

5. Patrick Harvie (Glasgow) (Green): To ask the Scottish Government how the single

intelligence agency it proposes to create in an independent Scotland would protect citizens from unjustified surveillance. (S4O-03381)

The Cabinet Secretary for Justice (Kenny MacAskill): As indicated in "Scotland's Future", striking the right balance between maintaining the constitutional and human rights of our citizens and the need for national security will be vital. For the first time, there will be democratic governance and accountability of national security matters in Scotland by a Scottish Government and Scottish Parliament. Early legislation will set out the purpose, duties and powers of a Scottish security and intelligence agency and the controls that will exist on the use of those powers.

Patrick Harvie: The Government's white paper talks about necessary co-operation with the United Kingdom security agencies. It also says:

"some of the work undertaken by security and intelligence agencies means, by necessity, interference with the privacy of specific individuals."

Following revelations from the private sector and Charles Farr, the UK Government's own senior security official, we now know that that is not what the UK agencies undertake. They are clearly undertaking mass, uncontrolled surveillance of the entire population of innocent citizens.

Can the Scottish Government give a clear undertaking that it will take the privacy of innocent citizens seriously and that agencies, policies, co-operation agreements and infrastructure will be designed in such a manner that we do not repeat this mass surveillance of the entire population?

Kenny MacAskill: Yes, I can give that assurance. We will ensure that we enshrine that within the constitution that provides rights for the individual citizen. There will not only be commissioners, but such agencies will be subject to parliamentary scrutiny.

It appears to me that we require to strike a balance between the rights of the individual and the rights of the wider community. Certainly, issues of serious and organised crime come before me and are dealt with by Police Scotland, and we have the appropriate balance and proportionality of scrutiny.

We have to ensure that that also applies when we have full powers because the issue of rights will be of even greater magnitude. However, we can give that assurance. We strike the right balance with serious and organised crime and the other aspects of intrusion that are dealt with in Scotland by Police Scotland and other agencies.

Graeme Pearson (South Scotland) (Lab): Ahead of any changes that have been suggested by the cabinet secretary that might occur, does he have any evidence that suggests that surveillance

is being conducted by any police or other organisation in breach of the law?

Kenny MacAskill: As I said in response to Patrick Harvie's initial question, I am aware only of matters that relate to serious and organised crime. Terrorism is reserved, so such issues go to the Home Secretary and do not come to me.

I believe that issues of serious and organised crime are dealt with appropriately. I deal with the commissioner and Police Scotland and I think that the correct balance has been struck. I cannot, however, comment on the concerns raised by Patrick Harvie about terrorism because neither myself as the justice secretary nor any other member of the Government in Scotland is entitled to receive that information. It all goes to the south.

NHS Lanarkshire (Meetings)

6. John Pentland (Motherwell and Wishaw) (Lab): To ask the Scottish Government when the Cabinet Secretary for Health and Wellbeing last met the chief executive of NHS Lanarkshire and what was discussed. (S4O-03382)

The Cabinet Secretary for Health and Wellbeing (Alex Neil): Ministers and officials regularly meet the chief executives of all health boards, including NHS Lanarkshire, to discuss matters of importance to local people.

John Pentland: Surely the cabinet secretary must understand or at least admit that on his watch NHS Lanarkshire has moved from crisis to crisis, with waiting times, negligence payments and other indicators among Scotland's worst; investigations into neonatal deaths and mortality rates; and 12 consultants and other senior staff maligned by the health secretary and so-called experts.

Is it not time that the cabinet secretary took the advice from the front of Tuesday's *Daily Record* to get a grip by setting up an independent inspection system able to investigate proactively every aspect of the NHS in Lanarkshire and Scotland and able to tackle problems as soon as they are flagged up, rather than waiting a year before taking action?

Alex Neil: We already have an independent inspection system in Scotland. The neonatal unit at Wishaw general hospital was independently inspected and the inspection showed that a very high standard of care is present in that unit.

I hope that the member will join me in condemning the comments made yesterday in this chamber by Johann Lamont, who said:

"you would be best advised not to give birth to a child in Wishaw."—[*Official Report*, 18 June 2014; c 32393.]

That was a slur on the professionalism of every dedicated doctor, every dedicated midwife and every dedicated nurse in the neonatal unit and the maternity unit at Wishaw general hospital. Johann Lamont and John Pentland should hang their heads in shame at their attacks on the workers in the national health service.

Linda Fabiani (East Kilbride) (SNP): The cabinet secretary will of course be aware that NHS Lanarkshire has now created dedicated on-site hospital management teams. Does he feel that that will contribute to improvement in patient care and, indeed, in patient and visitor confidence that their local hospitals work for them? Will he take up my invitation to visit Hairmyres hospital to check how the new system is working in practice?

Alex Neil: The NHS Lanarkshire review highlighted the need to reform the management system within NHS Lanarkshire. I think that the new system that has been introduced will be much more effective in dealing with issues that need to be dealt with and the challenges in serving the people of Lanarkshire. It is early days yet, but in the three hospitals we now have a tripartite site management team, with a site director, a head nurse who is effectively like the matron used to be in older days, and the senior clinician in each of the three acute sites.

I am more than happy to visit Hairmyres with Linda Fabiani. I have already visited Monklands twice. I had the pleasure of cutting the sod on the £22 million new Lanarkshire Beatson centre last week. I note that no member of the Opposition, other than the Conservative Margaret Mitchell, welcomed that £22 million investment in NHS Lanarkshire.

Local Government Concordat (Waste Collections)

7. Alex Johnstone (North East Scotland) (Con): To ask the Scottish Government whether it considers that the number of missed bin collections over the last two years is evidence of the failure of its concordat with local government. (S4O-03383)

The Minister for Local Government and Planning (Derek Mackay): No, we do not. Our concordat with local government has set out the terms of the new relationship based on mutual trust and partnership. Councils have the freedom to focus on local concerns while contributing to the achievement of better national outcomes. It is for councils to ensure that they carry out their duties effectively and efficiently, including on waste and recycling. The Accounts Commission arranges audits of councils to help ensure that they are delivering effectively and provide best value.

Alex Johnstone: I thank the minister for his answer and I understand what he is trying to say. However, surely the complexity and diversity of the recycling system, with multicoloured bins, people putting them out on the wrong days, bins remaining unemptied and missed collections, is evidence of a failing in the system of recycling. Would it not have been at least one legacy of the historic concordat if the Scottish Government and local government could have worked together to end that confusion?

Derek Mackay: I advise Mr Johnstone that Tory councils, as few as they are, miss bin collections from time to time as well. If it was not the concordat, I thought maybe the Conservatives would have thought that it was the constitution getting in the way of bin collections.

In reality, we have hit record recycling levels, we are meeting the zero-waste strategy targets, and recycling rates are up. Let us put matters into perspective. The bins continue to be collected, all the more because of the fantastic financial package and protection that Scottish local authorities get from the Government. That is quite different from south of the border, which has the worst of all worlds: council tax rises, reductions in services and—

The Presiding Officer (Tricia Marwick): I think that we get the message, Mr Mackay.

Derek Mackay: So the concordat continues.

First Minister's Question Time

12:00

Engagements

1. Johann Lamont (Glasgow Pollok) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S4F-02188)

The First Minister (Alex Salmond): Engagements to take forward the Government's programme for Scotland.

Johann Lamont: Could the First Minister give me an honest assessment of how our schools are doing?

The First Minister: It is probably better to give the Accounts Commission's assessment of attainment. Page 6 of its report says:

"Performance has improved against all ten of the attainment measures we examined over the last decade."

Page 18 of that report says:

"Attainment improved by four per cent for the measures at S4 level between 2004 and 2013. At S5 and S6 levels, attainment improved between five and ten per cent. The vast majority of the improvements in attainment have been made in the past five years."

I think that that seems a pretty fair summary.

Johann Lamont: I am glad that the First Minister mentioned that report, because I think that we should look at it in some detail. The Audit Scotland report paints a slightly different picture from what the First Minister has said. It said:

"International comparisons show that the academic performance of Scotland's pupils is static at best, and in relative decline to others at worst."

It said:

"In recent years, international attainment surveys have provided evidence that Scotland's educational attainment levels relative to some other countries are falling."

To emphasise the point, the report repeated later on:

"Scotland's performance levels relative to some other countries are also falling."

Can the First Minister confirm that that is what Audit Scotland said about our schools and tell us what he is doing about it?

The First Minister: I can confirm the two quotes I gave from the report, so let us talk about them in some detail. One quote says:

"Attainment improved by four per cent for the measures at S4 level between 2004 and 2013. At S5 and S6 levels, attainment improved between five and ten per cent."

It goes on to say:

"The vast majority of the improvements in attainment have been made in the past five years."

The reason for saying that, of course, is that the last internationally recognised study is the programme for international student assessment—PISA—study, for which we have had the 2012 figures. Unlike the previous PISA study over the preceding few years when the Labour Party was in power and Scotland's international position was declining across all the ranges, the 2012 study showed that Scotland's position had remained the same. That is the first time that the decline under Labour has been reversed in the PISA attainment study. I suspect that that is why the Accounts Commission report pointed out that

"The vast majority of the improvements in attainment have been made in the past five years."

I do not know whether Johann Lamont finds it at all embarrassing that the international comparisons that she cites show that Scotland's position declined when the Labour Party was in power but, over the past five years in particular, the report shows attainment levels improving. Is it not a substantial credit to the pupils and teachers of Scotland and their commitment to our school system that, under the most difficult circumstances of Westminster-induced austerity, they have managed to bring on such a performance?

Johann Lamont: We should, of course, congratulate every parent, child and teacher, but they deserve better from the Government.

The First Minister does not respond to points that I make about what the Audit Scotland report says, but let us look at it again. In its original report, Audit Scotland said:

"Comparing similar levels of qualifications with other countries in the UK identifies a much slower pace of improvement for Scotland."

It went on:

"the pace of improvement remains slow as overall levels of attainment have only improved marginally."

Why could that be? The report said:

"Between 2010/11 and 2012/13, education revenue spending reduced by £184 million in real terms (5 per cent)."

Can the First Minister confirm that that is what Audit Scotland said about our schools and tell us what he is doing about it?

The First Minister: Let us not slip away from the reality that the international performance was declining when Labour was in power, whereas attainment has improved, particularly in the past five years, while the Scottish National Party has been in power. Let us not slip away from that rather important point, which I know that Labour members want to be re-emphasised.

Let us turn to the finance that is available. It is certainly true that real-terms spending on education declined in the three years that the report covered. The report put that decline at 5 per cent. That is hardly surprising, is it? Real-terms spending available to Scotland from Westminster over revenue declined by 4.1 per cent over that period. If health spending is excluded—we believe that the real-terms health budget must be protected, for the obvious reason that we are committed to the national health service—the decline in Scotland's spending is significantly greater than 5 per cent.

Does Johann Lamont not realise that declines in spending are the reality and are Scotland's fate under the austerity measures, which were first pursued by the Labour Party and have been continued by her "colleagues"—as she called them yesterday—in the Conservative Party?

Johann Lamont: They are the "colleagues" who supported the SNP's budgets between 2007 and 2011. The late, lamented David McLetchie said that that was the next best thing to a Tory budget, so we need no lectures in that regard.

The First Minister ignored the comments that I quoted from the report. Of course, the excerpts that I read out were in Audit Scotland's original report, before the Scottish Government got its hands on the text. In the final report, the criticisms disappeared, because the Scottish Government did not want the public to know about them. The reference to the decline in standards was taken out and the fact that the rest of the UK is improving faster than Scotland was taken out.

The truth about our schools was in the draft report, but the final report was watered down. We are entitled to know who decided to do that. Is it not the case that the first casualty of the Government is the truth? Is it not the case that, just as with everything else, the First Minister does not trust the people of Scotland with the truth?

The First Minister: The most remarkable decline in standards is that in Johann Lamont's questioning. She now has to impugn Audit Scotland's integrity to try to make a point.

The problem for Johann Lamont is that the comparisons with the position under the Labour Party do not rely just on the report by Audit Scotland—an organisation of outstanding integrity—that the Accounts Commission published today. They also rely on the PISA statistics, which show that Scotland's performance declined when she was a minister—I do not hold her personally responsible, but she was jointly and severally liable for that decline—but that attainment has improved since the SNP came to power. That is a substantial achievement in the circumstances of austerity.

Johann Lamont does not seem to like the fact that she described the Tories as her colleagues. If she does not like it, why did she say it yesterday? Even more important is that the problem for her is that, when she stands shoulder to shoulder and hand in glove with the Conservative Party, there is no point in her trying to complain when people point out that she says that they are her colleagues. The next thing we know, she will be calling them comrades. I say to Labour members that the price that they will pay for their association with their colleagues will be high and that that will be one of the arguments that take Scotland forward to a yes vote this September.

The Presiding Officer (Tricia Marwick): I call Ruth Davidson—[*Interruption.*] Order. Let us hear Ms Davidson.

Prime Minister (Meetings)

2. Ruth Davidson (Glasgow) (Con): To ask the First Minister when he will next meet the Prime Minister. (S4F-02189)

The First Minister (Alex Salmond): No plans in the near future, but the comrade's red outfit sums up the question.

Ruth Davidson: I take compliments whenever they are proffered. I do not get many, but I will take them when I get them.

In committee last week, the Scottish Government's chief economic adviser was asked by my colleague Murdo Fraser whether his office had done any additional work beyond the white paper on the set-up costs of an independent Scotland. The answer was no. Can the First Minister answer the same question this week? Has the Scottish Government done any further work on how much it would cost to set up any newly independent Scottish state?

The First Minister: What was said in committee is absolutely correct. Our work is contained in chapters 6 and 10 of the white paper. That is the situation, but I would be happy, if Ruth Davidson wants to pursue the point, to look at some of the calculations in those chapters and explain the basis on which they were made.

Perhaps the more elucidation there is on that point, the less "misbriefing"—as the permanent secretary to the Treasury called it—there will be. That was the word that he used in the *Sunday Post*: the Treasury had "misbriefed" a key statistic.

The more elucidation one can get from the white paper, the better, because the white paper, as Ruth Davidson will know once she gets round to reading it, provides the answers that she seeks.

Ruth Davidson: Of course, nobody in the First Minister's office would ever misbrief.

Let us sum up where we are on the issue. We know from the Cabinet Secretary for Finance and Sustainable Growth that in 2012 he ordered work

"to build a comprehensive overview of the institutions, costs and staff numbers"

that would be required in the event of independence. Just last year, the Deputy First Minister confirmed that that work was under way, telling a Commons committee:

"we are doing a substantial piece of work on some of this just now ... suffice to say it covers not just running costs but it covers the issues around set-up."

However, last month, the First Minister's official spokesman said that there was no overview and no documents, just "emails and jottings".

This morning, a week after the chief economic adviser said that he had done no work, we read reports that the Government is now rushing out figures to paper over the cracks.

The people at the top of this Government tell us that work has been commissioned, but then they say that it has not. They say that the work is substantial, but then they say that it is not. They say that it will be published before the referendum, but then they say that it will not be.

First Minister, the people of Scotland have to know: what is going on?

The First Minister: What is going on is that Ruth Davidson is waving *The Daily Telegraph* and pretending that it is an independent publication. I have described *The Daily Telegraph* as

"the house journal of the Labour Party".—[*Official Report*, 23 January 2014; c 26964.]

Of course, as we now know, it is the joint house journal of the comrades.

I will illustrate just how far-fetched that report was. *The Daily Telegraph* said on page 4—it is interesting that it was on page 4; if the *Telegraph* had had a bit more confidence, it might have been one of its big headlines—that Scottish Government officials had met Professor Patrick Dunleavy. I met Professor Patrick Dunleavy last week. Does anyone think that, if *The Daily Telegraph* had real information that it could display to the public, it would say that officials had met the professor?

I met Professor Patrick Dunleavy—which is not a surprise, because three weeks ago, at question time, I said in answer to Ruth Davidson that Professor Patrick Dunleavy is a man I want to meet. I did it, and I now know exactly why the Treasury was engaged in "misbriefing" on Professor Patrick Dunleavy's work.

The best way to describe it is that, as Professor Dunleavy put it, there were three problems with the Treasury figures. First, the Treasury said that

all 180 public bodies would be major departments, which they are not. Secondly, several of them already exist in Scotland and would simply need to be enlarged. Thirdly, his estimate was applied to the “chaotic” way in which the previous Labour Government established new departments—and none of us would want to have the chaos of the Labour Party visited on an independent Scotland.

That is why Professor Dunleavy accused the Treasury of being “bizarrely inaccurate” and “misleading” on his work, and of overstating it by a factor of 12.

The permanent secretary to the Treasury may describe being “bizarrely inaccurate” and exaggerating by a factor of 12 as a “misbriefing” of a key statistic. I think that the people of Scotland will look at that and draw their own conclusion that the unionist cabal—the comrades—are engaged in a campaign of trying to exaggerate the cost of an independent Scotland because they are aware that, week by week, the yes campaign is gaining ground and will carry us to victory this coming September.

Drew Smith (Glasgow) (Lab): Glasgow stands ready to welcome the world in the coming weeks, so I think that we would all have been concerned to see the BBC reports yesterday about so-called phantom accommodation being advertised on online booking sites. What assurances can the First Minister offer that public agencies will do everything possible to ensure that no Commonwealth games visitors are defrauded in that way and that those responsible are subject to the full force of the law?

The First Minister: Those matters are already under investigation, as the member will appreciate. More broadly, measures have been taken to ensure that the accommodation offer to the many visitors whom we will receive from around the world is as we would like it to be in terms of the charging system. That is a separate matter from defrauding, as the member will understand, but it is nonetheless important to Scotland’s reputation. He can be assured that we, our colleagues in Glasgow City Council and the games organising committee are fully aware of the dangers to reputation and are taking the appropriate action to ensure that those do not come to pass.

On the range of preparations that have been made, the games in Glasgow and Scotland are the best prepared—I hope that they will be the best run—in recent history and perhaps in the overall history of the Commonwealth games. We are working our hardest to make sure that the games will be remembered and appreciated by people across the Commonwealth as an engagement in the greatest sporting and cultural festival that the Commonwealth has ever staged.

Cabinet (Meetings)

3. Willie Rennie (Mid Scotland and Fife) (LD):

To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-02186)

The First Minister (Alex Salmond): Issues of importance to the people of Scotland.

Willie Rennie: This goes from bad to worse, I have to say. The First Minister has been able to estimate the cost of his policies—those that he likes—down to the last three decimal places but, on the set-up costs, he cannot even give us a quarter of a billion either way. Is he actually confirming today that there is nothing in the *Daily Telegraph* report that is true about his decision to set up a report on the costs of setting up independence? Is it the case that nothing in *The Daily Telegraph* is true—

Gil Paterson (Clydebank and Milngavie) (SNP): The weather forecast.

Willie Rennie: —about that report being commissioned?

The First Minister: Somebody said “The weather forecast”. I did not read the weather forecast; I will have to go back and have a look at the horoscope as well.

Willie Rennie should not get to his feet with “This goes from bad to worse” as his first words. That is no way to announce a question at First Minister’s questions.

The *Daily Telegraph* report has one snippet of truth: it says that officials met Professor Patrick Dunleavy. Yes, they did: they were with me when I met him. I point that out to Ruth Davidson and Willie Rennie—who knows *The Daily Telegraph*, or at least is getting to know it as part of the unionist campaign—because if *The Daily Telegraph* had an insight into the meeting with Professor Dunleavy and knew what had gone on, it would have known that I was there. Do they think that it would have suppressed the information that I was at a meeting if it had the slightest idea what it was talking about?

I think that Willie Rennie used the word “nonsense”, and that is a very good word to use as far as that report is concerned; indeed, some would say that more generally about *The Daily Telegraph*—excluding the weather forecast.

Willie Rennie: That is exactly why the people of Scotland are worried that the Scottish Government is refusing to look at the downsides of independence. That is why they are concerned. [Applause.]

Members: Oh!

The Presiding Officer: Order. Let us hear Mr Rennie.

Willie Rennie: The First Minister still does not have a clue about set-up costs. On the radio, John Swinney had 13 attempts and still could not answer the question. Just last week, two Cabinet ministers said that it was impossible. Those on the Government benches have tried to tell us that never has a country been more prepared for the transition to statehood and the costs of independence. The First Minister thought that he could get away with it, but he has been caught red-handed. *[Laughter.]* The First Minister laughs, but he will not be laughing on the doorsteps when people ask the question. They want to know the costs of setting up independence. Is he going to give the answer?

The First Minister: I think that, at the present moment, a Liberal Democrat should not talk to people about the reaction on the doorsteps. The fact that Willie Rennie's question received more resounding support from members on the Labour benches than they accorded to Johann Lamont perhaps indicates a degree of desperation.

I commend chapter 6 of the white paper to Willie Rennie. At some point, he should go and read it. It looks in substantial detail at the position of one of the four departments that Professor Dunleavy identified as having to be created in an independent Scotland: the foreign office and international relations department.

As Willie Rennie will know, because I know that he reads the white paper, that chapter looks in great detail at the 5,000 offices that the Foreign and Commonwealth Office has internationally. We know from statistics in its recent accounts that those offices are worth £2.9 billion. Scotland will be entitled to a share of those assets. In the white paper, we identify similar countries, look at international comparisons and estimate that an independent Scotland will require 70 to 90 embassies. We also point out that the cost of acquiring the overseas properties will be more than met by our share of the Foreign and Commonwealth Office assets, and that, on comparable examples, the running costs will be less than the share that we contribute to the Foreign and Commonwealth Office at the moment.

Presiding Officer, I am sorry that I have gone on to quote the detail, but it was the detail that Willie Rennie was asking for. If he reads the white paper, he will not have to ask me for it.

