



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 6 November 2014

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Scottish Parliament

Thursday 6 November 2014

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

General Question Time

The Presiding Officer (Tricia Marwick): Good morning. We start with general questions.

Problem Drug Users

1. Mary Fee (West Scotland) (Lab): To ask the Scottish Government how many problem drug users there are. (S4O-03651)

The Cabinet Secretary for Justice (Kenny MacAskill): The latest figures from the Information Services Division Scotland, published on 28 October 2014, estimate that between April 2012 and March 2013, the number of individuals with problem drug use in Scotland, aged from 15 to 64, was 59,500.

Mary Fee: The 2015-16 draft justice budget sets out the Scottish Government's plans to spend £32.7 million on tackling drug misuse. What proportion of that money will be spent on opioid replacement therapy, and what proportion will be spent on rehabilitation? How much of the health budget is targeted at drug misuse?

Kenny MacAskill: We target as much as we can. I cannot give Mary Fee the precise percentages, but I am happy to write to her to ensure she gets the appropriate information.

The whole Government strategy that has been built up—not simply by my ministerial colleague Roseanna Cunningham, but previously by Fergus Ewing, who championed it—is called “The Road to Recovery”. It is about meeting the needs of the individual drug user and tackling the issues that they face.

We have significant problems with opiates; equally, there are issues as we try to move people on to methadone. We have addressed those as a Parliament. We know that there is a growing issue with and a generational shift towards the new psychoactive substances. I am happy to write to Mary Fee to give her the precise answer, because I do not have that statistic with me.

This is about meeting changing needs and challenges. We are seeing progress. There is perhaps a coterie of older users with opiate issues who have challenges. Drug use is down among youngsters, but new psychoactive substances have arrived and are a challenge facing us all.

Margaret Mitchell (Central Scotland) (Con): Is the cabinet secretary aware of what appears to be an increasingly high incidence of cannabis farms being discovered in Lanarkshire in central Scotland and elsewhere? Given that that is almost certainly indicative of rising demand, what action is the Government taking to address that specific point?

Kenny MacAskill: The specific point is that that is serious organised crime. In the main, it tends not to be individuals having one pot or whatever; it tends to be growing that is done on an industrial scale, whether in Lanarkshire or elsewhere. That is why Police Scotland has a specialist crime unit, which seeks to tackle the issue, raise awareness and make sure that we can work out who is dealing with it. Some of the work relates to people who have been brought here to create farms and some of it is about raising awareness with those who are involved in letting properties, where action should be taken.

I assure Margaret Mitchell that Police Scotland takes the issue most seriously, whether in Lanarkshire or elsewhere. It is about tackling serious organised crime, before the issues that follow arise in terms of the drug supply in our community.

Houses in Multiple Occupation (Bellgrove Hotel)

2. John Mason (Glasgow Shettleston) (SNP): To ask the Scottish Government what its position is on Glasgow City Council's decision to award a house in multiple occupation licence to the Bellgrove hotel and whether it considers this an appropriate level of regulation for a building housing over 140 people. (S4O-03652)

The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon): The purpose of licensing homes in multiple occupation is to ensure the safety of those who share accommodation with multiple occupants. It is not unusual for an HMO licence to be granted to a large establishment, such as a hotel or student halls of residence.

The Bellgrove hotel raises particular issues about the best way to address some of the more complex needs of those who are at risk of homelessness and who may not be as engaged with services as others are. Margaret Burgess met the leader of Glasgow City Council to discuss the issue earlier in the year, and the Government and Glasgow City Council are continuing to work together to find appropriate and sustainable solutions to help the residents of the Bellgrove hotel. I am happy to ensure that the member is kept up to date with the progress of that work.

John Mason: Does the cabinet secretary understand the frustration felt? In 2000, the BBC did a huge documentary on how awful the Bellgrove hotel was, and here we are in 2014 and it is still awful.

Nicola Sturgeon: I absolutely understand the member's frustration. With the greatest respect to the member, more important than that, I understand the seriousness of the issues that were uncovered by the BBC and the importance of making sure that the Government works with the council, which is in the prime position, to ensure the safety of people in the Bellgrove hotel and to look at alternative solutions for them. We are determined to continue to do that, and I assure John Mason that the Government continues to work with the council to find a solution to what is a complex issue that we still need to understand. I am more than happy to ask Margaret Burgess to meet John Mason to bring him up to date with the on-going work. I also repeat the undertaking that I gave him in my initial answer to keep him posted as the work progresses.

