



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 16 January 2014

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Scottish Parliament

Thursday 16 January 2014

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

General Question Time

NHS Dumfries and Galloway (Governance)

1. Alex Fergusson (Galloway and West Dumfries) (Con): To ask the Scottish Government what recent discussions it has had with NHS Dumfries and Galloway to ensure that strong and effective governance remains in place until new board members are appointed. (S4O-02797)

The Cabinet Secretary for Health and Wellbeing (Alex Neil): Further to my answer to Mr Fergusson's question on 11 December 2013, I can confirm that NHS Dumfries and Galloway has put arrangements in place to ensure that it has strong and effective governance until the new board members are appointed. The member will wish to note that recruitment of four new non-executives and a new chair to the board of NHS Dumfries and Galloway will begin in the near future. The governance arrangements that have been put in place will be kept under review throughout that process.

Alex Fergusson: Further to the answer that the cabinet secretary gave me some weeks ago, I spoke to a number of elected board members, none of whom expected the pilot scheme to be extended. However, they expected to be able to see out the full terms of the offices to which they had been elected. The statutory evaluation of the experimental board was published a year ago but did not recommend early abandonment of the pilot scheme. Why, then, did the cabinet secretary choose to terminate so abruptly the elected board members' employment—in effect, by sacking them—when he could have given them six months' notice by simply announcing that the pilot would not be extended beyond its agreed date?

Alex Neil: If Alex Fergusson checks the terms of the legislation that was passed, he will see that I am required to act as I did, given the timetable that is required for intimating whether we would extend the pilot throughout the whole of Scotland. I believe that I had no choice but to do what I did to meet the terms of the legislation.

Low-vision Aids

2. Elaine Smith (Coatbridge and Chryston) (Lab): To ask the Scottish Government what importance it places on the provision of low-vision aids. (S4O-02798)

The Minister for Public Health (Michael Matheson): The Scottish Government recognises the benefit of low-vision aids for those who need them and values the work of local authorities, national health service boards and others in providing access to them.

Elaine Smith: The arrangements for community optometry seem to be working well, but does the minister recall that one of the original aims of the scheme was to

“provide rapid and uncomplicated access to low vision equipment”

because it can help people to live independently? I am advised by local optometrists that they cannot begin to meet the demand for low-vision aids within the current funding structure. Can the minister comment on how that situation might be improved so that my constituents and others can enjoy enhanced quality of life?

Michael Matheson: Boards across Scotland have arrangements in place to ensure that they are working in partnership with local optometrists, voluntary organisations and local authorities to make low-vision aids available, and all boards have services in place. In the NHS Lanarkshire area, there is a shared care arrangement with a range of local optometrists to provide low-vision aids. I am aware that there has been significant pressure on the service above what NHS Lanarkshire planned for. The board has engaged with local optometrists to adjust activity in order to allow them to bulk purchase more equipment, for which the board has provided an extra £20,000 in this year's budget to bring in more equipment that can be made available to people in the NHS Lanarkshire area.

If some of Elaine Smith's constituents continue to experience particular difficulties, she can raise that with me in writing. I would be more than happy to ensure that NHS Lanarkshire looks into the matter more thoroughly.

Dennis Robertson (Aberdeenshire West) (SNP): Is the minister content that sufficient functional vision training is being carried out at national level to ensure that people with severe sight loss are maximising their remaining vision?

Michael Matheson: It is extremely important to ensure that patients who have low vision are able to maximise their remaining vision. The vast majority of functional vision training is provided in a specialist way—largely by the voluntary sector working in partnership with NHS Scotland and local authorities. I am conscious that there are variations in its availability in different parts of the country, depending on the provision that is available from the voluntary sector. If Dennis Robertson has specific examples of where he believes there is a need for further improvements

to functional vision training, I will be more than happy to meet him to discuss how we can achieve that effectively.

Sex Offenders (Management)

3. Paul Martin (Glasgow Provan) (Lab): To ask the Scottish Government how many of the 33 recommendations in the Justice 2 Sub-Committee report on managing registered sex offenders have been carried out since 10 May 2007. (S4O-02799)

The Cabinet Secretary for Justice (Kenny MacAskill): Scotland has in place a strong legislative framework and robust monitoring arrangements, and agencies work well together using their expertise to minimise the risks posed by sex offenders. Thirty-one of the 33 recommendations have been implemented. I note that only nine were implemented before 10 May 2007 and that 22 have been delivered since then.

On 11 November 2010, I advised that we are unable to implement recommendation 20 because it is not compliant with the European convention on human rights. Work is on-going on the one outstanding recommendation, which is number 12.

More generally, we have introduced a number of changes to enhance the measures that are available for management of sex offenders and of those who pose a risk of causing sexual harm. Recently, we legislated to strengthen Scotland's sexual offences prevention order and risk of sexual harm order regimes, and we have introduced regulations that tightened the notification period requirements in relation to foreign travel and periodic notification for homeless registered sex offenders. We have also consulted on options to develop the use of electronic monitoring, including for sex offenders, and analysis of the responses is under way.

Paul Martin: The committee's recommendation 20 refers to a requirement being placed on registered sex offenders to disclose the information that they are registered sex offenders during the housing application process. The cabinet secretary advises that he has received ECHR legal guidance on the matter. Is he willing to provide that information in public?

Kenny MacAskill: I have provided the information. The recommendation is not ECHR compliant. Paul Martin is well aware that Government legal advice is not normally published. We have sought to ensure that we deal with matters in other ways, which is why changes have been made in that the courts now have powers, whether in terms of disposals or sexual offence prevention orders, to ensure that we have notification. We are aware that there are difficulties in keeping track of individuals. As Mr Martin well knows, Government legal advice is not routinely

published but, as I said, we are clear that the advice is that the recommendation is not ECHR compliant, and on that basis we have—with regret—been unable to implement it. We have, however, sought to ensure that the issues that Professor Irving raised are dealt with in other ways and that our communities are given that appropriate protection.

Margaret Mitchell (Central Scotland) (Con): Does the cabinet secretary agree that, in the event of sex offenders on the sex offenders register breaching the register conditions by failing to report to a police station or to ensure that their whereabouts are known, their right to anonymity should be lost?

Kenny MacAskill: That is a matter for the police. If people seek to avoid compliance with the regime, we have to leave that to police officers. I do not think that any anonymity, as such, is given. In cases of pursuit by the police, to go public would sometimes cause greater concern because it would cause the person to evade detection and capture. We should trust the authorities to use their discretion. When it is appropriate that advice be given that an offender is at large and the public should be aware, that is done in order to ensure that the public are able to make appropriate arrangements. At other times, that could jeopardise the person's apprehension or could cause them to flee when the police are closing in on them. We should leave the matter to the discretion of officers who are involved in such investigations.

Scottish Fire and Rescue Service Board (Discussions)

4. Sarah Boyack (Lothian) (Lab): To ask the Scottish Government what recent discussions it has had with the Scottish Fire and Rescue Service board. (S4O-02800)

The Minister for Community Safety and Legal Affairs (Roseanna Cunningham): The Scottish Government has regular meetings with the Scottish Fire and Rescue Service. My next such meeting with the SFRS chair happens to be tomorrow.

Sarah Boyack: That is great timing. I have met the staff in the Edinburgh control room, who are deeply worried about the idea that they would relocate to another place if that control room was closed. They are also deeply worried that we would lose expertise that is critical to delivery of the high standards of safety that are at the core of the service. When the minister meets the chair of the rescue service, will she raise the issue of the Edinburgh control room's strategic position in Scotland, both in terms of safeguarding jobs but also, crucially, in terms of ensuring that we retain

the safety and security that is at the heart of the service?

Roseanna Cunningham: When I meet the chair of the SFRS, our conversation typically encompasses all current issues before the SFRS for consideration. Sarah Boyack may be aware that the next board meeting, which is on 30 January, is the meeting at which a final decision will be made on control rooms. The only fixed position at the moment is that a decision has been made to maintain and continue with the Johnstone control room. The remainder of the control rooms scenario means that Edinburgh is being considered along with Aberdeen, Inverness and Dundee control rooms. The board will make the final decision, but it will be made taking into account all important considerations, which will no doubt include those that have been raised by Sarah Boyack.

Marco Biagi (Edinburgh Central) (SNP): I also record my support for continuing the operation of the Edinburgh fire control room. Does the minister agree that, when the board meets, it should take into account all the representations, including those from the Fire Brigades Union representatives whom I have met, which highlight issues such as the importance of Edinburgh as the second largest and second busiest site, the fact that the information technology is very much up to date, and that there is no financial benefit to closing the control room due to its co-location with an operational fire station?

Roseanna Cunningham: There is little that I can add to what I have said. I reassure members that all those things will be taken into consideration by the board when it makes its final determination. The decision will be arrived at carefully, thoughtfully and with due care and regard to the principle of the safety of the public.

Cities Strategy (Support for Local Traders)

5. Sandra White (Glasgow Kelvin) (SNP): To ask the Scottish Government how its cities strategy provides additional support for local traders. (S4O-02801)

The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon): The Scottish cities alliance is responsible for delivery of the cities strategy and for developing opportunities for cities and their regions to collaborate and deliver investment to support economic growth and jobs. In parallel, the Scottish Government recognises that Scotland's businesses are the drivers of sustainable economic growth and is committed to ensuring a supportive business environment. For example, we have removed or reduced taxation for two in five business premises and we will, from April 2014, expand fresh start business rates relief

to a range of local traders including pubs, hotels and restaurants.

Sandra White: I thank the Deputy First Minister for that answer and I appreciate the work that is being done. She will be aware of the news that all traders at Glasgow's Savoy centre in my constituency have been told that they have one week to vacate their shops, which is causing understandable concern among traders who are faced with losing their livelihoods, and anger that no discussion with the owners has taken place. What can the Scottish Government offer those traders, and will the Deputy First Minister meet me to discuss a way forward?

Nicola Sturgeon: I am aware of the situation and am saddened to hear that that important Glasgow landmark is at risk. We have been in contact this morning with KPMG, which is the proposed liquidator. It has confirmed that it is currently in discussion with In Shops Centres Limited and In Shops Starters Limited in an attempt to resolve the situation. I have asked officials to keep me informed of developments, and I shall provide Sandra White with an update as soon as I am able.

Gavin Brown (Lothian) (Con): With regard to the cities strategy, what percentage of the cities investment fund remains unallocated?

Nicola Sturgeon: I am happy to write to Gavin Brown with a breakdown of the cities investment fund that has been allocated, what is unallocated and to what funds have been allocated. He will appreciate that the fund that we established is intended to be a catalyst to fund studies around the work that the cities alliance wants to engage in. It will be used to examine opportunities to lever in additional funding to cities for their investment priorities. I shall send Gavin Brown a detailed breakdown, accompanied by a summary of the work that the cities alliance has done to date, and its priorities in the months to come.

A9 (Dualling)

6. Mary Scanlon (Highlands and Islands) (Con): To ask the Scottish Government how many additional miles of the A9 between Perth and Inverness are on course to be dualled by December 2016. (S4O-02802)

The Minister for Transport and Veterans (Keith Brown): We are on course to have the first 4.6 mile section of dualling between Kinraig and Dalraddy under construction by December 2016.

Mary Scanlon: This week, we learned in the update to the Public Audit Committee on major capital projects that the dualling of two sections of the A9—or about 13 miles—is in progress, which will bring the total for the road's dualled sections to 43 miles. Given that the dualling of the Luncarty to

Birnam section is due to start in 2017, can the minister tell us the timetable for the remaining 67 miles? Is the project on course to be completed by 2025?

Keith Brown: Of course, we do not intend to dual the entire 67 plus 41 miles that were mentioned by Mary Scanlon; instead, we propose to dual the stretch from Inverness to Perth by 2025. I have to say, however, that two of the projects that we have already completed—the Ballinluig grade-separated junction and the Helmsdale single carriageway—at costs of £9.7 million and £15 million respectively, stand in stark contrast to the underinvestment by previous Governments. Moreover, we are the first Government to commit to a £3 billion upgrading and dualling of the A9, which is the biggest transport project by cost in Scotland's history. That, too, stands in stark contrast to previous Governments' lack of commitment. Of course, the Conservatives' main commitment was to spend £3 billion on a tram system for Edinburgh.

Chief Constable (Meetings)

7. Duncan McNeil (Greenock and Inverclyde) (Lab): To ask the Scottish Government when the Cabinet Secretary for Justice last met the chief constable and what was discussed. (S4O-02803)

The Cabinet Secretary for Justice (Kenny MacAskill): I met Sir Stephen House on Tuesday to discuss important issues around keeping people and communities safe in Scotland.

Duncan McNeil: The cabinet secretary will be aware of HM Inspectorate of Constabulary for Scotland's review of incident and crime recording, which was published in December 2013. It recommended that Police Scotland, in co-operation with the Scottish Government and others, review the definition of serious assault, which can, as it stands, lead to serious assaults being recorded as common assaults. Does the cabinet secretary agree with that recommendation, and will he work with others to ensure that we have an accurate picture of the number of serious assaults that take place in Scotland?

Kenny MacAskill: Duncan McNeil has raised an important issue and I am more than happy to ensure that the Government makes the appropriate input. In fact, I not only met Sir Stephen House on Tuesday, but met George Graham of HMIC just yesterday, although I have to say that this particular matter was neither raised nor discussed.

Nevertheless, it is right that we ensure some commonality. That relates partly to the previous forces' recording of such incidents; it is quite clear that Police Scotland is taking on board HMICS's advice on the issue. I am more than happy to

ensure that Duncan McNeil is kept apprised of developments either by me or through Sir Stephen House's office.

East Ayrshire Communities (Support)

8. Graeme Pearson (South Scotland) (Lab): To ask the Scottish Government what support it is providing to communities in East Ayrshire. (S4O-02804)

The Minister for Local Government and Planning (Derek Mackay): The Scottish Government provides a breadth of support to communities in East Ayrshire. It is the responsibility of the local authority and the community planning partnership to support local communities and to ensure that the resources they have available are directed according to local needs and circumstances. In 2013-14, East Ayrshire Council is receiving £229 million through the local government funding settlement, and East Ayrshire communities will also benefit from wider Government investment in, for example, transport, housing, health, justice, culture, sport and economic development.

Graeme Pearson: Is the minister able to share with me the actions that the Government-appointed task force has decided to take to ameliorate the worst outcomes of the opencast mines debacle that is affecting East Ayrshire communities and which is likely to cost them more than £100 million to repair?

Derek Mackay: As Graeme Pearson will be aware, Mr Ewing has established the Scottish coal industry task force. Between the work of that group and wider Government strategies we are doing our best to support communities in Ayrshire and elsewhere that are affected by such issues. I am more than happy to write to him about the actions that are being undertaken.

National 4 and 5 Exams (Support for Teachers)

9. Anne McTaggart (Glasgow) (Lab): To ask the Scottish Government what additional measures it has put in place to support teachers in light of recent concerns expressed by Educational Institute of Scotland members regarding the introduction of national 4 and 5 exams. (S4O-02805)

The Presiding Officer (Tricia Marwick): Answer briefly, if you can, Dr Allan.

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): The Scottish Government, the Scottish Qualifications Authority, Education Scotland and other partners have put in place unprecedented levels of support to help teachers to deliver the new qualifications, and that support will continue and will be enhanced over this year. Further support to

address some of the areas that have been identified by EIS members was already being planned, including early feedback to schools on assessment standards, additional SQA subject experts to provide continuous professional development for teachers in priority subjects, and curriculum for excellence leadership events in February and March for all secondary headteachers. We continue to listen to teachers to provide any help they need.

The Presiding Officer: Briefly, Ms McTaggart.

Anne McTaggart: Does the minister intend to delay the system's introduction?

The Presiding Officer: That was brief. Be equally brief, please, minister.

Dr Allan: I can be almost equally brief. The Government does not intend to delay CFE. The timetable for its implementation was agreed several years ago, and there is cross-party agreement on it. However, we will be open to providing all the support that is necessary to ensure that CFE is the success that we all know it will be.

First Minister's Question Time

12:00

The Presiding Officer (Tricia Marwick): Before we start, I want to acknowledge the brevity that has been shown during exchanges in First Minister's question time over the past few weeks. That has allowed more time for back benchers to participate. I know that we are all keen for that to continue.

Engagements

1. Johann Lamont (Glasgow Pollok) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S4F-01815)

You know that we always aim to please, Presiding Officer.

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

Johann Lamont: Both the First Minister and John Swinney have said that Scotland pays 9.9 per cent of tax revenues into the United Kingdom and receives back only 9.3 per cent of public spending. That suggests that Scotland pays in more to the UK than we get out. Could the First Minister tell me how much money is 9.9 per cent of tax revenues and how much money is 9.3 per cent of spending?

The First Minister: The surplus of revenue over spending in that year was, from memory, £4 billion. That contributes to a surplus over the past five years—a relative surplus, compared with Scotland in the UK—of some £8 billion. That is, of course, the point of doing the statistics. The unionist parties—Labour, Tory et cetera—have always wanted to say that Scotland has higher public spending. Of course, that is true, and for very good reasons. However, Scotland also contributes more in terms of revenue. That is why we take the 9.9 per cent of revenue, compared to the 9.3 per cent of spending, because it shows that Scotland is in a stronger fiscal position than the rest of the United Kingdom.

Johann Lamont: That is a classic First Minister answer: "If you don't like the figures I give you, I have another set prepared from earlier on."

The First Minister did not answer the question that I asked him about the way in which he misrepresents those figures. According to the figures in his own "Government Expenditure and Revenue in Scotland" report, 9.9 per cent of revenue comes to £56.9 billion, and 9.3 per cent of spending amounts to £64.5 billion. So, actually, Scotland gets £7.6 billion more out of the United Kingdom than we put in.

Is it not the case that, if the Scottish Government's own figures show that we get more money out of the United Kingdom than we put into it, it is deeply misleading to try to give the opposite impression?

The First Minister: Due to a range of things, including the economic crisis, the vast majority of countries in the world have been running deficits over the past few years. There have been some exceptions, of course—Norway, across the North Sea, would be a grand example.

We have the exact figures of deficit between Scotland and the UK. In 2008-09, the Scottish deficit was 2.6 per cent, and the UK deficit was 6.9 per cent. In 2009-10—the very height of the economic crisis—the Scottish deficit was 10.7 per cent and the UK deficit was 11.2 per cent. In 2010-11, when the deficit was coming down, the Scottish deficit was 8.1 per cent and the UK deficit was 9.5 per cent. The last figures that are available show a deficit of 5 per cent in Scotland, compared with one of 7.9 per cent in the UK. For each of the past four years, the Scottish deficit is lower than the UK deficit. That is why we are in a stronger fiscal position. Of course, we do not get the benefit of that, because the money is sucked into the maw of the London Treasury.

I welcome this line of questioning, because we can use those figures to show what the difference is—that is, we can say what money would have been available in each of those years. It would have been £6 billion in 2008-09; £667 million in 2009-10; £1.993 billion in 2010-11; and £4.376 billion in the past year. That comes to a total of more than £12 billion. To put that in terms that I know Johann Lamont will appreciate, that is £2,397 for every man, woman and child in Scotland. That is how much we would have been relatively better off if Scotland had been running its own finances.

Johann Lamont: In all of that, the First Minister did not respond to the question that I asked about how his own figures show that we get more out than we put in.

The First Minister should recall that the finance secretary, in a private paper to the Cabinet, confirmed that Scotland will have a larger deficit than the rest of the United Kingdom by 2016. Of course, that paper was for private consumption, not for the rest of us. If the First Minister could put down for a moment his statistical tommy gun and cease randomly spraying out figures in answer to questions that he was not asked, we might get somewhere.

I have asked the First Minister about two specific figures: what Scotland pays into the United Kingdom and what the United Kingdom pays out to Scotland. Can he confirm that

Scotland puts £56.9 billion into the UK in tax, as is stated on page 598 of his own white paper? Can he also confirm that we get £64.5 billion back, as per page 68? Those are his own figures. Can he confirm that his own figures are correct and show that Scotland gets more back from the United Kingdom than we put in? [*Interruption.*]

The Presiding Officer: Order.

The First Minister: I am glad that Johann Lamont has cited the white paper. On pages 72 to 76, it shows—if I can correct her—that Scotland's fiscal position in 2016-17, the first year of independence, will be stronger than that of the United Kingdom. As I have tried to explain, in each of the past four years Scotland has run a deficit much lower than the deficit that is being run by the United Kingdom as a whole. That means that we are in a stronger fiscal position. Our finances have been stronger over the past four years, but we did not get the benefit of that because we are run from London.

In terms of borrowing, among the many remarkable statistics are the fact that the better together campaign head Alistair Darling and George Osborne—that combination is quite normal—have between them borrowed more than every other UK chancellor in history and the fact that UK borrowing has more than doubled in the periods of office of Darling and Osborne. That is the extent of UK borrowing. We would have been £12 billion better off, relatively. I am not saying that we could have spent all that money, although some of it would have been very useful expenditure on the capital infrastructure of Scotland, but it would have been sensible to borrow less than the UK has done over the past four years. There could have been a combination of borrowing less and spending more, using our better position to power Scotland forward.

We have had a smaller deficit than the UK over the past four years—that is beyond doubt. Can Johann Lamont not see that that would have translated to our being in a stronger fiscal position? That would have meant that we would have been able to use Scotland's massive resources to benefit the people and the economy of this country.

Johann Lamont: It is interesting that the First Minister has now denied what John Swinney said in his private paper, which is that we would have a greater deficit by 2016. I do not think that any of us should take lectures in economics from a First Minister—even a former Royal Bank of Scotland economist—who said in the chamber on 28 November:

"We get 9.3 per cent of the spending, but we raise 9.9 per cent of the revenue; 9.9 per cent is greater than 9.3 per cent."—[*Official Report*, 28 November 2013; c 25054.]

Even a primary school child could tell us that that depends on the big figures that those are percentages of—it is not credible.

Since the First Minister embarked on his referendum campaign, he has been making promises that he claims that he will deliver if Scotland votes yes. However, his own figures show that there would be even less money to spend if Scotland voted to go independent. In the real world, where we look at the figures, where we talk in private as we do in public, that is a fact. Is it not the truth that not only will the First Minister be unable to make good on those promises, he will not even be able to deliver on what we have right now?

The Presiding Officer: First Minister? *[Interruption.]* Order. First Minister.

The First Minister: When Johann Lamont started this line of questioning I thought that she really understood it but was trying to make some political points. Now I am beginning to think that she actually does not understand the point that 9.9 per cent, as every schoolchild and perhaps every former English teacher should know, is greater than 9.3 per cent and if we have 9.9 per cent of the revenue—*[Interruption.]*

The Presiding Officer: Order.

The First Minister: I say to Alex Johnstone that 9.9 is greater than 9.3. If we have 9.9 per cent of the revenue and 9.3 per cent of spending we are better off. If it was the other way around, we would be worse off but luckily for Scotland, we have generated 9.9 per cent of the revenue for 9.3 per cent of spending. That means that either we would have been running a smaller fiscal deficit than the rest of the United Kingdom or we would have been in a stronger fiscal position. *[Interruption.]*

The Presiding Officer: Mr Johnstone!

The First Minister: Being in a stronger fiscal position than London is perhaps not much—just about every other country in the world is in a stronger fiscal position—but it indicates how we could have mobilised the natural resources of Scotland to maintain spending as well as borrowing less over these critical years.