Independence (Written Constitution)

4. Annabelle Ewing (Mid Scotland and Fife) (SNP): To ask the First Minister how people in Scotland can benefit from a written constitution. (S4F-02203)

The First Minister (Alex Salmond): I think that a written constitution provides an underpinning and a basis for everyday life. I do not think that it should be regarded as something that is other than of fundamental importance. Every other country in the European Union and, indeed, the Commonwealth, has either a written constitution or a constitution act. Scotland should be no different from that modern practice.

A written constitution can benefit the people of Scotland by embodying our values as a nation, regardless of which political party is in power; setting out and protecting the rights and the aspirations of our citizens; and giving a firm underpinning to the fundamental principle that, in Scotland, the people are sovereign.

Annabelle Ewing: How does the First Minister view the contrast between the Scottish Government proposals for a written constitution for Scotland—100 per cent guaranteed by a yes vote, with sovereignty lying with the people of Scotland—with the pig-in-a-poke offering from the anti-independence parties?

The First Minister: I think that, among the comrades, there are some secret yesers, because, on 12 June—last week—Alistair Carmichael admitted that any additional powers are

"something that takes you into the realm of political debate",

as opposed to the guarantee that he said the Scotland Act 2012 powers offered.

The biggest problem for the anti-independence parties is that, despite all that argument, there is not a single power that they can guarantee will be devolved to the Scottish Parliament if there were to be a no vote. Given the track record of promises from the Conservative Party of "Vote no and get a better deal", does it really think that anyone in Scotland will argue for, support or believe the joint position of the comrades? When even Alistair Carmichael says that that cannot be guaranteed, it is little wonder that the new comradely alliance is on such shaky foundations.

Independence (Local Income Tax)

5. Sarah Boyack (Lothian) (Lab): To ask the First Minister whether the Scottish Government would introduce a local income tax in the event of independence. (S4F-02207)

The First Minister (Alex Salmond): As Sarah Boyack knows, the Scottish Government has been consistent in its opposition to the unfair council tax. Working with local government, we have brought an end to the era of 50 per cent increases in council tax bills that occurred under previous Administrations, both Tory and Labour.

We are committed to consulting others later in this parliamentary session to develop a fairer, more progressive local tax based on the ability to pay. As we set out in our manifesto in 2011, it is right that that consultation takes place following the referendum, once it is clear which tax powers the Scottish Parliament has at its disposal following a yes vote, to ensure that our tax system at all levels is fair to taxpayers, stimulates the economy and supports Scotland's public services.

Sarah Boyack: That answer was interesting, because the First Minister did not mention the local income tax, which he mentioned in interviews in newspapers and on radio. Does the First Minister still intend to set his local income tax rate at 3p?

The First Minister: In our manifesto we said:

"Over the period of the next Parliament we will consult with others to produce a fairer system based on ability to pay to replace the Council Tax and we will put this to the people at the next election, by which time Scotland will have more powers over income tax."

That is a perfect summary from the Scottish National Party manifesto. We tell what we are going to do and we explain the timescale for it. We intend to bring about a change to ensure that taxation in Scotland is based on the ability to pay.

I can count five positions from the Labour Party on whether or not it supports a council tax freeze—[*Interruption.*] Some people are saying six; it depends which spokesman is speaking. However, I am certain that when we come to the consultation, the Labour Party will be first to bring forward its ideas and contribute positively to the debate, knowing that with independence we will have the full range of powers to allow us to choose the best tax system for the Scottish people.

Gavin Brown (Lothian) (Con): Will the First Minister promise to keep the local income tax rate a secret until after the referendum?

The First Minister: I promise that we will implement the manifesto commitment that we made, which has served us pretty well with the Scottish people—rather better than the Conservative Party managed.

Football Matches (Alcohol Ban)

6. Jim Eadie (Edinburgh Southern) (SNP): To ask the First Minister what the Scottish Government's response is to the Supporters Direct Scotland national football survey finding that 62 per cent of respondents were in favour of lifting the ban on alcohol at football matches. (S4F-02195)

The First Minister (Alex Salmond): The 2014 national football survey, which was carried out by Supporters Direct Scotland on behalf of the Scottish Football Association, covers several

issues, including the ban on alcohol at football matches. Decisions on the matter are informed by Police Scotland, which confirmed that it is not at this stage minded to seek a relaxation of the controls on alcohol at football matches, but is engaging with interested parties in reviewing the matter.

Jim Eadie: Although everyone in Scotland would wish to ensure that football fans can continue to enjoy matches in a safe and pleasant atmosphere, is it not the case that Scotland has moved on significantly since the alcohol ban was imposed more than 30 years ago, with all-seater stadiums? Is it not time, then, that we reviewed the ban, and would it not be possible to lift it on a trial basis and still maintain the good reputation of our national game?

The First Minister: We are committed to working with all parties to improve the overall match day experience and ensure that football fans enjoy our national sport in a safe and enjoyable environment. Measures such as the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 are having a positive effect on offensive behaviour at football matches, which has reduced by nearly a quarter since last year. However, in both the 2012-13 and 2013-14 reports on the 2012 act, police describe 27 per cent of the accused as being under the influence of alcohol.

As I said, I understand that Police Scotland is not at this stage minded to seek any relaxation of the controls on alcohol at football matches, but it is engaging with interested parties. I know that Jim Eadie will bear in mind the figure of 27 per cent of the accused being under the influence of alcohol.

Ruth Davidson (Glasgow) (Con): I have written directly to every senior football club in Scotland and I have met the chief constable, who is an interested party, on this issue. Given the First Minister's stated open-mindedness on this issue, and the progression that we have seen in the many decades since the ban was introduced, will he consider a pilot project at one ground, with some of the protections that are in place in countries around the world where this change has been shown to work, so that we can see whether this is one way to bring in revenue to the clubs around Scotland?

The First Minister: I will describe to Ruth Davidson exactly what my response was. I said that Police Scotland is not at this stage minded to seek a relaxation. It is engaged with interested parties in reviewing that and we will take the direction of the police.

As I pointed out to Jim Eadie, who asked an identical question, anyone who argues for this change would have to take into account the fact

that although the number of offences is falling—which is a welcome sign and has been contributed to by the legislation that has been passed—nonetheless 27 per cent of offences were committed by people who were under the influence of alcohol. That figure should tell us that, whatever the discussions and reviews come up with, we must understand in the approach that we take that alcohol is a major contributor to disorder in society and to disorder and offensive behaviour at football matches.

That is why we take direction from the police, who have said that in their discussions with parties who are reviewing the matter, they have that in mind and will do absolutely nothing that would make the reputation of our game of football any less good than it is at present, nor will they do anything that would affect the experience of ordinary fans at football matches by subjecting them to an increase in offensive behaviour. We are making significant improvements, and we must bear these matters in mind as we move forward.

The Presiding Officer: Before I end First Minister's question time, I point out to all members that the annual general meeting of the Scotland branch of the Commonwealth Parliamentary Association will take place at 1 pm today in committee room 2. You are all very welcome. Sandwiches will be available, but it is too soon to have the honey. I look forward to seeing you there.

Showmen's Guild (125th Anniversary)

The Deputy Presiding Officer (John Scott):

The next item of business is a members' business debate on motion S4M-09329, in the name of Richard Lyle, on celebrating 125 years of the Showmen's Guild. The debate will be concluded without any question being put.

Motion debated,

That the Parliament congratulates the Scottish Showmen's Guild on its 125th anniversary; understands that the Scottish section of the Showmen's Guild is the largest by area, covering fairs from John O'Groats to Carlisle and Kendal; considers that the Scottish Showmen's Guild plays an important role in Kirkcaldy Links Market, Europe's longest street fair; commends the Scottish Showmen's Guild on inspecting all rides, games and attractions for safety certificates; supports what it considers the Scottish Showmen's Guild's continued success in regulating Scotland's fairgrounds, providing safe entertainment for people in Scotland; compliments all the members of the guild on the way that they serve the people of the Central Scotland region, and wishes them continued success in the future.

12:32

Richard Lyle (Central Scotland) (SNP): First, I thank all the members who have supported the debate. I also thank all the members of the Showmen's Guild who are in the gallery. In particular, I thank Mr Alex James Colquhoun, who is chairman of the Scottish Showmen's Guild, Mr David Wallis, who is president of the Showmen's Guild of Great Britain, Philip Paris, who is junior vice-president, and Councillor John Culine MBE, who is senior vice-president, who have all worked tirelessly for years to advance the position of the Showmen's Guild in today's society. I am pleased to say that the motion received cross-party support within one day, which shows the high regard in which the Showmen's Guild is held by members of the Scottish Parliament.

The Showmen's Guild of Great Britain is the trade association for travelling showmen, who gain their livelihoods by attending funfairs. This year marks the guild's 125th anniversary. It is by far the oldest and largest organisation that represents the industry and its community.

On the guild's history, it was created largely thanks to the evangelical efforts of George Smith of Coalville, who was a preacher from Leicestershire. He was a self-appointed guardian of public morals who first sought to have his Moveable Dwellings Bill accepted by the House of Commons in 1889. By that point, George Smith had already been successful in persuading members of Parliament to pass legislation that restricted the lives of those who operated and lived in canal boats, and he sought to have similar

measures imposed on caravan dwellers. The bill implied that those who lived in moveable dwellings were of an immoral nature, that they lived in unsanitary conditions and that children of van dwellers did not receive any education, all of which was totally untrue.

As well as being an insult to the community of travelling showmen, the accusations were a serious threat to the way of life of its members. Once the showmen realised that George Smith's proposed measures would have severe effects on their lives, the leading travelling showmen of the day met to discuss how they might oppose the bill. Their meeting resulted in collaboration, and they decided to join together as the United Kingdom Van Dwellers' Association. It was under that banner that they enlisted the support of members of Parliament and other civil society and civil liberty groups.

Their campaign lasted four years and finally resulted in victory when George Smith's bill was rejected by the UK Parliament. The showmen decided that the Van Dwellers' Association should be kept in place to represent and advocate their interests. Its initial success as an association instilled confidence and led to a series of voluntary regional committees being established in order to maintain contact with members.

By 1911, the name of the Van Dwellers' Association had changed to the now recognisable Showmen's Guild. The change came as the result of the appointment of the Rev Thomas Horne as the first full-time general secretary. Under the Rev Thomas Horne, the guild transformed to a well-organised and influential national body. By the end of the Rev Thomas Horne's life, the Showmen's Guild resembled much of its current shape. Regional committees existed on firmer footing and became the 10 sections through which the guild is administered today. Members were also required to observe a strict set of rules with a strong ethical grounding originally called for by the Rev Thomas Horne.

Throughout the guild's 125-year existence, its role has remained unchanged. The Showmen's Guild serves the purpose of promoting and protecting the interest of its members, the travelling showmen who provide and uphold the nation's funfairs. It is with that purpose that the Showmen's Guild has remained strong.

However, the members of the Showmen's Guild are characterised not only by their choice of work; those men and women are contributing citizens to the nation, and many of them were and are veterans. During the first and second world wars, more than 3,000 showmen volunteered to fight on behalf of Great Britain. Of those brave men and women, almost 25 per cent were killed in the line of duty.

Showpeople at home raised money to pay for a fleet of 19 ambulances and the Showmen's Guild started the fun of the fair Spitfire fund, which raised £5,000 to pay for a Spitfire. Today, the guild has a memorial in the National Memorial Arboretum remembering the fallen showmen who died in service to their country. Their dedication to their country extends beyond their ability to provide safe, enjoyable experiences for children and their families. They have a rich history of standing up to protect the civil liberties and freedom of their fellow countrymen, and that deserves our respect.

The Showmen's Guild also deserves our respect for its dedication to ensuring that all funfairs are run with the highest standards of safety. The Showmen's Guild places a very high value on the maintenance of all rides, as well as proper safety precautions and protocols. It has played a large role in drafting the code of safe practice at fairs. It is the most comprehensive safety manual for the industry ever produced and, since its introduction, has been expanded by the guild to include specific regulations for individual types of fairground rides. All members owning rides must submit their equipment for thorough examination each year, and annual inspections are conducted by independent engineers to avoid a conflict of interest. The scope of inspections is wide and, without adherence to high standards, the rides are banned.

With such a rich history and so many contributions to our society, I am very pleased to have the debate, to have members of the Showmen's Guild in the public gallery and to celebrate the guild's 125th anniversary. The guild and this Parliament have a strong relationship. I hope that, through ministers, that will continue to thrive and grow. I hope that, throughout the debate, we will all come to learn a bit more about the guild, the showmen's way of life and the challenges that they face, including the everyday economic challenges.

I am pleased for the opportunity to speak in the debate and I look forward to members' speeches.

12:39

Mary Fee (West Scotland) (Lab): I thank Richard Lyle for securing this members' debate and for his work on behalf of the Showmen's Guild. I also welcome members of the Showmen's Guild who join us in the public gallery.

Reaching the guild's 125th anniversary is a remarkable achievement for all involved, past and present. I am deputy convener of the cross-party group in the Scottish Parliament on the Scottish Showmen's Guild, and we have heard much about

the rich history of showmen in Scotland and the challenges that they face across our communities.

Showmen and women have contributed to Scotland's society, both culturally and economically, for many years. As the First Minister said in 2009, when referring to the guild, their members and their families,

"showpeople are an important part of Scotland's culture, history and economy and combine a strong tradition of family and community with a high level of entrepreneurship and business acumen."

Maureen Watt (Aberdeen South and North Kincardine) (SNP): Mary Fee says that showmen and women make a valuable contribution to the economy. On this day, when the Royal Highland Show is beginning, does she agree with me that they make a very valuable contribution to agricultural shows throughout Scotland and that they encourage young people to get involved in agricultural shows, which provide a great attraction for our youth?

Mary Fee: I thank Maureen Watt for her comments, and I 100 per cent concur with them.

The Showmen's Guild is a distinct, unique group, whose culture and tradition we should both protect and be proud of. However, in the cross-party group, we often hear about the many barriers that restrict the growth and vibrant opportunities that are available for showpeople. One of those barriers is the current public entertainment licensing regime, which stems from the Civic Government (Scotland) Act 1982. The 32 local authorities have taken what has been called a scatter-gun approach to fees and to the interpretation of the 1982 act. Some councils charge for temporary licences; some charge for a full year. Some of them charge per ride; some charge by size. Many of the conditions are unnecessary and disproportionate.

My local authority, Renfrewshire, charges £812, which is the highest in Scotland. The charge in Clackmannanshire is only £61. I have written to Renfrewshire Council to ask it to explain why the cost is so high. That expensive charge might be the reason why we have lost two annual fairs, in Linwood and at Paisley St James.

I know from my experience in local government that fairs are wrongly viewed by some people as being problematic and noisy, but we have to work to ensure that the traditions of showmen are maintained and that relationships between them and local authorities are improved. We cannot afford to lose the rich tradition of showmen and the benefits that they bring to local communities. We should support and celebrate their culture, not marginalise and stigmatise it.

We need collaboration between the guild and Scottish ministers in order to reduce burdensome

red tape. The motion praises the Scottish Showmen's Guild's

"continued success in regulating Scotland's fairgrounds".

Research shows that, in order to gain authority from the Health and Safety Executive, showgrounds must comply with 20 pieces of legislation, from the Health and Safety at Work etc Act 1974 to the Equality Act 2010. The guild has been at the forefront of safety and best practice. It has been instrumental in working with the Health and Safety Executive in promoting the highest standards of public safety.

I briefly highlighted the history of the showmen in my opening remarks, and I would like to go back and finish with that. For centuries, showpeople have brought a range of entertainment services to communities across Scotland, which has included the shows in Renfrewshire to which I referred and the Kirkcaldy links market, which is Europe's longest street fair.

As a child, I was fortunate to spend every summer in St Andrews—my father was an avid golfer. The highlight of my summer break was the Lammas market. The Lammas market has its roots in medieval history and is one of Europe's oldest markets. I still remember running from our house in North Street up to the fair on Market Street. I can inform my colleagues in the chamber that my favourite ride was the carousel. I was not a dodgems girl or a waltzers girl; my ride was the carousel. I still cannot pass a fair without standing and watching the carousel.

Now that we are well into our Scottish summer, we know the benefits that gala days bring to our communities.

The Deputy Presiding Officer: You are now into your sixth minute.

Mary Fee: I will be very quick.

We need a regulatory system that enables showmen and their families to harness those benefits and to flourish across Scotland, so that their unique history, tradition and culture can continue.

12:44

David Torrance (Kirkcaldy) (SNP): I congratulate Richard Lyle on securing this debate to celebrate the 125th anniversary of the Scottish Showmen's Guild. I welcome the chairman, the vice-chair and members of the guild and distinguished guests to the public gallery.

On such an historic occasion as the anniversary to celebrate an impressive 125 years, it seems proper to note the relationship that Kirkcaldy in particular has had with the showmen. The links market, which takes place on Kirkcaldy esplanade

every year, has a history that stretches back to 1305 and has entertained the residents of the lang toun and surrounding areas for centuries. The links market can boast of being the longest street fair in Europe, and the length of time for which our community in Kirkcaldy has benefited from the showmen's involvement shows that they are an integral part of the people in our town and should be celebrated accordingly.

Although this year marks the 125th year of the Showmen's Guild, showmen have been entertaining at the links market for more than 700 years. This centuries-old tie to our community has become an important part of the town's heritage and gives me great confidence that the work of the Showmen's Guild will continue to bring the links market to Kirkcaldy for years to come. Undoubtedly, it also continues to raise the national profile of the lang toun every year.

I must confess that my love for the links market is more of an obsession. As someone who grew up only a street away from the site, I know from experience how hotly anticipated its arrival was every year by many of the locals. The smell and the sound were like magnets not only to me but to young children and teenagers from all around. Sixpence a day for school dinners and threepence for the tuck shop were saved up and carefully hidden away weeks in advance, such was my determination to be able to enjoy all the wonderful and thrilling rides and stalls beckoning to me, especially the one with the toffee apples. Sandwiches were made up the night before so that at least I had something to eat at school.

When I was not allowed to go to the market, the excuse was always, "I'm away out to play football, Mum." Mum would say, "Okay, but you'd better not be going down the links market—you're too young!" "No, I'm going to play football, Mum. I'm not going near it," was always my response. "You'd better not, or you're in big trouble." With my mum's warning ringing in my ears, off I went to the market, oblivious to the consequences later on. The old speedway, octopus and metro—what a great night with my friends. Then I went back up the road in time, so that I was safe—or so I thought. Mum: "You've been down the links market!" Me: "No, I've been playing football, Mum." Mum: "You've been down the links market." Unbeknown to me, the toffee apple that I could not resist on the way home had left its mark all over my face, so it was off to bed with Mum's wrath at my heels.

On a more serious note, showmen of Scotland have been facing some difficult times over the past years, and to their credit members of the guild have been working extremely hard to try to resolve many of the problems that their members have encountered, with help from the cross-party group.

It has been active both in the Parliament and in local authority areas and has covered a wide range of issues. It appears to be with the 32 local authorities in Scotland that the showmen encounter most of their problems. From the loss of sites to obstructions that are put in their way and planning applications for funfairs, issues have impacted severely on showmen's ability to entertain and trade.

It seems that all of the 32 local authorities have their own rules and regulations in managing showmen and their fairs, but the most contentious issue is without doubt licensing and the conditions that local authorities attach. In Fife, the council charges a reasonable £100 for a licence for the links market, which is the longest street fair in Europe. That is surely an example of good practice. In other local authority areas in Scotland, licence costs range from a few hundred pounds to thousands, and all for a simple piece of paper to allow showmen to entertain. That and other issues with public entertainment licences cause showmen no end of problems that do not exist south of the border, where showmen travelling from across the United Kingdom are on a level playing field.

In an attempt to alleviate the licensing problems that showmen face, I urge the Scottish Government to look at the Civic Government (Scotland) Act 1982 and to consider amending it with a view to exempting travelling funfairs.

Due to the Showmen's Guild's strong connections with Kirkcaldy, I have asked Fife Council whether it will host a civic reception to honour the organisation's long-standing commitment to the town. I hope that I will be able to join Fife Council and the local community in celebrating this momentous year with the members of an organisation that has historically maintained such close ties to Kirkcaldy.

Once again, I congratulate the Showmen's Guild of Scotland on reaching its 125th anniversary. I am certain that it will continue to represent the best interests of showmen across Scotland for years to come and I particularly look forward to seeing its relationship with Kirkcaldy flourish. I take this opportunity to wish the Showmen's Guild all the very best for the future.

12:49

Alex Johnstone (North East Scotland) (Con):

I thank Richard Lyle for bringing the debate to the Parliament and, on behalf of the Conservative group in the Scottish Parliament, I congratulate the Scottish Showmen's Guild on its 125 years of history. I have had a history lesson today. Richard Lyle's opening speech told me a great deal more about the history and tradition that lies behind the Showmen's Guild than I knew before. If nothing

else, the debate has served to educate me and one or two others.

When I was a child, a visit to the funfair was always one of the most exciting prospects. My perception was that it was something slightly risky and dangerous—David Torrance's mother would have agreed with me on that. However, although that was the perception, it never was risky or dangerous, and that is why it attracted young people as it did. Too often these days, we make the mistake of wrapping our young people in cotton wool, and too many of them spend their time playing video games when they should perhaps be out at the fair. It was always an exciting experience to take my own children along, and I now have the opportunity to take my grandchildren. I will continue to do so.

The safety record not only of the environment around fairs but of the equipment is great. As we heard from Richard Lyle, there were safety issues in the distant past. However, the Showmen's Guild and the people who have been involved in it have made wonderful strides forward and we now hear very rarely of accidents at fairgrounds. That is an indication that the standards of safety that are being imposed are of the highest possible level.

There is something else going on that we need to commemorate, which falls under the heading of culture. We should pay tribute to the family tradition that exists among the showmen. In this modern world, there are few other industries in which businesses pass down through the family, and the traditions are maintained at a cultural as well as a business level. We should pay tribute to all those in the Showmen's Guild who have fostered that business model, which is rooted in the family, as it is worthy of praise.