Cultural and Leisure Opportunities (Disabled People and their Families)

3. Mark McDonald (Aberdeen Donside) (SNP): To ask the Scottish Government how it ensures that disabled people and their families are able to access cultural and leisure opportunities. (S4O-03653)

The Cabinet Secretary for Commonwealth Games, Sport, Equalities and Pensioners' Rights (Shona Robison): The Scottish Government is committed to ensuring that disabled people in Scotland are able to enjoy a wide range of leisure and cultural opportunities on the same basis as people who do not have a disability. Our obligations to improve accessibility are set out in international treaties and domestic legislation, and we have committed to a range of specific actions that are now being implemented.

We recognise that we need to do more to remove barriers that prevent disabled people from participating, and we are working with people who have a disability to develop a draft disability delivery plan, which will be published for consultation in the spring of next year.

Mark McDonald: Part of venue accessibility includes people being comfortable while visiting and experiencing venues. Many venues in Scotland have changing places toilets, but a number of parents have advised me that two venues, the national museum of Scotland and the Hydro, which have recently been refurbished or constructed, do not have those facilities available, which impedes the enjoyment of many disabled people and their families. Will the cabinet secretary meet me to discuss how we can ensure

that popular attractions in Scotland have the appropriate facilities available so that they can be enjoyed by individuals who have disabilities and their families?

Shona Robison: We are aware that the lack of suitable changing facilities in toilets in the community is a problem that prevents people who have profound and multiple disabilities from going out and about, which can increase social isolation. The member might be aware that, last year, Michael Matheson, the Minister for Public Health, launched the keys to life strategy and announced funding of more than £5 million to implement that strategy, which recommended that the number of changing places toilets in Scotland should be increased to 100 by June 2015. I am pleased to be able to advise the member that we have been working with partners to implement that recommendation, and the 100th changing places toilet will be opened on 9 December. However, we very much recognise that more needs to be done, and I am happy to meet the member as requested to discuss that.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Is the minister aware that Euan's Guide, a developing website about access for disabled people to all sorts of venues, will celebrate its first anniversary at the beginning of December? Will she join me in congratulating those who developed Euan's Guide, which tells people whether there is good access, and all the members of the public who give it information?

Shona Robison: I am happy to join Richard Simpson in congratulating those who are behind Euan's Guide. It is important for that information to be out there, and the website is a good source of information for people. I am happy to endorse and support it.

NHS Greater Glasgow and Clyde (Chief Executive Meetings)

4. Neil Bibby (West Scotland) (Lab): To ask the Scottish Government when it last met the chief executive of NHS Greater Glasgow and Clyde. (S4O-03654)

The Cabinet Secretary for Health and Wellbeing (Alex Neil): Ministers and Scottish Government officials regularly meet all health board executives.

Neil Bibby: During the referendum, the Scottish Government and the cabinet secretary made a lot of comments about protecting the national health service from privatisation. What, therefore, is the cabinet secretary's view on NHS Greater Glasgow and Clyde's decision to award a contract aimed at tackling obesity to the United States private company Weight Watchers?

Alex Neil: First, the Auditor General for Scotland's report of last week indicated that the amount of money that the NHS in Scotland spends in the private sector went down last year and remains at 0.84 per cent of the entire budget, which is what it was during the final year of the previous Administration. Like the previous Administration, when we do not have particular capacity or expertise in the national health service in Scotland, we buy it in, which is what has happened in this case. There is a big difference between buying in additional capacity that we do not have and privatising existing facilities, which is what is happening south of the border.

Edinburgh (Western Road Approaches)

5. Colin Keir (Edinburgh Western) (SNP): To ask the Scottish Government whether it has carried out a joint traffic assessment with the City of Edinburgh Council regarding long-term pressures on the three main western road approaches to the city. (S4O-03655)

The Minister for Transport and Veterans (Keith Brown): The Scottish Government continues to work closely with local authorities and key resilience stakeholders to improve the resilience of Scotland's roads network. Transport Scotland is currently undertaking a study with key stakeholders, including the City of Edinburgh Council, to assess the transport impacts of development proposals in the SESplan strategic development plan area.