We cannot do anything about the figures of the past four years—that money is gone. However, we can learn a lesson for the future because in every single one of those years—when we were in a better position than that of the United Kingdom and therefore would have had the freedom to invest in our economy or to borrow less or a combination of both—the Tory and Labour parties were never fonder of telling people in Scotland how poor we are. The figures demonstrate that we are relatively better off—we are in a stronger position. That is true of the past four years and it

will be true in the future. Is it not high time that we mobilised those resources to benefit the people of Scotland?

Secretary of State for Scotland (Meetings)

2. Ruth Davidson (Glasgow) (Con): To ask the First Minister when he will next meet the Secretary of State for Scotland. (S4F-01811)

The First Minister (Alex Salmond): I have no current plans to meet the Secretary of State for Scotland.

Ruth Davidson: On 26 November 2013, the white paper revealed the Scottish National Party's plan to jump the queue into Europe. It claimed that Scotland could go through article 48 of the Treaty on European Union—*[Interruption.]*

The Presiding Officer: Order.

Ruth Davidson: —instead of through article 49, a route that no other state has used in the history of European Union accession.

Then, on 12 December, Nicola Sturgeon appeared before the European and External Relations Committee and said—not once, not twice, not three or even four times but five separate times—that nobody had questioned whether that was a valid legal route. Does the First Minister stand by that statement?

The First Minister: I am delighted that Ruth Davidson has raised this point because it allows me to cite what can only be described as an impeccable source—the guru of the better together campaign, better together's favourite academic, Professor Jim Gallagher. *[Interruption.]*

The Presiding Officer: Order.

The First Minister: Looking in particular at the question whether Scotland would have an accelerated route into the European Union, maintaining its position, here is the professor in his blog last year:

“So, for example, it seems pretty likely that Scotland would be an EU member state, probably after an accelerated set of accession negotiations.”

The professor goes on to say:

“Precisely what the conditions of membership would be is not quite so clear, though immediate requirements to join the Euro or the Schengen agreement can surely be avoided.”

If Professor Jim Gallagher, the guru of the better together campaign, is saying that, can we not just accept that the burden of opinion favours the position adopted by the Government as opposed to the position adopted by the better together alliance?

Ruth Davidson: I am glad that the First Minister brings up what has been written on Europe

because I would like to enter some other writing in evidence. However, I return to Nicola Sturgeon, who also told the committee,

"If you want to quote people who are saying that"

that is not a legal route,

"I am happy to engage in that debate".—[*Official Report, European and External Relations Committee*, 12 December 2013; c 1598.]

I have a copy of a new submission to the European and External Relations Committee by Jean-Claude Piris, who is the former director general of the legal service of the EU Council. He states:

"it would not be legally correct to try and use article 48 ... for the admission of Scotland as a member of the European Union."

I am happy to put the entire submission into the public domain today so that everyone can see, in black and white, a leading European expert saying that the SNP's plan is not lawful.

The First Minister misled the Scottish public on EU legal advice—[*Interruption*.]

The Presiding Officer: Order. Ms Davidson, can we withdraw that?

Ruth Davidson: That was ruled on in the last week before Christmas and was admitted, Presiding Officer, or do I misunderstand?

I will correct the record by saying that the First Minister was unadjacent to the truth in what he said on EU legal advice and in what he said on our route into Europe, so why should we believe anything that he says on the subject?

The First Minister: Let us just say that Ruth Davidson will cite her authorities and I will cite mine and we can have that argument. Surely the significance of Jim Gallagher's comments is not that he has had an opinion but that he is the star academic of the better together campaign, just as Professor James Crawford's comment that the 18-month timetable for Scotland to negotiate its position from within the European Union would be realistic—that is what he says—has a particular significance not only because he is an important academic but because he was paid by the United Kingdom Government.

I say to Ruth Davidson that the opinions that I cite—I know that this is embarrassing—from Jim Gallagher now and from Professor James Crawford are significant and important because I am citing people who are either in the better together campaign or paid by the UK Government. If we get to the position that even they—I know that it is difficult for Jim Gallagher to be caught telling the truth on the matter because of his current position—say that, people will adopt the

reasonable position that it is a profound and important contribution to the political debate.

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-01813)

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

Willie Rennie: I praise the Cabinet Secretary for Justice for acknowledging arguments made by opponents of the abolition of the requirement for corroboration and for moving his position, but the solution that he proposes is crackers. Can the First Minister think of another occasion on which the Government has said, "Pass this law, and we will decide what to do later. It is safe to vote for this because we will fix it afterwards"? Does he really expect the Parliament to vote for the Criminal Justice (Scotland) Bill—a bill that abolishes a great Scottish legal safeguard, that the Government says is incomplete and that is so bad that it will need fixed later?

The First Minister: I thought that, in the first half of the first bit of his question, Willie Rennie was continuing on his theme of sweetness and light, seeing the sense and accepting concessions when they are offered.

The Cabinet Secretary for Justice made some important points. The requirement for corroboration, we believe—there is support from other parts of the chamber as well, as I understand it—should not be a general principle. Why should it not be a general principle? Because it prevents some cases from getting to court and some people from getting their day in court because it is a general rule. That seems to me an important point to make. Then to say that many people are concerned about safeguards and the security of the change and, therefore, that there could be a study of it to give people certainty seems to me a genuine attempt to bring everyone together.

Perhaps Willie Rennie would get back to the first bit of his question and accept that the Cabinet Secretary for Justice was doing his best while putting forward the importance of not having the prosecution authorities of Scotland and, therefore, the public of Scotland not getting justice because of that general rule. He was making a gesture and asking whether we could consider whether there were safeguards that would satisfy an even wider canvas.

Willie Rennie: The First Minister knows that I like to be reasonable when we agree but, for something so fundamental to be dealt with in such a cack-handed fashion is something with which I

could never agree. It has happened before. The Government forced through the centralisation of the police only for the chief constable to recommend fresh legislation within months. The Government tried to rush through its bill on sectarianism only to backtrack within 20 minutes.

Do we really have to go through that again? Is a Cabinet Secretary for Justice dancing in circles and begging for ways to fix his bill in the full glare of the committee not enough evidence to show the First Minister that he has got it wrong on corroboration? What else does he need?

The First Minister: I will make two serious points. In his first question, Willie Rennie asked me whether there were any previous examples of such an approach, but in his second he cited what he thinks are two previous examples of it. I am not sure how his first and his second questions tie together.

Let us get to the substance of the issue. I again bring the chamber's attention to the Lee Cyrus case. Some members who are sitting not far from Willie Rennie demanded to know why that individual could not be prosecuted for suspected crimes in Scotland. The Crown Office had already said that that was because of the general rule of corroboration. The member who is sitting two seats away from Willie Rennie demanded to know from the Cabinet Secretary for Justice why that was not possible and got an answer. That is the difficulty with the general rule of corroboration. It means that cases do not get to court. That difficulty potentially denies justice to many people in Scotland, particularly women who have been the victims of sex crimes. They cannot get access to justice because of the general rule. We are talking about a real difficulty that affects real cases and real people.

To draw attention to that difficulty and to propose a solution, as the justice secretary is doing, is exactly the right thing to do. What I cannot take from members of the Parliament or anyone else is their demanding to know why a case cannot get to court and then refusing to support proposals to sort out that injustice. Being denied justice, as people are being at the moment, is as important an issue as the possible miscarriage of justice. If the justice secretary can bring forward proposals that ensure that people have access to justice and can satisfy people that the danger of miscarriage of justice can be alleviated and stopped, surely any reasonable person—and particularly the victims of crime—would want to see the Parliament support that.

United Kingdom Government Debt

4. Kenneth Gibson (Cunninghame North) (SNP): To ask the First Minister what the Scottish Government's response is to the Treasury

announcement that it will honour all United Kingdom Government debt up to the date of the independence referendum. (S4F-01814)

The First Minister (Alex Salmond): I welcome the fact that the UK Government is coming to terms with reality and is recognising that if you issue debt—the debt that Alistair Darling and George Osborne piled up—you have the legal responsibility for it. With its announcement, the Treasury has finally endorsed the commonsense approach that was set out by the fiscal commission a year ago, which we outlined on pages 348 to 350 of "Scotland's Future" last November.

Perhaps we are seeing the start of a trend. Now that we have had a commonsense acceptance by the Treasury of the points that we have been putting forward for the past year, perhaps—who knows?—that will spread to other areas of current dispute, such as the European Union. Let us carry forward that outbreak of common sense.

Kenneth Gibson: I thank the First Minister for reiterating that Scotland is willing to take its share of the UK's debt and liabilities following a yes vote.

Will the First Minister join me in calling on the no campaign to exercise more of that new-found common sense in its approach, specifically regarding the formation of an optimal sterling currency area if Scotland votes yes?

The First Minister (Alex Salmond): I will. I think that there are substantial reasons for it to do so.

The point that we put forward in the fiscal commission's report and in the white paper is that we believe that it is not just in the interests of Scotland but in the overwhelming interests of the rest of the UK to have that sterling area. Between Christmas and new year, I saw an opinion poll that asked the people of the rest of the UK their opinion. An overwhelming majority of people in the rest of the UK believed that, after Scotland became independent, it would be common sense to share sterling as a currency.

Jenny Marra (North East Scotland) (Lab): With regard to Government debt, a new definition of pounds sterling in Scottish Government contracts with business now reassures contractors that they will be paid in sterling if Scotland ends up with a different currency. The First Minister is prepared to reassure businesses that they will be paid in a stable currency, but will he give the same assurance that pensions will be paid in sterling in the event of independence? Why should people who have paid sterling into their pensions over many years have their pensions devalued by Salmond's new currency?

The First Minister: The answer is yes, because we are going to retain sterling as our currency.

Tuition Fees (European Union Students)

5. Ken Macintosh (Eastwood) (Lab): To ask the First Minister what the Scottish Government's response is to advice given by academics on tuition fees for students from European Union countries. (S4F-01824)

The First Minister: I am aware of the claims that have been put forward by academics together. Members of that group are, of course, entitled to their views, but it should be noted that they are campaigning for a no vote, so perhaps their views come as no great surprise. However, crucially, I am also aware of the legal opinion that was provided to Universities Scotland, which we can agree is a body of impeccable neutrality on independence. That opinion makes it clear that EU law allows for objective justification when there is clear evidence of exceptional circumstances. We have outlined that position.

In fairness, rather than cite one or two sides of the debate again—whether we cite one side of the debate in favour of our position, as in the case of Jim Gallagher, or an alternative position—we should recognise that positions that neutral bodies have taken must carry some weight. I am sure that Ken Macintosh will want to reflect that.

Ken Macintosh: I ask the First Minister to clarify further a more immediate and pressing question. For more than three years, his Cabinet Secretary for Education and Lifelong Learning, Mr Russell, has tried to secure an arrangement to charge EU students who are studying at Scottish universities and recoup some of the tens of millions of pounds that that costs the Scottish Government. Is the First Minister still actively pursuing such a policy?

The First Minister: We are still looking at the policy. The important aspect is that the policy of objective justification, which we outlined in the white paper and which the legal advice to Universities Scotland supported, sets out a route whereby we can retain free education in Scotland. Our objective is to maintain free education in Scotland. I know that that is not the Tory party's objective and that the Liberals went along with that south of the border in England. I think that the Labour Party is now against free tuition for Scottish students or that Johann Lamont wants to introduce back-door tuition fees, although Iain Gray ruled that out at the previous election.

Ken Macintosh should accept that the Scottish National Party Government's overwhelming priority—on which success is shown by the record numbers of Scottish youngsters at Scottish universities last year—is to ensure that access to

education in Scotland is based on people's talent and ability and not on their cheque book. Education will remain free under the SNP.

Liz Smith (Mid Scotland and Fife) (Con): If the legal experts turned out to be correct and the Scottish Government was not permitted to charge students from the rest of the United Kingdom fees, what would the annual bill to Scottish taxpayers be, in light of the commitment in paragraph 236 of the white paper to free higher education?

The First Minister: We explained in the white paper, which follows the legal advice to Universities Scotland, why we think that objective justification would allow us to continue the present policy in Scotland. Interestingly, I have been copied into a letter from Universities Scotland to a newspaper that clarifies that it does not disagree with the Scottish Government on the issue and which repeats its welcome for the information in the white paper.

I ask Liz Smith to cast her mind back to only a couple of years ago, when the Conservative Party told us that the policy of free education in Scotland that we are pursuing would run into problems. I see her nodding. Does she not recognise that the Conservative Party's claim that universities in Scotland would be bankrupted has been proved wrong? Universities in Scotland are in a fundamentally better position than those south of the border. The Conservatives' claim that the policy that we are pursuing is untenable has also been proved wrong, because free education in Scotland is taking place right now.

If the Tory party was in control of the Scottish Parliament—that obviously will not happen—or if it ever got itself anywhere near power in Scotland, I have no doubt that it would want to impose fees of £9,000 or more on every Scottish student. Thankfully, the SNP is in power in the Parliament, which is why tuition will remain free with the SNP.

Unconventional Gas Production

6. Alex Johnstone (North East Scotland) (Con): To ask the First Minister whether the Scottish Government aims to use the planning process to prevent unconventional gas production. (S4F-01816)

The First Minister (Alex Salmond): As with proposals for all energy projects, any applications for coal-bed methane or shale gas projects in Scotland require to be considered on their merits and in accordance with the appropriate regulatory regimes and planning legislation. That is the due and proper process. As we are a country with enough oil to meet our demand many times over, it is perfectly reasonable for us to proceed carefully on the undoubted opportunities for shale gas in Scotland.

Alex Johnstone: I thank the First Minister for his answer, but he does have form on using planning policy to control energy. He threatened to use it to prevent investment in new nuclear power in Scotland, and he has used it to cover our hilltops with wind turbines. As he mobilises his resources, is he going to avoid a spectacular hat trick of own goals?

The First Minister: As the member should know, we established an expert group last September to look at the science and an evidence-based approach to fracking and unconventional gas. In October, the Scottish Environment Protection Agency announced important planning guidelines. We are making preparations to give security and confidence to the people of Scotland that such resources would be developed in an environmentally safe and satisfactory way.

I can only contrast that with what is happening elsewhere, where the damage that is being done is surely epitomised by George Osborne's father-in-law, Lord Howell of Guildford, who last year claimed that fracking was okay for the "desolate" north-east of England. He then corrected that by saying that it was okay for the desolate north-west of England. If the member can just imagine the message to communities, whether they be in the north-east or north-west of England, he will see that that is why I believe that there is such a lack of confidence south of the border where, if they are not very careful, they will spend more time on planning inquiries than they will on extracting any gas. It is far better to proceed on the scientific basis that the Scottish Government is proposing, with planning legislation that has been drawn up to make sure that any such development can be done responsibly and safely.

Patrick Harvie (Glasgow) (Green): Given that there is no direct link between the site of these developments and the extent of the geological structures that give rise to environmental risk, surely there can be no safe buffer zone for such developments? The only way to achieve environmental protection is for the First Minister to unequivocally say that fracking and unconventional gas have no place in Scotland.

The First Minister: I know that Patrick Harvie will have noted the comments of Friends of the Earth Scotland and WWF Scotland, who gave a welcome to the Scottish Government's announcement. It seems to be seldom that Patrick Harvie departs from those particularly important pressure groups.

The point that we are making is pretty reasonable. Scientific analysis is important because it is an essential preparatory step. The fit-for-purpose guidelines that are specifically designed for this potential development are

another source of reassurance for people. Surely proceeding in such a careful, orderly, safe, and scientific way is much better than either doing so in the helter-skelter way that the Conservative Party proposes for the desolate north-west of England, or saying that there is no chance of these resources being developed in a safe and satisfactory way. Surely the Government's evidence-based approach is a profoundly good way to proceed.

Neil Findlay (Lothian) (Lab): On a point of order, Presiding Officer. Could you provide members with guidance on parliamentary language? I am sure that if we did a basic search for the words "misled" or "misleading" it would show that they have been used dozens of times during the current session, whether in committee or in the chamber. Indeed, in yesterday's health debate, the word "misleading" was also used. Can you advise us on how the rules will be applied consistently to all members, and whether the words "misled" or "misleading" are correct parliamentary language?

The Presiding Officer: There are no set guidelines on what is and what is not parliamentary language. The judgment about whether language is parliamentary on any particular occasion is mine.

Oncology (Aberdeen Royal Infirmary)

The Deputy Presiding Officer (John Scott): If everybody is sitting comfortably, we will begin. The next item of business is a members' business debate on motion S4M-08606, in the name of Tavish Scott, on oncology at Aberdeen royal infirmary. The debate will be concluded without any question being put.

Motion debated,

That the Parliament understands that there is a continuing shortage of specialist clinical oncologists at Aberdeen Royal Infirmary to provide radiotherapy treatment and that patients across the north of Scotland including Orkney and Shetland who would normally be treated at Aberdeen Royal Infirmary have had to be transferred to other parts of Scotland; recognises that, during what can be an extremely turbulent and distressing time for patients and their families, high quality care is preferable as close to home as possible; considers that patients undertaking radiotherapy treatment from Orkney and Shetland have benefited greatly from the comfort, convenience and support of being able to stay at Aberdeen CLAN Haven but that patients are deprived of this service if they are transferred to other parts of the country, and recognises the need for NHS Grampian to have both the support and staff necessary to provide the people of the north of Scotland with high quality care.

12:34

Tavish Scott (Shetland Islands) (LD): In 2012, cancer was the cause of one third of all deaths of men and women in Shetland. The disease and how islanders tackle it are the reasons why I have initiated this parliamentary debate. I thank colleagues from my Liberal Democrat benches, the Conservatives and Labour for supporting the motion on oncology services at Aberdeen royal infirmary.

The shocking death statistics for Shetland highlight why the rising number of people who are in need of specialist cancer care is one of the great health challenges of the 21st century. Medical advances are enormous, but the investment in cancer research still has much further to go. Treatment of the disease depends on specialist medical staff across the varieties of cancer that afflict men and women. Trained staff are essential, and having enough trained staff is even more essential. Today in Parliament, I wish to highlight the importance of ARI having a full complement of trained expertise to diagnose, treat and continue helping people to fight cancer.

It is not just the granite city that depends on ARI for cancer care. Patients arrive from across the north-east and the islands. Orkney and Shetland send islanders to ARI for a variety of specialist care and procedures. Aberdeen is the closest major hospital to Shetland, but travel still means

an hour's flight south and a hospital transfer, or a 12-hour overnight ferry crossing. That is straightforward for the hale and hearty, but for those who are sick, worried and fearing the worst, a flight or the north boat is a major factor. I have shared too many planes home from Aberdeen with Shetlanders after hospital treatment, so I know that it is no picnic. With cancer treatment, and chemotherapy and radiotherapy in particular, the medical advice is to limit the stress of travel.

Let me share a couple of observations that have been made to me by Shetland general practitioners. Bixter's GP said:

"The service provided by Aberdeen to all Shetland patients means keeping travel times and stress on patients and family to an absolute minimum".

Citing the challenges for accompanying families, Yell's GP said:

"Aberdeen is far enough to travel as it is, and if it were further relatives may not be able to visit."

The arduous nature of cancer treatment dictates what the body and mind can endure. Resting between bouts of radiotherapy is essential. Returning home to Shetland between treatments is unrealistic and for many, frankly, impossible. Liam McArthur will mention that point, and I hope that the minister will listen carefully to what he says on it.

Geography dictates much of the cancer treatment pattern, which is why CLAN Haven in Aberdeen is so important. It is much more than just a place to stay; it is a centre of peace, love and emotional support for Shetlanders who are going through the mental and physical efforts of care. Cancer patients stay for free and families accompanying them stay for a fraction of the cost of a hotel in the overheated Aberdeen economy. I stress the importance of a loved one accompanying a cancer patient. The emotional turmoil of the disease is absolutely enormous, so a wife, husband, nephew or just a friend is absolutely critical. They need somewhere to stay, which is why CLAN is so good.

Shetland raised more than £600,000 for the new CLAN Haven. The redoubtable Debbie Thomson has shown me round. It is a wonderful place with wonderful staff. Last year, 39 Shetlanders stayed at CLAN while they received radiotherapy, which was for an average of 27 nights each. That is how important it is.

Just last week, the national health service north of Scotland planning group acknowledged that. It said:

"What has been evident in organising external support has been the difficulties in co-ordinating accommodation".

It continued:

"NHS Grampian in collaboration with CLAN provide a first-class service for accommodation support which other Boards find difficult to match."

That is a powerful testament to the service, which is arranged to help islanders in Aberdeen and which is not replicated elsewhere. It is also why, for islanders, being referred elsewhere should be the last resort and should be based on a particular clinical need and not a shortage of oncology staff at ARI.

When people started approaching me last year saying that ARI's oncology department was understaffed, alarm bells rang. In October, a constituent wrote to me saying:

"I was down in Aberdeen yesterday seeing my oncologist half way through my chemo. Part of this was to plan my radiotherapy. He hit me with a bit of a bombshell. It turns out that due to a lack of oncologists who specialise in radiotherapy I may have to receive my treatment in Glasgow, Edinburgh, Dundee or Inverness."

As it turns out, following pressure from NHS Shetland, Shetland-based GPs, patients and many other people, such travelling has been minimised. In his letter to me on 18 November, in response to my representations, the Cabinet Secretary for Health and Wellbeing said that ARI was three consultants under the complement required to cope with the workload. I understand that the number has now been reduced to one.

The chief executive of NHS Grampian has said that the number of north isles patients who have been referred elsewhere in Scotland is very small, which I very much welcome. That proves that pressure can pay off, but it is clear what would have happened if the matter had not been pushed. I thank the cabinet secretary, who responded to my representations, and I hope that Alex Neil will maintain the pressure.

NHS Grampian tells me that oncology is still understaffed. I thank Mr Carey for his candour. There has been a variety of temporary staff—locums—and that is not good for continuity of care or keeping NHS Grampian's budget in order. Shetland GPs have made me aware of complaints regarding a locum at ARI, who is no longer practising in Aberdeen. That rather makes the point about permanent staff and the importance of quality of care; it also highlights the inherent weaknesses of a system that depends on locums.

The wider picture must surely be addressed. Why is there a shortage of oncologists? Is the power of medical schools and the teaching hospitals across the United Kingdom too great? The training of specialist cancer care staff for five or more years into the future is taking place now. There must be an argument for training more staff rather than fewer. The quantity of temporary appointments, not just in cancer care but across other specialisms, means that too much of the

NHS budget is spent on higher payments to short-term staff. That is not desirable, and I hope that ministers are giving the matter considerable attention.

Shetland and Orkney patients need cancer care of the highest quality, in the closest hospital to the isles. The NHS faces the challenge of reducing the enormous stress and worry of a killer disease, which is responsible for a third of male and female deaths in Shetland. That challenge is best met not by referring people across Scotland but in Aberdeen and in as local a health setting as possible, where the support of family and loved ones is easier to arrange and maintain throughout treatment.

I ask the Scottish Government to recognise the issue, not just in January 2014 but for every January, and to work with NHS Grampian and the island health boards to deliver the cancer care that my constituents need.