We have heard one or two interesting facts during the debate. I like the idea of May Fee still being willing to get on a wooden horse. She and David Torrance raised the more significant issue of regulation by local government. Today is not the first time that I have raised with the minister what Mary Fee described as the "scatter-gun approach" of local authorities. If we are to encourage the tradition of the travelling fairground, it is vital that we have some consistency around the country. I am aware that certain local authorities—including, on occasion, my own—have acquired a reputation for being difficult when it comes to the licensing and regulation process. We should seek to simplify that process, to maximise safety and to standardise regulation so that fairs can travel around the country without the process getting wrapped up in red tape.

I was also interested to hear that it was the toffee apple that David Torrance bought at the fairground that gave him away when he got home to his mother. In these days of health and safety

and all that sort of thing, even a toffee apple would count as one of his five a day.

12:54

John Mason (Glasgow Shettleston) (SNP): I thank Richard Lyle for lodging the motion and initiating the debate. I also thank him for the time and effort that he has put into the whole topic, not least in heading up the cross-party group. Relationships are very important, as has been mentioned, and Richard Lyle has invested a lot of time in building up those relationships. I also congratulate the guild on reaching its 125th anniversary and wish it many more years of fruitful work.

When I was a youngster, I went to the shows in Rutherglen, in Overton park, which—if I remember correctly—was a blaes football pitch for the rest of the time. However, the area is now occupied by a care home—obviously, that is a good thing, but it means that the shows no longer operate on the site. I suspect that many of us have memories of going on rides and shooting at goldfish—*[Laughter.]* Sorry, I mean shooting to win goldfish. All the buzz and colour was really exciting for youngsters and I know that it still is for many.

I am happy that so many showpeople have chosen to live in my constituency in the east end of Glasgow. However, these days, there seems to be a certain amount of inconsistency in how shows and showpeople are treated across Scotland. I certainly agree that local authorities should have the right to make the decisions for their areas, but there is a particular problem with a group such as the Showmen's Guild, which operates throughout Scotland and is treated differently in different places.

The first major problem is whether the showpeople are allowed to operate at all. We had a proposed fair in Easterhouse, which lies just outside my constituency. Verbal assurance had been given that all would be okay and people and equipment were moving to the site, and so incurring costs. However, an objection was then lodged by the police, listing all the past crime in the area, despite the fact that most of that crime had absolutely nothing to do with any fair, and that was used as a reason for turning down the application.

Another problem, which has already been mentioned, is the widely divergent levels of fees that may be charged by local authorities. For example, I understand that Glasgow charges £597, in comparison with Clackmannanshire's £61. We can look at the individual decisions, such as council decisions to refuse a licence, and discuss why each one was made, but we also need to look at the bigger national picture and

consider whether discrimination is going on against a whole group of people. This is a group of people who are very much part of the tradition and culture of this country, as has already been eloquently said by others. Perhaps their way of life is not well understood by the majority of the population and there can be confusion between showpeople, Gypsy Travellers and other groups.

Are we looking for a local or a national solution? I accept that the issue is not just national, but I certainly think that it is a national issue, as well as having local dimensions. If we are serious about helping and protecting all minorities in modern Scotland, surely showpeople are one of those minority groups and one that very much needs and deserves our active intervention and support.

12:57

Siobhan McMahon (Central Scotland) (Lab): I congratulate Richard Lyle on securing the debate and thank him for making sure that the tremendous achievements of the Scottish Showmen's Guild are recognised in Parliament in this fitting way. To my shame, I knew very little, if anything, of the Showmen's Guild before I entered Parliament, but I am pleased to say that, in the past three years, I have learned a great deal about this fantastic organisation and the work that it does in our communities throughout Scotland. That is not to say that I was completely ignorant of its work, but I would not have recognised that work as being anything formal and I was not aware of the substantial effect that the work that the showmen do throughout Scotland has on our economy.

I grew up in Lanarkshire and enjoyed many of the fairs that have been established over the years by members of the guild. I have particular memories of the fair that was held near my grandparents' home in Newarthill. When the shows arrived, my brother and sister and I knew that the start of summer had arrived, too. We are only one of the many families who have had great experiences and who have such memories. That is all down to the hard work and determination of the showmen to continue to entertain our communities for such a sustained period.

Members have mentioned the fairs in their communities and their memories of visiting fairs in other parts of Scotland. My colleague Claire Baker, who cannot be with us this afternoon due to other commitments, asked me to pass on her apologies to the chamber and to the Showmen's Guild. She also wanted me to convey her thanks to those who made her feel so welcome at the Kirkcaldy links market. Claire has spoken to me many times before about the fair, as it is the one that she takes her daughter to each year. I hope that, one year, she will extend the invite to me, too.

Members have spoken of some of the challenges for the showmen and the importance of the guild in helping its members to face them. It is simply not good enough that financial barriers are put in place by local authorities and the police. In a recent newspaper article, the chairman of the guild said:

"there is more red tape and it is more expensive to run shows in Scotland than any other country in Europe. It's become more and more difficult to get a licence every year."

It is time that that was met with a challenge from the Government and I encourage the minister to respond to that.

I also invite the Government to respond on the matter of registering showmen's families at school. Under the current arrangements, there is no place where the families can indicate that their children are from a showman's background, so their culture is not only not recorded but not recognised. The closest category into which the children fall is Gypsy Traveller, which is clearly not their ethnic or cultural group. If that happened to any other group of people, we would read about it in newspaper headlines day after day, but this matter does not seem to be getting acknowledged, never mind resolved. I hope that that will change after today's debate.

As I said, I have gained a lot more knowledge about the Scottish Showmen's Guild in the past few years. I now know about the Scottish section of the UK guild, the history of its establishment, who hosts the longest street fair in Europe, and how many education liaison officers the Scottish section has. I also know that showmen have their own international football tournament. My knowledge is entirely down to the hard work and determination of the guild's chairman, Alex James Colquhoun, and his staff—in particular, Jane Rodgers. I thank them for taking the time to speak to me and keep me updated on developments, not just in Central Scotland but throughout Scotland. I greatly appreciate that.

I look forward to other people gaining knowledge about the fantastic Scottish Showmen's Guild when Martin Smith's feature film is completed and shown in Scotland and beyond.

13:00

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I congratulate Richard Lyle on securing time for the debate. The debate focuses on the 125th anniversary of the Scottish Showmen's Guild, which is an impressive achievement.

I am sure that I speak for many people who have enjoyed the entertainment that the guild provides in streets and in country locations across

Scotland. My parents used to let me go—I must have been a particularly responsible child. *[Laughter.]* I see that that argument gains little support from members.

We should put what the guild does in the context of the modern world. We can go to the cinema, watch telly for hours and play on our phones and iPads, but the live entertainment and the unique carnival atmosphere that we can enjoy when the showmen come to town are very different and still attract us. It is therefore right that we express our gratitude for that spontaneous and genuine entertainment.

The Roman philosopher Seneca said:

“As the soil, however rich it may be, cannot be productive without cultivation, so the mind without culture can never produce good fruit.”

The Scottish Showmen's Guild is an essential and integral part of our culture. The showmen travel around Scotland, showing us things that we might not otherwise experience. They are grounded in Scotland's past, but they adapt to meet the needs of Scotland's future. The entertainment is family friendly and unique, and I hope that it never goes unnoticed.

Maureen Watt talked about local shows. I woke up on Tuesday morning to the sounds of the showies in the Tesco car park in Linlithgow—when I am down here I am in my wee house in Linlithgow. The showmen's coming to town is an essential part of the annual Linlithgow marches celebration, which is about beating the boundaries of the town.

In the area that I represent, we are looking forward to the Turra show in the first weekend in August. It is the second biggest agricultural show in Scotland, after this week's Royal Highland Show. A person cannot get into the Turra show without walking through the showground—the noise, the hubbub, the people, the toffee apples, the sugar on sticks and the sheer excitement of it all.

Over two days, the Turra show attracts tens of thousands of people, and the showmen are an integral part of that. The show complements what the showmen bring, with horses, dancing and a range of competitions, as well as around 250 trade stands and, in the adjacent industrial marquee, more than 1,700 craft displays. The showmen add lustre and excitement to that important event, to which people come from all over the world.

Thousands of people depend on the entertainment that is provided by the Scottish Showmen's Guild. The events aid tourism by dragging people in; they are an important part of our economy.

I hope that we never forget the showmen's contribution, but we should also recognise the challenges that we sometimes create. Let me suggest an example from my personal experience. In 1971, we had decimalisation. The penny in the roll-the-penny stall that I was particularly addicted to became a totty wee coin, but the new 2 pence coin was, of course, five times as valuable. That was a significant challenge and when we were doing decimalisation, nobody thought about it.

I owe gratitude to my American intern for my remarks. She has been absolutely amazed to discover about the Scottish Showmen's Guild, and all that it does, in her research to help me with my contribution today. We are truly reaching out to international engagement.

13:05

The Minister for Local Government and Planning (Derek Mackay): My response will be in three parts as a consequence of the debate. The first point will be about regulation and such matters that were raised during the debate; the second will be about the celebration; and the third will be a more personal element, given that other members have indulged us with their personal experience. I have thoroughly enjoyed the contributions of Richard Lyle, Mary Fee, Maureen Watt in her intervention, David Torrance, Alex Johnstone, John Mason, Siobhan McMahon and Stewart Stevenson. I do not think that I have left anybody out who contributed to this afternoon's debate, even Mr Johnstone, who is not paying attention to my very wise remarks.

On the subject of regulation, very valid points were made about regulations and the complexity of having 32 local authorities applying 32 variations of licensing and fee structures. I am sure that members will welcome the fact that work is in hand to look at greater consistency in fees and at harmonisation across the country. That work is being done by a working group.

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): One of the key themes of today's debate has been inconsistency. Does the minister share my disappointment with the inconsistent approach of South Lanarkshire Council? After many years of having the shows in Larkhall, the council is now looking to block them. I express my disappointment for the young people in Larkhall, because the shows provide a day when all the schools come together, irrespective of their religious background.

For the minister's information, I am a waltzers girl: the faster, the better.

Derek Mackay: I am not sure that I want to make any comment on that contribution, either by identifying any particular council, or by giving any

additional personal information. However, I would say that, through the Regulatory Reform (Scotland) Act 2014, we hope to get greater consistency on matters that are sometimes best determined locally. Where there can be national consistency, we want to deliver that. I commit to working in partnership with local government to try to deliver that. I understand that there was a successful meeting with Cabinet Secretary Kenny MacAskill earlier today. We will take forward that consensual approach.

I hope that the same cross-party attitude that we have enjoyed in the chamber today will be replicated in local government when I have those discussions. I hope that I do not have the experience of finding that a party in Parliament says one thing and the same party in local government takes a different view. Mr Mason had a point in what he said about nimbyism and my planning remit. Sometimes we like folk to enjoy themselves but not anywhere near us, and that is not the kind of attitude that we want to encourage.

I am also mindful that there is no requirement for local authorities to license funfairs. It is absolutely at their discretion, so we will work on that regulatory agenda.

I was particularly interested in Mary Fee's personal reflections because she will know my area well. I was raised in Ard Road in Kirklandneuk in Renfrew. Behind the houses on that street there is a playing field where the showmen come to put on the shows in one particular week of the year. I took a great interest in that, and I went to the shows unaccompanied—without an adult. Alex Johnstone made the point that we sometimes wrap our children up in cotton wool. However, the problem was that I was five at the time, and my family was wondering where I had gone. Such was the attraction of the shows and what was happening there that, while my family was looking for me, I was enjoying myself with the shows, and of course, the people were looking after me very well. That could have been a misdirection in my profession. I have found a happy home in politics, but we never know—I could have ended up in the Scottish Showmen's Guild.

So, to the celebration. I commend and congratulate Richard Lyle on securing this debate in recognition of the 125th anniversary of the Scottish Showmen's Guild. It is a celebration of many things that are good about our society; the guild has enriched Scottish society by contributing, evolving and changing and delivering fantastic events across the nation from village galas to festivals, enriching our culture and our history. It has a place for the future as well and it displays the economic, entrepreneurial, and business acumen that the First Minister has referenced.

I am also mindful that the First Minister, Alex Salmond, had the honour of being an honorary member of the guild, which was news to me but which is very welcome. I am also aware that the Scottish section of the Showmen's Guild of Great Britain is the largest section, which shows the strength that it has in Scotland, with nearly 400 members building on the strong tradition of entertainment and contribution to local communities. I encourage the guild to continue its work of protecting the cultural heritage of showpeople, which helps bring communities together.

Close to my constituency is the Govan old parish church. I do not know how many people know this, but it is the recognised church for all show families in Scotland. That is manifested and evidenced by some of the artwork in the church windows, where we can see the show logo of a hobby-horse, which is celebrated in that church.

We will look at regulation and support, recognising the place that the guild plays in fairs and shows and what they do for Scotland. The history is well established. I enjoyed hearing about the Kirkcaldy links market as well, which was first established by Edward I in 1305 when he granted the burgh of Kirkcaldy the right to hold an annual fair at the Easter octave. That has grown to become the links market, which we have heard about.

This is a great celebration. The guild makes a great contribution to our communities, traditions, culture and society—all reasons to be positive about what it delivers. It contributes to the Government's overarching objective of sustainable economic growth.

There are further opportunities ahead in 2014 and beyond, with the year of homecoming and events right across Scotland, to which showmen and women will of course contribute. They will make the year special as we mark it and show the potential that exists. There is also the celebration of the year of food and drink in 2015. I would encourage the guild to work with us to capitalise on that, too.

I am delighted to have been able to contribute to the debate and I support the motion, which has been supported in a cross-party way. I wish the Scottish Showmen's Guild every success as it heads towards the next 125 years, so that future generations can experience all the fun of the fair.

13:12

Meeting suspended.

14:15

On resuming—

Scottish Parliamentary Corporate Body Question Time

Police Action on Parliament Complex

1. John Wilson (Central Scotland) (SNP): To ask the Scottish Parliamentary Corporate Body how many incidents there have been in the Parliament complex since 2012 that have led to police action. (S4O-03388)

David Stewart (Scottish Parliamentary Corporate Body): Police Scotland uses a computerised call and incident management system—the system for tasking and operational resource management, or STORM—to record handling of incidents. The Scottish Parliament police unit provides a police service for the Scottish Parliament campus, which includes the landscaped areas and roads around the building. Police incidents requiring the unit's involvement that occur on the Scottish Parliament campus are recorded on STORM.

Although it is not an exhaustive list, the following are examples of the types of incident that are recorded: protests and demonstrations, photo shoots and external events, high-profile and VIP visits, concerns regarding members of the public within or outside the building, crimes that have taken place, arrests or detentions of people on campus, road traffic matters, and unusual or offensive correspondence. As for the number of incidents that have been recorded since 2012, I can tell John Wilson that in 2012 there were 145, in 2013 there were 180 and in 2014 there have been 79 to date.

John Wilson: How many of the incidents since 2012 that David Stewart has just detailed have led to court action? Moreover, can he reassure me about the security system for Parliament and members, particularly in the light of the chief executive's memorandum of 11 June 2014 that offered training and tips in office security for members and staff? Should we be concerned?

David Stewart: I thank Mr Wilson for his question. I know that he takes a great interest in these matters.

Perhaps I can respond by making a slightly wider point. We have ensured that the police and our security staff are well briefed on incidents involving security; for example, with regard to police presence in the MSP block, John Wilson will know that there have been a number of minor incidents in that part of the building. The head of security gave the SPCB a briefing, as a result of which the corporate body requested that the

security office change the pattern of its night-patrol regime and have occasional assistance from the parliamentary police unit when resources are available.

As for prosecutions, they are a matter for the police and the Crown Office and Procurator Fiscal Service, but obviously I am happy to provide a more detailed answer if John Wilson cares to write to me about it.

Commercial Access (Pricing)

2. Patrick Harvie (Glasgow) (Green): To ask the Scottish Parliamentary Corporate Body what prices it will set for the proposed pilot of commercial access to the Parliament, and whether these will be reduced for non-profit or charitable organisations. (S4O-03389)

Linda Fabiani (Scottish Parliamentary Corporate Body): The Scottish Parliamentary Corporate Body has agreed that, during the pilot, commercial events will take place only in the members' room on non-business days. All the direct costs that are associated with such events will be recovered by charging organisers a facility fee for hire of the members' room, which will initially be set at £1,000 plus VAT. The same commercial rates will apply to non-profit or charitable organisations; however, as with other external venues, they will be able to recover some of their costs by various means, including selling tables for their events. In addition, we have agreed that charities will be able to fundraise at those commercial events.

Patrick Harvie: It seems to me to be reasonable that, for the wide range of member-sponsored events that already take place, the space is provided without a charge, and that access to Parliament, and the status that attaches to holding an event in this building, should be available to organisations because of members' support for them, rather than through their simply having a chequebook. Can I urge the corporate body to reconsider the issues of principle that are involved in this pilot and, notwithstanding the individual organisations that might take it up, the impact of the perception that Parliament is simply available for hire?

Linda Fabiani: There are a few points that I would like to make in response to Patrick Harvie. First, I stress for everyone concerned that member-sponsored events are not affected by the pilot at all; it is in addition to such events. The six-month pilot will be monitored carefully, and the integrity of Parliament will be uppermost in all our minds when we look at how it is working.

Some organisations, such as charities, sometimes feel that they are limited in what they can present to their audiences at member-

sponsored events on Parliament business days. For example, we would not allow fundraising at such events. However, we decided that commercial fundraising for charities would be allowed during the six-month pilot, and we will monitor that carefully.

A strict mechanism has been put in place to ensure that any risk of reputational damage is effectively managed during the six-month period. We will also monitor all organisations when they book, and although I cannot predict the individual circumstances that may arise, there will in commercial event contracts be appropriate clauses that can be invoked to allow us to cancel such events if necessary. We are conscious of concerns, but we are also conscious of the demand that exists, and that is why we have put in place a carefully monitored six-month pilot.

Environmental Targets

3. Annabelle Ewing (Mid Scotland and Fife) (SNP): To ask the Scottish Parliamentary Corporate Body what progress the Parliament is making in meeting its environmental targets. (S4O-03356)

Linda Fabiani (Scottish Parliamentary Corporate Body): That is a welcome question, because the Parliament and the corporate body are making excellent progress. In fact, we are quite proud of our achievements to date. We have reduced carbon emissions by 30 per cent, and gas and electricity consumption is also down, which represents a saving of more than £200,000 on our utility bills each year.

Achieving this year's target to reduce carbon emissions keeps us on course to achieve our longer-term target to reduce emissions by 42 per cent by 2020. However, targets to reduce landfill waste and water use were not quite achieved in 2013-14, although sizeable reductions of nearly 70 per cent have been made in the amount of waste that was sent to landfill, recycling rates exceed 80 per cent and water use is down by 9 per cent.

Annabelle Ewing: I am pleased to hear about the significant progress that everyone here is making towards meeting the challenging carbon-reduction targets, but I would like to know what the next steps are to make incremental progress. As my question relates to environmental targets in general, and as we saw the fantastic spectacle of our bees arriving yesterday, I will also take the liberty of asking what role the bees may have in our general environmental approach.

Linda Fabiani: I thought for one awful moment that Annabelle Ewing was going to ask me how many bees are in the hives; I do not have that figure. I will certainly find out more about all the wonderful things that the bees will add to the

environment of the Parliament. One of the special things, of course, is that we are trying to help with the honey bee problem that exists right across the country, by doing our bit to ensure that there is a good future for honey bees and to promote the benefits that they bring through pollination.

Annabelle Ewing also asked what more we are going to do to improve and reach our targets. We are doing various things; she may have noticed that we have made changes in the canteen, to make recycling easier and to make it more obvious how people can help towards the Parliament's recycling targets. One of the issues, as I mentioned, is that we had not quite reached our target on reduction of water use, but we have changed some equipment and procedures in an effort to monitor water use and to achieve a reduction in consumption.

We are confident that this year's targets will be achieved, but it is an on-going process and we should never rest on our laurels.

Patrick Harvie (Glasgow) (Green): I congratulate the corporate body on the progress that has been achieved. Bees manage to achieve aviation quite sustainably; unfortunately, Parliament continues to use short-haul aviation within the UK, despite the presence of a very affordable rail service. Is that issue under review? Does the Parliament intend, as the London mayor has done, to rule out short-haul aviation?

The Deputy Presiding Officer (John Scott): That is a very tenuous link, so Linda Fabiani does not have to answer, unless she particularly wants to.

Linda Fabiani: It is fine. Such matters are held under review by the corporate body all the time. I heard my colleague Liam McArthur say, "I'd never get home." Given that he lives in and represents Orkney, I can see his concern. However, we monitor these things all the time through the chief executive's reports.

Digital Working

4. Cara Hilton (Dunfermline) (Lab): To ask the Scottish Parliamentary Corporate Body what steps it is taking to ensure that it maximises the benefits of digital working. (S4O-03387)

David Stewart (Scottish Parliamentary Corporate Body): The SPCB is very aware of the benefits on offer. Our digital programme started in 2013 and we are already piloting more flexible ways to consume our products and services any time, anywhere on mobile devices. For example, seven committees are now taking part in the committee pack pilot, which makes committee papers easier to read, bookmark and annotate while mobile. We are also using various social media techniques to enable the public to engage

more easily with business. For example, 11 committees are active on Twitter.

Cara Hilton: I am pleased that progress is being made. What assessment has been made of the cost? Can David Stewart outline the timescales in rolling out digital working? Can he give me details of specific measures that will be taken to assist the more digitally challenged people in adapting to the new ways of working?

David Stewart: The total budget for the programme covering this and the last financial year is £1.286 million. The programme is expected to run until the end of the current session in 2016. By then, we will have made some significant improvements in digital working, which will form a good basis for other continuous improvements, most likely as part of business as usual.

Although digital working and social media have much to offer by way of simpler, easier to use and quicker services, they will only ever be part of the way we provide services to members or engage with the public. We will always offer suitable alternatives. Our aim is to be digital by choice, not digital by default.