The study area includes the three main western road approaches to the city and will take cognisance of the benefits of the Edinburgh to Glasgow improvement programme and the new Edinburgh Gateway station in the Gogar area of the city, which will be delivered in December 2016. Those projects will provide relief to road traffic in the west of Edinburgh through the provision of enhanced connectivity and capacity and reduced rail journey times. Network Rail recently announced the award of the £250 million contract for the electrification of the main Edinburgh to Glasgow rail route.

Colin Keir: Traffic congestion in the west of Edinburgh is at critical levels at present, as we wait to see any benefits from the trams. Will the minister agree to meet me, following the publication of the joint study with City of Edinburgh Council, in order to discuss its findings and possible future actions?

Keith Brown: I am more than happy to meet the member as soon as the study becomes available publicly. As I have mentioned, the work that we are undertaking in relation to the tram interchange, the work on EGIP and other infrastructure works seek to help the flow of traffic into and out of Edinburgh.

Sex Offenders (Rehousing)

6. Jackson Carlaw (West Scotland) (Con): To ask the Scottish Government what safeguards are in place to ensure that sex offenders are appropriately rehoused. (S4O-03656)

The Cabinet Secretary for Justice (Kenny MacAskill): The national accommodation strategy for sex offenders forms part of the multi-agency public protection arrangements. It provides a national framework for housing sex offenders in the community. Under the strategy, housing providers, social work, the prison service and the police work closely together, sharing information to assess the risks that sex offenders pose and to find accommodation for an offender that allows those authorities to manage the risks.

Jackson Carlaw: The cabinet secretary may be aware of the coverage following the recent local media exposure of a convicted paedophile in Barrhead in my West Scotland region—an individual who has described those assigned to monitor him as fools, and whose strategy has been to tell those people what they like to hear. Nevertheless, I suspect that the cabinet secretary and I share misgivings about revealing the location of individuals in any sensationalist way.

I invite the cabinet secretary to associate himself with the assurances of Chief Inspector Angela Carty, who has moved to reassure the public in East Renfrewshire regarding the monitoring of sex offenders. What more can he say about the review announced by Her Majesty's inspectorate of constabulary for Scotland and the Care Inspectorate regarding the effectiveness of the multi-agency public protection arrangements?

Finally, I welcome the cabinet secretary's announcement of an expert working group to test global positioning system technology, which the Scottish Conservatives have been encouraging since 2007. When does he expect the fruits of that to be deployed?

Kenny MacAskill: I thank the member. He asked a number of questions and I would be happy to meet him at some stage if he wants a longer briefing.

In 2015, the Care Inspectorate in Scotland, in conjunction with HM inspectorate of constabulary for Scotland, will undertake a joint review to assess MAPPA's efficiency and effectiveness. The review will report on its findings in late 2015, so we are under way on that.

Mr Carlaw and other members have raised the issue of GPS tracking. We see merit and benefits in the use of GPS tracking. We are going out to consult yet again, because the technology is not quite able to satisfy us that it will provide the security and safety that we want. We know that it

offers great opportunities but we have to ensure that any opportunities that it provides will give us the reassurance that we seek.

On MAPPA, we will have a review, which will come back in the latter part of next year. I am happy to discuss that with the member.

On GPS, we continue to work to ensure that the progress that technology has made—we are all aware of it on our mobile phones and so on—can provide the security and reassurance that we all require.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Under MAPPA, the cabinet secretary is aware that a released sex offender will most likely be rehoused in the council area where they last resided and, unfortunately, perhaps where the crime was committed. He will recall the difficulties in the Robert Greens case in Midlothian. Is there room to review those housing provisions, particularly in the case of very small council areas, where people can be identified?

Kenny MacAskill: I assure the member that that is what is, in fact, done. In common with other offenders, registered sex offenders will generally return to their own communities, unless there are exceptional circumstances that increase the risk. One of the ways in which we can try to ensure that someone is less likely to reoffend is to ensure that they have a home to go to and individuals who might very well care for them, and there is good reason to believe that if they go back to a place where they might have greater continuity of care and some friendship they might be less likely to reoffend.