12:42

Lewis Macdonald (North East Scotland)

(Lab): I congratulate Tavish Scott on bringing this important issue for debate. He has rightly highlighted the impact on patients and their families from Shetland and Orkney who must now travel to the central belt for care and treatment that used to be but is currently not always available in Aberdeen.

I have family connections with Shetland, as Mr Scott knows, and I am keenly aware of the close ties between the islands and Aberdeen, in healthcare and much besides. One such tie is CLAN—Cancer Link Aberdeen and North—which provides outstanding support for cancer patients and their families who travel to Aberdeen for treatment from across the north and north-east of Scotland, as well as the northern isles. I pay tribute to that work, as Mr Scott did.

I also mention CALICO—Cancer and Leukaemia in Children Orientated—which works to support children with cancer and their families in the north-east. Last year, CALICO drew my attention to its concerns about the planned retirement of the radiation oncologist at Aberdeen royal infirmary, who has specialised in radiotherapy for children with cancer—that was one of three oncologist retirements in the offing. If the individual is not replaced by a consultant who is able to deliver the same service, far more children might have to travel to the central belt for treatment in future.

Although it was willing and able to provide information, NHS Grampian could not tell me whether or when a new consultant with the same level of specialism will be recruited. It would be a tragedy if such a valuable service were to be lost

from Aberdeen, particularly if that were to happen by default. It is one thing to plan the delivery of services in the context of a managed clinical network; it is quite another to lose local services through an inability to recruit staff.

Families understand that there will be times when a child is required to travel to Glasgow or elsewhere for a specific treatment, but most curative and palliative radiotherapy has been delivered locally in Aberdeen in the past, and the families very much want that approach to continue.

It is not just an issue for children. Over the past few months, as has been said, many other patients have had to travel to the central belt for cancer treatment. That can be extremely hard for seriously ill adults as well as for children and families. Again, that comes down to difficulties with recruitment. It is up to the Scottish Government to help to meet those difficulties.

Last month, Alex Neil told Parliament that every post that had been reported to be vacant for more than three months had been filled as a result of joint working between the relevant NHS board and the Scottish Government. Clearly, that is welcome, but three months is a long time for cancer patients who need treatment. When a number of oncologists are reaching planned retirement dates at much the same time—as has happened recently in Aberdeen—more could and should be done to recruit consultants and ensure that properly trained people are available in advance of those dates. That is surely the point of workforce planning.

In the meantime, I hope that the minister can undertake today to work with NHS Grampian to ensure that the post of radiation oncologist specialising in radiotherapy for children will be filled. I also hope that ministers will look again at the case for supplementary pay for NHS staff in Grampian, where recruitment at all grades is hampered by a high cost of living that is comparable only with that of greater London.

Quite apart from pay, the funding of NHS Grampian still falls more than £30 million short of what it should be under the NHS Scotland resource allocation committee formula that was calculated and endorsed by the Government as long ago as 2007. There is surely scope for a positive initiative to support recruitment and retention in NHS Grampian, as well as specific action on oncology. I hope that ministers will take steps in that direction after the debate.

12:46

Dennis Robertson (Aberdeenshire West) (SNP): I, too, congratulate Tavish Scott on bringing this very important debate to the

chamber. Patient care is of great concern to all of us, and those who are suffering from cancer certainly require the utmost care.

NHS Grampian has said that there was an unprecedented problem with recruitment due to the specialism of oncology, and it basically said that there were the same problems in NHS Highland and NHS Tayside. It seems to me that there is a lack of recognition of those posts in recruitment. There was maternity leave, but surely NHS Grampian would be able to put in place appropriate cover for things such as maternity leave.

NHS Grampian has had 33 patients receiving treatment outwith its area—in Glasgow and Edinburgh—based, it says, on clinical need and priority. That is 33 patients too many. As Tavish Scott and Lewis Macdonald rightly said, the anxiety of those patients and their families and carers has been compounded by the fact that they have had to move outwith the area. The logistics involved in patients having to go to Edinburgh or Glasgow may often not be supported by their friends or relatives.

The work and support that CLAN provides in Aberdeen are immeasurable. Obviously, the support that is given is welcomed, and what it does for patients is immeasurable. We need to acknowledge that. NHS Grampian is failing if it does not recognise the absolute importance of that on-going care.

I recognise that NHS Grampian took steps on recruitment in October and November, and that, just last week, it recruited a new oncology specialist. That is to be welcomed, but it still begs the question: why did that take so long? If there is a national problem in oncology recruitment in NHS boards in Scotland, the minister and the cabinet secretary should ask why.

To provide appropriate care for our cancer patients throughout the Grampian area, especially those who come from islands such as Shetland and Orkney, we need to ensure that they are given an even higher priority than perhaps those who live within city boundaries.

We need to ensure that NHS Grampian has a plan to ensure that we do not get into the position of, as the board has said, facing an unprecedented and very difficult problem, such as it has experienced recently. It is definitely down to a lack of planning. NHS Grampian needs to resolve that problem for the future.

We have to look at what else could be done to provide appropriate care for those who are having to travel from Shetland and Orkney, who Tavish Scott mentioned. He said that it is “no picnic” for them. Absolutely, but it is no picnic for those who travel from the far reaches of Aberdeenshire

either. Patients have to travel into the city of Aberdeen from areas such as Braemar and Aboyne, and I assure Tavish Scott that it takes just as long to get to the Aberdeen royal from those areas as it takes to fly there from Shetland.

I believe that NHS Grampian needs to resolve this problem quickly. Richard Carey and the board are taking the appropriate steps. However, if we look at the target for referral to treatment, we can see that the board did not perform particularly well in 2013.

The Deputy Presiding Officer: You might want to draw to a close soon, please.

Dennis Robertson: Yes, Presiding Officer.

I know that the board hopes to resolve that problem and to reach the 95 per cent referral to treatment target in the very near future.

I congratulate Tavish Scott on bringing this important debate to the chamber. I sincerely hope that NHS Grampian can resolve this problem for the patients of the future.

12:51

Nanette Milne (North East Scotland) (Con): I congratulate Tavish Scott on gaining the cross-party support to allow this important and topical issue to be discussed here today. Although the debate focuses specifically on the recent staffing problems experienced in Aberdeen, the issue is a further illustration of the sort of pressures on today's NHS that were discussed in the chamber only yesterday afternoon.

I am grateful to NHS Grampian for sending an up-to-date briefing on the oncology service in that part of my region. It is clear that the board has faced serious workforce challenges, which it has been tackling since October last year, with some positive outcomes.

During the second half of 2013, Grampian was affected—as were other health boards in the north of Scotland, including NHS Highland and NHS Tayside—by a national shortage of suitably qualified oncologists, especially specialists in neuro-oncology and head and neck cancers. That was compounded by a number of short-term vacancies due to maternity leave, for example.

To overcome that, the board has been actively trying to find new staff, such as by recruiting a new full-time consultant clinical oncologist, who is now in post, as Dennis Robertson said; advertising for a part-time consultant medical oncologist post, which is currently attracting experienced applicants; getting locum cover for maternity leave; appointing a nurse specialist in genitourinary oncology; and opening up bed space capacity with healthcare worker support in the new

emergency care centre, among other specific actions to try to overcome workforce problems.

All that comes at a significant estimated extra cost for 2014-15 of more than £1.3 million, which is largely to be funded from NHS Grampian's own resources—which, as Lewis Macdonald said, are currently underfunded compared to other health boards—with a small contribution from the Scottish Government via its detect cancer early initiative.

The situation is therefore now better than it was three months ago, but in the meantime patients have had to go elsewhere for specialist treatment, hence this debate.

Clearly the first priority has to be to ensure that patients with cancer or any other serious condition are given the most effective and safest treatment for their condition. If that means that they have to travel some distance for it, so be it, but I have a great deal of sympathy for Tavish Scott's constituents from Shetland, and patients from Orkney, for whom Aberdeen is the nearest specialist centre.

Those islanders have, over many years, accepted the journey to Aberdeen and the need to stay there during treatment, and they have become familiar with the excellent facilities provided by CLAN, particularly its new CLAN Haven residential wing, which I visited recently and which is indeed very impressive. For those patients to be told that they will have to go even further for their treatment, to hospitals in the central belt, must put significant added stress on them and their families, who are already traumatised by a devastating diagnosis.

Treatment for cancer, be it chemotherapy or radiotherapy, can be very unpleasant and very tiring for patients, and the psychological stress can be even worse. That is only compounded by their being far from home in unfamiliar surroundings and away from family and friends, which in itself can hinder recovery.

It is extremely important to give patients every possible support, both physical and psychological. That is where CLAN Haven is so effective. Great appreciation for its facilities has been expressed to me by friends in Aberdeenshire who have stayed there while having treatment at Aberdeen royal infirmary.

The recent situation at the infirmary is a worrying indicator of the workforce pressures on the NHS in Scotland, which are undoubtedly going to increase as the population ages and the incidence of cancer and degenerative diseases grows as predicted. NHS Grampian has clearly been trying very hard to resolve the situation, but I fear that we can expect to hear of similar experiences throughout Scotland as time goes on.

Again, I thank Tavish Scott for highlighting the very serious issue of oncology provision in Aberdeen on behalf of his constituents, and I wish them well for the future, with treatment hopefully available at least a little closer to home.

12:55

Liam McArthur (Orkney Islands) (LD): Like others, I offer my congratulations to my friend and colleague Tavish Scott on allowing Parliament to debate this serious issue today. The issues that Tavish Scott outlined in relation to the experience of his constituents reflect very much the experience of my constituents in Orkney. I echo his remarks and will try to make some additional points that I think are relevant to the debate.

At the outset, like Lewis Macdonald, Nanette Milne, Dennis Robertson and, indeed, Tavish Scott, I put on record my admiration for and gratitude to the staff and volunteers at CLAN, who do such tremendous work on behalf of cancer sufferers and their families, not just on the islands but across the north-east, as Lewis Macdonald highlighted.

I declare a personal interest, in that my father was diagnosed with prostate cancer a couple of years ago. Thankfully, surgery and treatment proved highly effective, further illustrating the importance of getting oneself checked regularly and the markedly improved recovery and survival rates for those whose cancer is detected and diagnosed early. I know how invaluable not just my father but my mother found the support provided by CLAN both in Aberdeen and in Orkney. The advice, the therapies and the opportunity to talk to others going through a similar experience all helped at the most difficult of times. Of course, the accommodation provided by CLAN was particularly welcome. Again, that does not just apply to Aberdeen. As residents of one of the outer north isles in Orkney, my parents were often required to overnight in Kirkwall en route to and from appointments or treatment in Aberdeen. They were therefore extremely grateful to be able to access CLAN's facilities in the toon. My parents' experience was highly typical of that of many of my constituents.

As Tavish Scott intimated, I will highlight a specific concern that I have about changes that I believe are being considered to the way in which the health boards in Grampian, Orkney and Shetland support those from the islands who are undergoing cancer treatment. During a visit that I made to CLAN earlier this week, I was told that, despite its popularity with patients and their families, the Haven is currently operating at a loss of around £100,000 per year. Although fundraising efforts, not least in Orkney and Shetland, have

proved phenomenally successful over the years, there are issues around core funding.

Debbie Thomson explained that CLAN has requested an increase from £30 to £35 a night, which would still not cover the full costs but would at least reduce the overall deficit. However, I understand that NHS Grampian and the island health boards are considering a scheme whereby patients would have their costs paid Monday through Thursday but would be expected to return home on Friday for the weekend. I am not clear about the circumstances in which that would apply, but it strikes me as utter madness in terms of the welfare and wellbeing of patients undergoing or trying to recover from surgery or treatment. As Tavish Scott highlighted, the strain placed on patients from travelling back and forth for treatment takes its toll, and it would be bordering on the intolerable if they had to do that every weekend. For those who live in the smaller islands, such as my parents, it would be logistically impossible. Moreover, I cannot see any cost saving. The travel costs would be borne centrally, rather than by individual boards, so perhaps that provides boards with a perverse incentive to act in the way that is proposed. Perhaps the minister can address the proposal in his winding-up speech, or at least give an assurance that he will look into it as a matter of urgency for the sake of patients in my constituency and in Shetland.

CLAN is not just a resource for those from the islands. The importance of the support structure that it, the Red Cross and others provide for those who find themselves far from home for lengthy periods, often under severe physical and emotional stress, really cannot be overstated. That is why there has been such concern about the implications of staffing shortages in the oncology department at Aberdeen royal infirmary. I know that other hospitals and health boards have been similarly affected, but I believe that nowhere else has the same concentration of patients being treated for a variety of cancers who have to travel such long distances and find themselves so far from their network of family and friends.

As Tavish Scott said, the numbers of Orkney and Shetland patients who have been unable to receive treatment in Aberdeen have been mercifully low, and it appears that Aberdeen now has only a single consultant vacancy left to fill. Like Tavish Scott, I acknowledge the efforts of Richard Carey and his team at NHS Grampian, as well as the intervention of the health secretary at the back end of last year. However, I associate myself with some of the questions that Dennis Robertson asked about how things were allowed to get to the stage that they were at during the latter part of last year. I also think that Tavish Scott's points about the need for permanent

appointments to ensure continuity and quality of care were well made.

A careful watching brief will certainly need to be kept on the issue. For now, I congratulate Tavish Scott once again on giving the Parliament an opportunity to debate these important issues. With my Movember ambassador hat on, I conclude by urging anyone who is watching, listening to or reading this debate to get themselves checked.

13:00

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I congratulate Tavish Scott on bringing the debate to the chamber. Clearly, I am not speaking as a local member, but I am pleased, with Nanette Milne, to be co-convener of the cross-party group on cancer. I also think that the debate raises interesting general issues. First, it raises the issue of the staffing of radiotherapy centres, but it also reminds us of what I regard as an important principle: that healthcare should be provided as near to home as is clinically appropriate.

At a fairly recent meeting of the cross-party group, which discussed radiotherapy, Professor Alan Rodger, former director of the Beatson centre, reminded us of the importance of radiotherapy, which not everybody recognises. He talked about a survey that showed that 89 per cent of people had heard about radiotherapy but only 9 per cent thought that it was a modern cancer treatment. How wrong the rest are. Quite apart from its palliative role, far more people are cured by radiotherapy than by chemotherapy. Again according to Professor Rodger, research suggests that 52 per cent of cancer patients can benefit from radiotherapy; he also said that the percentage receiving it in Scotland is 45 per cent, ahead of England, where the figure is 37 per cent.

Because of the increasing incidence of cancer with an elderly population, there is clearly a rising demand for services, and some of the general pressures are illustrated by what has been happening in Aberdeen. It took me back to the beginning of the century, when we had the enormous crisis at the Beatson cancer centre based on several staff shortages in different clinical grades, but particularly a shortage of clinical oncologists. Since then, there has been a general improvement with far more clinical oncologists being employed across Scotland and the development of new forms of radiotherapy such as intensity-modulated radiotherapy. However, today we hear that, once again, there is a problem with the number of clinical oncologists—and not just in Aberdeen, as there are also great pressures on cancer centres in the central belt. There are clearly other shortages as

well, particularly of physicists, but clinical oncology is the particular focus of the debate today.

I mentioned the principle that care should be provided as near to home as is clinically appropriate. Clearly, for radiotherapy, that cannot be on people's doorsteps. People have to go to one of the five cancer centres in Scotland, and Aberdeen is certainly the appropriate one for Tavish Scott's constituents. Chemotherapy can be delivered in Shetland, Orkney and all sorts of localities, and I believe that that is increasingly happening. That has been a great development. However, for radiotherapy, Aberdeen is the appropriate place. I share the local members' concerns about the problems that have arisen in Aberdeen, particularly in relation to clinical oncology.

I am told, and Tavish Scott reminded us, that the situation has improved recently, no doubt partly due to his campaigning and that of my colleagues Lewis Macdonald and Richard Baker, but it illustrates the problem that there is a national shortage of clinical oncologists, which has been even more serious in Aberdeen than in some other places. The matter clearly continues to demand the attention of the Scottish Government and indeed the UK Government.

The other important point that Tavish Scott made is that there are particular reasons for his constituents wanting to receive treatment in Aberdeen given the superb services that are provided by CLAN Haven. I watched the video on its website before the debate and I was impressed, as others have been who have seen the service at first hand. It reminds us of the importance of person-centred, holistic care as part of cancer treatment. CLAN Haven clearly provides that. That is another reason why treatment must be provided in Aberdeen for all those for whom it is the appropriate centre.

13:05

The Minister for Public Health (Michael Matheson): Like others, I offer my congratulations to Tavish Scott on securing time for this important debate. I have listened with interest to all the local members who raised concerns about services in the north of the country. I fully understand the concerns that Tavish Scott and Liam McArthur raised about their constituents, who are going through a stressful and difficult time in undergoing cancer treatment, with the stress and the difficulty compounded by the associated travel. I fully appreciate the challenges that that creates. Those challenges are why we are particularly grateful for the hard work and generosity of the CLAN organisation in Aberdeen and at CLAN Haven, which provides invaluable support to people who are affected by cancer.

I understand Liam McArthur's concerns regarding the changes that NHS Grampian is considering. I will have those issues looked into and will provide a response to him. I stand ready to meet him to discuss the matter if he continues to be concerned by the board's approach.

I recognise the stress and strain that the staff in NHS Grampian have been under. Our NHS staff have worked tremendously hard to sustain services as best they can within the staff limitations that they have faced. I acknowledge that and thank them for their work during what has been a stressful period.

Tavish Scott recognised that the Scottish Government acknowledges that the problem is a priority that must be resolved and dealt with effectively, as was set out in the cabinet secretary's response to him last year. Unfortunately, the situation that has developed in the north of Scotland has come about as a result of a unique combination of factors, some planned for and some not planned for. For example, people have retired or gone on maternity or sick leave, and there have been multiple failed attempts to recruit to the workforce to deal with the pressures. Those have all impacted on the service's capacity and capability to deliver all the cancer services that it would wish to deliver, including radiotherapy.

Radiotherapy is extremely important, because 40 per cent of people with cancer receive it. Only surgery cures more patients; radiotherapy cures more patients than many of the new cancer drugs put together. We are absolutely determined to deliver radiotherapy services across the country and to ensure that they are on a secure and sustainable footing now and into the future. We are working with a range of parties to make that happen.

Lewis Macdonald: The minister is seeking to sustain radiotherapy services. Will he confirm that that will include curative radiotherapy for children in Aberdeen?

Michael Matheson: I will address some of the local issues, including, I hope, that point. As Lewis Macdonald will be aware, two people have been recruited: one started in a clinical oncologist post on 6 January, and the other is expected to start at the end of this month. Between them they will cover a range of areas, from head and neck and neuro-oncology to gastrointestinal, colorectal and urological cancers. I will ensure that Lewis Macdonald gets details on further recruitment, particularly around services for children.

Once the Scottish Government became aware of the problems that were being experienced in the north of the country, we put in place a working group, led by the national planning forum, to

address the wider issues of sustainability and specialist services.

I hear members' questions about why some of the issues, particularly the planned issues, were not picked up earlier. I think that there are some lessons for boards to learn about having proper succession plans in place to deal with such things. Of course, some of that is compromised by the challenge that boards can face in recruiting the right clinical specialists; indeed, that can be a challenge for the whole United Kingdom, not just Scotland.

To ensure greater sustainability in services, we have also reached agreement on creating a virtual single service in the three cancer sites across the north—in NHS Tayside, NHS Highland and NHS Grampian—to ensure that they work more closely together, provide cross-cover and support continuity of care.

Tavish Scott: Does that collaborative work across the three areas mean that the consultants and trained staff will cover one another, instead of patients having to move between Inverness, Aberdeen and other locations?

Michael Matheson: There might be an opportunity for both approaches. As the member will acknowledge, certain technical aspects of a patient's treatment might need to be provided in a particular setting. The aim is to use staff much more effectively over the three areas but, on occasion, there might need to be a more effective use of resources. That might be more the case with regard to arrangements between NHS Highland and NHS Grampian than those between NHS Grampian and NHS Tayside, given the facilities at NHS Highland's Raigmore hospital.

I am satisfied that we are trying to do everything possible to retain and maintain local radiotherapy treatment but I am sure that all members will recognise—indeed, some have pointed this out already—that that will not always be possible, given the specialist nature of the care, for which, at times, patients will have to travel elsewhere. That is why we have reached agreement on care pathways into the cancer centres in Glasgow and Edinburgh for patients who need expertise that cannot be delivered locally. That agreement will allow them to receive treatment much more quickly and will avoid delays. I hope that the use of such an approach will be kept to a minimum, but it will be clinically determined instead of being a policy matter.

I believe that 42 people have had to be referred out of the north of Scotland for treatment during this particularly trying period. Of that total, 33 have begun their treatment; I understand that the others have not begun theirs for clinical reasons. However, all members will agree that we must

ensure that patients access the specialist services that they require as quickly as possible.

I reassure members that we are determined to continue to provide across the NHS in Scotland clinical services of the best quality and standard in cancer and other areas. Over the past number of years, we have put additional investment into services and taken forward a range of measures to improve them, and we will continue to monitor the progress that is being made in the north of Scotland to ensure that the shortfall that was experienced over several months is being sufficiently addressed and that we have in the north of Scotland sustainable services in the medium and long term for all patients who require them.

13:13

Meeting suspended.

14:00

On resuming—

Business Motion

The Deputy Presiding Officer (Elaine Smith):

The first item of business this afternoon is consideration of business motion S4M-08768, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Regulatory Reform (Scotland) Bill.

Motion moved,

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

Groups 1 to 3: 35 minutes

Groups 4 to 6: 50 minutes.—[*Joe FitzPatrick*].

Motion agreed to.

Regulatory Reform (Scotland) Bill: Stage 3

14:00

The Deputy Presiding Officer (Elaine Smith):

The next item of business is stage 3 proceedings on the Regulatory Reform (Scotland) Bill. In dealing with the amendments members should have the bill as amended at stage 2, SP bill 26A; the marshalled list of amendments, SP bill 26A-ML; and the groupings, SP bill 26A-G. The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period for 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.

Members should refer to the marshalled list of amendments.

Section 4—Regulators' duty in respect of sustainable economic growth

The Deputy Presiding Officer: Amendment 15, in the name of Alison Johnstone, is grouped with amendments 16 to 22. Due to pre-emptions, if amendment 17 is agreed to, I cannot call amendment 18, and if amendment 20 is agreed to, I cannot call amendment 21.

Alison Johnstone (Lothian) (Green): The subject of my amendments has formed a substantial part of the debate around the bill. The phrase "sustainable economic growth" has never previously appeared in primary legislation so I hope that the Government welcomes the scrutiny here.

The amendments in this group are in two sets. My preferred set of amendments—16, 17 and 20—would remove from the bill the section 4 duty on regulators and references to sustainable economic growth in the regulators' code of practice and the Scottish Environment Protection Agency's purpose. Amendments 19 and 22 are related to those changes but consequential.

Why do I believe that the section 4 duty should be removed and the references to sustainable economic growth deleted? Sustainable economic growth is the Government's stated purpose and it has every right to promote its policy priorities, but I fail to see the link that the minister claims exists between the proposed duty and delivering the policy intention of regulatory consistency.

No one denies that Scotland is a good place in which to do business. The Scottish Trades Union Congress made the point in its evidence to the Economy, Energy and Tourism Committee that we are not living in an overly regulated world. Scottish regulators are willingly engaged with the regulatory review group and good progress is being made on consistency in non-legislative ways.