Security Support and Advice

5. Siobhan McMahon (Central Scotland) (Lab): To ask the Scottish Parliamentary Corporate Body what security support and advice are available to members. (S4O-03390)

David Stewart (Scottish Parliamentary Corporate Body): The security office is responsible for a first point of contact for members in relation to both physical and office security when members are in the Parliament building, or wherever formal parliamentary business is conducted. The security office also provides a first point of contact for general advice regarding personal safety, especially in local offices. More specific advice can be provided by local police offices.

The physical security system covers management of access and control of movements around the building. Office security advice can be tailored to individual members' needs, but it essentially covers advice about storing valuables away safely, locking all office doors, cabinets and pedestals when out of the office, and introducing a clear-desk policy.

The security office, in conjunction with Parliament's police unit, recently ran a "snippets" session for members' staff to raise awareness of office security measures. Unfortunately, no members' staff attended the sessions, but we will run them again before the end of the year. We would appreciate members' support in encouraging their staff to attend.

Siobhan McMahon: I thank David Stewart for his detailed answer. It would be helpful if he would outline what security and personal safety advice is available for MSP staff who are based in constituency offices—in particular, vulnerable female members of staff who, in some cases, are working alone in local offices.

David Stewart: New members receive a booklet called "MSP Security Guidance", which advises them on matters related to lone working for themselves and their staff. Those matters include liaising with local police crime prevention officers; physical security of homes and offices using door buzzers and panic alarms; always being vigilant of those around you; always letting someone know when and where you are working alone; and always letting someone know your estimated time of arrival at an event or scheduled meeting, and when you have finished and are returning to the office or home.

On a personal level, when I entered this Parliament, I asked for advice from the crime prevention officer, which I found to be first class. I certainly encourage members to access local crime prevention officers, who are experienced in this matter.

Buildings (Recovery of Expenses) (Scotland) Bill: Stage 3

The Deputy Presiding Officer (John Scott):

The next item of business is stage 3 proceedings on the Buildings (Recovery of Expenses) (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, the marshalled list and the groupings. The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. 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. Members who wish to speak in the debate on any group of amendments should press their request-to-speak button as soon as possible after I call the group.

Section 1—Expenses recoverable using charging orders

14:30

The Deputy Presiding Officer: Amendment 1, in the name of the minister, is grouped with amendments 2, 3 and 5.

The Minister for Local Government and Planning (Derek Mackay): I will outline the rationale behind amendments 1, 2, 3 and 5.

At stage 2, the application of the bill was widened beyond defective and dangerous buildings, allowing a local authority to make a charging order in relation to its other enforcement powers under sections 25 to 27 of the Building (Scotland) Act 2003. Those powers cover building regulations compliance notices under section 25; continuing requirement enforcement notices under section 26; and building warrant enforcement notices under section 27.

When a local authority takes enforcement action under sections 25 to 30 of the 2003 act, it can recover its reasonable expenses from the owner of the building. The exception to that is where it has served a building warrant enforcement notice under section 27, in situations in which work is being done without a building warrant or is not being done in accordance with the technical aspects of building regulations. In such a case, the local authority would serve a section 27 notice on the “relevant person”. Usually, the relevant person is the owner of the building, although that might not always be the case. For example, the relevant person could be a tenant who is doing the work themselves or employing a builder to carry out the work for them. In a situation in which the owner was not responsible for having the work carried

out, it would be unreasonable for any liability of the tenant to be attached to the title of the building.

Amendments 1 and 2 expand new section 46B(1)(zc) of the 2003 act and clarify that the qualifying expenses recoverable by a local authority are only those expenses that relate to a building warrant enforcement notice that has been served on the owner of the building. The effect of the amendments is that the local authority can make a charging order under new section 46A only where the person liable for expenses in relation to enforcement under section 27 is the owner of the building.

Amendments 3 and 5 are consequential on amendments 1 and 2. They remove subsections (4) and (5) of new section 46C and subsections (5) and (6) of new section 46D—I hope that members are getting all this. Those subsections make provision for references to an “owner” that occur earlier in the sections to be read as references to a “relevant person” other than an owner. The four subsections are no longer required, as expenses under section 27(7) are only qualifying expenses and hence recoverable under a charging order where the original building warrant enforcement notice was served on the owner of the building.

I move amendment 1.

David Stewart (Highlands and Islands) (Lab):

The bill has always focused on owners of buildings. This package of amendments ensures that the local authority cannot make a charging order under new section 46A of the 2003 act if the person liable for expenses relating to enforcement under section 27 is not the building owner—for example, if they are a tenant. The amendments also clarify that qualifying expenses for a building warrant enforcement notice under section 27 are limited to when the local authority has served a notice on the owner of the building. In essence, the amendments are of a tidying-up nature, following the extension of the bill to section 27 of the 2003 act. I therefore support the refinement of the bill.

Amendment 1 agreed to.

Amendments 2 and 3 moved—[Derek Mackay]—and agreed to.

The Deputy Presiding Officer: Amendment 4, in the name of the minister, is grouped with amendments 9 and 10.

Derek Mackay: Amendments 4, 9 and 10 can be considered to be minor technical or drafting amendments.

The bill provides that, where a charging order has been registered, the local authority must register the discharge of the order as soon as reasonably practicable after the charging order has been discharged.

Amendment 10 makes it clear that the discharge of a charging order must be registered by a local authority when it has received either the full repayable amount or any agreed lower amount that redeems the repayable amount.

Amendment 4 removes new section 46D(3), which is no longer required, as a consequence of amendment 10.

Amendment 9 simply changes the term “the charging order” to “a charging order” in section 46E(5).

I move amendment 4.

David Stewart: These are minor and technical amendments that involve some repositioning of provisions that deal with registering a charging order and a discharge. They seek to ensure further clarity and consistency in the application of the bill, and we are therefore content to support them.

Amendment 4 agreed to.

Amendment 5 moved—[Derek Mackay]—and agreed to.

The Deputy Presiding Officer: Amendment 6, in the name of the minister, is grouped with amendments 11 to 13.

Derek Mackay: This group of amendments concern the appeal and registration of a charging order.

The bill adds charging orders to the list of matters that are appealable under section 47 of the Building (Scotland) Act 2003. Where a local authority makes a charging order, the owner has 21 days to appeal, by summary application to the sheriff. As a result of section 47(4) of the 2003 act, as amended by the bill, the charging order does not take effect until either the 21-day period has passed without an appeal being made, or, where an appeal has been made, the appeal has been determined or withdrawn.

Concerns have been raised that an owner might use the appeal mechanism as a delaying tactic while they try to change the ownership of the building. It is therefore important that a charging order can be registered in the appropriate land register as soon as possible.

At stage 2, the bill was amended to introduce provisions for future owners to become severally liable with the former owner—those amendments introduced new sections 46F and 46G.

Amendments 11 and 13 are technical amendments, concerning subsections (3) and (4) of section 47 of the 2003 act.

Amendment 11 amends subsection (3), which creates a right of appeal against a charging order,

and clarifies that any appeal must be made within 21 days of the date of the charging order.

Amendment 13 clarifies that a charging order, as with the other appealable matters in the 2003 act, is of no effect until either the appeal period has passed without one being made, or any appeal has been determined or withdrawn.

Amendment 6 makes it clear that the local authority can register the charging order as soon as it has made it. The local authority does not have to wait until after the 21-day appeal period has passed or any appeal has been determined or withdrawn.

New subsection (3A) of section 47 of the 2003 act makes provision limiting the questions that may be raised in appeals in relation to charging orders. The effect of amendment 12 is that the correct subsection that creates the right of appeal is referred to in new subsection (3A).

I move amendment 6.

David Stewart: These amendments seek to further refine the appeals system to ensure that it cannot be used to frustrate the intended operation of the bill. They also clarify that local authorities do not need to wait until after the appeal period has elapsed to register a discharge.

The amendments are in line with my policy on appeals and, as such, I support them.

Amendment 6 agreed to.

The Deputy Presiding Officer: Amendment 7, in the name of the minister, is grouped with amendment 8.

Derek Mackay: Amendments 7 and 8, which comprise the last group, result from an amendment to the bill at stage 2.

New sections 46F and 46G of the 2003 act were added at stage 2 and make the new owner and former owner severally liable for the local authority's expenses when the building changes ownership.

The first of those sections, new section 46F, provides for the liability of the new owner. The second, new section 46G, provides for the continued liability of the former owner.

Amendment 7 makes it clear, in new section 46E(3), that although a registered charging order is enforceable by the local authority against the existing owner of the charged building, that is subject to new section 46F, which was inserted at stage 2.

The effect of new section 46F is that, where a building changes hands, in certain circumstances, a new owner is severally liable with any former owner of the building. That maintains safeguards

for new owners who have acquired rights in relation to a charged building within 14 days of the registration of a charging order. New section 46E(4) also makes provision for certain circumstances in which a charging order is not enforceable. Amendment 8 removes new section 46E(4), which is no longer required due to the insertion of new section 46F at stage 2.

I move amendment 7.

David Stewart: As the minister explained, the bill was amended at stage 2 to clarify liability on the sale or purchase of a property where a charging order has been registered. Amendments 7 and 8 will ensure accurate linkage between new sections 46F and 46G and the pre-existing sections by adding a necessary cross-reference and removing an unnecessary provision. As they are consequential amendments, I am content to support them.

Amendment 7 agreed to.

Amendments 8 to 13 moved—[Derek Mackay]—and agreed to.

The Deputy Presiding Officer: That ends consideration of amendments.

Buildings (Recovery of Expenses) (Scotland) Bill

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-10335, in the name of David Stewart, on the Buildings (Recovery of Expenses) (Scotland) Bill.

I call the cabinet secretary to signify Crown consent to the bill.

The Cabinet Secretary for Training, Youth and Women's Employment (Angela Constance): For the purposes of rule 9.11 of the standing orders, I advise Parliament that Her Majesty, having been informed of the purport of the Buildings (Recovery of Expenses) (Scotland) Bill, has consented to place her prerogative and interests, so far as they are affected by the bill, at the disposal of Parliament for the purposes of the bill.

The Deputy Presiding Officer: Many thanks. Now to the debate. I call David Stewart to speak to and move motion S4M-10335. Mr Stewart, you have 10 minutes or thereby.

14:42

David Stewart (Highlands and Islands) (Lab):

It is with great pleasure that I open the debate. The bill was introduced on 30 October 2013, and stage 1 concluded with a parliamentary debate on 3 April 2014. The Local Government and Regeneration Committee considered the bill at stage 2 on 4 June, and today the Parliament debates whether to pass it. It is very much my hope that members will come together to welcome the bill and support it at decision time.

When I last stood in the chamber to talk about my member's bill, it was known as the Defective and Dangerous Buildings (Recovery of Expenses) (Scotland) Bill. A lot has changed since stage 1, including the bill's title, but I believe that change is good. My bill now delivers a more comprehensive approach to local authority debt recovery, encompassing not just local authorities' work in relation to defective or dangerous buildings under part 4 of the Building (Scotland) Act 2003 but their work under part 3, in relation to compliance and enforcement.

An estimated £4 million of debt has been accrued during the period for which charging orders have not been available to local authorities. As I explained in the stage 1 debate, prior to the 2003 act, local authorities relied on charging orders under the Building (Scotland) Act 1959 to tackle debt associated with dangerous buildings. However, when the 1959 act was repealed and replaced with the 2003 act, the charging order mechanism was not carried over, which left local

authorities with an increasing debt burden that needs to be addressed now.

Local authority debt recovery can be problematic for myriad reasons. A couple of examples that were given in evidence to the Local Government and Regeneration Committee at stage 1 demonstrate the diverse circumstances that can be encountered.

John Delamar, from Midlothian Council, talked about the

“deterioration of a chimney stack that is directly above a neighbouring single-storey property and above a public footpath right beside a bus stop”.

Because of the danger involved, there was a requirement for the local authority

“to fix the chimney by putting up scaffolding.”

He explained that the owner on the first floor of the property with the deteriorated chimney stack was “happy to pay”, whereas the person on the ground floor was not. He said to the committee:

“We are now in difficulties because the person on the ground floor, who had a business and other property, died, unfortunately. Therefore, we can no longer pursue the costs involved under our civil debt recovery methods.”

Gillian McCarney of East Renfrewshire Council told us about an example from her area. She said:

“We have a site with an absentee owner—I believe that he lives in Antigua. The council has incurred substantial costs in keeping the building safe. We understand that the owner is in discussions with several people to buy the site, and we have to continually check to see whether it has been sold.”—[*Official Report, Local Government and Regeneration Committee*, 19 February 2014; c 3119.]

Both council officers noted the advantages that charging orders would have had in those situations—they would have helped them to recoup their expenses on the sale of the buildings concerned. I have no doubt that most councils will be able to recount cases in which charging orders would have made a difference.

Before I move on to discuss the main changes that were made at stage 2, I put on record my thanks to those who have helped to shape and develop the bill. In particular, I thank the Local Government and Regeneration Committee for its scrutiny of my policy, the Delegated Powers and Law Reform Committee for its continued scrutiny of the subordinate legislation powers and, of course, those who have worked diligently to support me prior to the bill’s introduction and through its parliamentary stages. I particularly thank Claire Menzies Smith from the non-Government bills unit and Neil Ross from the legal team for all the help and advice that they have provided. Last, but certainly not least, I express my gratitude for the assistance that I have received from the Minister for Local Government and Planning, Derek Mackay, and his officials.

When I set out on this journey, I very much doubted that my member’s bill would get beyond stage 1, let alone one day make it on to the statute book. I did not allow myself to believe that that would happen. I believe that it will now happen because politicians have decided to set aside their political differences to collectively address the problem of local authority debt recovery. Congratulations must therefore go not to me, but to the Parliament as a whole.

I want to focus on the main changes that arose from the stage 2 consideration. The bill was amended in three main areas: it was extended so that local authorities’ actions would be encompassed under sections 25, 26 and 27 of the Building (Scotland) Act 2003, and it was amended to allow variation of the term of a changing order and to provide clarification of the liability of owners.

At the start of my speech, I referred to the change to the bill’s title. The reason behind that change represents one of the most significant changes to the bill. Local authorities have other enforcement powers under the 2003 act and, in some instances, they have to undertake work when an owner does not comply with notices that are served on them under those powers. Those powers relate to building regulations compliance notices under section 25 of the 2003 act; continuing requirement enforcement notices under section 26 of the 2003 act; and building warrant enforcement notices under section 27 of the 2003 act. The bill was extended to provide local authorities with greater certainty that they would be able to recover their costs in carrying out their duties under those sections of the 2003 act.

Action under those sections might not be as common as local authority action in relation to dangerous buildings, but it is no less important that local authorities have access to appropriate cost recovery tools when they have to step in to undertake work for compliance, enforcement or safety purposes.

The second area of change relates to the fixed 30-year repayment term. During stage 1, it became apparent that a number of local authorities had concerns about the fixed 30-year repayment term, particularly for lower sums. I readily acknowledged those concerns, so I brought forward a package of amendments to enable local authorities to determine the number of annual repayments that an owner must pay. The bill now provides for local authorities to determine the number of annual repayments, which must be no less than five and no more than 30. As well as addressing the point about the size of the debt, that change allows local authorities to take into account the debtor’s ability to pay.

The third area that I wish to touch on relates to the liability of owners. During stage 1, local authorities expressed concern that a property might be sold or its ownership transferred before a charging order could be registered, and they suggested that a notice of liability might help in that respect. On further investigation, it became clear that the crux of the problem related to timing. It should be possible for a local authority to register a charging order very soon after work has been carried out. Local authorities should not view charging orders as a tool of last resort, as they may have viewed them under the 1959 act; rather, they should be proactive in using them to secure the debt.

In conjunction with the Scottish Government, I looked into the possibility of the registration of a notice of potential liability in advance of a charging order but found that that would serve only to create a layer of bureaucracy that would detract from the simplicity of the bill. It would also have incurred additional costs for local authorities.

However, I recognised that liability might become an issue over the longer term as a property changed hands, which is why I lodged an amendment to clarify liability by ensuring that those who seek to avoid their responsibilities cannot. It provides that the buyer of a property, where a charging order has been registered, is to be severally liable with the seller for any unpaid amounts due by the seller under the charging order.

I will mention briefly the subordinate legislation powers. The Delegated Powers and Law Reform Committee suggested that my bill should be amended to allow Scottish ministers to directly amend schedule 5A to the 2003 act to alter the form and content of a charging order, rather than leave the prospect of that being done by way of subordinate legislation. At stage 2, the Scottish Government decided to make use of existing powers under the 2003 act to prescribe the form and content of a charging order and a discharge. Therefore, my commitment to address the point has been somewhat overtaken, as it has been addressed by other means. I will leave it to the minister to explain the new subordinate legislation provision in section 1A.

The stage 2 process and today's amending stage have been crucial to ensuring that the bill delivers an effective and modernised charging order mechanism for local authorities to recover from owners sums owed when local authorities have stepped in to carry out work under parts 3 and 4 of the 2003 act. Looking to the future and the bill's implementation, I understand that the Scottish Government will be producing guidance to underpin the bill's operation and that it will also prescribe the standard form and content of a

charging order and a discharge to ensure consistency of operation across local authorities. The bill will come into force six months after royal assent.

I move,

That the Parliament agrees that the Buildings (Recovery of Expenses) (Scotland) Bill be passed.

14:51

The Minister for Local Government and Planning (Derek Mackay): It gives me great pleasure to contribute to the debate on the Buildings (Recovery of Expenses) (Scotland) Bill. I, too, thank all the relevant committees for their hard work and careful scrutiny of the bill. I also thank MSPs for their comments as the bill has progressed through Parliament, and express my thanks to the organisations that provided oral and written evidence, which has assisted us with our deliberations. I acknowledge the significant amount of work that Mr Stewart has done over the past four years or so to get the bill to this stage.

As Mr Stewart explained, his bill proposes considerable improvements to the existing enforcement powers for local authorities under the Building (Scotland) Act 2003. The bill will improve the recovery of expenses incurred by local authorities under parts 3 and 4 of the 2003 act by enabling a charge for the repayable amount to be registered against the title of the building concerned.

The bill as introduced was targeted at defective and dangerous buildings. I am extremely pleased that it now covers the other local authority enforcement powers under part 3 of the 2003 act on work resulting from statutory notices under sections 25, 26, and 27.

Under the Building (Scotland) Act 2003, local authorities must take action on buildings that they consider to be dangerous. That might be by taking urgent action to secure the building and the surrounding area, or it could mean getting the building repaired. In extreme cases, a local authority may decide to demolish all or just part of a dangerous building.

For a defective building, local authorities' powers are discretionary, as is the case for their other enforcement powers. In all enforcement cases, when an owner has not carried out the work required by the relevant notice, the local authority can step in and undertake the works.

The enforcement powers allow local authorities to intervene—I hope that they will be more proactive in doing so—and, importantly, deal with immediately dangerous situations, stop buildings deteriorating and rectify building work that does not meet building regulations.

Normally, when the local authority becomes involved, the building owner will rectify any problems themselves but, as we know, that does not always happen. Where the local authority decides to step in and do the work in default of the owner, it can recover its costs, but normal debt recovery methods are sometimes proven to be problematic. Therefore, the lack of certainty of recovering its costs could influence whether a local authority decides to do the work in the first place.

The Government has acknowledged that the existing powers needed strengthening, and it has listened carefully to the views of local authorities. It is clear that any changes must include registration against the titles of buildings. That will alert future owners to any existing liabilities.

Last year, the Government included proposals for improved powers in the Community Empowerment (Scotland) Bill consultation, which took a slightly different approach from the bill as introduced by Mr Stewart and covered all the enforcement powers. In January, the consultation closed and the Local Government and Regeneration Committee took oral and written evidence on Mr Stewart's bill.

The Government held a workshop with all local authorities to explore both sets of proposals. The common message from that workshop was that there should be strong support for improvements, that repayment terms must be flexible and that all enforcement powers should be covered. In fact, the Convention of Scottish Local Authorities went on to ask us to use Mr Stewart's bill, because of timing and other factors, rather than the Community Empowerment (Scotland) Bill. Being the reasonable man that I am, I opted for that course of action. *[Interruption.]* As the First Minister said, the Government does not have a monopoly on wisdom, so I am delighted by the cross-party approach that we have taken. Judging from the banging of a table to my right, I think that we even have Conservative support in this new consensus between Labour and the Scottish National Party.

Taking on board all those comments, and having made the necessary provisions, we are delighted to give our support to Mr Stewart's bill as amended at stage 2. There were 28 amendments at stage 2, four of which were lodged by Mr Stewart and 24 by the Government. They covered the key aspects that had been identified at stage 1, including flexibility in the number of annual payments, liability for new owners and widening the application of the bill to include local authority enforcement powers, as previously described. There were also technical amendments.

The Government lodged 13 amendments for stage 3 today. They were intended to provide

clarification and to pick up some technical and minor changes following the stage 2 amendments. The stage 3 amendments sought to make it clear that a charging order can be made in respect of a building warrant enforcement notice only where that notice was served on the owner; that a charging order can be registered as soon as it has been made, without having to wait for any appeal to be made or be determined; and that new section 46F of the 2003 act, as introduced at stage 2, will operate as intended by removing inconsistent provision. That means that a new owner will not become liable if they acquire a right to the building within 14 days of the charging order being registered. I am delighted that those amendments have all been agreed to this afternoon.

I will now explain some aspects of the bill. The owner of a building is responsible for ensuring that their building is safe and in good repair. A local authority can step in and take emergency action on a dangerous building, or it can carry out work when an owner has not complied with a statutory notice. The bill allows authorities to make a charging order to help them recover their expenses from the owner. The order sets out the repayable amount, the appropriate number of annual instalments—between five and 30—and the date each year for payment. That allows the local authority to consider the repayable amount and the owner's ability to pay when deciding on the number of instalments. The repayable amount that is due to the local authority includes construction-related expenses, any registration fees relating to the charging order, any administration expenses and interest—at a reasonable rate. The local authority must register the charging order in the appropriate land register, which creates the charge on the affected property.