There might be good reasons—the safety of the community, say, or the nature of the offence—that would militate against such a move, which is why, as I said in my response to Mr Carlaw, these things are done on a multi-agency basis. We want to balance the rights of the offender who, having served his time and, subject to additional arrangements under a sexual offences protection order or an order for lifelong restriction, is trying to keep himself on the straight and narrow, with the community's safety and security, especially when we know of challenging individuals who can cause great harm and danger.

Forestry (Devolution)

7. Joan McAlpine (South Scotland) (SNP): To ask the Scottish Government what its position is on the Scottish Woodlot Association submission to the Smith commission that full powers over forestry should be devolved to this Parliament. (S4O-03657)

The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and

Cities (Nicola Sturgeon): The member will recall the positive debate on woodlots in the Parliament last year and know of the support that the Scottish Government is giving to the Scottish Woodlots Association. As the association's submission to the Smith commission points out, forestry in Scotland is already a devolved matter. However, the SWA has raised other issues, such as tax, that can have significant impacts on forestry but which remain reserved to the United Kingdom Parliament. The Scottish Government has called for the Scottish Parliament to have full fiscal responsibility in order to increase the Scottish Parliament's democratic and financial accountability to the people of Scotland and to allow the Parliament to use tax powers in a targeted way to pursue specific policy objectives, including, of course, those that support forestry.

Joan McAlpine: Given that biomass has become one of the fastest growing markets for Scottish forestry, with new energy-generating plants planned in Scotland and the rest of the UK that could quite easily consume all Scottish timber production, does the cabinet secretary agree that the full devolution of energy policy is necessary to deal with that demand in a way that suits our forestry industry?

Nicola Sturgeon: As Joan McAlpine will be aware, the Scottish Government has, under the renewables obligation, capped the size of new biomass electricity-only plants in Scotland to promote the most carbon-beneficial use of our forestry resource. As I indicated in my initial answer, we have set out our proposals for further devolution in our submission to the Smith commission. Those proposals include greater responsibility for energy policy and regulation, with additional powers to tailor support for low-carbon and renewable generation so that we can deliver Scottish priorities in a cost-effective way within a single energy market and, of course, have joint oversight of the UK energy regulator, the Office of Gas and Electricity Markets.

Ready for Winter Campaign

8. Gil Paterson (Clydebank and Milngavie) (SNP): To ask the Scottish Government whether it will provide an update on the weather defences following the launch of the ready for winter campaign. (S4O-03658)

The Minister for Transport and Veterans (Keith Brown): The Government continues to work closely with councils and stakeholders to improve the resilience of Scotland's weather defences and to ensure that robust resilience arrangements are in place. The ready for winter campaign raises awareness of the risks and consequences of all kinds of severe weather and the simple steps that people can take to prepare

themselves. I therefore encourage people to sign up to tools such as floodline and to consult the traffic Scotland website when planning to travel. The Transport Scotland winter service has been enhanced again this year, with new trunk road operating company contracts across the whole of Scotland meaning that roads and pavements will be treated even quicker than before.

Gil Paterson: I know that the minister will be making a full statement on this very matter this afternoon, but in the meantime, what assurances have been received from local authorities that they have made their preparations and are ready for the winter period and any extreme or adverse conditions?

Keith Brown: Councils work with responder partners in the voluntary sector and community councils and play a vital role in preparing for the many impacts that severe weather can have on individuals and communities. We liaise very closely with our council colleagues in our winter planning work, and I was delighted to be joined by the president of the Convention of Scottish Local Authorities, Councillor David O'Neill, at last month's launch of the ready for winter campaign.

The Government's resilience team has been in contact with all local authorities through the local and regional resilience partnerships, and we have received assurances that detailed winter preparation plans are well established across the country. With regard to the specific area of road clearing, Scotland's 32 local authorities are responsible for the maintenance and safe operation of Scotland's local road network, and each council is responsible for all aspects of the non-trunk road network within their jurisdiction, including winter service operations.

It might also be useful to mention, Presiding Officer, that an amber warning of heavy rain has been issued for Aberdeenshire, Dumfries and Galloway, Ayrshire, Argyll and Bute, central Scotland, Tayside, Fife, Stirling and Perth and Kinross.