We have heard no practical examples from the Government of how the duty will work. In fact, many of the regulators told us that they had no objection to the duty because they were already contributing to the Government's purpose. If that is the case, why must we add unnecessary complications, with legislation that is not needed, and new duties, when collaborative initiatives are already working?

The other set of amendments—15, 18 and 21—do not delete sections or paragraphs but replace the bill's references to "sustainable economic growth" in the regulators' duty, the code of practice and SEPA's purpose with the phrase "sustainable development". Those are not my preferred amendments but I have lodged them in the hope that, should members wish to retain the section 4 duty, they will be able to support referring to a concept in law that explicitly balances social, environmental and economic considerations.

The concept of sustainable development is well recognised, which addresses the concerns of many bodies—including the Law Society of Scotland—that any new concept in law will be open to the courts to define and may cause confusion about what should and should not be considered in any decision making. Additional concerns were raised at stage 2 that sustainable development does not, in practice, balance its three pillars, but rather focuses on the environmental aspect. However, I suggest that that is more a result of the concept being applied in areas in which the environment has previously been overlooked.

No one wants regulators to act inefficiently or in overly complicated ways, but they are generally doing a very good job, and the regulatory review group reports that it is making good progress on consistency in non-legislative ways. Of course, there are always improvements to be made, especially in supporting small businesses, but the rest of the bill will provide the Government with other powers in relation to national standards and consistency, and I fail to see how the section 4 duty and other references to contributing to "sustainable economic growth" will connect with a policy objective of regulatory consistency.

I move amendment 15.

Gavin Brown (Lothian) (Con): On this particular issue, the Scottish Government has called it right. The scrutiny has been useful in that it tightens up some of the guidance in the code of practice that will follow, but on the principal issue I support what the Government is doing, which is something that my party has approved of for quite some time.

I disagree in principle with the arguments against the provision. By placing a duty on regulators, the bill raises the profile of the issue, provides a vision and creates a change in culture. It also protects the primary role of each regulator by giving a clear exception where there is a conflict, as under section 4(1). It does not override the regulators' primary duties, but it rightly places on them a new duty that must be taken into consideration.

The arguments about the definition have been countered by the Government, which has made it clear that there will be a full definition both in guidance and in a code of practice. I was comforted too by the idea that the Economy, Energy and Tourism Committee will have oversight and involvement.

I note in passing that the Office of the Scottish Charity Regulator stated in its written submission to the Economy, Energy and Tourism Committee that it

"already reports on sustainable economic growth as required by Section 31(1) ... of the Public Services (Scotland) Act 2010."

The reference should be to section 32 of the Public Services Reform (Scotland) Act 2010, but, nevertheless, the fact that OSCR was able to overcome the definitional challenges in that respect leads me to believe that we will be able to do the same with this bill. On that basis, the Conservatives will not support Alison Johnstone's amendments.

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I am told that there has been some progress on the matter since we discussed it at stage 1, so I will be interested to hear what the minister has to say. When I read the reports on the bill by the Economy, Energy and Tourism Committee and the Rural Affairs, Climate Change and Environment Committee, I was struck by the range of bodies that were expressing concerns about the definition. Some of those were environmental groups, as we might have expected, but a much broader range of bodies, such as the STUC, expressed concerns, and even some business organisations were sceptical about the definition.

I am genuinely puzzled as to why the phrase, which we know is central to the Government's purpose, should be introduced into legislation for

the first time. I recall one academic saying in evidence that the definition was ambiguous and that some people might even take it to mean growth that was economically sustainable, which I do not think is the intention of the Government's wording.

The ambiguity around the definition leads to a lack of clarity. I will be interested to hear the minister's response, but I believe that supporting Alison Johnstone's second set of amendments on the concept of sustainable development would be a much more sensible and consistent approach, because the concept already exists in legislation—for example, I remember that there were debates about the concept during the passage of what became the Planning etc (Scotland) Act 2006. The idea of balancing economic and environmental considerations is established, and the concept of sustainable development is well established in law.

As I indicated, I think that there has been progress on the issue, so I will listen with an open mind, but I am still concerned about the definition and I am struck by the wide range of bodies giving evidence. I remember the Rural Affairs, Climate Change and Environment Committee saying that there should be a definition in the text of the bill and, given the ambiguity of the term in question, I would be interested in hearing an explanation of why that suggestion has not been taken up.

The Minister for Energy, Enterprise and Tourism (Fergus Ewing): I am grateful to members for contributing to the debate as they have contributed to debating the issue at stages 1 and 2. I understand that the amendments in this group are identical word for word to ones that were previously submitted. We have debated the matter before, but I am grateful for the contributions that members have made.

Sustainable economic growth is an essential component of the Scottish Government's purpose. We are determined to promote in all Scottish regulators a broad and deep alignment to it. The sustainable economic growth duty in the bill provides an important line of sight to the Government's purpose. It will complement existing duties, increase transparency, encourage greater regulatory consistency and encourage more engagement and joined-up working.

Many regulators already contribute to sustainable economic growth in their day-to-day activities, as has already been mentioned. The wording of the duty seeks to build on that to support and empower regulators to contribute to the Government's purpose, making them more accountable for the decisions that they make.

The Scottish Government and regulators in Scotland value sustainable economic growth and

the protection of the environment. Those need not be mutually exclusive. The duty does not prioritise sustainable economic growth over other regulatory objectives. Regulators need to determine an appropriate balance between regulatory and economic objectives, and the code of practice will help them do that. The duty is underpinned by the code of practice, which will build on and encourage best practice and support regulators who deliver the duty in contributing to achieving sustainable economic growth.

Regulators have signalled that they already act in that way. The duty will support and build on that, helping to protect our people and our environment and helping business to flourish and create jobs.

We are firmly committed to promoting sustainable economic growth and to the current provisions in the bill. Sustainable development is an integral part of sustainable economic growth and, therefore, the Scottish Government does not support the amendments in the group.

Alison Johnstone: Gavin Brown stated that the Government's proposal would highlight economic growth. It is fair to say that economic growth already has a very high profile and regulators currently contribute to sustainable economic growth. There is no need to include it in the bill.

I disagree with Gavin Brown that the bill will clarify matters in cases of conflict. It is my view and that of others—including Scottish Environment LINK, the STUC and Consumer Focus Scotland—that the bill introduces a conflict that does not currently exist. The Rural Affairs, Climate Change and Environment Committee believes that the duty would confuse regulators, and Scottish Environment LINK has said:

"We fear the greatest risk remains the unintended consequences of this move on our legal system, amounting to a 'lawyers' charter' instead of assisting with practical decision making and streamlining regulation."

I welcome the fact that ministers have already removed the duty from the planning system. It is fair to say that there are well-documented instances in which the economy has trumped the environment when it comes to planning, and I am concerned that the duty will make it more difficult to implement truly balanced regulation.

As Malcolm Chisholm mentioned, the Scottish Government's proposal has united some incredibly diverse groups in concern and opposition. Those include Oxfam, the Law Society of Scotland, the STUC, Scottish Environment LINK and the Association of Salmon Fishery Boards to name but a few.

The fundamental question is not about definitions, because we understand the general thrust of what is meant by sustainable economic growth, but whether it is right to place such an

economic duty on regulators in the first place. Regulators help to stop the tiny minority of people who cheat or deceive and who thereby gain economic advantage over businesses that play by the rules. That is how they help our economy to operate smoothly. They enable a fair, competitive environment in which business can develop, and they should be allowed to focus entirely on that main purpose. I will press amendment 15.

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

Members: No.

The Deputy Presiding Officer: There will be a division. As it is the first division of the stage, the Parliament is now suspended for five minutes.

14:14

Meeting suspended.

14:19

On resuming—

The Deputy Presiding Officer: We move to the division on amendment 15.

For

Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Smith, Drew (Glasgow) (Lab)

Against

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

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

The Deputy Presiding Officer: The result of the division is: For 26, Against 71, Abstentions 0.

Amendment 15 disagreed to.

Amendment 16 moved—[Alison Johnstone].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Smith, Drew (Glasgow) (Lab)

Against

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

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

The Deputy Presiding Officer: The result of the division is: For 28, Against 71, Abstentions 0.

Amendment 16 disagreed to.

Section 6—Code of practice: procedure

The Deputy Presiding Officer: I remind members that, if amendment 17 is agreed to, amendment 18 will be pre-empted.

Amendment 17 moved—[Alison Johnstone].

The Deputy Presiding Officer: The question is, that amendment 17 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)

Finnie, John (Highlands and Islands) (Ind)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Smith, Drew (Glasgow) (Lab)

Against

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

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

The Deputy Presiding Officer: The result of the division is: For 28, Against 71, Abstentions 0.

Amendment 17 disagreed to.

Amendment 18 moved—[Alison Johnstone].

The Deputy Presiding Officer: The question is, that amendment 18 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Smith, Drew (Glasgow) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)

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

The Deputy Presiding Officer: The result of the division is: For 28, Against 71, Abstentions 0.

Amendment 18 disagreed to.

Section 7—Power to modify schedule 1

Amendment 19 not moved.

Section 10—Regulations relating to protecting and improving the environment

The Deputy Presiding Officer: Group 2 consists of minor and technical amendments. Amendment 2, in the name of Paul Wheelhouse, is grouped with amendments 3 and 9.

The Minister for Environment and Climate Change (Paul Wheelhouse): Amendment 2 is a minor technical amendment, correcting a referencing error in the text of the bill as introduced.

Amendment 3 is needed because SEPA will certify non-compliance with an enforcement undertaking under regulations to be made using the new powers in section 19 of the bill, rather than directly under that section.

During stage 2, new provisions were agreed, providing a broad legal framework for primary authority in Scotland. Primary authority will deliver improved consistency of regulation and will reduce duplication. Amendment 9 includes a reference to “primary authorities” in the long title of the bill to ensure that it fully reflects the contents.

I move amendment 2.

The Deputy Presiding Officer: I offer Fergus Ewing the opportunity to speak to amendment 9, if he so wishes.

Fergus Ewing: No.

Amendment 2 agreed to.

Section 19—Enforcement undertakings

Amendment 3 moved—[Paul Wheelhouse]—and agreed to.

Section 32B—Offences relating to supply of carrier bags: fixed penalty notices

The Deputy Presiding Officer: Group 3 is on offences relating to the supply of carrier bags—fixed penalty notices. Amendment 1, in the name of Murdo Fraser, is the only amendment in the group.

Murdo Fraser (Mid Scotland and Fife) (Con): At stage 2, the Scottish Government lodged an amendment that brought in section 32B. That new

section amends the Climate Change (Scotland) Act 2009 to allow for the provision of fixed-penalty notices for contraventions and non-compliance with forthcoming carrier bag regulations. Amendment 1 seeks to delete section 32B, and therefore to reverse the decision taken at stage 2.

I have two reasons for opposing the provisions. The first relates to the substantive issue. On a point of principle, the Scottish Conservatives do not support the proposed plastic bag tax. There are good, detailed arguments against the measures set out in the briefing for the debate that was provided by the Scottish Retail Consortium. *[Interruption.]*

The Deputy Presiding Officer: Mr Fraser, I will stop you for a moment. Can I have some order, please? If members wish to contribute to the debate, could they please press their request-to-speak buttons? They will then be called to contribute.

Murdo Fraser: I have always believed that we should introduce legislation or taxes to change behaviour only as a last resort. I do not believe that such an approach is necessary in this case.

Already, a voluntary approach by many retailers has substantially reduced the volume of plastic bags being issued. The British Retail Consortium has noted that there has been a 50 per cent reduction in carrier bag use in England through voluntary action agreed with the UK Government.

There are different views on how effective a carrier bag charge might be and how beneficial it might be to the environment. The issue was last considered in detail by the Parliament back in 2005, when the then Environment and Rural Development Committee considered Mike Pringle's member's bill on the issue. The committee unanimously came to the view that this was not the right way to proceed. Among the members of that committee were one Rob Gibson of the Scottish National Party and, even more interestingly, one Richard Lochhead, who is now enjoying a position as Cabinet Secretary for Rural Affairs and the Environment.

Rob Gibson (Caithness, Sutherland and Ross) (SNP): Will the member take an intervention?

Murdo Fraser: Oh, yes, please, Mr Gibson.

Rob Gibson: The member should be honest with the Parliament and say that the reason why that committee refused to recommend the proposals at the time was to do with the measures being ultra vires for the Scottish Parliament.

Murdo Fraser: That is a very interesting intervention from Mr Gibson. I took great care to read the committee report in detail. A whole range of very compelling arguments were made against

the proposals at the time. For example, the Environment and Rural Development Committee said that there were

“a number of unintended consequences that appear likely to be connected with achieving a large reduction in plastic bag use by means of the proposed levy.”

The committee also heard evidence that a tax on plastic bags might mean an increase in other waste, with no overall decline in CO₂ emissions. I am not clear what has led Mr Lochhead, Mr Gibson and all their colleagues on the SNP benches to change their views on the matter since 2005. No doubt, the minister will enlighten us when he comes to speak.

14:30

Leaving aside the substantive issue, I think that the second and perhaps more serious concern relates to the procedure that the Scottish Government has followed. As members know, I convene the Economy, Energy and Tourism Committee, which spent a lot of time taking evidence at stage 1 on the general principles of the bill. The Rural Affairs, Climate Change and Environment Committee did a further piece of work as a secondary committee, in looking at part 2 of the bill, which deals with SEPA. However, neither committee had the opportunity to take evidence at stage 1 on the proposal for a carrier bag tax, because it was only at the very last moment in the stage 1 debate that the minister indicated that a stage 2 amendment would be lodged to introduce the tax.

Although the Scottish Government has consulted on the proposal, there has been no opportunity for proper parliamentary scrutiny. When we are dealing with an important matter that will have a wide impact—the introduction of a new tax—it should be open to a committee of the Parliament to give that measure full scrutiny, but that has not happened in this case. It is deeply ironic that in a bill that is about improving regulation, a measure has been introduced that has not been properly scrutinised.

For those two reasons, I believe that the measure should be removed from the bill. It is open to the Government to bring back the measure in primary legislation at a future date for proper scrutiny if it wishes to do so, but it should not be in the bill.

I move amendment 1.

Paul Wheelhouse: After Murdo Fraser's speech, we can be clear about one thing: that the Tories support a bedroom tax but apparently not a plastic bag tax, even though it should be said that the UK Government is proposing a similar charging structure in the rest of the UK in 2015.

Murdo Fraser: And it is wrong.

Members: Oh!

The Deputy Presiding Officer: Order.

Paul Wheelhouse: Amendment 1 would remove the powers to provide for modest fixed monetary penalties as part of the enforcement of the carrier bag charging offences that are proposed from 20 October. We will work closely with Scottish retailers to help them to understand their responsibilities. Coupled with a pragmatic approach from local authorities, we do not expect a significant number of cases in which enforcement action will be necessary. However, we want to ensure that local authorities have an option that provides a realistic threat of enforcement action without the need for court action and which avoids costs for all sides. Amendment 1 would remove that proportionate and cost-efficient enforcement option. The Scottish Government therefore cannot accept it.

As I explained to the Economy, Energy and Tourism Committee, which Murdo Fraser convenes, in last year's consultation on carrier bag charging, we proposed enforcement through civil penalties. No consultee objected to that. However, in preparing the proposed regulations in the summer, it emerged that the enabling powers did not allow for that. We therefore introduced the fixed-penalty provisions at stage 2, following discussion with the Convention of Scottish Local Authorities and retailer representatives. COSLA strongly supports the fixed-penalty option on efficiency grounds. The Scottish Grocers Federation supported the fixed-penalty provisions in its recent representations on the carrier bag charging regulations. Although it would prefer no new penalties, it favoured civil sanctions over criminal penalties and said:

“This would give local authorities (or other ‘enforcement authorities’) access to a more proportionate and effective enforcement option than would otherwise exist.”

As Murdo Fraser said, the Scottish Retail Consortium opposes fixed penalties as a matter of principle. However, we believe that fixed penalties can provide a helpful alternative to court action for this type of offence and will help to ensure a level playing field for businesses that comply with the legislation.

Section 32B sets out a fixed-penalty regime in some detail and addresses most of the points that the Scottish Retail Consortium asked to be included. In particular, I highlight that enforcement authorities will need to take account of guidance, which will help to ensure a consistent and proportionate approach to enforcement; that anyone who receives a fixed-penalty notice can make representations to the enforcing authority if they disagree and believe it to be unfair; and that

anyone who wants to force the enforcement authority to decide whether to take the matter to court can do so by simply not paying the penalty.

We note the SRC's suggestion that the fines should go to a consolidated fund. Its proposed amendment would allow ministers to prescribe how any funds that are raised were to be applied, but dialogue with stakeholders would be needed before a decision is made on whether and how to exercise that power.

We also note the SRC's suggestion that the provisions should be in scope of the primary authority provisions in the bill. Obviously, such a move would require consultation, but this might indeed be the sort of area in which a primary authority approach would be helpful. There is already a requirement in primary legislation for enforcement authorities to take account of guidance. Section 32B includes a similar requirement for action on fixed penalties.

Murdo Fraser mentioned the Environment and Rural Development Committee and Richard Lochhead's and Rob Gibson's membership of it. Our carrier bag charging proposals will reduce bag use and prevent a highly visible, damaging and expensive component of litter and marine litter.

Unlike the environmental levy that was proposed in 2005, our proposed charge will cover all single-use bags and not just plastic bags, which will prevent switching to materials that have a higher carbon impact, in particular paper. The issue was a major reason why the Environmental Levy on Plastic Bags (Scotland) Bill was rejected.

We looked in detail at the economic impacts, to ensure that regulations were designed to minimise negative effects. The world has moved on since 2005—unlike the Tories, perhaps—and globally there is a greater appetite to tackle the issue, not least in the European Union, which is putting forward a requirement for member states to tackle single-use plastic bags. I understand that that might upset Murdo Fraser and his colleagues, and I remind him that even the United Kingdom Government is proposing a charge on plastic bags in England for 2015.

Murdo Fraser: Some people are consistent on issues, unlike the environment minister and his party—that is the difference between me and the environment minister.

I listened with great care to the minister, but I struggled to hear a single word of explanation for why the measure was introduced in such a way. If this is such a good idea and was thought of so long ago, why was it dropped into the bill at the last minute? Why was it not included in the bill that was introduced, so that committees of the Parliament would have the opportunity to scrutinise it fully at stage 1?

I appeal to the minister, who I know is a reasonable man. There is still the opportunity for him to change his mind. We can have a debate about the substance of the issue on another occasion. This is a matter of process and respect for the Parliament. Even at this late stage, let the minister support amendment 1. Let him take section 32B out of the bill and bring the measure back in a different piece of proposed legislation, so that we can show the Parliament respect and allow for proper parliamentary scrutiny. I press amendment 1.

The Deputy Presiding Officer: The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baker, Richard (North East Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and

Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 12, Against 87, Abstentions 0.

Amendment 1 disagreed to.

Section 38—General purpose of SEPA

The Deputy Presiding Officer: I remind members that if amendment 20 is agreed to, I cannot call amendment 21, which will be pre-empted.

Amendment 20 moved—[Alison Johnstone].

The Deputy Presiding Officer: The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Smith, Drew (Glasgow) (Lab)

Against

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

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

The Deputy Presiding Officer: The result of the division is: For 28, Against 71, Abstentions 0.

Amendment 20 disagreed to.

Amendment 21 moved—[Alison Johnstone].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)

Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Smith, Drew (Glasgow) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)

Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 28, Against 71, Abstentions 0.

Amendment 21 disagreed to.

Before section 39

The Deputy Presiding Officer: Group 4 is on a report to the Parliament on operation of part 2. Amendment 4, in the name of Paul Wheelhouse, is the only amendment in the group.

Paul Wheelhouse: The content of amendment 4 was agreed following correspondence with the Parliament's Delegated Powers and Law Reform Committee on points that were raised in its stage 1 report on the bill. Specifically, the committee expressed concerns about the scrutiny of the use of the environmental regulation powers in part 2 of the bill, which it rightly identified as an important part of the bill.

The amendment requires ministers to lay an annual report before the Scottish Parliament on the operation of part 2 of the act. Such reports will give the Parliament and the Government the opportunity to scrutinise the operation of that part of the act and, in particular, the operation of the environmental regulation powers, with a view to ensuring effective parliamentary scrutiny of the exercise of those powers. The amendment is a proportionate, targeted, consistent, transparent and accountable response to the committee's concerns.

I move amendment 4.

Nigel Don (Angus North and Mearns) (SNP): As convener of the Delegated Powers and Law Reform Committee, I thank the minister for his comments and for lodging the amendment. That reflects the good working between our committee and the Government, which I hope will continue.

Amendment 4 agreed to.

Section 40—Marine licence applications, etc: proceedings to question validity of decisions

The Deputy Presiding Officer: Group 5 is on applications to review marine licensing decisions: permission to proceed. Amendment 5, in the name of Fergus Ewing, is grouped with amendments 6 to 8.

Fergus Ewing: Amendments 5 to 7 change the terminology in proposed section 63B of the Marine (Scotland) Act 2010 to align with the intended terminology in the upcoming courts reform (Scotland) bill by changing references to "leave" to references to "permission".

Amendment 8 removes what we consider, on reflection, to be an ambiguous provision on the interaction between the application for a review of marine licensing decisions and the court's decision on whether to grant permission for the application to proceed. Currently, proposed section 63B(4) of the Marine (Scotland) Act 2010 suggests that there may be a separate need for the applicant to apply for permission for the section 63A application to proceed before the court can make its decision. That is not the process that is envisaged. There is no need for a separate application for permission. The court will have sufficient information to make its decision for permission on the basis of the section 63 application. Amendment 7 therefore simply removes proposed section 63B(4) of the Marine (Scotland) Act 2010.

I move amendment 5.

Amendment 5 agreed to.

Amendments 6 to 8 moved—[Fergus Ewing]—and agreed to.

Section 41—Planning authorities' functions: charges and fees

The Deputy Presiding Officer: Group 6 is on planning authorities' functions—charges and fees. Amendment 10, in the name of Margaret McDougall, is grouped with amendments 11 to 14.

14:45

Margaret McDougall (West Scotland) (Lab): These amendments aim to deal with the issues that were raised in evidence sessions about the idea to link planning fees to performance. The questions on the proposals on planning fees were among the most frequently answered of all the consultation questions, and many concerns were raised.

The amendments that I have lodged seek either to remove section 41 entirely or to add in certain safeguards to the process.

Amendment 10 seeks to ensure that the

"Scottish Ministers must prepare and publish guidance setting out the principles to which they must have regard in

determining whether the functions of a planning authority are not being, or have not been, performed satisfactorily"

and that they must outline that guidance to the Parliament. Nowhere are the definitions of "satisfactory" or "non-satisfactory" performance set out. The concept could be very subjective, but amendment 10 would ensure that the process is rigorous.

I welcome the fact that Derek Mackay confirmed at stage 2 that the Scottish Government would provide assistance to improve the performance of a planning authority before resources are removed. However, I still feel that that should be a statutory requirement listed in the bill and that all reasonable steps should be taken before the ministers are allowed to place sanctions on a planning authority. Amendment 11 would add that approach to the bill.