The charging order provides that the repayable amount is to be repaid in annual instalments. However, an owner can still pay the debt in full at any time or, if the local authority agrees, they can redeem it by paying a lower settlement figure. At that point, the local authority must register a discharge of the charging order as soon as practicable in the appropriate land register.

The owner can appeal a charging order within 21 days of its being made, so it will not come into effect immediately. However, the owner may try to change ownership of the building and use the appeal mechanism as a stalling tactic. I believe that we have addressed a number of those issues in the course of the debate.

As I said earlier, the Government fully acknowledges that the cost recovery aspects of parts 3 and 4 of the Building (Scotland) Act 2003 should be improved. Enforcement is an important part of local authority work. It is at the core of

ensuring the safety of people inside and outside buildings and protecting the built environment. Local authorities must invest time and resources when owners do not fulfil their legal obligations, so it is important that they have certainty that they will be able to recover their costs and expenses.

The Government will update all relevant guidance in the online “Scottish Building Standards Procedural Handbook” and will continue working with all local authorities so that they are fully aware of the new provisions. I can assure Parliament that those pieces of new guidance will all be in place in time for commencement of the bill, six months after royal assent.

I urge Parliament to agree that the Buildings (Recovery of Expenses) (Scotland) Bill be passed.

14:59

Sarah Boyack (Lothian) (Lab): I thank my Labour colleague David Stewart for choosing to champion this issue. As members have seen this afternoon, for a minister in another party to have all the amendments that he has lodged accepted by the mover of the bill is not actually a usual occurrence in this place. I congratulate David Stewart on his commitment to the issue and on his success in steering his member's bill through the committee and past the minister—and for enlisting us all in the process, as the issue is an important one.

The evidence sessions that the committee held were invaluable in teasing out the issues from a wide range of stakeholders, including in particular local authorities, which clearly experience a gap in their powers. In the current financial climate, it is important that local authorities do not subsidise repairs to buildings that should properly be carried out by their owners. I thank the committee for its work, and I also thank all the stakeholders who submitted evidence. I hope that the bill that we will pass this afternoon captures all the sensible contributions that were made in the Parliament.

My party is keen to support the bill, and I am politically and personally keen to support it not only because of my knowledge of buildings in the city of Edinburgh and the Lothians, but because of the impact that it will have across the country. The bill is important for the character of our towns and cities and for the quality of our built environment. We are all aware of the negative message that decaying, unlooked-after buildings send out in our local communities. They can have a social and an economic impact, and there is also the issue of safety that David Stewart mentioned. Buildings that are in disrepair and are not properly looked after can be exceedingly unsafe for both users and the public. Last night, I spoke in a members'

business debate on the Rana Plaza disaster, which is a tragic example of what happens when buildings are not looked after and are not used for the right purpose.

The bill is a practical piece of legislation and an important one. In my region of the Lothians alone, 46 dangerous building notices were issued in 2011-12—in just one year—so I very much welcome the practical provisions in the bill that will enable local authorities to recoup the costs of dealing with dangerous buildings.

The minister mentioned a couple of provisions that have changed between the initial proposals and the final bill that we will pass today. I particularly welcome the change on the 30-year payback issue, which has been addressed in the final bill. There should be scope for sensitivity to an owner's circumstances, and local authorities should be able to address that. I flag up that issue because it was addressed in the equality impact assessment that accompanies the bill. It is particularly important for people on low incomes, who will now have a different opportunity to pay the bill on the sale of their property. The change to the attachment of orders to the property rather than the person is important in that respect.

The amendments that the minister successfully moved are also important. In particular, amendment 7 will prevent owners from dodging their liability and trying to ignore their responsibility for buildings that they have profited from. For that reason, it is good that we were able to amend David Stewart's bill this afternoon.

At present there is about £3.9 million of outstanding debt and only 50 per cent of local authority costs are recouped. We need to address that. The bill will plug that gap and address the problem by ensuring that local authorities, which are currently cash strapped, will be able to recoup their costs from the owners who have benefited from owning the buildings. I hope that this afternoon, across the parties, the Parliament is sending out a message that we all believe that owners need to take proper responsibility for maintaining their properties in good order.

I reiterate David Stewart's view that the provisions in the bill should be a last resort and not a first resort. I say that in the knowledge that, in Edinburgh, the statutory repairs notice has become a first resort rather than last resort for far too many owners, with negative consequences. Next week we will debate the Housing (Scotland) Bill and we will again strengthen the scope for local authorities to step in where individual owners will not pay their share. The two bills represent important and beneficial changes in legislation that aim to ensure that we have well-maintained, safe buildings.

I look forward to David Stewart's bill being passed today and to its becoming law, and I look forward to local authorities across the country being able to use the provisions in the bill in practical ways to improve the quality and safety of our built environment.

The Deputy Presiding Officer: I call on Alex Johnstone. You have five minutes, Mr Johnstone.

15:04

Alex Johnstone (North East Scotland) (Con): Thank you, Presiding Officer. Would that be a whole five minutes?

I begin by offering Cameron Buchanan's apologies. He has been involved in the process of considering the bill in committee, but sadly he has been called away on personal business today. As a result, he has asked me to step in at the last minute. I was handed the papers and told that the bill is uncontroversial. That has happened before and I have seen it as a challenge, but on this occasion I assure David Stewart, whose bill it is, that I will try not to stir up unnecessary controversy.

In fact, I pay tribute to David Stewart. Guiding a member's bill through the Parliament is a complex and difficult process that requires a great deal of effort on the part of the bill's sponsor, and we should congratulate David Stewart on his achievement. I have never taken a member's bill to completion but, many years ago, I produced a proposal for a bill that would have had the effect of requiring country-of-origin labelling for meat. I had several meetings on the subject and met Jim Walker, the then president of NFU Scotland. At a quiet moment during the meeting, he whispered to me, "Country-of-origin labelling would be a good idea but, to be honest, species-of-origin labelling would be just as useful." That perhaps prefigured a story that hit the news some 10 years later and should encourage us to take a long-term view on a number of subjects.

The bill is an uncontentious piece of legislation that is ideally suited to being a member's bill and will have a significant impact in many areas of Scotland. Nevertheless, we should be concerned about the subject of the legislation. We should always be concerned about the quality of the built environment, and safety is an issue when buildings in some of our town centres are in such a state that bits can drop off and do damage to people as they pass in the street. Sarah Boyack talked at length about her experience in Edinburgh. In many of our county and market towns, which were once prosperous but are now somewhat less so, buildings can often fall into disrepair. Given the difficulties in bringing together owners to achieve the objective of repair, it is

important that local government has the powers of last resort to achieve what we want to achieve. The bill delivers the powers and the process. It delivers the opportunity for local government to ensure that the criteria are fulfilled, and it is a sound example of what the Parliament can achieve.

Looking at the general issues surrounding the process that we have gone through, we see that the bill has been uncontroversial. No member contested any of the amendments, and the bill's sponsor and the Government minister and his department have worked together seamlessly to bring the legislation to fruition for the benefit of all. There are some days when the Parliament does not distinguish itself, but there are other days when, in an unspectacular way, it does. I think that this is one of the latter.

15:08

Kevin Stewart (Aberdeen Central) (SNP): I, too, pay tribute to Mr Stewart for his four-year struggle to get the bill to where it is today. Other members have talked about the co-operation that there has been between Mr Stewart, the Government, the parliamentary committees and others. One of the reasons why the process has been so successful is the fact that Mr Stewart entered it in a spirit of co-operation, with a great degree of gumption and a hell of a lot of civility. That is the way to push things forward.

We have heard about the £4 million or thereabouts of outstanding debt. However, throughout the country, there are buildings in a state of disrepair whose owners councils have to chase up on a regular basis, often failing to do so. As has been pointed out, owners may be anywhere in the world and can be difficult to contact. A witness spoke about an owner in Antigua, and a number of years ago, when I was a councillor, I was involved in a case in which the owner lived in Gibraltar and it was almost impossible to get that person to co-operate with the council.

We all know of buildings that blight communities across the country. I hope that the bill, as well as allowing councils to recover costs, will persuade owners who have allowed their properties to become derelict and unsightly to get on with the job of fixing them without councils having to step in to do so. As well as dealing with a difficulty, the bill might prevent some unscrupulous property owners from allowing buildings to go to wrack and ruin.

Unfortunately, buildings that have major historical significance and are part of our heritage are often left to rot. Probably the best example of that in my constituency at present are the Broadford works buildings, where there is planning

permission to do a number of things. Time and again, however, there have been acts of fire raising, which have led to the buildings becoming more and more dangerous, and steps have to be taken to deal with that. There is probably not one member who could not name buildings in their patches that have suffered similar fates. Although the provisions on the recovery of costs are extremely worthy, I hope that the bill will also result in prevention.

We had good information from the folks who submitted evidence during the process. I know that David Stewart thought long and hard about what others said and amended the bill accordingly or agreed to amendments. As Mr Johnstone says, we can do things well if we enter into things in the spirit of co-operation and with gumption and civility. I pay tribute to Mr Stewart for approaching the bill in that manner.

15:12

Alex Rowley (Cowdenbeath) (Lab): I, too, congratulate David Stewart on bringing the bill through its stages and getting it here today. I pay tribute to the minister, Derek Mackay, and the Scottish Government for their approach to the bill and for taking it on board. That is a sign of the way in which we can work together in the interests of our communities and of Scotland. I hope that, once we get past the landmark date in September, regardless of the outcome, parties across the chamber will start to work much more closely together for communities and for Scotland. I also pay tribute to the convener of the Local Government and Regeneration Committee, Kevin Stewart, for the way in which the committee engaged with the minister and with David Stewart as the bill progressed.

With measures such as these, I always ask myself what they mean for my constituents. As Kevin Stewart said, all members could talk about buildings in their areas. When the bill first came to the committee, I talked about the former Crown hotel building on Cowdenbeath High Street, which is in a terrible state of dereliction.

The Scottish Government's memorandum to the committee states:

"It is hoped that successful use of the new powers in the early years would give local authorities the confidence to be more proactive in dealing with defective buildings in the longer term. This may take some time and will need investment by the local authority from the start."

The key point is that the bill will, we hope, allow local authorities to be more proactive. Cowdenbeath is the largest shopping area in my constituency and the former Crown hotel building sits at the end of the High Street blighting it. Despite continued pressure from local councillors

and others, the council seems to think that it is powerless to act.

I met the council recently and asked whether it thought that it would be able to use the proposed new legislation to move things forward, and I wrote to the council last week. The council says that it will continue to put pressure on the building's owners. I think that the bill will also put pressure on the council to act, so that the derelict building is pulled down.

At a time when the economy is starting to move and town centres are starting to see improvement, and at a time when local authorities are putting in more resources, it is important that the bill is used to force owners to take action and, if an owner fails to take action, to enable action to be taken on the owner's behalf.

That is why I am pleased about the definition of "defective building". The Scottish Parliament information centre briefing on the bill says:

"A defective building notice specifies particular defects in a building that must be rectified to bring it up to a reasonable state of repair for its age, type and location."

An obsolete building on the edge of a major high street, which has no roof and has partly caved in, is a blight on the community and needs to be tackled, even if it is not a danger to the public.

I hope that the bill will help us in Cowdenbeath, and I hope that it will help communities throughout Scotland. I congratulate Mr Stewart on sticking in there and introducing his bill.

15:16

Roderick Campbell (North East Fife) (SNP): I congratulate David Stewart on having brought his member's bill this far. I am not a member of the Local Government and Regeneration Committee, but I have read the bill with interest. I note that David Stewart is a man of many talents, which he displayed earlier this afternoon and last night, when I watched with interest the proceedings of the cross-party group on diabetes, which he convenes. He is a busy man.

It is fair to say that, from an architectural point of view, Scotland has a lot of history. Edinburgh, our capital, is an architect's dream, with medieval buildings standing side by side with Victorian terraces, Georgian town houses, and modern homes, offices and retail outlets made from glass and steel.

Buildings are made from perishable materials and they begin to crumble over time. As David Stewart's consultation paper pointed out, we are sometimes reminded of that in the most tragic circumstances. The case of Australian student Christine Foster, who was working in Edinburgh's west end in 2000 when she was killed by falling

masonry, is a sad reminder that buildings in a poor state of repair can be fatal.

The fatal accident inquiry that followed the incident asked the City of Edinburgh Council to carry out

“an immediate audit of those buildings within the city thought to constitute a risk to public safety”.

Next Saturday it will be exactly 14 years since Christine Foster was killed. We owe it to the many people who have been killed or who have suffered injury as a result of defective and dangerous buildings to ensure that the legislation that we design to prevent such incidents is robust and effective. I hope that the bill will play a part in that regard.

The Building (Scotland) Act 2003 gave local authorities powers to repair dangerous buildings, under sections 29 and 30, and to repair defective buildings, under section 28. As we know, if a building is considered to be dangerous to its occupants, a council must require the occupants to leave the building and can subsequently carry out any work that it deems necessary to make the building safe. Alternatively, the council may serve a dangerous building notice on the owner, if it does not intend to carry out repairs itself.

Likewise, a council can issue a defective building notice, requiring the owner of a defective building, which is defined as a building that requires repair to prevent significant deterioration of its fabric, to make repairs in a defined timescale.

It is of course the case that we are living in an age of huge financial constraint, if not austerity, and councils cannot possibly carry out a significant volume of building repairs without recouping the outlays that they incur in the process. David Stewart rightly pointed out that in that regard the 2003 act has not been effective. Charging order provisions under the 1959 act were not carried forward and the enforcement regime did not work as well as it might have done. Councils face significant monetary losses as a result of unrecovered debts.

I listened to Alex Rowley, and I note that Fife Council, in its submission on the financial memorandum, noted the lack of a proactive approach to defective buildings and said that there was a large repairs backlog to contend with. There are challenges.

It is true that perhaps the biggest barrier to councils exercising their powers to repair dangerous buildings are the legal difficulties that they face when it comes to recovering debts. I am pleased that the charging order provisions in section 1 of the bill will mark a significant improvement on the existing situation.

Undoubtedly they will give more flexibility to the council and to the building owner with the aim of ensuring that the debt is repaid.

It is fair to point out that there was criticism of the initial 30-year repayment period and term of the charging order, and I am pleased that some flexibility was given to local authorities at stage 2. However, it must be the case that a gradual recovery over several years is far better than no repayment at all. I am also pleased by the amendments at stage 2 and at stage 3, the effect of which will be to encourage local authorities to register charges promptly. It must not be forgotten that arrangements can be made to allow charging orders to be discharged earlier.

I am pleased to support the bill at stage 3 and welcome its progress into legislation.

15:20

Alex Johnstone: This has been a constructive debate about an important, albeit small, bill.

One of the best speeches in the debate was the one that we have just heard from Roderick Campbell. His expertise in legal circles was brought to bear in explaining exactly what the consequences of failing to deal with this problem might be. He reminded us that, sadly, a number of people have been killed or injured by falling masonry or roofing tiles. When that is possible in our streets, it is an example of something that we in the Parliament should be dealing with.

Because I neglected to do so in my earlier speech, I take this opportunity to pay tribute to the Local Government and Regeneration Committee. I mentioned that it is an onerous task for an individual member to take a member's bill through the process, and that is also the case for the committee that takes on that responsibility. I am glad that the committee and its convener were able to deal with it in such an effective manner.

The debate has interested me for one other reason. Perhaps I am getting the technicalities wrong, but I would like to make my mark by noting that, in the amendment debate, I believe that I heard Angela Constance speaking on behalf of the Queen.

There is little more for me to say other than to congratulate all those who have been involved with the bill. When decision time comes, the Conservatives will confidently support the Buildings (Recovery of Expenses) (Scotland) Bill. I wish David Stewart good luck in achieving his objective.

15:22

Anne McTaggart (Glasgow) (Lab): I am keen to contribute to the closing of today's stage 3 debate on the Buildings (Recovery of Expenses) (Scotland) Bill for the Scottish Labour Party. I, too, thank David Stewart for all his hard work in making these important proposals in the Parliament. Huge thanks are also due to the convener and members of the Local Government and Regeneration Committee, of which I am a member.

In response to the minister, Derek Mackay, I am pleased to note that the Scottish Government continues to broadly support the bill and I welcome his amendments. I agree that the majority of them were procedural and served to strengthen our shared aims.

Ultimately, the bill will provide the power for local authorities to carry out modifications on defective or dangerous buildings and pass the cost on to the owner of such a building. Sarah Boyack rightly raised the concern that local authorities are paying for repairs to derelict properties in times of budget constraints. That is unfair and unsustainable. The bill will help to address that issue and provide a commonsense answer to the question of improving our town and city centres.

I welcome the reintroduction of charging orders as a means of ensuring that the local authority is able to recover its expenses before the building changes ownership. To clarify, in cases in which owners fail to respond to the local authority's notice that their residence is unsafe and must be altered—Sarah Boyack mentioned an owner in Antigua and I think my colleague on the committee Kevin Stewart mentioned one in Gibraltar—the bill will facilitate repayment for authorities that undertake the modifications.

David Stewart's member's bill amends the Building (Scotland) Act 2003 in order to introduce a more efficient and flexible cost-recovery process for local authorities. It grants local authorities the power to make charging orders that will attach to the properties in question and recover some of the outstanding debt when the property is eventually sold.

It creates flexibility in allowing property owners to negotiate with the local authority and possibly pay a reduced amount, which improves debt recovery rates, while also allowing for a settlement that is acceptable to both parties.

I believe that the bill will significantly increase rates of recovery of expenses from building owners, given that the current recovery rate is low, at only 50 per cent. By expanding cost-recovery mechanisms, the bill encourages local authorities to fix defective buildings preventively before the likely costs would increase.

Currently, there is a large disparity in how local authorities are issuing notices; certain councils issue a high number of notices each year while others issue very few or none. In addition, notices are issued per owner, not per building, so the number of notices issued per year does not necessarily account for the true number of buildings falling under the bill's jurisdiction. The bill will standardise the process.

The bill creates a provision for individuals to make appeals against incorrect charging orders, thereby establishing a mechanism of accountability for local authorities carrying out the repairs. I am reassured to note that the right to appeal against a charging order has remained an important part of the bill. I believe that its incorporation will serve to strengthen the process of recovering expenses from the building owners.

I have considered the contributions of most of the members who have spoken this afternoon—apologies to those I did not mention. I thank members for sharing their fine examples of how the bill will ultimately benefit our communities. I am confident that there exists a broad level of consensus on the aims of the bill. I believe that local authorities will find a way to exercise the new powers in a manner that reflects local priorities and improves the safety and aesthetics of our communities. I look forward to voting in favour of the bill.

15:27

Derek Mackay: This has been a good debate in taking the bill to its satisfactory conclusion. I commend Dave Stewart for taking the bill forward in the way that he has. I believe that his stock in the Parliament is now even higher, across the chamber. He has helped make the connections to make it possible for the Government to support the bill in a constructive way.

I will set out some of the background to how we reached this consensual position. The contents of the bill are worthy and there is a great consensus of support for it. The timing of it was better; the Community Empowerment (Scotland) Bill is more comprehensive and will therefore take a bit more time to go through the Parliament. Local authorities liked both sets of powers—one man's notice of liability is another man's charging order—but we have gone with the charging order. Despite all that, the way that business was conducted ensured that we could work on a cross-party basis.

Of course, timing is everything in politics. Some members might not be aware that Mr Stewart approached me straight after the budget process this year, when the Labour Party and the SNP voted together, with others, for the satisfactory

approval of this year's budget. Mr Stewart seized that moment of cross-party consensus to ensure that his bill was also supported by the Government. That is the inside track on the moment at which I surrendered to Mr Stewart, for all the very positive reasons that we have discussed.

The Parliament can be tribal, but there is absolutely a time to set aside our party-political differences. It does not matter whose name the bill is in, as long as the right bill is built and can deliver for the people of Scotland, and I believe that the bill will do that.

Alex Johnstone made very supportive comments on behalf of the Conservatives, and Kevin Stewart was absolutely right to touch on the power of prevention in the agenda. The bill will assist local authorities in that respect, with their building control function.

Alex Rowley is another bridge-builder in the Parliament in respect of what we can do when we work together, being pragmatic and using the powers that we have. He was absolutely correct: there are existing powers that local authorities could use for defective and dangerous and neglected buildings. However, the bill will give them the reassurance that they will be able to receive recompense for taking the necessary action on dangerous and defective buildings.

Alex Rowley posed an even more interesting point. Is that a sign of the post-referendum future, of the Labour Party and the SNP working together? Is it a sign of the brave new world of Scottish politics? Who knows what sort of coalition might come in future? Suddenly, the stock of some Labour members is not quite so high, but we would like to continue their consensual approach.

Public sector proactivity, even where there is private ownership, is very much required. I cite the Community Empowerment (Scotland) Bill's ability also to tackle neglected and abandoned land and buildings. We have made quite radical proposals in that bill to give communities the right to take over land and properties that have been abandoned and neglected, using compulsion, along lines that perhaps Mr Rowley would support. I look forward to that bill making its way through the Parliament.

Roderick Campbell was absolutely right about costs to councils. Councils will be more proactive if they are certain that they will be able to have their costs recompensed. That is not just the cost of the work itself, but the costs of administration and any necessary interest charges, so that when the public sector takes action, it does not pay the price for private neglect.

First and foremost, this bill is about public and individual safety. We believe that its powers, with

all the necessary amendments, will help to deal with immediately dangerous situations; allow the required interventions; stop buildings deteriorating; and rectify building work that does not meet building regulations. That is all very necessary.

That poses the question: why were some of those powers removed in 2003? I have had no satisfactory explanation of that. That is not a partisan point, but we will remedy that in a constructive way when the bill is passed, which I hope it will be.