The Presiding Officer: Thank you for the warning, minister.

First Minister's Question Time

12:00

Engagements

1. Jackie Baillie (Dumbarton) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S4F-02365)

The First Minister (Alex Salmond): Later today, I will visit the Scottish Institute of Sport to meet the athletes and coaches who played a vital role in this summer's Commonwealth games. The games in Glasgow were an outstanding success in terms of their organisation and the way in which hundreds of thousands of people were engaged in the biggest event that Scotland has ever hosted.

I am delighted to announce to the chamber that, in addition to being the greatest Commonwealth games in history, the event has come in almost £25 million under budget, making it one of the few major sporting events in history that have managed to achieve that accolade. It is certainly the only one that has both been the greatest games and come in under budget.

Jackie Baillie: I associate myself with much of what the First Minister has said, particularly the view that our athletes did us proud. I have a suggestion for how he can spend the savings.

Can the First Minister tell us whether the number of teachers in Scotland has gone up or down since 2007?

The First Minister: As Jackie Baillie should know, we have managed to hold to the pupil teacher ratio that was outlined in the agreements that we made with the Convention of Scottish Local Authorities. That is a considerable achievement in the face of Westminster austerity cuts. I know that Labour councils were the most enthusiastic in responding to the Scottish Government's urgings about maintaining the number of teachers.

Jackie Baillie: That sounded like three excuses in one. I suppose that that falls into the same category as the First Minister's most accurate answer that

"anybody has given in any Parliament",—[*Official Report*, 15 November 2012; c 13513.]

and, of course, we know what nonsense that was.

The First Minister knows that I am a kind and helpful person, so he will let me help him out here. Between 2007 and 2013, the number of teachers in Scotland dropped by 4,000. That is 4,000 fewer teachers in our classrooms, teaching our children. It is the poorest kids and those who need the most support who will suffer. The experts are worried.

They do not agree that the drop in numbers is because of falling school rolls. On Tuesday, the Educational Institute of Scotland told Parliament that, every week, pupils are sent home because of a lack of teachers, and the national parent forum of Scotland said that the poorest pupils will be worse off and will get less support because of the cuts.

The First Minister will not tell us the truth about the drop in teacher numbers. Perhaps he can be more forthcoming about another issue. Can he tell us whether the total number of people going to college in Scotland has gone up or down since 2007?

The First Minister: The number of teachers employed by local authorities in Scotland in 2011 was 51,212. In 2012, the number was 51,100. In 2013, it was 50,932. That means that COSLA and Labour and Scottish National Party councils across Scotland have kept to the agreement of maintaining the teacher pupil ratio at the 2011 level of 13.5. That is a considerable success against a background of the austerity cuts that Scotland has suffered from Westminster. Given that that is part of an agreement that encompassed the leaders of councils across Scotland and the Scottish Government, I would have thought that Jackie Baillie would acknowledge that her party has played a part in the success of maintaining teacher numbers and the teacher pupil ratio in those circumstances.

I hope that Jackie Baillie is prepared to celebrate the huge and substantial successes of Scottish education, such as the record exam results and the hugely promising and effective introduction of curriculum for excellence. The concentration of our colleges on courses that give people full-time qualifications is one of the reasons why we are seeing such hopeful signs as the huge and substantial decline in youth unemployment—because, of course, full-time college courses have been maintained, in terms of full-time equivalents, as we promised in our manifesto. Those are substantial achievements not just of the Government but of the teachers, the lecturers, the pupils and the students across Scotland.

Jackie Baillie: The First Minister should not hide behind the professionals involved, because they are the ones making the complaints about his education system. If I was a teacher, the First Minister's report card would be marked "Lacks attention. Could try harder. Can't even grasp the basics."

Let me tell the First Minister about the college experience. The reality is that the number of college students in Scotland has been cut by 140,000 since 2007. That is 140,000 fewer people going to college and making a better life for themselves and their families. He knows that there

is a cut, I know that there is a cut and the people watching at home know that there is a cut.

The First Minister dodged my first two questions. How about we go for third time lucky? Can he tell us whether the number of Scottish students going to university from the poorest areas of the country has gone up or down in recent years?