Amendment 11 seeks to ensure that a planning authority is not adversely affected by the provisions, either in its performance or the range of services offered. If the provisions are genuinely meant to improve and incentivise planning authorities, it makes no sense to penalise a planning authority to such an extent that it further affects its performance. That could result in it being penalised further as a result of something that might be no fault of its own and could introduce unnecessary financial uncertainty around its funding.

Amendment 12 is self-explanatory. It states that the level and period for which the lower fees are put in place would not

"adversely affect the performance of, or, as the case may be, the range of services offered by the planning authority."

Amendment 13 asks that before making any changes

"the Scottish Ministers must lay before the Scottish Parliament a statement setting out ... the percentage variation by which, and the period for which, they propose to vary the fee or charge."

That would ensure that power cannot be misused, and it would offer safeguards that I feel are not currently explicitly set out in the bill. It would also allow for parliamentary scrutiny of the changes, which would provide additional safeguards that are not currently in the bill.

These four amendments would not drastically alter the function of section 41 but would strengthen the proposal by adding safeguards that are not currently present. They would ensure that planning authorities are not unfairly penalised and they would allow parliamentary scrutiny of the changes. They would also add more transparency and openness to the bill. I hope that that is something that we can all support.

Failing section 41 being amended, my amendment 14 seeks to remove it from the bill in its entirety. As COSLA stated in a letter to the committee, the proposed changes represent

"fundamentally too much Ministerial interference in the operations of specific council services."

It is the job of the democratically elected councillors, not central Government, to scrutinise the process. The Scottish Government is demonstrating, through the bill, a worrying trend towards centralisation. We should not be taking functions away from local councils but extending them through more devolution.

The amendments are also supported by Scottish Environment LINK. I am grateful for its support.

If the rest of my amendments fall, removing section 41 will be the only sensible option, as the section will potentially give the Scottish ministers too much control over the planning process. No safeguards exist in the bill itself. There is nothing to ensure that all reasonable steps will be taken to improve the performance of the planning authority, and there is no function in the bill to provide proper parliamentary scrutiny of any proposed variation in fees. COSLA has made it clear that it does not support the current approach, for the reasons that I have already given.

I move amendment 10.

The Deputy Presiding Officer: I have received two requests to speak. I intend to call the members, as long as they are brief. I call Murdo Fraser, to be followed by Malcolm Chisholm.

Murdo Fraser: I commend Margaret McDougall for her dogged pursuit of this issue throughout stages 1 and 2.

We debated the issue fully at stage 1 in committee when we took evidence and when we prepared our report. We heard from COSLA and other stakeholders about the concern over the right to reduce fees in the event of poor performance. As in the debate on the first group of amendments, I think that ministers have overall struck the right balance on this issue. I think that adopting a carrot-and-stick approach is the right thing to do with higher planning fees, with the opportunity to reduce them in the event of poor performance. For that reason, we will not support amendment 14, which seeks to take out section 41 in its entirety.

Amendment 10, which seeks a requirement for consultation prior to guidance being issued, is a reasonable one. I note what Margaret McDougall said about the lack of definition of "satisfactory performance". We will support amendment 10.

Amendment 11 seems to me to put too broad an obligation on the Scottish ministers, and amendments 12 and 13 seem to me to propose an operation that is too bureaucratic.

We will therefore support amendment 10 but, unfortunately, we will not support amendments 11 to 14.

The Deputy Presiding Officer: Before Malcolm Chisholm speaks, I indicate that, as we are nearing the agreed time limit, I am prepared to exercise my power under rule 9.8.4A of standing orders to allow the debate on this group to continue beyond the time limit in order to avoid the debate being unreasonably curtailed. However, we are still tight for time.

Malcolm Chisholm: I think that we can all understand the theoretical reasons for section 41, but we can also understand that it could have one or two negative consequences. First, if an authority is penalised, the service may well get worse. What is equally worrying is that the prospect of penalty may mean that an authority emphasises speed at the expense of the quality of the process of scrutinising the planning application. I am worried about those possible negative consequences.

I think that Margaret McDougall's amendments address some of the concerns. It is certainly surprising that there is such an unconstrained power in section 41, with no regulations or criteria attached to it. Margaret McDougall has very sensibly said that we must have criteria and an assurance that the Scottish Government will take every possible action before imposing a penalty, and that we must not have negative consequences as a result of the penalty. I therefore think that it would be reasonable for everyone to support amendments 10 to 13, even if they do not support amendment 14.

The Deputy Presiding Officer: I now call the minister, who on this occasion is Derek Mackay.

The Minister for Local Government and Planning (Derek Mackay): The work by the Government on planning has been proportionate and positive, and it has focused on encouragement, incentivisation, new investment, support and replicating best practice. The Scottish Government is convinced that section 41 is necessary to incentivise performance improvement. Corporate council attention is one of the things that we need to improve in order to achieve a better planning service.

Section 41 will improve behaviour and outcomes, and there should be no loss of income if planning authorities step up to the plate as I believe they will. The high-level group on planning performance has already identified a set of 15 performance markers that reflect key areas of

essential good performance and service quality across the planning service. The performance markers have been considered by COSLA and were welcomed by the Economy, Energy and Tourism Committee as a qualitative and quantitative method of assessing a planning authority's performance. They are the aspects of good performance and service quality that I expect to see implemented consistently across Scotland. Too often, performance has been far too variable.

The detailed practical arrangements for the use of section 41 provisions are being taken forward with our COSLA partners through the high-level group. Setting working arrangements and processes is an explicit part of the group's remit. I have committed to informing the Economy, Energy and Tourism Committee of the outcome of the discussions. We consider that working in partnership with COSLA, Heads of Planning Scotland, the Society of Local Authority Chief Executives and Senior Managers Scotland, the Society of Local Authority Lawyers and Administrators in Scotland and the Royal Town Planning Institute through the high-level group to agree the detailed practical arrangements is the best way forward.

In the meantime, the Scottish Government continues to work closely with planning authorities to help them improve. For example, we recently provided each authority with written feedback on their second planning performance framework reports, bringing a particularly sharp focus to the agreed performance markers. Through our planning reform next steps programme and action plan, we are working with our local government partners to establish and roll out good practice on a range of aspects that will improve the quality of the planning service.

In addition to that comprehensive action plan, and to properly establish a link between performance and fees in moving towards full cost recovery, it is only right that we can guarantee improved performance—as the old adage says, “You get what you pay for”. Therefore, for that and a number of other reasons, the Scottish Government does not support Margaret McDougall's amendments.

Margaret McDougall: It is disappointing that the Government will not accept my amendments. It seems to me that it made its mind up at an early stage of the bill's passage. Despite what COSLA and now Scottish Environment LINK have said, the Government will not listen to any arguments. The fact that the minister has just mentioned incentivising by removing funding through fees says more about the Government than it does about the bill. I press my amendment.

The Deputy Presiding Officer: The question is, that amendment 10 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

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

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

The Deputy Presiding Officer: The result of the division is: For 39, Against 60, Abstentions 0.

Amendment 10 disagreed to.

Amendment 11 moved—[Margaret McDougall].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)

McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Smith, Drew (Glasgow) (Lab)

Against

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

Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 27, Against 72, Abstentions 0.

Amendment 11 disagreed to.

Amendment 12 moved—[Margaret McDougall].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Smith, Drew (Glasgow) (Lab)

Against

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

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

The Deputy Presiding Officer: The result of the division is: For 26, Against 72, Abstentions 0.

Amendment 12 disagreed to.

Amendment 13 moved—[Margaret McDougall].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Smith, Drew (Glasgow) (Lab)

Against

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

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

The Deputy Presiding Officer: The result of the division is: For 27, Against 71, Abstentions 0.

Amendment 13 disagreed to.

Amendment 14 moved—[Margaret McDougall].

15:00

The Deputy Presiding Officer: The question is, that amendment 14 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Lamont, Johann (Glasgow Pollok) (Lab)

Macdonald, Lewis (North East Scotland) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Smith, Drew (Glasgow) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)

Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 27, Against 71, Abstentions 0.

Amendment 14 disagreed to.

Section 44—Subordinate legislation

Amendment 22 not moved.

Long Title

Amendment 9 moved—[Fergus Ewing]—and agreed to.

The Deputy Presiding Officer: That ends consideration of amendments.

Regulatory Reform (Scotland) Bill

The Deputy Presiding Officer (Elaine Smith):

The next item of business is a debate on motion S4M-08745, in the name of Fergus Ewing, on the Regulatory Reform (Scotland) Bill.

Before I invite the minister to open the debate, I ask the cabinet secretary to signify crown consent to the bill.

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):

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 Regulatory Reform (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. I call Paul Wheelhouse to speak to and move the motion in Fergus Ewing's name. Minister—technically you have 10 minutes, but we are incredibly tight for time, so shorter would be better.

15:03

The Minister for Environment and Climate Change (Paul Wheelhouse):

I would like to begin the formal stage 3 debate by thanking the members and clerks of the committees that were involved for their careful consideration of the Regulatory Reform (Scotland) Bill. I also thank the external stakeholders who have taken the time to engage in the bill process and have shared their knowledge and views during scrutiny.

As members will, I am sure, highlight, regulation is essential in order to protect our people and environment and to help businesses to flourish and to create jobs. The critical issue is how we best deliver those necessary outcomes. Regulatory reform is a cross-Government agenda that makes a key contribution to the Scottish Government's purpose of increasing sustainable economic growth, as expressed in the Government's economic strategy. I am pleased to be at a point where we have a bill that will truly make a difference to Scotland, and will bring benefits to our environment, businesses and communities.

In contrast to the approach in other jurisdictions, where deregulation may be an objective, the purpose of the bill is to streamline regulation and make it more effective. The bill deals with four distinct but connected themes. Part 1 of the bill will help to reduce unnecessary burdens on business. Business has provided examples of growth being constrained by inconsistent application of regulation across Scotland through different forms,

different fees and, in some cases, different timescales. The bill includes provisions to define and implement national standards and systems, and will introduce a duty on regulators to contribute to the achievement of sustainable economic growth through their mainstream regulatory activity.

Regulators will be required to take account of sustainable economic growth where appropriate, and be more accountable for decisions. I will at this point quote section 4(1), which states:

"In exercising its regulatory functions, each regulator must contribute to achieving sustainable economic growth, except to the extent that it would be inconsistent with the exercise of those functions to do so".

I make that point because regulators will be supported in that by a new statutory code of practice that will be consulted on shortly.

It is right to place on regulators the duty to contribute to sustainable economic growth alongside existing or balancing duties. As is made clear in section 4(1) and, specifically in respect of the Scottish Environment Protection Agency, in section 38, the bill does not prioritise sustainable economic growth over other regulatory objectives. There is no conflict; instead, there are potential opportunities. The move will ensure greater transparency, and will provide a line of sight to the Scottish Government's purpose, which is essential if we are to have consistent delivery across all regulators.

The Scottish Government's economic strategy includes a commitment to better regulation in recognition of the fact that, although regulatory outcomes in themselves contribute to sustainable economic growth, how regulators carry out their work in practice, and how they interact with those whom they regulate—and vice versa—can also make a significant contribution to supporting business, and hence contribute further to sustainable economic growth. Good regulators seek to understand those whom they regulate by, for example, taking economic and business factors appropriately into account when they carry out their regulatory activities.

Part 2 of the bill will support SEPA's transformation programme and improve the application of environmental regulations in practice across Scotland. The bill will introduce the first statutory purpose for SEPA that is focused not just on the environment, but on health and wellbeing and sustainable economic growth in support of the Government's purpose, which is a simplified and integrated framework for environmental regulation to help to unwind complexity, and to give SEPA and the criminal courts new enforcement tools that will have real teeth. Such measures will allow SEPA to target its activity where risk and potential benefits are greatest.

The way that SEPA works with business and other stakeholders can make a direct contribution to a favourable business environment. I realise that there has been much debate about the point, but I must stress that a good environment is integral to a good economy. As the First Minister said at the world forum on natural capital in November,

"Natural capital is one of the ways in which we can tell whether our economic growth is truly sustainable. You can't do that if you're only thinking about taxation, spending and GDP on a year to year basis, without considering the resources and assets which underpin our prosperity and promote our wellbeing."

Indeed, only this week we had a very constructive discussion at the Scottish biodiversity committee about the natural capital assets index, which of course is a valuable addition to our efforts to go beyond gross domestic product as a measure of success, and to augment the national performance framework.

Equally, the health of Scotland's communities and environment contribute to, are interlinked with and are dependent on the achievement of sustainable economic growth. Economic growth that exceeds the limits of our environment or which damages social and community cohesion is ultimately unsustainable. There are initiatives such as the development of a circular economy that can deliver growth while reducing our resource take.

Part 3 of the bill further demonstrates the value of achieving the balance in helping to improve the performance of planning authorities by establishing a legislative link between planning fees and performance. On the one hand, we want to be sure that increased funding leads to improved planning performance by authorities; on the other, we recognise planning's contribution to protecting and enhancing Scotland's natural and built environment to ensure that Scotland's people can enjoy a better quality of life.

By speeding up the process of resolving legal challenges, part 3 will also potentially reduce delays to offshore marine energy projects and will, as a result, help Scotland to achieve its 2020 renewables targets and help to promote growth in that vital industry. The Scottish Government is committed not only to maintaining a business environment that supports sustainable economic growth, but to enhancing Scotland's natural and built environment as an asset for growth.

During parliamentary scrutiny of the bill, we have faced some questions about transparency and accountability. Following amendments at stage 2 and 3, all directions, guidance and codes will be published and, thanks to an amendment that has just been agreed to, Parliament will also have the opportunity to consider an annual report on the operation of part 2 of the bill. That welcome

parliamentary input will add value to the Scottish Government's better regulation programmes and will help to ensure that future regulation can be proportionate, consistent, transparent, accountable and targeted.

As well as working closely in partnership with our stakeholders on delivery of better regulation, we are also sharing knowledge and experience across the United Kingdom and the devolved Administrations. Through that partnership approach, we can drive best practice here in Scotland, where our views and experiences can inform others and help to shape future agendas—for example, in Brussels, where so many regulations are set.

Presiding Officer, I hope that, in bringing my speech to a close, I have helped with the time for debate. This Government is fully committed to developing better regulation to support sustainable economic growth and to improve protection of our precious environment. The bill will make a vital contribution and its success will depend on on-going partnership working and stakeholder engagement.

I move,

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

The Deputy Presiding Officer: Thank you, minister. Your brevity is helpful, but we are still incredibly tight for time across the whole afternoon. Jenny Marra has a maximum of seven minutes.

15:10

Jenny Marra (North East Scotland) (Lab): It was with a sceptical eye that Labour viewed the bill at stage 1—to my mind, with good reason. We must always resist the slow creep of centralisation, in particular through framework legislation such as this bill, unless we are absolutely certain that centralisation is the best option. So, at stage 1, when we examined the central component of this bill—namely the new powers for Scottish ministers over regulations and the bodies that fulfil regulatory functions—we made it clear that we could not vote in favour of the bill unless we were satisfied first, that there was proper scrutiny to complement the Scottish Government's new functions; secondly, that those new functions did not adversely impact on the ability of local authorities to adapt and adjust to local circumstances; and, thirdly, that the duty called "sustainable economic growth" would not have unintended consequences for regulators that would result in their prioritising one consideration over all other essential functions.

I turn first to our third concern. Today, Labour voted again for Alison Johnstone's amendments

seeking either to remove any reference to sustainable economic growth from the bill or to change that duty to sustainable development. As I said in relation to the debates on the issue during stage 1 and stage 2, we did so because of the wealth of evidence that was given to the committee that pointed towards legal difficulties with the Government's proposed duty—in particular the evidence that was given by Professor Andrea Ross of the University of Dundee, which bears repeating. She wrote:

"Regardless of how this government interprets sustainable economic growth, there is no guarantee that a future government or the courts will not interpret it to mean a stable economy with no mention of its impact on ecological and social sustainability."

The provision on sustainable economic growth remains, at best, a legal grey area. However, the Government has sought to reassure us—on three separate occasions—that there are adequate provisions in the bill to safeguard the other functions, such as the hard-won health and safety laws that this party has campaigned for over the years.

We are debating hypotheticals and discussing future scenarios that we hope do not arise. As we debate this issue for—according to the minister—the third time, I can see that the minister is not going to budge. Therefore, I can say to the Government only that I hope that its assurances throughout the debate—that the pursuit of sustainable economic growth for regulators will not come at the sacrifice of their other functions—are followed up by close scrutiny of the bill after it is passed today.

The Minister for Energy, Enterprise and Tourism (Fergus Ewing): Will Jenny Marra give way?

Jenny Marra: I am sorry, minister, but on this occasion I will not, as I know that we are tight for time.

On the first and second of the concerns that I outlined earlier, around the need for transparency and accountability, and the need to protect local authority discretion, I am pleased that the minister has listened and has sought to improve the bill on both counts.

After stage 2, I was grateful to receive a letter from Mr Ewing reiterating his commitment to utter transparency when the Government is exercising its new functions that will result from this bill. I was pleased again when the Government lodged amendments at stage 2 that will ensure publication of any direction for variation in regulation, of guidance on the sustainable economic growth section and of the code of practice. In that regard, I note today's amendment from Paul Wheelhouse, which will see the Government report to

Parliament on its environmental regulation. Those are welcome developments that will aid our future assessment of the effectiveness of the law.

Similarly, the amendments that were lodged at stage 2 by Fergus Ewing that will exempt local authorities from the sustainable economic growth duty are also to be welcomed. We believe that the fact that the duty will not apply to them will allow them to prioritise their regulatory functions according to the varying and changing circumstances that they find themselves in locally. Again, that is to be welcomed. However, I am disappointed that the Government did not accept Margaret McDougall's amendments, which had sympathy across the chamber and which, I believe, would have increased that flexibility further in the planning process.

In summary, Labour will vote for the bill despite having enduring concerns around the future operation of the sustainable economic growth provision. I urge the minister to monitor and to reflect regularly on the duty's impact on Scotland's regulatory system, and not to let it erode some of the other very important functions of our regulators.

15:15

Murdo Fraser (Mid Scotland and Fife) (Con):

Lack of consistency is clearly in the air this afternoon, but the Scottish Conservatives are consistent in our view. We welcome the bill and will vote for it at decision time, although we have one concern, which I highlighted earlier and will return to. Overall, it is a good bill that will make it easier for businesses in Scotland to operate, and will enhance the performance of SEPA in particular.

As the convener of the Economy, Energy and Tourism Committee, I reiterate the thanks that I expressed at stage 1 to my fellow committee members for their assistance in dealing with the bill, and our thanks to our ever-efficient and supportive team of clerks. We considered a number of substantive issues at stage 2—as we did again this afternoon—and had a good debate where that was required.

The genesis of the bill was the Scottish Government's regulatory review group. Too often, such Government-appointed committees are no more than talking shops, so it is good to see some positive changes emerging from the work that has been done. At the core of the bill is the introduction of an economic duty on public bodies. That is an ambition that the Scottish Conservatives have had for many years—it was in our manifestos in 2007, 2010 and 2011—so I am, therefore, delighted to see it now becoming law. As my good friend the late David McLetchie once

commented in the chamber, the next best thing to a Conservative Government is an SNP Government delivering Conservative policies. I look forward to many more aspects of our manifestos becoming the law in due course.

Throughout the passage of the bill, we have heard concerns from some that the duty on regulators to contribute to achieving sustainable economic growth is inappropriate. The only real concern that I had was about the definition of sustainable economic growth, but that has now been resolved following an undertaking from the Scottish Government that the definition will be explicitly stated in guidance.

I appreciate that there are those in the chamber—not least in the Green Party—who take a different view from that of my party on the bill, and I respect their stance. However, I believe that the promotion of sustainable economic growth is in everyone's interests. I am not surprised to hear that the Green Party takes a different view, but I am slightly surprised by the attitude of the Labour Party this afternoon. We know that the actions of successive Labour Governments have had the effect of destroying economic growth in our country—not least of which was the ruination of the public finances by Gordon Brown—but I am a little surprised to hear Labour being so open in admitting its opposition to economic growth.

The one concern that I had with the bill was the introduction fairly late in the process of measures that will allow the implementation of a plastic bag tax. As I said earlier—I will not rehearse all the arguments—I am not convinced that a plastic bag tax is appropriate or that it will have the consequences that its promoters intend.

Perhaps more important than the substance of the issue is the way in which that change was introduced. There was no opportunity at stage 1 for committees of the Parliament to scrutinise the proposal, to take evidence, to quiz ministers or to hold the proposals up to the light because it was only at the very last moment, just before the stage 1 debate, that the intention to introduce the measures was signalled. There was a very short debate on the matter at stage 2 and equally short consideration of it this afternoon. I do not believe that that is how legislation of this nature should be dealt with. There are concerns in industry about the impact of the tax; it should have been given proper parliamentary scrutiny and it is regrettable that that was not allowed.

Paul Wheelhouse: I will be brief. We have debated before the reasons for introducing the proposal at that stage. I reassure members that we are learning a lot from what has happened in Wales, where there are similar provisions in place—indeed, there are fixed-penalty notices in Wales. It is something that we have studied. We

are reasonably confident that the measure works in practice and that the number of businesses that are being charged penalties is fairly low.

Murdo Fraser: I am interested to hear that from the minister—although, to be frank, it would have been better if that evidence had been brought to Parliament so that we could all have debated it in committee and in Parliament. I am sorry that that opportunity was lost.

The concern that I have raised will not prevent me and my colleagues from voting for the bill today, because we feel that, overall, it will be beneficial. Over the years, I have heard a great many concerns from businesses about how regulation impacts on them. Often, the problem is not regulations themselves but interpretation of them, which can be a particular problem when many of the 32 local authorities in Scotland interpret the same regulation in different ways. As we heard at stage 1, that can give rise to a particular challenge for mobile food retailers who sell their products in more than one local authority area.

We also regularly hear concerns from businesses about the planning system, which the bill will go some way towards addressing. I hope that the threat of reduced planning fees will be enough to ensure excellent performance and I genuinely welcome the constructive language that has been used by ministers in relation to how they will engage with local authorities and planning departments.

We are going to get a better system of regulation, a faster and more responsive planning system and a requirement for public bodies to promote sustainable economic growth—that is what the bill will deliver and that is what the Scottish Conservatives wish for our public agencies. That is why we will be pleased to support the bill at stage 3 this afternoon.

The Deputy Presiding Officer: Thank you. We are incredibly tight for time. If members take their full four minutes, I will not be able to call everyone who wishes to speak in the debate.

15:20

Mike MacKenzie (Highlands and Islands) (SNP): It is difficult to imagine who would be against regulation that aims to be transparent, proportionate, consistent and accountable. Who would be against regulation that is appropriately targeted when and where it is required? That is what the bill aims to do and to my mind, it is a useful step towards achieving that purpose.

I welcome the Tory support for the bill, as articulated by Murdo Fraser. Perhaps the Tories are not better together with Labour after all.

I believe that a more consistent, efficient and effective approach to regulation can enhance economic growth, so I was pleased to hear Professor Russel Griggs, who chairs the regulatory review group, say in committee that the bill will, in his opinion, enhance sustainable economic growth.

I assume that all members are in favour of sustainable economic growth—not least because enhancing the economy is one of the main tools for tackling poverty. I simply do not accept that the twin aims of improving sustainable growth and improving the environment are mutually exclusive. The debate over the semantics of economic growth as against economic development has been to my mind a false one, and despite my repeated requests, no one who gave evidence to the committee was able to demonstrate what they meant by referring to a real-life example.