The bill will give councils a mechanism to take correct and timely action with the confidence that they will be supported. That can also empower communities and raise the culture of expectation of public sector intervention when and where that is required. We know that the current normal civil debt recovery methods were problematic and had to be improved. Attaching the notice and charging order to the titles is exactly the right thing to do, as we know that that will be preventative and will, through the nature of conveyancing, clear up the responsibility of owners not to have that liability hanging around their neck for any future owner, unless that is by agreement.

There are enough appeal, flexibility and financial mechanisms to ensure that the approach is appropriate, proportionate and pragmatic. Ensuring that, through working in partnership with them, our local authorities are empowered to make the right interventions to keep the people of Scotland safe is absolutely the right thing to do.

I am happy once again to give the Government's support to the bill.

15:34

David Stewart: I thank each and every member who has spoken in the debate. That is probably the first time that I have ever said those words in the Parliament over the past seven years, but I am very grateful for the personal support that I have been given and the support that has been acknowledged from the Minister for Local Government and Planning, the Delegated Powers and Law Reform Committee and every single member who has provided advice and support. Again, I flag up the help that I have received from the non-Government bills unit, the legal team and everyone else involved. Without that support, which is not available at Westminster, it would be impossible to achieve a successful member's bill.

If we need one reason to pass the bill today, we have only to look back to what happened in Glasgow last week, when masonry from a sandstone building collapsed on to a street. That brings the bill into sharp focus. One of the bill's main drivers is to provide local authorities with a greater assurance that they will recover their

dangerous building costs. With that, I hope that councils will have more confidence to tackle high-level defective buildings or borderline dangerous buildings earlier—which will be less costly and will preserve the value and structure of properties—rather than have to deal with more dangerous buildings in the longer term.

I make no apologies for referring again to the statistics, which show that instances of action without notice under section 29 of the 2003 act—the most urgent action—more than doubled from 402 in 2010-11 to 992 in 2011-12. That clearly demonstrates the need for local authorities to have effective cost-recovery tools at their disposal.

Steering the bill through the Parliament has not been altogether straightforward. Ordinarily, financial issues cause some concern in relation to a member's bill, but the bill achieves a lot for very little. It could be described as a bill that punches above its weight.

It was more the technical vagaries that made the process more difficult. Although I developed the bill on the basis of existing relevant statutory frameworks, local authorities' approach to debt recovery can vary. However, as a result of the parliamentary process and with the Scottish Government's support, the bill does more than just recreate what went before in the 1959 act; it creates a modern version of a charging order that local authorities can use in their building compliance, enforcement and public safety work under the 2003 act.

Members have made excellent and informed speeches. I appreciated Derek Mackay's positive comments and Sarah Boyack's comments, given her background in planning, her knowledge of Edinburgh and the Lothians, her strong knowledge about the quality of the built environment and her understanding of the bill's practical provisions.

I emphasise that the bill is not just about local authorities. Charging orders will be of great benefit to owners on a low income, such as those who are retired and are staying in a larger house after their family have left.

We all know that the debt across Scotland is running at about £4 million, which is a horrendous sum.

I was bemused when my colleague Alex Johnstone—is he paying attention? [*Interruption.*] I was bemused when he talked about being uncontroversial and I wondered whether he was the same Alex Johnstone as I know. Nevertheless, he ended on a positive point about bringing the Parliament together. I share his view on the wider philosophical point. Kevin Stewart also made a statesmanlike comment about the spirit of co-operation. We can do more together.

Alex Rowley has great knowledge of local government from his experience in Fife. He gave good examples from that area and I praise the work that he has done not only as an MSP but as a prominent councillor for many years.

Roderick Campbell is a knowledgeable advocate who has a tremendous understanding of the issue. He referred to the tragic case of Christine Foster and I acknowledge the points that he made. I thank Anne McTaggart for her comments about standardisation across Scotland. That will be very important in the longer term.

I will quickly run through the advantages of charging orders, which are crucial. They add to the local authority cost-recovery toolkit to deal with large and small repayable amounts. They secure the debt over the property, which creates a priority for the debt that it would not have as an ordinary, unsecured debt.

A point that has not been made is that provision is included to recover expenses that are incurred over and above the basic cost of undertaking the work. Local authority administrative costs, registering and discharge fees and interest are all things that can be added to a charging order.

As the order is against the property, it avoids the need to pursue an individual in the civil courts. As members will know, that is not always successful and can be time consuming and expensive. It might also not be a viable option—that depends on the sums that are involved and being able to trace the owner, whether they are in Antigua or elsewhere.

A charging order provides a greater guarantee of the costs that are to be recovered. It enables a local authority to determine the number of annual instalments while—as Sarah Boyack said—taking into account the person's ability to pay.

The bill will act as an incentive that will make those who are liable pay, rather than incurring the additional costs. The normal requirement to clear the charging order prior to the sale or transfer of the property will give an incentive for property owners to make payment of the outstanding sums to facilitate a sale.

The introduction of several liability means that an owner cannot avoid their responsibilities. It is likely to be much better to have had repairs carried out and a charging order placed, than for a property to fall into further disrepair, which is a problem not just for the owner, but for their neighbours and the value of property in the street in question.

Charging orders have an advantage in that their existence, and the sums to be charged, are easy to establish from the land register at the point of sale.

In conclusion, the bill is a first for the current session of the Parliament as it is the first Opposition member's bill to reach this stage in the parliamentary process. A fair wind at decision time will mean that it is a first for me too, as I have attempted on a few occasions, as an MP at Westminster and as an MSP here, to promote a member's bill.

With great pleasure, I commend to the Parliament the Buildings (Recovery of Expenses) (Scotland) Bill. *[Applause.]*

The Deputy Presiding Officer: Well done.

Historic Environment Scotland Bill: Stage 1

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-10371, in the name of Fiona Hyslop, on stage 1 of the Historic Environment Scotland Bill.

15:41

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): I welcome the Education and Culture Committee's report, which has highlighted a number of areas in which it is important to clarify our intentions. I agree with the committee on the need for a clear and shared understanding. I will refer in my speech to the key topics that it considered, and I will write to the committee before recess to respond item by item to its thorough and encouraging report.

We last debated Scotland's historic environment in September. That debate reminded us that heritage takes many forms, from our stunning castles, abbeys and prehistoric sites to the living heritage of song, poetry and traditions. I recently visited Urquhart castle on Loch Ness to see one of Scotland's premier monuments. We have witnessed the response to the fire at Glasgow School of Art, admired the resilience of those who have been directly affected and been stunned by the flood of offers of help from around the world.

It strikes me that the historic environment is as much about people as about buildings. The historic environment is about what people want to pass on to their children and grandchildren, and where we come from, where we are today and where we are all going. Scotland's historic environment is a vital resource in cultural, social and economic terms. It can and should deliver greater benefits for communities; I believe that we all agree on that. As the committee recognises in its report, the Historic Environment Scotland Bill is only one part of a wider strategy, which I will say more about in a few moments.

The bill's central purpose is to create a single modern body with clearly defined functions. It is designed to sustain the strong base that we already possess and to prepare for the future. In that ambition, the bill is not revolutionary, although I was gratified to hear a delegate at a recent conference referring to it as

"a triumph and long overdue".

It surprised me, when I took on my present portfolio, to learn that, although the Royal Commission on the Ancient and Historical Monuments of Scotland has a royal warrant that sets out its terms of reference, an organisation as distinctive as Historic Scotland currently has no

statutory existence. Although it performs statutory functions, it does so as an administrative aspect of ministers. We do not believe that that is right, and we intend to create a non-departmental public body with its own board to provide strong and transparent governance. We firmly believe that the role of ministers is to steer activities at a strategic level and not interfere in the details of particular cases, where professional expertise should be the guide.

The bill sets out explicit functions for the new body, and the committee has considered those functions carefully. Beyond that, the bill sets out how those functions will be carried out. It will require historic environment Scotland to offer leadership, support and partnership working so that knowledge, skills and resources are mobilised to best effect throughout the sector. HES will be expected to help things to happen just as much as it will be expected to do things at its own hand.

The bill aligns designation and consents for monuments, listed buildings and conservation areas more closely with modern planning practice. It repositions historic environment Scotland largely as a consultation body alongside Scottish Natural Heritage and the Scottish Environment Protection Agency to create a simpler system for all who are involved in the vital business of developing Scotland's full potential.

These changes have been welcomed by local authorities, which are working with us on the details. To balance the greater freedom that the new body will have, the bill creates new rights of appeal.

The committee has commented on the arrangements in the bill for delegating the operation and management of the 345 properties in state care through ownership or guardianship agreements to HES. We share the committee's assessment of just how significant those iconic properties are. That is why ministers have decided to retain the ultimate responsibility for their conservation and for public access.

The committee has commented on the possibility of HES seeking charitable status. As I have stated on more than one occasion, that is something that I wish the new board to decide for itself. However, I can say now that I will work very closely with the incoming chair to emphasise how vital it is for HES to support other bodies that are already working in the sector. That will apply whether or not HES seeks or achieves charitable status.

Liam McArthur (Orkney Islands) (LD): I am grateful to the cabinet secretary for her comments on an issue that was raised at the committee. She may have seen that the Law Society of Scotland has raised concerns about a charitable body

carrying out statutory functions. Can she make any observations on that point?

Fiona Hyslop: I think that the member was a member of the committee when it considered the National Library of Scotland Bill. The NLS has charitable functions and the national collections are charities, but they are non-departmental public bodies. What he describes therefore occurs in a number of similar areas.

I expect the new body that will be created by the Historic Environment Scotland Bill to lead the sector in delivering shared goals but to do so in a supportive manner and in partnership. I also intend to start work on recruiting the board of HES as soon as Parliament agrees to the general principles of the bill.

The shared goals—what we expect from the new body, working with its different partners in the sector—will be founded on “Our Place In Time—The Historic Environment Strategy for Scotland”. The strategy sets out a clear vision for the historic environment to ensure that it is even better understood, protected and celebrated. I welcome the committee's strong interest in the collective work undertaken by the sector to develop a strategic vision and framework for the sector. This is the starting point of a long-term process, which will be very much a partnership.

I have been heartened by the engagement of the wider sector in the creation of the strategy and very much look forward to chairing the first meeting of its overarching forum this Monday. I recently wrote to the convener of the committee setting out the membership of the forum.

The strategy will interact with many other initiatives, such as the Community Empowerment (Scotland) Bill, which was introduced into Parliament on 11 June.

The Government firmly believes in communities and in collaborative action. We will take on board the committee's message that the local dimension will be key both to the operations of HES and to its ability to support local communities in making local decisions that contribute to national outcomes. We are asking the whole historic environment community to work together in this enterprise.

What is the Scottish Government contributing? One of the issues raised at the committee was funding. Despite the economic situation, we have been able to maintain Historic Scotland's budget for the grants that it makes on ministers' behalf to projects throughout Scotland that are related to historic buildings, conservation areas and archaeological investigations. We recognise that communities have vast enthusiasm and energy but that financial resources are harder to come by. That is why I have worked hard to protect Historic

Scotland's external grants programme for this year.

I can today confirm that I have asked Historic Scotland to maintain its annual grant budget at approximately £14.5 million into 2015-16. I will look to its successor to continue to support others through grants and in as many ways as possible.

I am also pleased to announce grants totalling almost £2 million, which include support for the ambitious plans of Glasgow's Citizens Theatre, which the Heritage Lottery Fund is also backing. The grants will support restoration work at seven historic sites across Scotland and take the amount that Historic Scotland has awarded in building repair grants to almost £28 million over the past five years. That underlines our commitment to protecting and preserving Scotland's built heritage for future generations and to ensuring that the historic environment continues to play an important role in supporting local communities and the Scottish economy.

I commend the skills and passion of the staff of Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland. I am unfailingly impressed by the professionalism that they bring to the unending task of caring for our heritage and by the variety of approaches that they bring to bear. This Government will support staff with their work as we go into the future, as they in turn work alongside our local authorities, conservation charities and many thousands of private owners, all of whom make invaluable contributions to the historic environment.

In conclusion, I reiterate why we believe that the bill deserves the support of Parliament. It brings together two successful bodies to create a single, modern body that is better equipped to meet future challenges. It sets out in one place, for the first time, the key historic environment functions that this Government believes should be supported. It sets out principles of partnership working and transparency within a broader strategic framework. It simplifies essential processes so that we can concentrate on getting the best for and from our historic environment. It reaffirms the Government's commitment to a historic environment that is at the heart of a flourishing and sustainable Scotland. For those reasons, I ask for members' support for the motion.

I move,

That the Parliament agrees to the general principles of the Historic Environment Scotland Bill.

The Deputy Presiding Officer (Elaine Smith): I call Stewart Maxwell to open on behalf of the Education and Culture Committee.

15:50

Stewart Maxwell (West Scotland) (SNP): As the convener of the Education and Culture Committee, I begin by thanking everyone who provided the committee with written and oral evidence on the Historic Environment Scotland Bill. We appreciated the detailed submissions that we received. I also want to thank all those who took the time to come along to talk to us during our visit to Orkney. Finally, I thank my committee colleagues, the clerks and the Scottish Parliament information centre for all their hard work and support during the stage 1 process.

The Historic Environment Scotland Bill is one of those bills that appear to be relatively straightforward—the legislation will basically create a new body to continue the functions of its predecessors, Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland. However, of course, stage 1 scrutiny is never that simple, and we addressed in our report a number of questions or concerns that were raised in evidence. We also considered ways of improving the bill and the wider strategy that was referred to by the cabinet secretary.

I will address some of those points in a minute, but I highlight at the outset that we welcomed the intended benefits of the merger and unanimously endorsed the bill's general principles.

I also highlight that our report laid down something of a challenge to the other members who would be taking part in this debate. That challenge stems from the frank but welcome admission that some parts of Scotland are punching below their weight in realising the full benefits of the historic environment. Other parts of the country are, of course, doing very well.

Given that comment, which we received while taking evidence, we want other MSPs to consider how they can best help to promote Scotland's historic environment to make sure that its value is fully realised. If, as parliamentarians, we endorse a bill and a strategy that advocate improvement, partnership working and better leadership, it might strengthen our position if we demonstrate those qualities ourselves.

In considering the bill's merits, the committee was fortunate enough to visit an area of the country that is crammed full of architectural and cultural treasures. A sun-filled day in Orkney in May—Liam McArthur assures me that it is always like that—is notable for many reasons, not least the beauty of a landscape that can leave a profound impression on anyone who visits.

It is such impressions that help to confirm the value of our heritage in the broadest sense, not just in terms of increasing commercial exploitation

or tourism numbers, but in connecting us to our shared history, our landscape and our cultural heritage. It is a source of some pride that we could have visited virtually any other region of Scotland and been treated to a different but similar display of historic and cultural richness.

One of the findings that we took from Orkney, and one of the recurring themes of our report, is the need for better communication about some of the bill's provisions. For example, there is some concern in the sector about the extent of the new body's remit. Although historic environment Scotland is to

"investigate, care for and protect the historic environment",

we questioned whether that meant all of the historic environment. For example, we noted that the vast majority of historic buildings are under private ownership and responsibility.

The cabinet secretary confirmed that the new organisation will be better placed to provide leadership and work collaboratively with the sector but that it will not have the direct responsibility for the historic environment that some stakeholders had thought that it would. To avoid any doubt about historic environment Scotland's role, we have called on the Scottish Government to explain that as clearly as possible to all relevant bodies working in the sector.

We made a similar recommendation about the need to establish a shared understanding of what the term "historic environment" encompasses. One of our main discussions in taking evidence was whether the bill itself should define "historic environment", while recognising that there is a full definition contained in the strategy. On balance, we were persuaded by the cabinet secretary's arguments that the bill need not define the term. However, the crucial factor is that we must avoid any possible legal confusion about the division of responsibilities between historic environment Scotland and other relevant bodies. As there appears to be a general agreement that the definition in the strategy is sufficiently clear, we have called on the Government to ensure that all parties have a shared understanding of the definition when the bill and strategy are implemented.

I want to mention three further areas on which we have called on the Government to provide clarification to stakeholders to make sure that their concerns are addressed. First, we want the cabinet secretary to confirm who would be responsible for paying for the repair and maintenance bill for the "properties in care"—the 345 properties that are managed by ministers for the nation. There appears to be some uncertainty in some quarters on that point.

Secondly, some organisations expressed concern to us that the new body may be at risk of a conflict of interests. That concern was linked in part to the suggestion that historic environment Scotland could increasingly be focused on raising income and therefore less focused on undertaking its regulatory functions. Other committee members, I am sure, will mention those issues in their contributions. Although we were unconvinced about new conflicts of interest emerging, we recognised that organisations had some legitimate concerns. We have therefore called on the cabinet secretary to continue to speak to those groups that have made positive suggestions as to how their concerns could be addressed.

We noted in doing so that the successful implementation of the bill and the strategy will largely depend on effective partnership working and the goodwill of all parties involved. We called for further clarification from the Government on one other area. In essence, we want to be clear about the relationship between the board set up to drive the historic environment strategy and the separate historic environment Scotland board. Again, other members will no doubt discuss that issue, but we particularly want to understand how the two boards will work together should problems arise in implementing the strategy.

I wish to conclude by reiterating another theme from our report: ensuring that progress is made and that all parts of Scotland can punch above their weight. I began by suggesting that all members have a role to play in helping to promote our shared historic environment. We also have an interest in making sure that the anticipated benefits of the bill and strategy are actually delivered. The committee intends to play its part in that and we therefore intend to assess the progress made once the new organisation has been established and the strategy has been implemented. We make that recommendation at paragraph 19 of our report.

We have also made a related but more specific recommendation to the Government at paragraph 20. Historic environment Scotland is to regularly publish a corporate plan, setting out the outcomes to be delivered. We consider that the annual reports should not just be forward looking but should say which previous objectives have or have not been achieved. We consider that that will help to make such reports more balanced, and give a clearer picture of where success has or has not been delivered. I am sure that all members would find that useful.

In the time available I have not been able to mention or discuss in depth all the main points that are raised in our report. However, I know that other committee members will wish to raise issues such as how historic environment Scotland can

exercise its functions in a way that takes due account of local issues and local decision making processes; the exact role historic environment Scotland will play in relation to the marine environment; and the possible impact of the new body being granted charitable status.

I once again thank all those who engaged with the committee during our stage 1 examination of the bill and say that, although there are details that require attention and discussion as we go forward with the bill, the committee unanimously backs the principles of the Historic Environment (Scotland) Bill.

15:58

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): I thank the Education and Culture Committee for its considered report, which raises a number of important issues that we do well to consider today. Like Stewart Maxwell, I may not be able to cover all the points I would wish to make in my opening speech, but as I have the opportunity to close, too, I certainly plan to return to them then.

I record my thanks to all the staff and the boards of Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland, who have worked hard, are working hard, and will continue to work hard to ensure that the transition from two organisations to one goes as smoothly as such mergers ever can. I have had the privilege of working closely with both organisations over the years and I have been impressed by their knowledge and expertise, as well as their commitment to our historic environment.

The respect that I have for both organisations has perhaps coloured my assessment of the proposal to merge them and I have had real concerns, as I have expressed before, about its effect. However, having had discussions with the management of both organisations, I am persuaded perhaps not so much that the merger is the right decision, but that the people who lead the two organisations will make it work, and I look forward to seeing their draft corporate plan when it is published. As the committee's report makes clear, it is only at a later date that we will be able to judge whether the improvements that have been promised are realised.

I very much welcome the "Our Place in Time" strategy. I recognise that it is perhaps the first strategy of its kind in Scotland, but I would not want the chamber or, indeed, the general public to think that we have not had concern for our historic environment over the years. I draw attention to the great amount of hard work that Historic Scotland and RCAHMS put in to produce the Scottish historic environment policy—SHEP—series when

Labour was in power, which was continued when the Scottish National Party took over. Those documents are very good, and they have certainly set the pace up until now.

I turn to the substance of the committee's report. The committee noted that the bill's accompanying documents do not specify the outcomes that the new body is to deliver, although a corporate plan will be published regularly by the new organisation. I agree with the committee that it is important that that document should identify the objectives that have been achieved, but it should also look at those that have not been achieved. I hope that measurement of the objectives in that way could influence subsequent plans.

In its evidence to the committee, Archaeology Scotland made an important point about the functions of the new body and suggested that the bill was unclear in that area. It rightly identified that, at present, more than 90 per cent of Scotland's archaeological assets fall within the remit of planning authorities and that the bill did not make it clear whether that would change. The clarification that the cabinet secretary provided to the committee in that regard is welcome, but it will be important that all stakeholders share that understanding of what the role of the new body will be.

It would also be helpful if clarification could be provided concerning the respective responsibilities of historic environment Scotland and Marine Scotland. As historic environment Scotland will not be expected to undertake historic designations in marine protected areas, albeit that it will have the role of an expert adviser, there is concern in some quarters that that important subject area may fall between the two organisations. Some additional clarity on that might be helpful.

Another issue that seems to have taxed some of the people who gave evidence was the need to avoid centralisation of decision making. That is extremely important, and I know that the cabinet secretary indicated to the committee that she did not expect centralisation to be a consequence of the proposed change. Perhaps the minister could indicate in her closing speech how that will be guaranteed without a provision to that effect being included in the bill, as I would prefer.

As I have identified, the role of local authorities is particularly important when we consider our historic environment. They have a range of responsibilities, but one issue that they often identify is their difficulty in recruiting enough staff with a sufficient level of expertise to assist them in carrying out their duties. That connects to the issue of skills, which has been raised with members by the Society of Antiquaries of Scotland. It feels that the bill should make specific reference to the need to maintain and develop

skills, which it argues is different from the need to educate others about the historic environment. Does the cabinet secretary feel that it might be helpful for the bill to include a reference to skills? I realise that ministers always seek flexibility with bills, and I understand perfectly why that might be the case on this occasion, but it might be helpful for the bill to include such a reference.