The First Minister: There have been substantial improvements in exactly that ratio thanks to a number of initiatives that the Government has taken, particularly our maintenance of the educational maintenance payments. Those payments have been abolished in England but have been maintained here in Scotland and are helping the poorest students in the country.

The Labour Party's chequered track record of failing to support such initiatives that help students from deprived families is a matter of record in this Parliament. The Government is rightfully proud of the achievements of Scottish education against the significant pressure of funding cuts from Westminster. In allocating the credit to the teachers of Scotland for the successful introduction of curriculum for excellence against that background, I am allocating the credit where it is undoubtedly due. The Government can, however, take some credit for the successful introduction, maintenance and expansion of the schools for the future school building programme. *[Interruption.]*

The Presiding Officer (Tricia Marwick): Order.

The First Minister: It is not so long ago that Jackie Baillie was the health spokesperson and her colleagues were questioning us about education, saying that we were not building any schools in Scotland. We now have the figures for the first seven years of SNP government. Against the background of austerity, 463 school building projects have been completed since 2007, which is 135 more than the 328 that were completed in eight years of Labour-Liberal administration. *[Interruption.]*

The Presiding Officer: Order.

The First Minister: I know that Jackie Baillie does not want to celebrate those new schools across Scotland and the conditions in which our pupils are now being taught, but will she at least acknowledge that, if we wind the clock back to when some members on the Labour back benches were on the front benches—that is really winding the clock back when I look at some of the Labour members—the Labour Party claimed that we were not building a single school yet, in fact, we have built substantially more in seven years than the Labour Party built in its entire time in office?

Jackie Baillie: Even by the First Minister's usual standards, that was truly woeful. That goes for all his responses. I say to him that he is not in the playground any more and cannot say that a big boy did it and ran away. Education is fully devolved and it is his responsibility. The First Minister's Government celebrates percentages, but we talk about real people. *[Interruption.]*

The Presiding Officer: Order. Let us hear Ms Baillie.

Jackie Baillie: Here are the facts. The First Minister knows that the number of Scottish students going to university is down by 12,000. The figure for those from the poorest background is down by over 3,000. Bursaries have been cut by 35 per cent and student debt is up by 69 per cent. Despite the First Minister's assertions, the reality is that he is failing Scotland's future. The truth is that there are fewer teachers giving our children the education that they need, there are fewer college places for people who are trying to get on in life and the poorest people are less likely to go on to university under the SNP Government. He should be ashamed. When the First Minister leaves Bute house for the last time, should he not perhaps consider taking the education secretary with him?

The First Minister: Over this term of office, there has been a record number of students going into full-time courses in colleges and universities in Scotland. That is a huge achievement, in contrast to what is happening south of the border. Thanks to the initiative that this Government has taken, we have seen a closing in the gap in terms of access to our universities and colleges by students from underprivileged backgrounds. That has been the point of maintaining the education maintenance allowance. That has proved possible because education is free in Scotland, since we abolished the back-end tuition fees introduced by the Labour Party and restored education on the basis of merit and achievement, not the size of your cheque book. I know that, whichever candidate is successful for the leadership of the Labour Party, one of the first things on their agenda will be the reintroduction of student tuition fees. I say to Jackie Baillie that that will not be tolerated or accepted by the people of Scotland.

However, I thought that the point of peak absurdity in the line of Jackie Baillie's questioning was when she said that the Labour Party celebrates percentages—*[Interruption.]*

The Presiding Officer: Order.

The First Minister: Is it celebrating the 23 per cent of people currently voting for the Labour Party?

I heard on the radio this morning that there are scientists at the University of Glasgow who are

researching the expanding nature of the universe. There are political scientists all over Scotland researching the contracting nature of the Scottish Labour Party—from big bang to black hole, from expansion of the universe to the disappearance of the Labour Party in 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-02353)

The First Minister (Alex Salmond): No plans in the near future.

Ruth Davidson: I have questioned the First Minister on school performance many times. In response, he reels off a string of stats and I say that I know that Scotland's schools are good but that we must strive for better—more choice, more autonomy and new ways of working.