The Federation of Small Businesses gave ample evidence of the increasing burden of compliance and of the confusion, difficulty and costs that arise when different approaches to regulation are taken in different areas—sometimes even within the same area—often for no apparent good reason. It is important to heed those complaints. Not only are small businesses important in terms of the amount of employment that they create in aggregate, but some of the small businesses of today will become the big businesses and big employers of tomorrow. One of the problems in our economy is that that progression of small businesses growing into big businesses happens all too rarely. The economists call it a lack of churn. Today's fat cats need to be constantly challenged by tomorrow's fat cats—today's lean and hungry cats. That is how we will drive innovation and improve productivity and how we will remain competitive. If we want to provide higher quality employment, tackle unemployment, and improve the fortunes of the working poor we need to listen carefully to and support small businesses.

A further misconception that has featured in our discussions is the apparent belief that most businesses wilfully break regulations and wish to damage the environment. I believe that the opposite is true and one of the improvements that the bill offers is a greater ability on the part of SEPA to properly tackle real environmental crimes and problems.

I believe that the bill is a step in the right direction and I look forward to our having full powers over regulation, when we will be able to do so much more.

15:23

Margaret McDougall (West Scotland) (Lab):

As Murdo Fraser said, I have been dogged with regard to the varying of planning authority fees, having pushed my amendments at stage 2 and stage 3. I am disappointed that the Government was not persuaded to support the amendments, because I believe that they were sensible and responsible amendments that either added safeguards where none currently exists or sought to remove section 41 if additional safeguards were not introduced.

The Minister for Local Government and Planning (Derek Mackay): Will the member take an intervention?

Margaret McDougall: If I have time.

Derek Mackay: It is fair to say that some of the member's points were fair and reasonable—those regarding what the Government was going to do anyway—but the member missed the point in some of her amendments. This is not a centralising Government; the Government already has the power to set planning fees, subject to parliamentary scrutiny—

The Deputy Presiding Officer: Briefly, minister.

Derek Mackay: And that has not changed in any way.

Margaret McDougall: However, the issue is the varying of fees as a sanction against planning authorities.

Democratically elected councillors already sit on planning authorities and I am confident that they understand their responsibilities. Audit Scotland already monitors planning authorities' performance and makes recommendations to address any concerns that it has, so why is the Government so intent on penalising them?

In a response to my stage 2 amendments, the Minister for Local Government and Planning, Derek Mackay, stated that section 41 would

"improve behaviour and outcomes, and there will be no loss of income because planning authorities will step up to the plate."—[*Official Report, Economy, Energy and Tourism Committee*, 11 September 2013; c 3187.]

That is a glib remark, which implies that planning authorities will do better if they are threatened with sanctions. As a former council leader, the minister knows that delays can occur for all sorts of reasons. As Unison Scotland indicated,

"Delays are due to underfunding and heavy workloads ... there is a range of community planning partners involved in the process",

such as Scottish Water and SEPA, but

"There are no proposals to introduce carrots or sticks for these organisations."

The proposal is a clear attack on planning authorities if no other organisation is being taken to task. That is why I believed that it made sense for the Government to be required to lay a statement before the Parliament before any action was taken so that the issue could be scrutinised. However, the Scottish Government does not support that move.

Surely more transparency and scrutiny of Government decisions should be welcomed. Are we to assume that the Government's priority is quantity rather than quality? What happens to local accountability if the Government will step in when it decides that a planning authority is underperforming?

Despite all that the minister has said about the high-level group working with the Convention of Scottish Local Authorities, when I spoke to COSLA yesterday it was still of the view that there is fundamentally too much ministerial interference in the operations of a specific council service and that it would be counter-productive to reduce fees.

COSLA also believes that, before the section is enacted, there must be agreement between it and the Government on what counts as good performance. I reiterate the calls for that to be made clear so that planning authorities know exactly what is considered satisfactory and unsatisfactory performance. It should not be left up to one person's subjective view.

I am disheartened that the Scottish Government decided not to support my amendments because, even if section 41 remained, the other amendments would have introduced more transparency in the process, allowed for greater scrutiny and oversight of decisions and made clear to local authorities exactly what was expected of them.

I would be grateful if the minister could address in his closing speech some of those concerns and offer reassurances that the Scottish Government will work closely with COSLA and other stakeholders to get an agreement regarding the issues that are still outstanding in section 41.

15:27

Chic Brodie (South Scotland) (SNP): As a member of the Economy, Energy and Tourism Committee, I am happy to support the bill.

Change is a constant. No doubt those who are directly impacted by, and are close to, the issue feel that change is not necessary. They may argue that there is no need for change, but there is. They may assert that our existing processes for protecting our people, our businesses and, above all, our environment are already secure, but they are wrong.

The Deputy Presiding Officer: Mr Brodie, is your microphone up?

Chic Brodie: I beg your pardon. Thank you, Presiding Officer.

They may aver that our current regulatory system is consistent, appropriate and accountable, but it is not. That is why I believe—I say this with not a little compliance and commercial background—that our regulatory framework, particularly in planning, is, to be frank, antediluvian and inconsistent in some cases.

If we are to address the malaise and problems in economic distribution to which Mike MacKenzie referred, the bill is important. It places a stake in the ground. That does not mean that a strangulation of environmental protection is necessary—far from it. If handled carefully and consistently, sustainable economic growth and sustainable environmental development are twins that can be joined at the hip. The bill and the code of practice that is provided for therein strengthen that.

Across our nation, that means consistent and better regulation. That means overcoming the unnecessary hurdles that could get in the way of desired and essential economic success. It will not lend substance to the claim that the bill will necessarily confuse existing and specified regulators.

If we are to grow economically and successfully, we must rid ourselves of the obstacles that stand in the way of efficiency, effectiveness and the securing of environmental protection. Along with our local authorities and our planners, we must embrace more fully those three Es. I propose that in the hope that there is no naivety in the statement that, given the Government's commitment to ensuring that communities and consumers will be involved in deliberations on the future application of the bill through the code of practice, the bill will be seen in that light and not as an amber light for those who would traduce its principles as they skip along to the nearest tribunal or court.

The bill is a three-legged stool. First, it encourages consistency of application while contributing to sustainable economic growth. Secondly, it develops and enhances environmental regulatory powers. Thirdly—this is long overdue—it allows regulations to be developed whereby planning fees can and will be related to performance. In that respect, the bill is solid. Today, all of us—consumers, planners, environmentalists, business and Government—will take a major step forward for Scotland's growth and its environment as they are enshrined in the bill. I support it.

15:31

Hanzala Malik (Glasgow) (Lab): I welcome the opportunity to speak in the debate on the Regulatory Reform (Scotland) Bill. The fact that I have 17 years' experience as a local councillor and chair of development and regeneration services means that I have seen the planning process up close and appreciate that reform was needed.

I agree with the bill's intention of securing more favourable business conditions in Scotland and delivering benefits for the environment. As always, there have been disagreements on how to achieve that. At stage 1, serious reservations were raised about the proposed duty on regulators to contribute to the achievement of sustainable economic growth. In handing regulators conflicting remits, that provision is, at best, unhelpful. Since then, the Scottish Government has given reassurances that the duty will not prioritise sustainable economic growth over other important regulatory objectives such as health and safety.

Many of my concerns stemmed from the lack of clarity about the meaning of the term "sustainable economic growth". Therefore, I welcome the Scottish Government's intention to provide definitions of sustainable economic growth and sustainable development in its guidance. Although I supported Alison Johnstone's stage 3 amendments that sought to address the issue, the Scottish Government has provided sufficient reassurances and concessions to allow me to feel reasonably confident in supporting the bill as a whole at decision time.

On the issue of penalising poorly performing local authorities, Derek Mackay confirmed to the Economy, Energy and Tourism Committee that the Scottish Government would provide a planning authority with assistance before removing resources from it. Unfortunately, my colleague Margaret McDougall's amendments to make that undertaking part of the bill were not fruitful, but I will be interested to see how that measure is implemented when already cash-strapped councils are struggling to make ends meet.

Derek Mackay: The member makes a helpful point. This financial year has seen an increase in planning fees of some 20 per cent, which is the largest increase since the Parliament was created. If we want to continue to invest in the planning service and to continue to raise planning fees, I must have a guarantee that we will get improved performance. Improved performance and increased fees to do the resource job that Mr Malik has requested be done go together.

Hanzala Malik: I do not disagree with the minister about improved performance, but I have

reservations about the cost, which is important to local authorities.

I thank Murdo Fraser for his captainship of the committee. He has done a marvellous job during consideration of the bill. His chairmanship has been helpful in the short time for which I have been on the committee.

The Deputy Presiding Officer (John Scott): I call Christian Allard, who has up to four minutes—less would be more, please.

15:35

Christian Allard (North East Scotland) (SNP): I welcome the stage 3 debate on the Regulatory Reform (Scotland) Bill. I read with interest the Economy, Energy and Tourism Committee's stage 1 report on the bill, which was published on 8 October last year. Unfortunately for me today, I joined the committee a month later, in November.

The bill's purpose was clear from the outset—it is to improve the way in which regulation is developed and applied across Scotland, to protect people and the environment and to help businesses to flourish and create jobs. Much work has been done at the committee level by our Economy, Energy and Tourism Committee and in the Rural Affairs, Climate Change and Environment Committee.

I read in the Economy, Energy and Tourism Committee's report that the Scottish Government adopted the five key principles for regulatory functions that the regulatory review group proposed. They are that regulatory functions should be

“exercised in a way that is transparent, accountable, proportionate and consistent, and ... targeted only at cases in which action is needed”.

The intention is again clear. The Government has a distinctive better regulation agenda to create a more successful country through increasing economic growth. The bill will not only improve the public sector's efficiency and affordability but provide a more supportive business environment.

I will give three examples of how the bill will achieve that. The first example is that the Scottish Environment Protection Agency will be given a new statutory function and a broader role to reflect the sort of environmental regulator that Scotland will need in the future. The way in which SEPA works with businesses and other stakeholders has already changed beyond recognition, but the bill will provide a simpler legislative framework for SEPA, to reduce the administrative burden on businesses and make it easier for them to understand SEPA's role in protecting them and communities from environmental harm.

The second example is from how the bill will bring transparency to policy development and decision making in offshore energy development. The seas around us have the potential to bring sustainable and renewable energy to levels that many countries would love to reach. With 25 per cent of Europe's tidal power and 10 per cent of its wave power—and with the potential that we have in offshore wind—Scotland needs better and quicker mechanisms in place to deal with the concerns of the people who would be affected by such decisions and the concerns about lengthy delays for the people who are behind such vital projects for our country.

The third example relates to part 3 of the bill, which will bring consistency and transparency to the regulation of mobile food businesses and, when possible, reduce the cost of operation for those businesses. I worked all my life in the food industry before coming to Parliament, and I celebrate any good news to help food businesses to cope with regulation better. I cannot wait for the new food body to be established in Scotland, to ensure that Scottish food is safe to eat and to improve the diet and nutrition of people such as me who overindulge.

More important, that agency will be an effective and proportionate regulator that supports the Scottish food and drink industry in growing its strong international reputation for safe, quality food. I know that ministers are preparing a bill to create the new food body early this year. As I said, I cannot wait to see that launched. I will support it as I support the bill, to protect people and help businesses to flourish.

15:38

Gavin Brown (Lothian) (Con): A common complaint from businesses of all sizes is that there is too much regulation and that the burden of red tape is too great. After the bill is passed, I am sure that it will remain a common complaint that there is too much regulation and that the cost of complying with it is too high. However, I hope—as most of us in the Parliament do—that that complaint will become a little less common.

Red tape comes from various sources. Much of it comes from Brussels; some comes from Westminster and from here; and some comes from councils. We must focus on what we can do and the bill is right to do that. We are focusing on the legislation that will flow from this place and on the regulators that were in broad terms set up by this place.

It is not just the regulations that are passed that cause angst to business; often it is the way in which they are enforced and the inconsistency

with which that is done in different parts of the country.

We welcome the bill. As my colleague Murdo Fraser said, we welcome the better regulation agenda as a whole, and all the work that the regulatory review group has done since it was set up. The policy memorandum states that the bill seeks

“to improve the way regulation is developed and applied, creating more favourable business conditions in Scotland and delivering benefits for the environment.”

We can sign up to those suggestions and ideas. The bill deals with the flow of regulation passing through Parliament.

The issue that attracted most attention today and during the stage 1 debate, and in the committee’s work, was the duty of regulators in respect of sustainable economic growth. As I said earlier, the Government has called this right. There is a fine balance to be found and good points have been made, even by those who are against that provision. However, the way in which the provision has been framed was the right way to do it, and it makes it clear that the regulators will not have to sacrifice their core and other functions. The requirement is additional to those functions.

Some members have worries about the requirement becoming the overall priority against what the regulators were set up to do, but I do not share those fears and I have not done so since stage 1. The original section made it clear that the regulators had to

“contribute to achieving sustainable economic growth”;

that was correct, as was the caveat

“except to the extent that it would be inconsistent with the exercise of those functions to do so.”

That was set up from the start. The additional security that was given by the Government, through the committee, about the way in which the code and guidance will be set up, strengthens that and reduces the risks; while those risks were quite rightly pointed out, they have been dealt with fairly well.

The FSB pointed out in its written submission that how the code is monitored and reported on will determine its effectiveness in changing practice. Producing legislation is one thing, but in many ways the hard work is about to begin for the Government and the Parliament. Setting out a framework is one thing, but what will matter most is what goes into the guidance and code of practice. That is harder to define and put together than the primary legislation. The work is far from complete and it is incumbent on us all, particularly the Economy, Energy and Tourism Committee and the Government, as well as parliamentarians across the board, to ensure that we get the code

and guidance right so that the legislation does in practice what it was set up to do. That is why we will support the bill come decision time at 5 o’clock.

The Deputy Presiding Officer: I now call Jenny Marra. You have up to six minutes—less would be more.

15:43

Jenny Marra: I begin by dealing with the amendments that Murdo Fraser spoke to earlier this afternoon, which sought to remove the Scottish Government’s stage 2 amendment inserting enforcement provisions for the carrier bag charge that the Government is in the process of introducing. During stage 2 and again today, Mr Fraser argued against that Government amendment on two counts: the first was to do with the substance of the policy; and the second concerned the way in which the Government has sought to introduce the policy at a late stage. I agree with Mr Fraser that it was a bit of a surprise when the Government amendment came out of the blue at stage 2, and I share his concern about the lack of consultation on the amendment, which was not discussed at all during stage 1. It is a shame that we were not able to take evidence and give the policy more consideration at that point.

I will recap some of the points that have been raised today. I put on the record again our continued unease about the section on sustainable economic growth and the insertion of a sustainable economic growth duty in the bill, and our support for Alison Johnstone’s amendments. I accept the Government’s assurances that it will do its utmost to ensure that regulators are not forced to compromise on their other, equally important, duties.

I again welcome the minister’s drive towards greater transparency in the bill with the amendments that he lodged at stage 2. However, I remain disappointed that he did not see the value, as COSLA and others did, of accepting the amendments from my colleague Margaret McDougall, which in our opinion would have bolstered the planning process in Scotland.

As I argued earlier, the fact that the bill exempts local authorities from the need to pursue sustainable economic growth is a welcome step, and I think that members know why. COSLA and Unison gave evidence to the committee that made the case for maintaining the status quo in that regard. We need to ensure that our local authorities are empowered to adapt to local situations, which can vary widely throughout Scotland. If COSLA and others tell us that it is happening now, we should listen, and I am glad that the minister chose to do so at stage 2.

Because of the focus on part 1, an issue that has been a little lost in the debate is that of the powers that the bill gives to SEPA. The steps to ensure better safety measures for SEPA officers are of course welcome. The bill widens SEPA's remit extensively, and I am confident that the organisation will take on its new responsibilities with vigour. I have had the pleasure of meeting Professor David Sigsworth on a number of occasions and I have seen at first hand the benefit of his experience and expertise.

We believe that the bill gives the Government the opportunity to bring about better regulation for Scotland. Ministers are giving themselves new powers, and they must realise that with them comes great responsibility to keep those powers under review and ensure that the concerns that have been raised from across the Parliament in today's debate and throughout the passage of the bill are taken into proper and serious account.

The Deputy Presiding Officer: Many thanks for being so brief.

15:46

The Minister for Energy, Enterprise and Tourism (Fergus Ewing): I thank all members who have participated in the debate. I also thank Murdo Fraser, who has taken the office of Captain Fraser this afternoon, although I do not know whether that is a promotion. More seriously, I thank the convener of the Economy, Energy and Tourism Committee and its members for their work, which has helped us to improve the bill throughout its passage. We are grateful to them and of course to the clerks to that committee.

A number of hard-working officials have been involved, and I would like to slightly break with precedent and say who they are. They have done a considerable amount of work on what is a comprehensive bill that covers a wide range of areas, which poses particular challenges. I therefore give my most sincere thanks to Joe Brown of better regulation and industry engagement; Ian Black of planning modernisation; Stuart Foubister of marine licensing in the licensing division; Bridget Marshall and Richard McLeod of better environmental regulation; and Neil Watt, the bill manager. Also, Sandra Reid, who serves with the regulatory reform group, has done a power of work on the bill, which has made our task as ministers somewhat easier. This afternoon, we have the unusual occurrence of a trio of ministers. I suspect that this will be our one and only public performance—I assure members that, unlike Frank Sinatra, we will not make a comeback.

I will touch on a couple of points that have been raised in the debate. Gavin Brown made the good

and solid point that the hard work has not yet really begun, because the work that Derek Mackay, Paul Wheelhouse and I will do with our respective portfolio responsibilities will be substantial and demanding, and parts of it will not be easy. We take extremely seriously the duties to come forward with guidance and codes of practice and to engage with stakeholders, and the onus on the Scottish Government to proceed in a transparent, open and fair way. That underpins the approach that we have taken on the bill and it will also underpin the approach that we will take in implementing it and making it work. Mr Brown made that point well, and it is apt to repeat it.

It is important to say that it is not correct that local authorities are exempt from the bill, as I think Jenny Marra said. Section 1 is clear that the planning functions of local authorities are exempt from the bill, but local authorities themselves are of course included in the list in schedule 1 of bodies that are covered by the generality of the bill. That relates to section 1, on duties in respect of consistency of application of regulatory functions, and section 4, on the duty to have regard to sustainable economic growth.

We have had useful debates, and I must be fair to Alison Johnstone and say that she led them. I have not agreed with her, but she has made her arguments in a reasonable fashion throughout and I thank her for that. I understand her perspective, and although the Government does not share it, I hope that we can implement the bill in a way that will, in most cases, secure her agreement.

On the plastic bag tax, we listened extremely carefully to Murdo Fraser's trenchant remarks. We will let the Parliament know, through a letter from cabinet secretary Richard Lochhead at the end of the stage 1 process, as soon as we are aware, regarding the points that Murdo Fraser raised. I wanted to respond to that.

Murdo Fraser: Will the minister repeat what he said? It did not make sense to me at all. He said that he would write to me at the end of the stage 1 process. Will he perhaps reflect on and correct what he said?

Fergus Ewing: I think that the point that I am being asked to make is that we let the Parliament know what we intended to do, through a letter from Richard Lochhead at the end of the bill's stage 1 process. Murdo Fraser made the point that the Parliament should be properly consulted in the progress of any legislation, which is a point that I made a great deal—especially, I may say, when I was in opposition. *[Laughter.]* It is right that one puts into practice what one preaches, even if it was preached in a past life, long ago.

What the bill does will be enhanced by COSLA's co-operation. In that regard, I mention Stephen

Hagan and his officials. I have been hugely heartened by the positive and constructive approach that we have been able to take together.

Mike MacKenzie mentioned the Federation of Small Businesses. The FSB and other business organisations, such as Scottish Chambers of Commerce, have taken the lead in driving the process forward. It was as a result of engagement with business organisations that I became aware of the difficulty that mobile food vans encounter, which Mr Fraser mentioned. I was at a meeting that was hosted by the Confederation of British Industry, one of whose members had encountered the problem. I mention that because today we are putting right an inconsistency, which seemed to me to be manifestly unfair, and engagement with the business organisations—the Institute of Directors and the Scottish Council for Development and Industry, as well as those that I have already mentioned—and trade associations helps us to find out what is happening on the ground out there in the business world. We have shown that we can respond to what businesses want when they raise issues with their organisations. The point is well worth making.

More recently, the Scottish food enforcement liaison committee has provided us with a draft set of national standards for mobile food businesses, on which we will consult later this year. In September, I attended a meeting at COSLA at which local authority regulators discussed where it might be appropriate to introduce national standards, to increase consistency. As a result, COSLA and local authorities are considering, first, whether a more consistent and transparent approach to setting fees can be agreed in respect of civic and miscellaneous licensing, and, secondly, how to streamline the process, procedures and fees that relate to food export certificates.

I do not expect either matter to engage the public on the front page of newspapers, but that does not mean that they are not important. The level of fees, the need for consistency and so on are extremely important to businesses, especially small businesses, as Mike MacKenzie said.

Presiding Officer, you indicated that I should come to a close early. My speech was considerably lengthier, but I will not have the opportunity to read it all out. I thank everyone involved and commend the Regulatory Reform (Scotland) Bill.

The Deputy Presiding Officer: Thank you for your brevity.

Town Centre Action Plan

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-08769, in the name of Derek Mackay, on the town centre action plan. The minister has up to 10 minutes. We are very tight for time.

15:55

The Minister for Local Government and Planning (Derek Mackay):

Having launched Scotland's town centre action plan on behalf of the Scottish Government, I am particularly heartened that the convener of the cross-party group on towns and town centres subsequently endorsed it and acknowledged that it had been largely well received. That is fair comment, and reflects the partnership approach to supporting and revitalising our town centres.

The action plan is clear, but is not an end in itself. It helps to set the conditions for recovery and offers a range of actions that are appropriate to local circumstances.

Town centres are important. They offer a base for small businesses and local jobs, support local economies, offer space for community and civic functions, give a town its identity and offer a sense of place for those who want to live in, work in and visit it.

The Government recognises the importance of town centres. We met our commitment to carry out a national review of town centres, and in July last year, we welcomed the review group's report, "Community and Enterprise in Scotland's Town Centres", which made key recommendations to help to support town centres. We are indebted to the chair and members of the external advisory group for the work that they have undertaken.

The Government's action plan is a response to the group's recommendations. I have spoken with key stakeholders across the wider public, private and community sectors during the production of our action plan and beyond and have been encouraged by the initiatives that are already in place to support our town centres, although I recognise that there are many more opportunities to take. That is why our action plan focuses on what we as a Government can do to help town centres. It also asks that our partners work together to provide a joined-up approach to town centre regeneration.

The review report called for action, and the Government has listened. For the first time, we have in place an action plan that sets the framework for town centre regeneration. I have lead responsibility for implementing that plan and ensuring that momentum is maintained across

Government to deliver the actions that we have set out.

In preparing the response to the recommendations that are set out in the review, I brought together senior officials from across Government who have a stake in the health of our towns. Together, we have identified the relevant policies, programmes and strategies that support and put in place the conditions to enable and promote local action.