What the historic environment is has been the subject of some debate in the committee, and I see that the committee concluded that the most important point was that a definition was provided. In this case, that has been done in the strategy rather than the bill. Again, I imagine that the need for flexibility was key to that decision, but perhaps the definition could be reiterated in the corporate plan, to ensure that the relevant issues are robustly underpinned.

The issue of charitable status has also exercised people and affected the comments that they have made to the committee. Were charitable status to be obtained, that would make a considerable difference to the finances of historic environment Scotland. Will the cabinet secretary explain what benefits other than financial benefits might accrue from charitable status?

We know that some organisations are anxious that historic environment Scotland might seek funding from other sources. Indeed, it would, in a sense, be competing with organisations such as NTS in what is an already very crowded sector. We would want to avoid that.

Presiding Officer, I know that I must come to a close. I have so many other issues that I want to talk about, but I will do so later. Before I finish, though, it would be remiss not to comment on the fact that the bill sets out the functions of HES that must be underpinned by legislation—of course it does, as that is what the bill is about—which, of necessity, means that many of the functions referred to are those that are usually carried out by Historic Scotland; RCAHMS's position perhaps gets much less focus in the bill, for what are, as I say, understandable reasons. Consequently, it would be worth while putting on record that the work that RCAHMS has done and the elements of that work that will carry forward are just as important.

16:06

Liz Smith (Mid Scotland and Fife) (Con): I apologise to the cabinet secretary for missing the first minute of her speech.

The Scottish Tories warmly welcome the publication of the stage 1 report, largely because the logic behind the bill is fundamentally sound. By merging Historic Scotland with RCAHMS, there will be an agency that is better equipped to

conserve Scotland's historic environment at what is a particularly challenging time, as the cabinet secretary set out. That is not to say that either body has failed in its duties; far from it. There have been warm words about the staff in both organisations and we would echo those words. Indeed, Scotland can be extremely proud of its heritage and how it has been managed, but there is clearly a consensus that a more strategic approach would further strengthen our historic environment sector.

Presiding Officer, I know that time is extremely tight, so I hope that you will forgive me if, despite those very warm words, I concentrate my remarks on some issues on which we need clarification. I want that to be the emphasis of my speech.

The first is accountability for the strategic direction of the new body. As was borne out in the evidence, some witnesses also believe that there is a lack of clarity. When giving evidence to the Education and Culture Committee on 20 May, the cabinet secretary indicated that, were the board to have a difference of opinion with the Scottish Government about strategic direction—that is perhaps unlikely, but it could happen—then the latter would have the final say on what the direction should be.

I remain slightly concerned by the cabinet secretary's response, in particular about the possible ramifications for applications for charitable status. I note the text of a subsequent letter to the committee convener from the cabinet secretary clarifying her remarks and indicating that she would not direct members of the new body's board. I welcome that but, to be absolutely specific, paragraph 88 of the policy memorandum says that Scottish ministers will be able

“to give directions to Historic Environment Scotland”

about the exercise of its functions, but not

“on specific cases, objects or properties”

thereby

“ensuring operational independence.”

However, section 12(3) says that section 12(2)(a) does not apply where Scottish ministers have delegated functions in relation to properties in care. Furthermore, in oral evidence, Scottish Government officials confirmed that ministers intend to delegate the operation of all 345 properties in their care to historic environment Scotland. Those issues need a little bit of clarification. Perhaps they are semantic, but there is a quite clear recognition that, in some cases, HES will be working on behalf of Scottish ministers.

As the bill continues to progress, further clarity about the relationship between the operational

board and the overarching historic environment board would also be welcome. As it stands, the consensual language of the historic environment strategy document, which envisages “joint working” and “a shared vision”, is absolutely correct and we like to hear that, but that does not sit that easily with section 2(8), which states that the new body

“must have regard to any relevant policy or strategy published by Scottish Ministers.”

There are some semantic details that could perhaps be tightened up.

Fiona Hyslop: I very much appreciate the member's points and will address them either in my summing-up speech or certainly in my response to the committee. Energy efficiency and climate change, for example, are an area of Government policy that we would expect all public bodies to support. We frequently get asked by MSPs whether we are delivering in that regard. That is an example of where we would want to ensure that regard was had to Government policy—it is a good example to use.

The Deputy Presiding Officer: I will give you a few seconds of your time back, Ms Smith.

Liz Smith: Thank you, Presiding Officer.

I take the cabinet secretary's point, which is very helpful. I do not doubt that there will be wide agreement on the overall direction. However, to be a little bit pedantic, there are issues around what would happen in circumstances in which bodies took a slightly different view from that of Government policy and around who would have the ultimate responsibility and accountability for the strategy. That is the general point.

One of the huge successes of Historic Scotland has been its decentralised approach. It would be extremely unfortunate, to say the least, if the bill unpicked that. As it stands, not only are there individual agreements between Historic Scotland and certain councils, but there is also a joint working agreement, which ensures a degree of consistency in how the historic environment is managed. I echo the concerns of some colleagues about that.

There are some issues around funding that I think my colleague Mary Scanlon will deal with. In particular, issues were raised regarding the awarding of grants. If I remember correctly, the Law Society of Scotland raised those concerns.

Even if there are several significant areas of concern, we thoroughly support the intentions behind the bill. There is universal recognition that a much more strategic focus will safeguard the long-term future of Scotland's historic environment. I am sure that, in the course of stage

2 and stage 3, we can address those concerns so that we have a better agency.

The Deputy Presiding Officer: We now come to the open debate. We do not have a lot of time in hand, so I ask for speeches of four minutes.

16:11

Clare Adamson (Central Scotland) (SNP): It has been a pleasure to be part of the process in committee, with the bill reaching its stage 1 report. I echo the convener's comments in thanking all those who have given evidence. I especially mention the warm welcome that the committee received on its visit to Orkney this year.

When speaking to stakeholders in Orkney, I was struck by how much co-operation and partnership working was evident and by how important that was when it came to the unique challenge of the islands, with their ancient historic landscape. There were also capacity issues and sometimes conflicting priorities regarding tourism and conservation.

The whole idea of partnership working and co-operation is key to the bill and to the strategy, no more so than on pages 10 and 11 of the strategy, which deal with the Government's cross-cutting strategic priorities—its whole priorities for Scotland. The bill is central when it comes to the Scottish Government's policy mainstreaming in this area.

I mention in particular the SNH rangers we met while we were in Orkney. Their praises were sung by everyone we met on the island, including those representing the RSPB, the local authority and Historic Scotland. The part-funding arrangement with SNH and Historic Scotland seems to work particularly well on the islands. I was especially interested in the tour that the rangers gave of the Ring of Brodgar; we also visited Skara Brae.

We have received many briefings for today's debate, including from the Law Society of Scotland, the Society of Antiquaries of Scotland and the Built Environment Forum Scotland. We are thankful for those briefings, which have added to the whole debate and to the background to the committee's stage 1 report.

I agree with the convener that although, on the face of it, it seems fairly straightforward to bring together the two organisations, the written and oral evidence that we received highlighted some concerns and some really important issues that we still need to discuss as the bill progresses.

I am confident that the bill can meet its objectives and general principles. Key to that is the collaboration at the centre of the bill, which is no more evident than in the historic environment strategy document, “Our Place in Time”. As the

cabinet secretary said, it is the first strategy for the historic environment in Scotland. In the foreword, the cabinet secretary states:

"The Strategy has been developed collaboratively by a wide range of organisations and specialists in the historic environment sector and beyond and sets out a shared vision for our historic environment which is owned by the people of Scotland - and that is critical. The Strategy does not belong to government or any particular sector - it is for everyone and we can all play a part in helping to ensure it delivers positive outcomes for our historic environment."

The strategy will be at the heart of what we do as we go forward. It is an extremely important document that sets the tone for the whole debate and how we will move forward with the bill, and the vision statement is particularly interesting. The aims that it sets out include

"Understanding ... investigating and recording our historic environment",

"Protecting"

and

"caring for ... the historic environment"

and

"Valuing ... the richness and significance of our historic environment".

The strategy is key to the way forward. I look forward to the bill's continuing progress through the Parliament.

16:15

Neil Bibby (West Scotland) (Lab): I welcome the opportunity to contribute to the stage 1 debate on the Historic Environment Scotland Bill. It has appeared to me for some time, during the evidence sessions of the Education and Culture Committee—and, indeed, this afternoon—that there is no groundswell of objection to the proposed merger of Historic Scotland and RCAHMS. Some people will be more enthusiastic than others, but I have no doubt that Parliament will support the principles of the bill at decision time today.

Moving forward, the critical issue will be how the cabinet secretary and the Scottish Government respond to the concerns and issues that have been raised. A number of reassurances, points of clarification and amendments will be required.

I echo members' thanks to the committee clerks for their support and for arranging the opportunity to meet key stakeholders in Orkney. Orkney has a great many historical sites and experts, and our worthwhile and helpful visit raised a number of questions and issues. For example, we heard confusion from stakeholders about the exact division of responsibilities in the roles that historic environment Scotland, Marine Scotland and Scottish ministers will play in relation to the marine

environment. As the committee report states, it appears that decision making on submerged archaeological sites sits with Marine Scotland rather than with historic environment Scotland, yet the historic environment strategy is to encompass sites under water. I am sure that we would all welcome clarity from the cabinet secretary on that.

During our Orkney visit, the issue of local decision making was also raised, as other members have said. Local groups highlighted the need to guard against centralised decision making on the historic environment. I acknowledge what the cabinet secretary has said about the importance of local partnerships, but as the bill progresses we need to consider how we can ensure that that is underpinned and guaranteed.

More generally, there has been considerable discussion among witnesses from across Scotland and the committee on funding—how charitable status could affect the new body and other funding implications. From a personal point of view, I have not seen enough evidence to conclude fully what the financial impact will be on the new body and other organisations. We need to avoid making grand assumptions about whether shortfalls will be created and whether they will be made up in this case, because we do not have the evidence at the moment. I note what the cabinet secretary said earlier about funding, but we need to look further at the financial implications.

Fiona Hyslop: In relation to the financial provisions for the bill, I reiterate that HES will not be reliant on charitable status. The assumptions that have been made have been very strict in terms of bias, but HES will not be reliant on additional charitable income.

Neil Bibby: I thank the cabinet secretary for that intervention. I am making the point that we need to look at the matter further, and to consider all the scenarios and possible implications.

I have another point to make on finance. The Scottish Government cannot currently give us an estimate for the repairs and maintenance that are needed for properties that are under its care. I believe that an urgent survey should be carried out to ascertain the backlog of repairs and liabilities for those properties. That should happen before the planned date of April 2015.

As other members have said, concerns have been raised about the potential conflict of interests that the new body could have. Witnesses have been right to raise that issue. Whether or not it is a new issue, it has been of continuing concern to a number of witnesses and we should take it on board.

The Deputy Presiding Officer: I am afraid that you need to close.

Neil Bibby: We need to consider that issue further as the bill progresses, and I hope that the Scottish Government will continue to respond to any such concerns from stakeholders.

As I said, I support the general principles of the bill and hope that the Scottish Government can now provide clear assurances and amendments to address the issues and concerns that have been raised by the stakeholders, experts and organisations who work hard to improve our historic environment.

The Deputy Presiding Officer: I reiterate that there is no extra time available and that interventions must be accommodated within the member's four minutes.

16:20

Mike MacKenzie (Highlands and Islands) (SNP): I am not a member of the Education and Culture Committee, but I am pleased to speak in the debate because I spent much of my previous career renovating, repairing and maintaining old buildings. I live in a 250-year-old listed building and have worked with lime putty mortar, horsehair plaster, stone and slate. I am pleased that, over 35 years or more, I have helped to build new life into old buildings. Even now, I cannot pass by a forsaken and neglected old building—there are still far too many of those throughout Scotland—without feeling the urge to gather up my tools, collect together some skilled craftsmen and talk some money lender into financing its renovation.

Much as I love and value older buildings, and much as the poor state of our historic environment saddens me, I still think—perhaps because of all that—that people are more important. It is people who inhabit our buildings and breathe life into them, and in our old buildings it is their stories—the lives and times of the people who used the buildings—that echo in the walls. As the cabinet secretary said, it is also people who care for our buildings. That is why I welcome the bill, the formation of historic environment Scotland and the first ever historic environment strategy. Some new thinking and a new approach and culture are required.

We can list a building—we can perhaps even double and treble list it—but we cannot prevent apathy. We cannot easily prevent neglect and eventual ruin, and we cannot easily legislate to provide value. We need only look at the Scottish Civic Trust's buildings at risk register to find compelling evidence of that. It is a sad and lengthy catalogue of neglected listed buildings, most of which are quietly decaying. We can schedule a monument, but that will not prevent its neglect. If anybody seeks evidence of that, they should visit Keil chapel in Duror, the last resting place of

James of the Glen, who was wrongly hung for the Appin murder, which was the inspiration for Robert Louis Stevenson's international bestseller "Kidnapped". Anyone who visits Keil chapel will see that scheduling monuments in itself offers no protection whatever.

We can, however, facilitate, educate and advise effectively, both to conserve and to enhance. Queensberry house offers a good example of a building that has been both conserved and enhanced. I beg to disagree with the Law Society of Scotland, and suggest that we can do both—they are not mutually incompatible.

I am glad that the Education and Culture Committee chose to visit Orkney in pursuing its scrutiny of the bill. Few places have more effectively added value to their built heritage by making it a driver of the local economy and creating a virtuous circle. I hope that historic environment Scotland understands that successful and thriving communities such as Orkney are required to nurture and care for our older buildings and heritage, and I hope that it is able to spread that knowledge and understanding successfully right across Scotland.

16:24

Liam McArthur (Orkney Islands) (LD): Yesterday, thanks to the Prince's Trust, I had the opportunity to try my hand at stonemasonry, although I assure everyone in the historic environment community that I will not be taking my skills out in the field. I, too, thank my colleagues on the Education and Culture Committee, the committee's clerks and the witnesses who gave evidence to the committee. I am particularly grateful to my constituents in Orkney for hosting an excellent visit last month, and I give a special mention to the county archaeologist, Dr Julie Gibson. As well as arranging fine weather that showed off the islands at their best—prompting one or two colleagues to consider applying for political asylum—our hosts managed in the space of a day to give a real flavour of how the historic environment can shape the identity of a community and deliver significant value through tourism, academic research and providing the quality of life that encourages people to want to live and work in such a special place.

As the convener said, the principles of the bill were unanimously supported, but a number of issues were raised with the committee at stage 1 that we wish to see reflected in the bill, or in undertakings from the minister at stage 2. I will touch briefly on some of them.

On the definition of "historic environment", the committee came to the conclusion that, on balance, there were more downsides than upsides

to including a definition in the bill, although I recognise that there is still strong support for inclusion. We need to ensure that there is legal certainty and that safeguarding and promoting the historic environment does not suffer in comparison with other Government priorities through a lack of specific reference in the bill that will establishes HES.

The Law Society of Scotland made useful comments on the functions of HES and drew attention to the fact that there is no function of promoting the maintenance of the historic environment. The society suggested that that function needs to be more explicitly stated in the bill. Greater clarity is also needed on HES's involvement in submerged archaeology and work in the marine environment.

Fiona Hyslop: Will Liam McArthur give way on that point?

Liam McArthur: I am struggling for time. Perhaps the cabinet secretary could pick up the point in her concluding remarks.

The Law Society also raised the vexed issue of charitable status and pointed to potential conflicts of interest. Others bodies in the sector, notably the National Trust for Scotland, are anxious about possible diversion of charitable funding away from others in the sector. Although that will be a decision for the HES board, and the committee concluded that there are likely to be no new potential conflicts, I do not think that we are out of the woods on the issue yet, so it is likely to be the subject of amendments at stage 2.

A number of witnesses emphasised the need for good collaboration between all stakeholders, as we saw in Orkney. In particular, the critical relationship will be between HES and local authorities. Again, the bill might need to be strengthened in that respect at stage 2. A key message that came out of the visit to Orkney was on the division of responsibility between the local and the national. Rightly, my constituents were adamant that the merger to create HES should not and must not lead to a more centralised approach. Although national standards and consistent quality are vital, so too is the capacity for the organisation to respond to local circumstances and to take decisions that reflect them—as Patricia Ferguson, Liz Smith and others have said. Like Patricia Ferguson, I would prefer there to be safeguards on that in the bill, although I welcome the minister's comments to the committee on the issue.

On resources and expertise, I fully appreciate that, across Scotland, we are yet to punch at our weight in relation to the historic environment. However, as colleagues witnessed at first hand, that charge cannot be laid against people in

Orkney. In seeking to improve the situation in other parts of the country, I would not wish resources to be diverted away from meeting the needs of Orkney and providing opportunities there. That is, of course, important for my constituency, but it is also crucial for Scotland as a whole.

I record my gratitude to the staff in Historic Scotland and RCAHMS, notably the rangers, whom Clare Adamson mentioned. I am happy to confirm that we will support the general principles of the bill. I very much hope that it can achieve its objectives—not least that of ensuring that the value of our rich historic environment is properly recognised, enhanced and celebrated in the future.

16:28

Linda Fabiani (East Kilbride) (SNP): “Our Place in Time—The Historic Environment Strategy for Scotland”, which was published in March, led on from the Scottish historic environment policy notes from over the years. The strategy is welcomed by everyone in the relevant sectors and by many people beyond, and we are now moving, through legislation, towards a new lead body—historic environment Scotland.

I would like to say some words about the Royal Commission on the Ancient and Historical Monuments of Scotland, which will be merged with Historic Scotland to create the new body. The commission, which was established in 1908, has a proud history. Excellent work has been done over the years by the commissioners and, of course, all the staff who have worked with the commission.

I am glad that Mike MacKenzie mentioned Queensberry house. If it had not been for commissioner John Hume, from RCAHMS, Queensberry house would not look as it does, because John Hume was instrumental in advising on the history of the house and the building environment in Edinburgh at the time when it was built, to ensure that we brought the house back to its original form, as far as possible. That is one of many things that RCAHMS has done as well as surveying and recording buildings and developing excellent community outreach and education work. I hope that that legacy will be cherished and sustained, as the bill progresses.

I chair the cross-party group on architecture and the built environment, which had an excellent meeting on Scotland's historic environment. That is why I am able to say with confidence that the relevant sectoral organisations and many professionals welcome the strategy and related bill.

However, this is only stage 1, so it is right that problems and potential issues be flagged up. I am grateful to the Royal Town Planning Institute

Scotland and the Society of Antiquaries of Scotland, which raised very much the same points. RTPI Scotland recommended that the bill

“refer to the role of the body as part of the planning system in fulfilling its functions to protect, manage, conserve and enhance the historic environment”,

and called for

“greater clarity for planning authorities on the role of Historic Environment Scotland, and similar clarity for the new body on the roles and responsibilities of local planning authorities”.

That relates to community planning, too.

The Society of Antiquaries of Scotland said:

“There should be an explicit recognition of the advisory and supportive relationship between HES and Local Authorities”,

and recommended that the bill include provision to

“ensure that Local Authorities have access to, and take due regard of, appropriate information and professional advice”.

That point leads me on to the development of skills in relation to the historic environment, including the traditional skills and crafts that Mike MacKenzie mentioned. Historic Scotland has always been good at working with Skills Development Scotland and apprentices to ensure that traditional skills and crafts are maintained.

The priorities that underpin the strategy—and the bill—include “Informed decision making”, “Skills & capacity”, and “Ensuring capacity”. Knowledge and expertise in the right place are essential.

There is so much more that I could say about the bill, but I know that I have to be quiet. I can bring up issues as we go through the bill process. It is good to have the strategy, but what will really make the difference is not having it but implementing it. That must underpin everything that we do.

16:32

Jayne Baxter (Mid Scotland and Fife) (Lab): I am pleased to be a member of the committee that has been considering the bill, although I was unable to join members on their fact-finding visit to Orkney. I add my thanks to all the organisations and individuals who contributed to the committee's evidence sessions and provided such thoughtful submissions. I hope that they feel that their input has been recognised in our report.

It is a testament to Scotland's heritage that members are able to reflect on so many areas of historic and cultural importance in their constituencies and regions. I am privileged to represent Mid Scotland and Fife, so I am spoilt for choice, given the wealth of sites on which I could focus, from ancient buildings and monuments

across the region to more recent examples, such as the category B-listed fire station in Dunfermline. The building is soon to be reborn as a community arts centre, which will operate as a social enterprise with support from the council and other funders.

In previous debates I have talked about the Isle of May, with its 8,000 years of human habitation, and the more recent history of Lochore village, where the local landscape has seen changes from agriculture to coal mining and burning bings and is now home to the peaceful, secret gem that is Lochore Meadows country park.

Members' pride in their areas points to a key issue, which was raised in the committee report: the importance of continuing the regional approach that Historic Scotland is currently pursuing and supporting sites of interest in local communities. The cabinet secretary provided an assurance that the establishment of the new body will not mean a move to a more centralised approach to decision making. However, I particularly support the committee's recommendation that the bill underpin the regional approach in some way. Perhaps the cabinet secretary will consider the matter as the bill progresses.

As the cabinet secretary and her colleagues will know from recent questions that I have asked, I have a strong interest in community planning. I believe that community participation and ownership are fundamental to successfully delivering outcomes at a local level and that that should cut across all areas of Government.

Local people care about their local heritage and local environment. The energy, expertise and commitment from local communities cannot be replicated by Governments or other agencies, and we sometimes do not adequately acknowledge or value it. We cannot put a price on civic pride. That local drive and energy is often the thing that can bring communities together, helping to bring in the funding and ensuring that the historic environment continues to be relevant now and in the future. The importance of community planning partnerships in that context has been highlighted by the Royal Town Planning Institute, and I look forward to seeing its recommendations as part of the historic environment group.