Chic Brodie (South Scotland) (SNP): The actions on empty properties in the plan are excellent. In Burns Statue Square in the town centre of Ayr, there are listed buildings that are in such a state of utter disrepair that they cause neighbouring properties major problems. The owners are now subject to an action that was raised by the procurator fiscal. Will the Government consider strengthening legislation in respect of penalties and identify better practice in relation to such properties?

Derek Mackay: We can do a range of things about buildings that have been left in a terrible state of repair. Such issues are the reason why we will take action through the proposed community empowerment (Scotland) bill. There are also other factors to consider, such as the use of compulsory purchase orders and, indeed, the VAT issue. It is ludicrous that the UK Government has decided that VAT relief should be given just for new build and not for town centre refurbishment. There is an issue in relation to financial incentivisation and legal and other actions, which the Scottish Government will take forward.

There is also an issue to do with town centre consolidation, growth and adaptation to circumstances in what has been quite a challenging time. Internet shopping is a further issue, of course, but therein lies an opportunity, not just a threat, to town centres. Click and collect is one way forward, for example.

The message is clear: by working together and putting our town centres to the fore, we can capture the opportunities to make them vibrant places where people can socialise, live and do business.

Solving the issues that our towns face is not solely the responsibility of central Government; a great many people are involved in maintaining the health of Scottish towns, and I commend their work. Local solutions will be absolutely critical, but Governments should certainly remove any barriers that are identified. Our action plan is intended to add support and to stimulate and encourage action across the wider public, private and community sectors, all of which we have invited to contribute to our on-going efforts.

The review group made a specific call for a town centre first principle, which would put town centres at the heart of the decision-making process. That principle would go beyond the existing sequential test in Scottish planning policy. The review group aspired to a town centre first principle that drives public sector investment decision making, aligns policies and targets resources to put town centre sites first, and encourages diversity and vibrancy.

We broadly agree with that aspiration and we are now establishing a working group with COSLA to determine how a town centre first principle would work and be interpreted in practice. That group includes, among others, representatives of Heads of Planning Scotland, the Scottish local authorities economic development group, the Scottish Futures Trust and Architecture and Design Scotland.

The principle will see a fundamental shift in public policy. To demonstrate that, we have agreed to amplify guidance in the much-read Scottish public finance manual to ensure that bodies acquiring and disposing of public sector assets and property consider the degree of priority attached to town centres. That shows the Scottish Government's commitment to lead the way in how the public sector responds to the town centre first principle.

We have launched a £2 million demonstration town centre housing fund to bring empty town centre properties back into use. We subsequently increased that by £750,000, bringing the total to £2.75 million, to support affordable housing projects as demonstration projects. Through that fund we will test the barriers to and opportunities in town centre living. Many of our town centres need to diversify. We announced the details of the seven successful projects in Parliament on 9 January.

Many initiatives will be implemented in the next few months, including the expansion of the fresh start business rates relief scheme, which will give 50 per cent rates relief to businesses that take on even more kinds of long-term empty property. That includes more premises of higher value—of up to £65,000—and additional types of empty premises, including those previously used as pubs, hotels and restaurants.

We have targeted a mainstreaming charrettes grant that will specifically support town centre charrettes. A project team has been appointed to develop a master-planning toolkit specific to town centres that will highlight good practice in design, accessibility and effective engagement with town centre communities.

The national review was explicit about the need to create a longer-term model when it comes to making decisions about where local services are

placed or where the focus should be in future town planning decisions. As a direct continuation of that thought, we will work with Architecture and Design Scotland and the Scottish Futures Trust to investigate ways of expanding the role of place-based reviews.

We want to work with interested planning authorities to test new approaches for town centres. A recent consultation on the draft Scottish planning policy proposed a town centre health check to inform development plans and planning applications, the purpose of which would be to assess the strengths, weaknesses and resilience of a town centre, as well as gauge its vitality and viability.

In November, we launched the consultation on the community empowerment (Scotland) bill. Community empowerment is about communities taking their own decisions about their future and unlocking the immense local potential that we know exists. The bill will give people and communities, and those supporting them in the public sector, a range of new ways to deliver a better Scotland.

The bill will make it easier for communities to take over public sector land and buildings, and will improve and extend the existing community right to buy. It will also create flexibility to deliver locally led business rates relief schemes appropriate to local circumstances, in addition to our comprehensive national package of support through business rates relief.

Many of the solutions outlined in the original review report are not for the Scottish Government to undertake directly, but our action plan is meant as an added stimulus to encourage and support action across the wider public, private and community sectors, all of which we invite to contribute to the efforts that are required. Through that engagement, we will facilitate action to address the local issues that are faced by our town centres.

We will continue to support a range of demonstration projects to test emerging ideas from the review report and the action plan. We plan to support that as a demonstration phase with the provision of a new budget of £1.5 million in each of the financial years 2014-15 and 2015-16. I encourage all members to engage with local elected members, local partnerships, local chambers of commerce and local businesses and come forward with ideas for demonstration projects that can show the way to rejuvenate town centres up, down and across Scotland.

That partnership approach will assist us in delivering the action plan to support town centres. We know that people care about town centres, and we will now be able to put the mechanisms in

place to ensure that they enjoy the sustainable economic growth and recovery that the country is now experiencing.

I move,

That the Parliament supports the range of actions identified in the Town Centre Action Plan and welcomes the work of the National Town Centre Review External Advisory Group; recognises the importance of town centres as a base for improving local economies and for local business and employment; acknowledges that successful town centres provide communities with a range of accessible services and are attractive areas in which to socialise; agrees that local decision making and delivery is important to reflect the specific and diverse needs of Scotland's town centres; recognises the benefits of having the most competitive business rates package in the UK through measures such as the Small Business Bonus Scheme, Fresh Start rates relief and by capping the 2014-15 poundage rate, and calls on elected representatives at all levels, local communities and wider public and private sector partners to continue to work together to revitalise Scotland's town centres.

16:04

Sarah Boyack (Lothian) (Lab): I welcome this debate because it gives us a chance to focus on what action needs to be taken to enable our town centres to survive. It is only a short debate, so I will use my time to focus on the issues that need more priority and investment.

Last week, a leading retail expert warned that high streets could become "zombies" unless planning rules change to make it easier for cafes, restaurants and homes to move in where shops can no longer operate. He highlighted, though, that in his view the top 50 United Kingdom high streets would get stronger. The pace of change in retail is accelerating, particularly in relation to online shopping, and it is not going to slow down. For example, online sales for John Lewis in the new year sales jumped by 34.5 per cent compared with those in the same week last year, and John Lewis is already doing well in online sales.

There can be no room for complacency for all of us on the issue of high streets. There is much that we can agree with in terms of the ambition and analysis in the Malcolm Fraser report, but there is so much more that the Government's action plan should have included for action. Our town centres need to be regenerated and local authorities need to work with businesses and local communities to develop strategies and action plans to save our town centres. They need to be interesting and attractive and have a range of shops and services that we want to use that must be safe and accessible. There is a lot that we need to do.

I strongly support the town centre first principle, but it must be applied consistently by the Scottish Government. We need every public service and leisure and cultural facility assessed in terms of its capacity in town centres. That will bring the vitality

and dynamism that our town centres urgently need. That is why Labour MSPs have opposed the Scottish Government's court closure programme and proposals to reduce access to or close police station counters. In towns such as Haddington and South Queensferry, people have objected because they understand that the closures would have a negative impact and reduce the vitality and attractiveness of our town centres.

The Labour amendment focuses on the importance of enabling people to live in our town centres. The aim of bringing people back into town centres through utilising land and buildings is massively desirable. It would certainly help shop workers faced with difficult journeys into towns when the buses do not start in time for their shift and it would be great for people working in businesses and public services, and for people who are attracted to the buzz that comes from living in town centres. Support for businesses is crucial, but we must think about a package that will enable people to live in our town centres and bring them to life again.

The money that has been allocated to the town centre housing fund is a drop in the ocean compared with what we need for our town centres, particularly given that only seven town centres benefit. Our amendment just states the obvious, because we need significantly more than £2.75 million to get people back into our town centres. The minister had to push the amount up from £2 million within a relatively short timescale, but I am sure that if he had offered more money, we would have had a host of further projects. We therefore need to do more.

There is also the issue of the role of our local authorities in bringing businesses, communities and agencies together. Local authorities have a vital role in developing projects on the ground to rescue and reshape our town centres, whether that is urban rail projects or putting together redevelopment packages when the market has simply walked away and owners are happy to have their properties lie empty for years at a time.

There are significant obstacles and we all know that councils are cash strapped. It is therefore difficult for them to allocate extra money for town centre management initiatives, and even more so for them to put money into capital investment to transform the kind of rundown buildings that we have heard about in the debate. A key power that local authorities could do with having would be a more streamlined compulsory purchase power. Will that be one of the powers that the minister will include in the proposed community empowerment and renewal bill? It could be a really useful power.

At the Built Environment Forum for Scotland conference last year, there was a showcase of some fantastic examples of local authority-led

initiatives that have transformed town centres. For example, there was Glasgow's use of property ownership to give access to young aspiring entrepreneurs and arts-based companies who needed a shop window. Glasgow will support that with business assistance for the first few years. There are also the co-operative-owned companies, which are the kind of idea that was in the Greens' proposed amendment. Such companies work particularly well in smaller towns and rural communities where there is a strong community ethos.

There is a lot in the action plan, with a lot of lists of things that need to be done. However, having visited several town centres last summer to look at what is happening on the ground, I firmly believe that every town centre needs to have its own action plan and its own strategy, resourced and enabled with proper buy-in from key players. Local authorities are best placed to take the role of being the key civic leadership in pulling together local businesses and their owners and developing bids. They have the capacity to analyse which buildings could be brought together in project management, and particularly to look at buildings that are full of character but poorly maintained.

We need the capacity to get on with this work, and that is why I believe that the action plan needs to be more ambitious. For example, we need better bus connections and better walking and cycling infrastructure. Can the minister explain why walking and cycling are seen as long-term issues to be addressed? Spokes makes the obvious point that, if we have better facilities and better access to our town centres, that will lead to more attractive opportunities.

Derek Mackay: Will the member take an intervention?

Sarah Boyack: Yes.

The Deputy Presiding Officer: You are in your last 45 seconds, though.

Derek Mackay: To answer the very point, I say that I absolutely agree with the member about local authorities. That is why we are waiting for their response. What I have published is the Government's response. The member is absolutely right about the actions that require to be taken by local authorities.

The Deputy Presiding Officer: You have 30 seconds.

Sarah Boyack: Right. I thought that the minister might have come in on the cycling point, but there is always the summing-up speech at the end.

The pace of change is accelerating—we all know that—so we need a greater sense of urgency in addressing the challenges. We have focused on housing and getting people back into

our town centres to live. That is a practical thing and a job that we could all do together, but it needs more resource. I therefore move amendment S4M-08769.2, to insert at end:

“; recognises the importance of investment in housing to help regenerate Scotland’s town centres, and acknowledges that to properly implement the Town Centre Action Plan and reinvigorate town centres there must be significantly more investment than the £2.75 million currently set aside in the Town Centre Housing Fund.”

16:11

Gavin Brown (Lothian) (Con): Town centres are critical. I am sure that that view is shared right across the chamber, across all the political parties and across the country. They play key roles in our economy, in creating jobs and in creating communities, but at the moment they face a multitude of challenges. Some of those are related to the downturn and the economic conditions over the past five or six years, but others are longer-term, structural challenges that are part of the longer-term trend for which we all have to accept some responsibility.

I welcome the report that the external advisory group produced, and I give credit to the Government for setting up the group, which did some very good work. An impressive list of people sat on the group and contributed to it, and the report is a basis from which we can move forward. However, I am disappointed by the Scottish Government’s response to it, which ducks some of the big issues, ignores some of the more radical and interesting objectives in the report and restricts comments to things that the Government was already doing and things that are easier to talk about than to do.

One of the recommendations on the key town centre first principle—this is on page 6 of the expert advisory group report—is:

“The Scottish Government and all public sector bodies need to ensure that funding and investment programmes are aligned to achieve the maximum effect in supporting diversity, enterprise and creativity in our town centres.”

That is a strong statement but, as it came out last summer, what was the Scottish Government doing? It was busy shutting down courts right across the country. We have a report that talks about a town centre first principle, but we have the Scottish Government busy with a court closure programme. When the Scottish Government produced its response in November, it gave a warm welcome, or at least a lukewarm welcome, to the town centre first principle, but what was it busy doing? It was busy with a police counter closure programme right across the country.

There is no point in the Minister for Local Government and Planning or the Minister for Energy, Enterprise and Tourism standing up and

talking about how critical town centres are to our economy while another wing of Government is taking action that has the effect of denigrating or doing down our town centres. That makes no sense whatsoever. If there is going to be such a principle, it has to be joined up not just across the Scottish Government but across the public sector in Scotland as a whole.

Another strong and radical policy in the expert group’s report is a business rates incentivisation plus scheme—it is called a “BRIS+ scheme” in the report, which states:

“As Business Rates traditionally go to Central Government BRIS represents a new model of Local Authority Incentivisation.”

It goes on to state that the

“BRIS+ scheme”

that it suggests would give

“Local Authorities ... 100% of additional business rates collected in town centres”,

as opposed to the 50 per cent under the current Scottish Government policy. That has been Conservative policy since 2011 and it is something that the Government needs to respond to positively and give full consideration to.

In my part of the chamber we are very disappointed with the current business rates incentivisation scheme—a scheme that was missing from the minister’s opening statement; I hope that he comes to it in his closing speech—because we were told:

“Any council that exceeds its annual business rates target will share the additional income equally with the Scottish Government. The scheme therefore incentivises councils to maximise their existing business rates income and to encourage or attract new economic growth which will grow their business rates income.”

The problem is that the Scottish Government said that in 2011. It was the SNP’s flagship policy when it went into the local authority elections in 2012. We now find ourselves in 2014, and what has happened with that policy? In year 1, the goalposts or targets were changed at the last minute. Councils were in line to receive moneys, but many will now receive nothing and lots will receive far less than they expected. In year 2, as we heard just last month, targets have not even been set. We are two months away from the end of the financial year and councils have not been given targets. That is why we are disappointed. *[Interruption.]*

I see you making those gestures, Presiding Officer, so I will leave it there.

I move amendment S4M-08769.3, to leave out from “supports” to end and insert:

“welcomes the work of the National Town Centre Review External Advisory Group and notes the Scottish

Government response in the Town Centre Action Plan; recognises that town centres play a vital role across Scotland in terms of communities, jobs and businesses; questions the Scottish Government's commitment to a town centre first principle and is disappointed by the lack of action on the Business Rates Incentivisation Scheme, and calls on the Scottish Government to give serious consideration to a fresh Town Centre Regeneration Fund and to implementing a relief scheme for retail properties with a rateable value of up to £50,000."

The Deputy Presiding Officer: Many thanks.

16:16

Annabelle Ewing (Mid Scotland and Fife) (SNP): As I am a member of the cross-party group on towns and town centres, I am pleased to have been called to speak in the debate.

It is clear that the need to act to reinvigorate our town centres has been widely acknowledged. The Scottish Government has taken a lead and shown its determination to breathe new life into our town centres, which can be seen in the fact that in 2012 the Scottish Government commissioned the national review of town centres. The review was conducted by Malcolm Fraser, the leading architect, together with a panel of experts and the group's recommendations were published in July last year. The Scottish Government's town centre action plan was published in response to those recommendations and is the focus of our debate.

The Scottish Government's absolute commitment to town centres is highlighted by the fact that in Scotland, for the first time, we have a Government minister named as a dedicated minister for town centres. That underlines the "change of Government mindset"—to quote Malcolm Fraser's comments on the town centre action plan. I know that Derek Mackay, the dedicated minister for town centres, will strain every sinew to be Scotland's town centre champion.

There is not sufficient time to go into the action plan in great detail, but I wish to mention the town centre first principle that has been set forth in the plan. That approach will be pivotal in making a success of the action plan and not just saving but promoting our town centres. Across government, both local and national, it is vital that that presumption in favour of activity on our high streets is adhered to and, as the Federation of Small Businesses has said, becomes

"a core factor of decision-making".

It is therefore incumbent on us all to monitor the application of that presumption across the public sector very carefully indeed, to ensure that the obvious decline that blights many of our town centres is halted and reversed. I know that we all want to see our town centres as vibrant places where people can shop, live, enjoy their leisure

time and access relevant services. That is the challenge before us.

I welcome the Scottish Government's commitment to work with COSLA to determine how the town centre first principle will work in practice. I welcome, too, the town centre housing fund, which will help bring empty properties in town centres back into use for affordable housing, and, as a member for Mid Scotland and Fife, I welcome the recently announced beneficiaries, including Cupar, Alva and Crieff. I also welcome the extension of the fresh start scheme and the business rates reduction on offer in those circumstances.

Of course, business rates are crucial to ensuring that our high streets survive in these difficult financial times. Having run a small business, I very well understand how much of a lifeline the small business bonus scheme has been. Since the scheme was introduced by this Scottish National Party Government in 2008, 5,800 businesses in Fife alone have benefited from it and saved £45.7 million.

I have to ask why on earth the Labour Party has the small business bonus scheme in its sights. Why does it want Fife businesses to pay higher rates than businesses south of the border and why does it advocate pulling the rug from under Fife businesses that day and daily are struggling to make ends meet? People in Fife know that the small business bonus scheme is safe with the SNP—

The Deputy Presiding Officer: You should be closing, please.

Annabelle Ewing: It is a pity that they cannot rely on their Labour Party representatives to confirm a commitment to small business.

16:21

Margaret McCulloch (Central Scotland) (Lab): As convener of the cross-party group on towns and town centres, I am very keen for the future of our town centres to be pushed up the political agenda. Accordingly, I welcome this afternoon's debate.

I also join colleagues in welcoming the broad aims of the town centre action plan as well as the work of Malcolm Fraser and his external advisory group, which has informed so much of the Government's thinking on town centres. Many of the ideas coming out of the review and the action plan, including mixed-use town centres, digital towns, community enterprise and regeneration are sound and have received broad support.

However, what I have learned from the Fraser review and my experience in the cross-party group is that there is no one-size-fits-all solution to town

centre regeneration. For example, solutions for my home town of East Kilbride, which is a new town with a big retail-focused town centre, will be different from Hamilton down the road, which has adopted the business improvement district model. That point is crucial because as Business Improvement Districts Scotland, the Association of Town and City Management, Development Trusts Scotland and Scotland's Towns Partnership will tell us, towns have to develop their own unique selling point to be resilient in an economy that is increasingly dominated by online sales and out-of-town retail.

I want to make three specific points about the action plan's content. First, on business rates, Labour remains, despite claims to the contrary, committed to the uniform business rate and the small business bonus, although we believe that the latter could have been targeted in a smarter, sharper way. As Labour has argued for greater flexibility in rates to incentivise growth at the local level, I am very interested in the incentivisation proposals in the action plan. However, certain issues are coming up time and again, with town centre traders telling us not only that the valuations are out of kilter with the property market but that the process of appealing an assessor's decision is time consuming, convoluted and sometimes just impenetrable for local firms.

Secondly, on town centre living, I want to bring Paisley to the chamber's attention. In its study visit last year, the cross-party group visited a number of Renfrewshire towns and found Paisley to be interesting because the BID's vision for the town is about not just retail but people living and socialising in the town centre. Although the town centre housing fund is welcome, it must be part of a wider regeneration strategy for our towns and we should also be clear that it is a drop in the ocean with regard to meeting housing needs in Scotland.

Finally, on the town centre first principle, which Gavin Brown referred to in his speech, I think that it is good but it would be helpful if Police Scotland, the Scottish Court Service and the Post Office Ltd also recognised it. However, I notice from parliamentary answers that no definition of what "town centre first" actually means has been agreed by the Scottish Government and COSLA.

The truest criticism of an otherwise welcome action plan is that many of the points that it contains will take time to implement and that is time that some businesses simply do not have. For example, although I expect the community empowerment bill to become very important to anyone who is interested in regenerating our town centres, the consultation period has not even closed yet.

I wish the minister well in putting this plan into practice, but will conclude simply by impressing upon him the urgency of putting in place measures to make Scotland's towns more resilient and attractive, even in these testing times.

16:25

Bob Doris (Glasgow) (SNP): Glasgow has many town centres that are quite distinct from its city centre. In fleshing out what a town centre first principle means in practice, let us ensure that Glasgow and other places with city-based town centres are at the heart of measures to support Scotland's town centres.

I am confident that that will happen. Following my intervention, the Scottish Government's town centre regeneration fund included city-based town centres, and my city of Glasgow gained more than £5 million, including £1.8 million for Maryhill borough halls, which is a wonderful asset for the constituents that I represent.

However, there are less desirable businesses trading on our high streets and I would like any town centre action plan to deal with them. So-called payday lenders that offer instant cash to vulnerable Scots at exorbitant interest rates add nothing to our city and town centres except, perhaps, misery. They target families who are desperate for cash, offering apparent solutions that only push vulnerable people further into debt. We know that this is a huge and growing problem. More than 100 people contact Citizens Advice Scotland every week with debt problems that are linked to payday lending. I have no doubt that UK welfare cuts to our most needy will be linked to the growth in that area, but that is perhaps a debate for another day.

It is no accident that payday lending establishments often locate themselves beside communities that are struggling the most financially. I do not believe that it is right, acceptable or ethical that someone who is struggling financially can walk into an instant-cash shop and borrow money at an annual percentage rate of nearly 4,000 per cent. I checked the rates today. Such rip-off rates are available right now in Maryhill shopping centre, Springburn shopping centre, Rutherglen's main street and across Scotland.

Short of independence, we cannot tackle such unsavoury and undesirable lending practices on our high streets as directly as we might like. Of course, yet again, that is an argument for another day. However, this Parliament, in partnership with our local authorities, must do all that it can to rid our town centres of these outlets, whether we do so via planning, licensing, taxation powers or another mechanism. We must use every tool that

we can to ensure that our town centres do not promote such practices.

I call on the minister to convene a summit to co-ordinate efforts to clamp down on such payday lending practices on our high streets. I genuinely believe that, together, we can come to a clear consensus that shops offering 4,000 per cent loans to those who are most in debt have no place at the heart of our high streets, and that we can find a way to take action to tackle this scurrilous problem.

Thank you for your indulgence, Presiding Officer.

The Deputy Presiding Officer: Thank you for your brevity.

16:28

Elaine Murray (Dumfriesshire) (Lab): I, too, welcome the work that has been undertaken by Malcolm Fraser and the national town centre review external advisory group, and its recommendations and key action points. It notes, for example, the need for work with housing providers in the private and public sectors to bring empty town centre properties, such as those over shops, back into use for affordable housing. It recommends that local authorities recognise the importance of bringing residential footfall back into town centres and prioritise appropriate sites for town centre housing development in their local housing strategies.

I want to talk about Dumfries, the regional capital of Dumfries and Galloway. It has some fine historic buildings, some of which have, sadly, fallen into disrepair. The town centre, like others, has faced significant challenges in recent years as a result of the changes in patterns of retail demand; the town's proximity to other major retail centres, such as Carlisle and, to a lesser extent, Glasgow and Newcastle; the expansion of out-of-town retail centres along the A75; and, of course, the rapid growth in internet shopping. The recession added further problems, as a number of retail chains with shops on the high street went into administration and, in addition, many of our older town centre retail properties that are not situated on the high street are smaller and older buildings, for which there has been little demand in recent years—indeed, some have changed their type of occupation because of that.