The presence of the Convention of Scottish Local Authorities on the historic environment group demonstrates the recognition of the important role of local authorities in planning matters and the built environment. As the report highlights, evidence to the committee suggested that 92 per cent of archaeological assets fall within the remit of planning authorities as they are not explicitly labelled as scheduled monuments. The report highlights concerns about the remit of the

new body in overseeing the historic environment, and I would welcome further clarification from the minister on that.

We know that it is not just sites of archaeological interest that are covered by the proposed legislation; it also includes properties in care and listed buildings, reflecting the diversity of the historic environment across the country.

In supporting the general principles of the bill—and although some aspects are particularly process driven given the nature of the legislation—we must remember the most important outcome, which is to successfully protect and manage our diverse historic environment for future generations.

16:36

George Adam (Paisley) (SNP): I thank my colleagues and everyone who gave evidence to the committee, as well as the clerks for their work when we were going through stage 1.

It has been interesting and exciting. That might sound surprising because we are talking about how the Historic Environment Scotland Bill proposes the merger of Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland to create historic environment Scotland. I could just sit down at this stage, and I know that a lot of people might think that that would be a good idea, but there is so much more to it.

At the same time as the bill was published, “Our Place in Time—The Historic Environment Strategy for Scotland”, Scotland’s first ever historic environment strategy, was launched. That is the important point; the strategy will show the way forward for us. As the cabinet secretary said in the foreword to the strategy document:

“Our heritage is hugely inspirational, helping to create a powerful sense of place and providing the backdrop to where we live, work and have fun. Our historic environment has a huge role to play in shaping a bright future for Scotland and it is up to us all to ensure that it is passed on with pride to benefit future generations.”

The strategy is the important part. Our convener has already said that some areas are punching well above their weight, and some of the evidence that the committee received shows that that is probably true, but the publication of the strategy gives us the opportunity to make sure that it works in all areas throughout Scotland.

I could see that the strategy is working well in Orkney, which has experience of the whole local authority and local groups working together to ensure that it does work well. Our day in Orkney was special because of the weather and because I saw a part of the country that I had never seen before. I even managed to photobomb an ancient

monument when the convener Stewart Maxwell was taking a picture at the Ring of Brodgar; not many people can make that claim to fame.

While we were there, I was talking to Liam McArthur when we were walking down to Skara Brae. The centre shows the various time points as people walk towards the village, which was meant to have been started around 3100 BC. I was talking about how Paisley has an 850-year-old abbey but, when Liam McArthur showed me where 850 years ago is in the great scheme of things compared to Skara Brae, it did not look like a lot of time on the planet.

As Jayne Baxter mentioned, we all have historic things in our areas, and this is where it comes down to a definition of the historic environment. How do we define it? In my opinion, it is pretty fluid. What is part of the historic environment now might not have been 20 or 30 years ago.

In my town, there are former mill buildings that were just industrial buildings in their time but are now regarded as buildings of great beauty and architectural prowess. Such buildings have to be retained and used, because they are an integral part of who we are, what the town is and what makes us Paisley buddies. It is the same in every single community throughout Scotland.

That is the exciting part of the idea of the historic environment. Let us not contain it and box it in. Let us not just say, “That’s what it is and it doesn’t move from there.” The exciting part of the bill is that we can continue to move the historic environment on and find a way to ensure that we can save it for everyone in the future.

This bill is a good start for us all to work together. It is not just about merging two bodies; it is an exciting part of our future.

16:40

Mary Scanlon (Highlands and Islands) (Con): As my colleague Liz Smith stated earlier, we all support the rationale behind the bill. “Our Place in Time”, the new historic environment strategy, has been warmly received by the sector, at least in theory, and stakeholders have signalled that they are broadly content with the proposed merged body.

However, Linda Fabiani made a very good point when she emphasised that it was about the implementation of the strategy, rather than simply the words that it contains. As Councillor Harry McGuigan of COSLA told the committee,

“the devil is ... in the detail.”—[*Official Report, Education and Culture Committee*, 6 May 2014; c 4110.]

There are various issues that still require to be addressed, many of which have been raised today. Perhaps the most significant of those

issues revolves around how we ensure that local decision making is preserved—a point raised by Liam McArthur and one that was put to us firmly by people across Orkney. Although there are good reasons for designating historic environment Scotland as the sector's lead body, we must ensure that that new entity advises in a manner that preserves and, we hope, strengthens local decision making. That point, which relates to local government, was made very clear to us on our visit to Orkney.

Any shift towards greater centralisation would be to the detriment of the historic environment. Although I note the assurances that the cabinet secretary has given in this area, it would seem to be sensible to make those intentions more explicit, perhaps in accompanying guidance.

Then there is the relationship with the private sector. It is fair to say that, on the whole, Historic Scotland has enjoyed a very good working relationship with the private heritage sector, which we hope will continue. We should recognise that private owners have a huge stake in Scotland's historic environment, especially as they meet restoration costs from their own pockets.

On the broader point about ministerial direction, although all non-departmental public bodies must have a working relationship with central Government, section 12 of the bill reads rather broadly. Particular concerns have been raised about curatorial independence. Liz Smith raised exactly that issue earlier and I associate myself with her remarks. Put simply, it would not be acceptable for the Scottish Government to exert a higher degree of control over historic environment Scotland, so further assurances about how any difference of opinion would be resolved would be very helpful as we take the bill forward.

Another area of contention relates to funding. I noted with interest the figures that the National Trust for Scotland and the Historic Houses Association for Scotland supplied to the committee about their property maintenance backlogs, which, when added together, amounted to more than £100 million. Unfortunately, comparable figures for historic environment Scotland will not be available until next April.

As Stewart Maxwell, the convener of the committee, said in his opening remarks, it is important that the Scottish Government confirms who will ultimately be responsible for meeting the property maintenance for the significant 345 properties in care. Whoever that may be and whatever the final total, it seems that the new body will have to raise significant levels of additional finance. There is some concern that that could clash with the broader regulatory role that historic environment Scotland must have at its core.

My final point relates to accountability. Although "Our Place in Time" commands the wide support of the sector, as things stand we have no indication of who will be tasked with ensuring that outcomes are met. I whole-heartedly agree that emphasis should be placed on collaboration—I think that we all do—but if those outcomes are to be realised, we need direct lines of accountability.

All those points can be resolved as the bill continues its progression, of course. Fundamentally, the rationale for the merger is sound, and the strategy is an important document that should go a long way to strengthening the sector.

For those reasons, we welcome the stage 1 report.

16:45

Patricia Ferguson: The debate has been very interesting, if short. It has been particularly interesting to hear the comments of colleagues who are on the committee, as they have obviously had the work of taking the bill forward and the interesting task of listening to the witnesses who have come forward and the evidence that has been submitted. I am particularly jealous that they were able to visit Orkney and have the experience that they had. Orkney is something to be seen. If any member has not been there, they should go very soon. I am sure that Mr McArthur would be happy to make the arrangements.

Mr Maxwell did well to challenge members to champion our local historic environment, because it is about our sense of place and the kind of communities that we represent. We have had contrasting experiences in my area. Maryhill burgh halls are a good example of a very successful regeneration of a historic building, which is now put to very good community use. On the other hand, Springburn public halls, which was a similar building that had lain derelict, as Maryhill burgh halls had, for a number of years, was suddenly demolished over the Christmas period a year and a half ago because it was in such a bad way.

Preserving and maintaining buildings of historic value can be a very difficult challenge, but we have to give more consideration to ways in which we can intervene at an earlier stage. I hope that the new body will be able to do that and to give good and strategic guidance to local authorities to help them to assist the owners of such properties.

Linda Fabiani was absolutely correct to reference the history of Queensberry house and particularly the involvement of John Hume in that project, as in many other projects of that kind across Scotland. His dedication to the issue is probably second to none. I very much remember having very long discussions and debates in the

corporate body in the early days of the Parliament about whether we should have slate on the roof of Queensberry house and whether it should be painted or limewashed. I definitely think that the limewash was the right idea, but I really do not have a clue about whether the slates were. However, the building is wonderful and an asset to the Parliament.

We have heard a little about ministerial direction, which is an interesting area. To be slightly flippant for a moment, I think that ministerial direction is one of those things that are opposed in opposition but adopted in government. I speak from some experience in that area. To be serious, however, the point is to get the balance right.

I was very interested in the point that the cabinet secretary made in response to a point that Liz Smith made about the Scottish Government's environmental priorities and how they would perhaps have a bearing on the historic environment. That is a case in point. Adaptations to buildings that make them more environmentally friendly might conflict with or even compromise their heritage status. Those kinds of issues go to the heart of how ministerial direction could be used. Frankly, one would need the wisdom of Solomon in such cases, but I hope that, with the right advice and briefings from the experts, the right decision would be reached.

It has been said, of course, that the continued use of our historic buildings is in itself an environmentally friendly act and perhaps even one of the best forms of recycling that we have. I agree with that very much.

As the committee suggested, it is important that the bill's implications for the body's curatorial independence are explained in more detail. Perhaps those elements can be teased out.

The Society of Antiquaries of Scotland made an interesting point about the delegated powers. I am interested in the cabinet secretary's views on the society's concern that those powers might lead to ministers delegating more profitable aspects of HES's work to other bodies. I do not imagine that the cabinet secretary means to do that but, if those with an interest have that concern, it would be useful to clarify the position.

The strategy "Our Place in Time" sets out the governance structure for implementing the strategy, which is welcome, and the document does that pretty well. However, historic environment Scotland—I am sorry; I find the new name quite difficult to get used to. I wonder whether we could call the body something more catchy, but perhaps that debate is gone. The strategy does not talk about how historic environment Scotland's governance structure fits

into the overarching strategy; in fact, the document makes scant mention of HES. Perhaps that could be clarified.

I very much look forward to the discussions that we will no doubt have on the bill. I am sure that there will be interesting debates about amendments at stages 2 and 3. For the moment, I simply welcome the work done by the Education and Culture Committee, which has taken the bill as seriously as it deserves to be taken. Scottish Labour will support the bill's general principles this evening.

16:51

Fiona Hyslop: I welcome the debate's positive tone. I will explore all the constructive suggestions that have been made this afternoon for improving the proposals and the recommendations from the lead committee and the Delegated Powers and Law Reform Committee. I plan to write to the Education and Culture Committee before the recess and, in my letter, I will include responses to the additional ideas that have been discussed this afternoon. However, I can say now that I expect to respond positively to the principles behind all the committee's recommendations. I believe that the bill and the accompanying dialogue with stakeholders will be stronger as a result.

In my opening speech, I touched on the key themes of the committee's report. The committee has accurately mapped the themes that matter, which include the relationship between the bill, the new body that it creates and the sector-wide strategy; the benefits that the bill will bring and how they will be monitored; the need for transparency; the importance of communities; and the role of ministers.

The strategy is collectively owned by all the participating independent bodies. As chair of the overarching strategic forum—I say for clarity that it is a forum rather than a board—my task will be to promote consensus. For it to work, the strategy will require voluntary agreement.

If we come to insuperable problems, we will need to work round them or approach them from a new angle. To state the obvious, consensus works only if it remains consensual.

Historic environment Scotland will be a public body and will be required to play a key role in delivering the Government's contribution to the shared priorities that are agreed through the strategy. I can and will hold HES to account through its chair for how it delivers; that is how all non-departmental public bodies work and that is why we chose that model.

I will address the point that Liz Smith raised and which Patricia Ferguson reflected on in her closing

speech about the balance in ministerial direction. As a minister, I cannot direct the strategic forum, but I can direct HES on strategic matters. I can direct HES on properties in care, as they are ministers' responsibility, but I cannot direct it on grant decisions, on listing and scheduling decisions or—this is important to a point that Patricia Ferguson made—on collecting decisions and curatorial matters.

Liam McArthur talked about functions and raised the Law Society's point that the bill does not use the word "maintaining". However, we talk about protecting, managing, conserving, enhancing and preserving the historic environment. The words "conserving" and "preserving" have a specific meaning in relation to heritage, so we are well covered.

The Government has a duty to involve and support local communities and communities of interest in defining priorities and taking action. That applies to the historic environment as it does more widely. That is why the bill requires our new lead body to work in partnership. However, I accept the committee's view, which has been reinforced in members' speeches today, that the bill does not give sufficient prominence to the role of local communities, and we will address that issue as we move forward.

Neil Bibby mentioned the marine environment, and I refer him to schedule 4. HES will act as an adviser to the Government and will continue its recording activities, and the Government, through Marine Scotland, will undertake designation and consent. That arrangement will maintain the unified marine regulation system that was recently introduced by the Marine (Scotland) Act 2010.

Patricia Ferguson touched on the very important role of local authorities, which play a fundamental part in looking after the historic environment in the form of designated and undesignated heritage. The bill does not change that fundamental role, but it will enable HES to support local authorities more effectively.

Liam McArthur raised the issue of charitable status. The committee received written evidence from the Office of the Scottish Charity Regulator, which confirmed that a charity with regulatory functions would be "unusual ... but not unique." Other such bodies include the General Teaching Council for Scotland and the Scottish Society for the Prevention of Cruelty to Animals.

I have spoken about the support that is required on certain aspects such as grants advice, training and skills, and HES will continue to carry out that function. I will consider further Patricia Ferguson's point about including a reference to skills in the bill.

There will be situations in which a strong lead is needed, whether that is in research or in project management. I particularly welcome the strong working relationship that exists with the National Trust for Scotland, which demonstrates the type of collaboration that we can achieve. For an example of that we need look no further than the new Bannockburn centre, which was delivered on time and within budget in co-operation with the NTS.

Shared projects that make the best use of talents regardless of how they are badged will be the best way forward in many regards. One important shared project has existed for a century, and will be redefined in the bill. Historic Scotland cares for and presents to the public the many properties in state care. In future, ownership and guardianship will remain with ministers but management and operation will be delegated to HES. We have chosen that arrangement not because of a lack of trust in the staff who already care for those properties so well. Rather, we recognise the direct commitment that our predecessors gave to those who passed the properties into state care. That special relationship will be reflected in the careful design of the scheme of delegation, which will be published before it comes into effect. Performance against that scheme will be monitored, and the results will be published. Of course, conservation is a never-ending task.

We have also provided in the bill for ministers to be able to delegate the management of historic properties to bodies other than HES. Although we have no immediate plans to do so, we believe that there may be situations in the future in which that might be appropriate.

With regard to the point that the Society of Antiquaries raised, we are happy to accept the DPLR committee's recommendation for close scrutiny of any proposal that a body would require to take, and we plan to lodge an amendment at stage 2 that will require that any such body will be specified by order with affirmative parliamentary procedure so that the Parliament has an opportunity to respond.

I will respond to the Education and Culture Committee on the points that have been raised in the debate and in its report. We will have a better body to lead us into the future with regard to the management of the historic environment and leadership in this area.

I will close with a few points. Mike MacKenzie and George Adam gave passionate and well-informed contributions, and Stewart Maxwell rightly gave us all the challenge of asking ourselves how we, as MSPs, should help to lead the historic environment. I commend in particular Graeme Dey, who has personally taken responsibility for trying to galvanise the heritage

and local community in Arbroath around the abbey there.

Finally, I agree with the Labour Party, which we do not always do. Patricia Ferguson, who has made two fine and informed speeches this afternoon, instructed members that we should travel to Orkney as soon as possible. I am delighted to report to her that I will be on a flight to Orkney tomorrow morning to attend the St Magnus festival.

I follow in the footsteps of the Education and Culture committee members, who had such a wonderful visit to Orkney, where we can celebrate our heritage and see where partnership with the local community really works. Orkney demonstrates our wonderful heritage, not only the built environment but the intangible heritage that is expressed in the performances that I have seen there. I know that Patricia Ferguson would want to know if we have an extra seat so she can go with me, and I will see what I can do.

Points of Order

16:59

James Dornan (Glasgow Cathcart) (SNP): On a point of order, Presiding Officer.

Willie Rennie (Mid Scotland and Fife) (LD): On a point of order, Presiding Officer.

The Presiding Officer (Tricia Marwick): I have two points of order. The first is James Dornan's.

James Dornan: Thank you, Presiding Officer. As a member who takes his role as a member of the Public Audit Committee extremely seriously, I ask you for guidance on the comments made at First Minister's question time today by the leader of the Opposition, Johann Lamont, in which she appeared to malign the integrity and impartiality of the Auditor General for Scotland, the Accounts Commission for Scotland and the members of the advisory board. I would be amazed if anyone else considered people such as Jackie Brock of Children in Scotland, Phil Jackson of the Educational Institute of Scotland, Eileen Prior of the Scottish Parent Teacher Council and the representatives of three Labour-run authorities—Sarah Else and Gordon Wardrope of Fife Council, Moira Niven of West Lothian Council and Maureen McKenna of Glasgow City Council—as part of some conspiracy to make the Scottish Government look good.

Presiding Officer, I have never had the pleasure to meet a number of those I mentioned, but I know Maureen McKenna. Maureen and I have had a number of differences of opinion over the years—

The Presiding Officer: Yes, but can we just get to the point, Mr Dornan?

James Dornan: Three minutes.

The Presiding Officer: Get to the point, Mr Dornan.

James Dornan: I am getting to the point, Presiding Officer.

Maureen and I have had a number of differences of opinion over the years—

The Presiding Officer: Yes, but I am still waiting for you to get to your point.

James Dornan: I am sorry, Presiding Officer, but do I not have three minutes the same as everyone else does?

The Presiding Officer: Mr Dornan! Please come to your point as quickly as possible.

James Dornan: Yes, Presiding Officer.

Not once in all my dealings with Maureen McKenna did I think that she was anything but

honest and trustworthy. That takes me on to the Auditor General. We in the Public Audit Committee rely—

The Presiding Officer: Mr Dornan, could you just sit down? This is not a speech; it is a point of order. Can you tell me what your point of order is and what you wish me to do?

James Dornan: I am looking for advice, and that is the point that I am coming to.

In the Public Audit Committee, we rely—*[Interruption.]* We rely on and believe in the veracity and impartiality of the Auditor General and the reports that she puts in front of us. We may sometimes disagree slightly with the emphasis or outcomes, but to my knowledge we have always believed that the reports were written without fear or favour by the Auditor General. Ms Lamont's comments today suggest that we were wrong to do so and that the Auditor General is capable of being manipulated by politicians.

Presiding Officer, it is my contention that those comments were unworthy of this Parliament and the office that Ms Lamont holds. I would hope that she would reconsider the comments and apologise to the Auditor General, Maureen McKenna and all the others that she so unfairly traduced. However, that is a matter for her. I seek your guidance on what protection there is for individuals or organisations from potentially reputationally damaging statements from MSPs in this Parliament.

The Presiding Officer: Thank you, Mr Dornan. I am sure that members are well aware, because I have said it repeatedly in the chamber, that it is not for the Presiding Officers to respond to a request for a ruling on the veracity of members' contributions in the chamber—that is a matter for them. If you are concerned about the exchange today at First Minister's questions and concerned in particular about the Public Audit Committee, may I suggest that you write to the Public Audit Committee and ask it to look at the matter?

Mr Rennie has a point of order.

Willie Rennie: Thank you, Presiding Officer. At First Minister's questions today, the First Minister was asked about the *Daily Telegraph* news story that said that he had been presented with a report by civil servants on the cost to set up an independent country. I asked the First Minister to confirm whether there was nothing in the *Daily Telegraph* report that is true. He told me that the report

"has one snippet of truth: it says that officials met Professor Patrick Dunleavy. Yes, they did: they were with me when I met him."

However, after First Minister's questions, the First Minister's press team held a briefing meeting

where they revealed that a second element of the story was true: that the First Minister had received a report from civil servants on the set-up costs.

There are two issues that will be of concern to you, Presiding Officer. I will be brief. The first is that we have the First Minister saying one thing in this chamber and his official spokesman saying something completely different that contradicts the First Minister. We have only 12 days left sitting in this Parliament before the referendum. Time is running out for the answers that we want. Has the Presiding Officer received any indication from the First Minister that he wishes to make a statement to correct what he said today?

The Presiding Officer: No, Mr Rennie, I have had no such indication. I say to Mr Rennie, as I have just said to Mr Dornan—as I have said innumerable times in this chamber—that what a member says in this chamber is not a matter for me, and that the Presiding Officers do not rule on veracity. I am also not responsible for what the First Minister's or anybody else's press officers say outwith this chamber.

Historic Environment Scotland Bill: Financial Resolution

17:05

The Presiding Officer (Tricia Marwick): The next item of business is consideration of motion S4M-09869, in the name of John Swinney, on the financial resolution on the Historic Environment Scotland Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Historic Environment Scotland Bill, agrees to—

(a) any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act, and

(b) any charge or payment in relation to which Rule 9.12.4 of the Standing Orders applies arising in consequence of the Act.—[*Fiona Hyslop.*]

Decision Time

17:05

The Presiding Officer (Tricia Marwick): The first question is, that motion S4M-10371, in the name of Fiona Hyslop, on the Historic Environment Scotland Bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Historic Environment Scotland Bill.

The Presiding Officer: The next question is, that motion S4M-09869, in the name of John Swinney, on the financial resolution on the Historic Environment Scotland Bill, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Historic Environment Scotland Bill, agrees to—

(a) any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act, and

(b) any charge or payment in relation to which Rule 9.12.4 of the Standing Orders applies arising in consequence of the Act.

The Presiding Officer: The next question is, that motion S4M-10335, in the name of David Stewart, on the Buildings (Recovery of Expenses) (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that the Buildings (Recovery of Expenses) (Scotland) Bill be passed.

The Presiding Officer: The Buildings (Recovery of Expenses) (Scotland) Bill is passed. Congratulations, Mr Stewart.

Meeting closed at 17:06.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice to SPICe.

Available in e-format only. Printed Scottish Parliament documentation is published in Edinburgh by APS Group Scotland.

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk

For details of documents available to
order in hard copy format, please contact:
APS Scottish Parliament Publications on 0131 629 9941.

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@scottish.parliament.uk

e-format first available
ISBN 978-1-78457-671-4

Revised e-format available
ISBN 978-1-78457-686-8