Dumfries and Galloway Council has developed a number of projects to improve the public realm, including the flood prevention proposals that I raised last week with the environment minister, who is in the chamber at the moment. Charitable organisations such as the Peter Pan Moat Brae Trust, which is working on the refurbishment of the almost derelict town house whose garden inspired

J M Barrie to write "Peter Pan", with a view to creating a children's museum, and the Dumfries Theatre Royal Trust, which is undertaking work to regenerate Scotland's oldest working theatre, will also make outstanding contributions to the town's future and its tourism offering.

It is disappointing, therefore, particularly in the light of the task force's key recommendation on bringing empty properties such as those over shops into residential use for affordable housing, that the Scottish Government rejected Dumfries and Galloway Council's recent bid to the town centre housing fund. The bid's title, "Dumfries: Living over the Shops", reflected the key recommendation that I referred to earlier. It involved partnership between three private sector owners on three refurbishment projects to provide much-needed affordable housing and high-quality commercial space. It would have provided seven new flats over commercial units in the town centre to be let at mid-market rent, four new commercial units suitable for local independent traders and one improved commercial unit. The properties would have been available for affordable housing.

Derek Mackay: Of course, the member advocates for her local area. I expect her to do that. However, I do not accept that the demonstration projects are the limit of the Government's ambition. There may be a way to take forward such a project without this specific fund.

Elaine Murray: I am grateful to the minister for that because I believe that it is a very good project. It is in line with the Government's own mid-market rent property strategy and has planning consent for the refurbishment of two of the sites while the third is expected to receive planning consent by March. If the bid had been successful, construction could have started in March and would have been completed by October.

There is a lot to like about the proposals and I would like to hear more about other sources of funding. At the moment, the seven projects that were successful involve registered social landlords and local councils refurbishing existing properties for which they already get affordable housing supply funding, and it looks a wee bit as though the funding is being used to supplement funding for affordable housing from other sources. I have no wish to denigrate the proposals, but there has been a missed opportunity to support a really innovative project. If the minister is still interested in the project, I look forward to hearing more about how it can be funded pretty soon.

16:32

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): Like Elaine Murray, I will talk about the town centre action plan in the context of the local experience of my constituents. Like all members, I hope, I am proud to represent the area that I represent.

I am proud to represent the towns of Cumbernauld and Kilsyth, which are two great towns with a lot going for them. They have a strong civic identity and community spirit. They have lots of green space in and around them for people to enjoy, they are well located and well connected to the rest of the country, they have great schools and they provide a great standard of living. One area of concern has been, and continues to be, the condition of the town centres in those towns, although that is perhaps less of a concern in Kilsyth, where efforts have been made to renovate that have been supported by the town centre regeneration fund that the Government established in the previous parliamentary session.

The situation of Cumbernauld town centre is probably well known to most members and across the country. We have a town centre that holds the town back a little and reflects unfairly on the whole town; we certainly do not have a town centre that matches the civic pride that people in Cumbernauld have in their town. One of the big problems with Cumbernauld town centre is that, unlike most town centres, it is privately owned. That is unlike the situation in Kilsyth, where the high street is public property and the council can act in ways in which it cannot act in relation to Cumbernauld town centre. To be fair, I should say that the oldest part of Cumbernauld town centre has new owners who have plans to renovate it. I look forward to seeing those plans emerge.

Any town centre action plan that can help Cumbernauld and other town centres is very much to be welcomed. The Government is to be congratulated on its plan, which, as the minister said, is the first of its kind in Scotland.

The town centre housing fund, the town centre investment zones, the extension of the fresh start scheme and the money that is being provided for town centre charrettes are all examples of innovative approaches to reinvigorating town centres that I—and, I am sure, all other members—very much welcome. I heard some concern being expressed about the levels of funding for some of the measures, but the fact that they have been put in place should be welcomed by all members.

The one thing that I have not mentioned that is set out in the town centre action plan is the town centre first principle. I broadly agree with the principle—it is not that different from existing

principles for retail. However, I hope that we can be clear—the minister will perhaps respond—that it is not a hard-and-fast, absolute rule stopping development outwith the town centre entirely.

Town centre first is a principle that will be very applicable in most cases—for example for Kilsyth within my constituency, which is a town of 10,000 with a concentrated population very close to the town centre. However, in cases such as Cumbernauld, which is a much bigger town of 50,000 people with some people living quite far away from the town centre, development outwith the town centre is appropriate—although development in the town centre is very much needed as well. I look forward to seeing what emerges from the discussions with COSLA in that regard. I also look forward to seeing the action plan being rolled out further and, I hope, reinvigorating Cumbernauld and Kilsyth town centres and town centres across the country.

16:36

Alison Johnstone (Lothian) (Green): The town centre first principle—to put the health of town centres at the heart of a thriving local economy—is very welcome. I find it strange that we thought differently in the past and strange that we thought that making anything other than the town centre the most important place for people to shop, meet, socialise and enjoy was a good idea.

I am pleased that we have recognised that the town centres cannot be only about retail, important as that may be. I will come back to retail later. The world has changed and we should not strive to have the town centres of the past. A good mix of places to live, eat, work and shop makes the town centre attractive.

Housing is a key part of the future but a change in the attitude of public bodies is needed. In my region, the old town of Edinburgh community council recently folded after years and years of feeling that the development of the city centre was not about the people who live there, despite the council's strenuous efforts to try to make it so.

Private rented housing is prevalent in city centres and on high streets. If we want to attract people back there, it is important that tenants' rights are strengthened and that privately renting tenants get a good deal in the new Housing (Scotland) Bill.

Convenience is essential—the convenience of online retail offers an opportunity for town centre retailers. We could try to support local retailers to get online to enable them to compete with the big retailers offering click and collect. We could make it the norm for people to order some food from the local butcher and greengrocer online during the

office lunch break and collect it on their way home from work.

Walking and cycling access to town centres should be given more priority and I have written to the minister about that on behalf of the cross-party group on cycling. As Sarah Boyack said, walking and cycling access is the only action that the Government deems to be long term when it should be designed in from the start of any improvements.

Our train and bus stations need to be welcoming—they need to encourage people into the town centres with clear walking routes to the shops and cafes. Existing out-of-town shopping centres could be seen as park-and-ride facilities to help connect more people with the town centre. Micro-businesses could be supported in town centres through hubs with advice and hot desks.

The amendment that I lodged for the debate talked about local taxation. Devolution is important but not just from Westminster to Holyrood—the real value in devolution of power is from Holyrood to our local councils, which can decide on local solutions. Local authorities should be able to decide the right balance of different taxes to meet their social, environmental and economic needs, in line with the priorities of local voters. Local councillors may decide that their local economies would be bolstered by local sourcing, extension of the living wage or increased employee participation and they should have the ability to promote those options.

The business rates incentivisation scheme exists but it is the poor cousin of true local taxation, which creates genuine economic incentives for local investment in new high-quality employment.

As Sarah Boyack and Margaret McCulloch noted, one size does not fit all. The needs of the high street in Edinburgh are different from those of the high street in Bathgate, Livingston or Linlithgow. Councils are better placed to understand that and should be able to design a business rates regime that works for them. We need to have the confidence to let them do so.

16:40

Cameron Buchanan (Lothian) (Con): A number of speeches in the debate highlighted the importance of our local businesses to our town centres. As my colleague Gavin Brown made clear, the Scottish Government must do more on rates relief and we must have concrete progress on business rates incentivisation. We need a healthy environment for small businesses to thrive, not only to encourage start-ups, although that is important, but to support the businesses that are already trading.

I say that because, for many people, the objective is not simply to attract and sustain businesses but to achieve a mix of different shops and services. I was interested to note that, in the Portas review in England, particular attention was paid to the high proportion of betting shops in our communities, particularly in deprived areas. At the same time, a Competition Commission report in 2008 found a significant decline in the old staples of the high street, including independent grocers, bakers and butchers.

People complain to me that every high street looks the same. If we go to a small town in America or Italy, we see local shops, not chains, run by local people. Variety is the key word. We cannot legislate for it, but we can encourage it. It is important not merely for cosmetic reasons but because choice and quality products and services are the key to attracting people to the high street.

There is broad agreement that our town centres are losing out to out-of-town developments and large supermarkets. Accordingly, it is crucial that we create a level playing field and give small businesses the means to compete and not only provide local employment but give consumers a genuine choice when it comes to their shopping. For that to happen, we need to provide not only a competitive business rates regime but the facilities to draw people back into town centres. That includes park and ride.

In that respect, I welcome the movement on planning towards a presumption in favour of town centres. We must give local authorities the means to breathe life back into our high streets. Flexibility in the planning system is crucial to that, but we need more than planning reform to deliver much-needed town centre facilities.

When we speak to people about why they do not visit their local high street at present, one of the key reasons that is often cited is the difficulties in getting there. Although we must encourage sustainable transport where possible, including park and ride, the lack of parking facilities in many town centres, even for five minutes to stop and pick something up, is a big issue. As Alison Johnstone said, if someone is going to shop online and pick something up at lunch time, for example, they need to get into the town. That is why out-of-town centres are often attractive in comparison.

To deliver that sort of change, we need to provide financial resources. It is regrettable that we are not coming up with the funding to provide those much-needed facilities, whether it be for parking or for making it easier for people to travel via public transport. I come again to the point about the level playing field. We must make it just as easy and just as attractive to go to the high street as to the nearest retail park. I hope that our town centre guru can take that point on board.

A great deal can be done to support our town centres, but the Government must start by taking action on business rates and giving local businesses a fighting chance. We cannot legislate to stop every high street having the same multiples, but we can stop certain shops proliferating. We cannot prevent payday lenders from opening a shop, but we can legislate against too many of them opening. The same is true with betting shops.

16:43

Sarah Boyack: Although the debate has been brief, it has been good with lots of practical ideas for real town centres throughout the country. There has also been some constructive criticism of the Government's town centre plan.

The challenges of bringing regeneration to our town centres will not go away. The challenge of competing with out-of-town retail parks will continue. Elaine Murray's points were absolutely spot on.

One of the challenges for the minister is to think about his role as a champion for town centres and how to make the town centre first principle real and ensure that it is applied across Government and the public sector. He needs to consider his planning powers. There is an interesting challenge to be thought about in that. I know that the minister is keen to devolve planning decisions and for central Government not to take a strong role, but there is a balance to be struck in terms of the guidelines and his power to call in major planning applications. I leave that thought with him, because there is a real issue about how he exercises those powers.

Several members commented that the challenges that town centres face are also relevant in our cities and villages, although the scales are different. We need to learn from best practice. Edinburgh's George Street, for example, is not successful by accident. The City of Edinburgh Council invested a lot of time, money and resource to develop a strategy to attract the right sort of retailers to make it work, and it did a lot of work for the business community. Bob Doris and Alison Johnstone were absolutely right to say that, as well as thinking about individual town centres, we need to think about city centres. They, too, need specific strategies.

Several members mentioned the cost of living crisis and the significant impact that it is having on retailing and people's capacity to spend. It is interesting that even those retailers that discounted heavily in the run-up to Christmas reported an incredibly tough retailing climate. The period before Christmas and the new year period are the best time for retailers to get people into the

shops. I think that those challenges will continue, particularly for those town centres that are caught in a spiral of decline, where retailers are struggling to keep up with the pace of change. They need practical help, because the pace of change is beyond the capacity of many smaller retailers to deal with.

We now have new types of retailing. There are third-party traders who work with other retailers online. Small companies will not necessarily hold the necessary technological and business strategy skills. A number of colleagues made points about the need to target support for businesses. Margaret McCulloch's points about the use of the small business bonus scheme to target support at small businesses were bang on. They need support for training and they need to have access to business advice that it is not easy for them to get.

The points that Gavin Brown and Margaret McCulloch made about the reality of the business rates incentivisation scheme were bang on. Local authorities believed in good faith that that pot of money was going to come to them. Those council leaders to whom I have spoken have been bitterly disappointed about how that has worked out in practice. When the Scottish Government announces a scheme, it must follow it through. The withdrawal of that incentive has led to many real problems in our communities.

A few members mentioned the community empowerment and renewal bill. In my opening speech, I mentioned compulsory purchase orders. There are many other opportunities to which greater community involvement in our town centres can give rise. Community ownership and opportunities for social enterprises, co-operatives and bottom-up, community-led cultural initiatives to locate in town centres alongside cafes and—crucially—new housing properties could all help to turn round and revitalise our town centres. There are many good initiatives.

Jayne Baxter—she wanted to speak in the debate, but she knew that it was a short one—told me about the night and day challenge fund that is being looked at in Cowdenbeath. I found it interesting that it targets young people and asks them how they think the town centre could be improved for the future. We need to get the next generation involved rather than make assumptions about how it will use town centres.

The research on online shopping shows that the situation is changing, almost by the day. It is no longer the case that people just use their computers to shop when they go home at night; they now use tablets and smartphones to order things as they sit on the bus. On one level, that is fantastic, but the pace of change is hard to cope with. For small retailers and producers, access to

better advice and to knowledge about how they can develop their strategy could be hugely important.

We now have a champion for small towns, but there is a lot that the minister needs to do to use his leadership capacity. What research capacity could he put in place? The impact of the raft of business support that is available needs to be monitored. We do not think that that is done consistently, and we think that more could be done. For example, what impact has the legislation on empty properties that we passed last year had? At the time, we discussed whether it would be effective. What research has the minister put in place? To what extent have councils used the powers that they have in relation to housing in town centres?

How is the minister pulling together the innovation opportunities that have arisen from business investment, to pick up the ideas in the report that the Federation of Small Businesses has presented to us today? I would like a focus on training, which provides an opportunity. If that is tied into town centre investment in housing, win-wins will be available. However, that must be targeted and the research must be done. That research needs to drive Scottish Government policy.

On Tuesday, we debated climate change. Yesterday, we debated health. If the Scottish Government is serious about its target that 10 per cent of all trips should be made by bike within the next six years, town centres are critical to that. Joined-up Government thinking is needed.

Promoting town and city centres could help to address our wider policy ambitions on public health, community involvement and ownership, and economic regeneration for our communities. However, we must link in local businesses and entrepreneurs. We must focus on the needs and opportunities.

It is in the minister's grasp to use his leadership to do more. We were totally disappointed by the scale of the boxing day Christmas present, which was too modest. I am sure that the minister knows that it did not go far enough. On top of the slashing of the capital budget for housing by 29 per cent, there has been a missed opportunity on housing in town centres.

I hope that, in summing up, the minister will talk about what more can be done. The debate has been constructive. We have heard constructive criticism and I hope that we will get constructive answers.

16:51

Derek Mackay: To follow on from where Sarah Boyack left off, I say that modesty is my middle name, but I am delighted that Parliament has in the debate elevated my responsibility for town centres. I knew that I had a job on my hands to deliver the action plan and ensure that it is consistent, and to support town centres across Scotland, but I now have the new title of town centre champion. I will inform the Minister for Parliamentary Business of that following this afternoon's constructive discussion.

The debate has been good, and a number of ideas have been presented. Such ideas will feature as the work continues. I have never said that the action plan would go on a shelf and be an end in itself. It was the beginning of a debate about, and a process for, the tools that we can deploy to support town centres across the country.

Our response is as concise as the external advisory group's report is in focusing on themes, which is welcome. We could all regurgitate many words in talking about actions that we might want to deploy, but we are focusing on a specific action plan that outlines what we intend to do. There is a challenge for partners—not just in the public sector but in the private sector—in how they respond by supporting schemes such as local loyalty cards or participation in the digital revolution.

Among the themes that we have outlined, we will put a great deal of emphasis on town centre living, vibrant local economies and enterprising communities in order to develop the entrepreneurial spirit that we know exists across the country, particularly among young people. We will emphasise accessible public services and the focus on digital towns and proactive planning, which we have discussed.

I know that a number of members wanted to speak this afternoon but could not do so. They include George Adam from Paisley, who will be delighted that Margaret McCulloch mentioned Paisley as an example of a can-do town—it has a proud past and a promising future. Such branding is only too relevant to local communities, as Dr Elaine Smith said—

Elaine Murray: Murray.

Derek Mackay: I am sorry; I meant Elaine Murray. We should focus on local branding—we must get that right—to promote the unique selling point of communities. The Borders towns have done well at establishing and focusing on a niche market.

Margaret McCulloch was right about finding local solutions to the challenges that communities face. The approach to our town centres will never

be that one size fits all. We will ensure that the support package exists for each town centre to find and promote its place in our nation. That is why I particularly welcome the development of charrettes. As I have said before, the charrette is not a French band, but a planning methodology that engages people in real time to produce an action plan that can deliver a practical and pragmatic vision for a community.

That is why we are now directing our emphasis at town centres and at delivery of our telecommunications strategy. I will shortly launch a consultation on the introduction of a more liberal and permissive regime of consents for telecommunications apparatus in order that we can ensure that all parts of Scotland benefit from the digital revolution of which we are part. We absolutely want to make sure that advice and support on that are available for businesses.

Gavin Brown's contribution was pretty negative, all in all. He is well aware that the nature of the business rates incentivisation scheme is such that deployment of new targets is a decision that is made not by the Scottish Government but by COSLA, which wants to audit its own figures before we arrive at new targets. We have not moved the goalposts. We have analysed the business rates take, appeals and other factors.

Gavin Brown: The minister says that he did not move the goalposts, so is he saying that the targets that were set for 2012-13 were not changed at all?

Derek Mackay: We are abiding by the same rules that apply to and were deployed by the business rates incentivisation scheme. What has changed is the impact of appeals on the figures. That is a significant and material change, so we are perfectly entitled to take those figures into account. Why would we replicate in BRIS+ a scheme that has deficiencies that we want to iron out?

Gavin Brown mentioned the reaction of the external advisory group, so I am only too happy to quote Malcolm Fraser, who said of the Government's response on the town centre action plan—these are his words, not mine—

"I'm impressed at the Government's determination to promote a new, town-centred culture across its policy-making and decision-taking. Next is for Local Authorities to embrace the challenges and opportunities this brings, and for our business and communities to be encouraged and enabled."

Every member would agree that it is for others to consider their response to the external advisory group's findings so that we can move forward in partnership.

Sarah Boyack and Alison Johnstone mentioned accessibility in our town centres, and focused on

cycling. The Government will give that further thought and deliberate on how we might take that forward. I know that four ministers were represented at a recent meeting on cycling. As I said, we will give it further thought.

I will absolutely commit to the serious request from Bob Doris about how we tackle the issue of businesses that we do not want to see too many more of on our high streets, whether they be gambling premises or payday loan providers. I will therefore convene a summit to look at the planning, licensing, and any other functions and good practice that exist in local government and elsewhere that mean we can clamp down on that sort of property. I will do so on a cross-party basis and pull in interested members including Kezia Dugdale, who has raised the issue before. That is the right way to create the kind of diversity that our local communities want in our town centres.

Jamie Hepburn made a point about how the policy applies. The town centre first policy is not a barrier to development and to growth. It is the extension of the sequential approach in which we apply a methodology to see whether, if development is taking place, it can take place in the town centre first. If it cannot, we look elsewhere. We are talking about enabling economic growth while considering net growth and displacement.

I was asked why it is taking so long to introduce the proposed community empowerment bill. We intend to consult on it comprehensively because if there is one bill that we want to get right by engaging fully, surely it is the community empowerment bill. We are having an exhaustive consultation process to ensure that we get it right.

Town centres are important to Scotland and I know that the FSB and other private sector organisations have impressed on the Government the importance of the small business bonus and having a competitive rates regime. That is why I am at a loss to know why the Labour Party has opposed our actions on matching the poundage south of the border, has opposed our actions on the fresh start initiative to incentivise people to open premises, and has opposed our actions on empty property rates relief. In fact, the Labour Party would rather compensate people to keep premises closed than let them open them and rejuvenate the town centres of Scotland.

Sarah Boyack: If the minister looks through his books, he will find that it was Jack McConnell who introduced a competitive business regime so that businesses in Scotland were not worse off than those in England.

Derek Mackay: For many years when the Labour Party was in office, the poundage was higher than the poundage under the SNP

Government. Aside from that, Jack McConnell is not here, but other members of the Labour Party are, and they have said that they would sacrifice the small business bonus to pay for other policies that the Labour Party now supports. The package of business rates relief—with the extension of fresh start, the delivery of new start, which as I said is being copied south of the border, the matching of the poundage and the small business bonus, which gives so much relief—has been a godsend to town centres across the country.

From our external advisory group analysis and our action plan, I am convinced that the proactive actions that we will take, the partnership approach that we have deployed, our decisions on budgets and the general enthusiasm that we will bring to rejuvenating our town centres will ensure that conditions are set such that our town centres will enjoy the economic recovery that has been experienced in so many parts as a result of the actions of the Government and others.

The Deputy Presiding Officer: I ask you to draw to a close.

Derek Mackay: That is in the face of a reckless Labour Party that has produced no budget options to support our town centres.

The Deputy Presiding Officer: You should close now, please.

Derek Mackay: I will leave with the conclusion that, when it comes to ideas, Labour has some but, when it comes to budget decisions, it has none. The proposal to sacrifice town centres by abandoning the rates package is a big mistake on the part of the Labour Party.

Decision Time

17:01

The Deputy Presiding Officer (John Scott):

There are four questions to be put as a result of today's business. The first question is, that motion S4M-08745, in the name of Fergus Ewing, on the Regulatory Reform (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)

Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)

Abstentions

Finnie, John (Highlands and Islands) (Ind)

The Deputy Presiding Officer: The result of the division is: For 93, Against 2, Abstentions 1.

Motion agreed to,

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

The Deputy Presiding Officer: The second question is, that amendment S4M-08769.2, in the name of Sarah Boyack, which seeks to amend motion S4M-08769, in the name of Derek Mackay, on the town centre action plan, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

Against

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

McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 22, Against 74, Abstentions 0.

Amendment disagreed to.

The Deputy Presiding Officer: The third question is, that amendment S4M-08769.3, in the name of Gavin Brown, which seeks to amend motion S4M-08769, in the name of Derek Mackay, on the town centre action plan, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Ferguson, Alex (Galloway and West Dumfries) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)

Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)

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

The Deputy Presiding Officer: The result of the division is: For 10, Against 86, Abstentions 0.

Amendment disagreed to.

The Deputy Presiding Officer: The fourth question is, that motion S4M-08769, in the name of Derek Mackay, on the town centre action plan, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)

Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

Against

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 McArthur, Liam (Orkney Islands) (LD)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 79, Against 15, Abstentions 0.

Motion agreed to,

That the Parliament supports the range of actions identified in the Town Centre Action Plan and welcomes the work of the National Town Centre Review External Advisory Group; recognises the importance of town centres as a base for improving local economies and for local business and employment; acknowledges that successful town centres provide communities with a range of accessible services and are attractive areas in which to socialise; agrees that local decision making and delivery is important to reflect the specific and diverse needs of Scotland's town centres; recognises the benefits of having the most competitive business rates package in the UK through measures such as the Small Business Bonus Scheme, Fresh Start rates relief and by capping the 2014-15 poundage rate, and calls on elected representatives at all levels, local communities and wider public and private sector partners to continue to work together to revitalise

Scotland's town centres.

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.

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