This week, the education expert Keir Bloomer wrote in our new book that calling school performance a success

“demonstrates the tendency to self-congratulation, which is such a damaging aspect of the culture in which Scottish Education operates.”

There is a whole debate happening out there on school reform that the Government is not responding to. In the same book, a former headteacher pleads:

“Energise and empower headteachers—set them free and give them true accountability.”

At Tuesday's meeting of the Education and Culture Committee, two parent groups urged the scrapping of local authority education boards altogether. Now that the First Minister has one foot out of the door, I ask him why he is so wedded to councils being the only provider of free education in this country. Why does he believe that there is no better way of doing this?

The First Minister: One of the great joys of not being First Minister of Scotland will be that I will not, as a matter of duty, have to read Tory education pamphlets, as I did last night. I studied in great detail the pamphlet that Ruth Davidson cited. Keir Bloomer's article, “Two cheers for Curriculum for Excellence”, was very good and substantive—unlike, I am afraid, many of the other articles. Incidentally, I did not feel that doing both the preface and the introduction, as Ruth Davidson did, was the best use of resources in developing the pamphlet.

When people argue in that pamphlet that we should adopt as the means of going forward in Scottish education the rampant disorganisation and privatisation that, according to the National Union of Teachers, is being deployed south of the border, they mistake absolutely the temper of the

people. If Ruth Davidson cares to study Keir Bloomer's article, which she cited, she will see that he notes—although he says that the difference is not massive—that it is a matter of fact that in terms of international comparisons and the programme for international student assessment study, we have arrested the decline that took place until 2006. He also notes that, on two out of the three measurements, Scottish performance is ahead of that south of the border.

Given those facts, why on earth would anyone in Scotland be interested in the advocacy by the Conservative Party of adopting the disastrous disorganisation of the English education system? It is far better to pursue the education system that we have in Scotland.

Ruth Davidson: The First Minister clearly did not read Professor Lindsay Paterson's entry, in which he compared the two approaches and said:

"Mr Gove's public preference ... is the more compelling".

It is interesting that the First Minister refers to the Keir Bloomer essay and talks about the PISA study, because Keir Bloomer goes into that in great detail and shows that, in the year that the Parliament started, Scotland's schools were performing at well above the international average and, since then, they have dropped 20 points in reading, 35 points in maths and nine points in science.

Our young people are less able to compete now than they were at the start of devolution. We must do better, so why does the Government dismiss the lessons that can be learned from the charter schools movement in Canada and America, the free school reforms of Sweden or the technical colleges of Japan? Around the globe, school autonomy drives up standards. The First Minister sticks rigidly to the one-size-fits-all approach on education. Rather than congratulate itself, should the Government not put its ego aside and learn the lessons from around the world?

The First Minister: As Ruth Davidson quotes Keir Bloomer, she will accept that, as I stated in my first answer, he notes that the decline in performance that was noted between 1999 and 2006 has been arrested, according to the PISA comparisons since then. He notes that in his article and she must accept that, because it is there in black and white.

I was interested in the Conservatives' offering of New Zealand and America as the international examples that we should follow, because we have substantially closed the gap with New Zealand in the past few surveys on the selfsame standards—the PISA comparison—and we are ahead of America in the measurements. Why would it be a fantastic example to cite in a Conservative Party press release two countries, one of which we have

closed the gap with and the other of which—America—we are substantially ahead of?

Cannot Ruth Davidson understand that, in the vast expansion of nursery education, Scotland is doing well; in the exciting development of the curriculum for excellence, Scotland is doing well; in the Ian Wood commission on vocational education and how it relates to the colleges, Scotland has an exciting opportunity to develop vocational education through the school and college curriculum; and our advocacy of free education has been vindicated by the success of our universities over the past few years?

On all those aspects, Scottish education is performing well. As we go into the future to enhance and improve that performance, let us do it on the basis of the Scottish principles of education—that means that each child should get an equal chance and not have to pay by cheque book for education—and not go down the road of privatisation and disintegration as the Tories south of the border have.

The Presiding Officer: I have a number of constituency questions. As with last week, I want to get through as many as possible, so I ask for brief questions and brief answers.

Christian Allard (North East Scotland) (SNP): I am sure that the First Minister and the chamber will join me in sending condolences to the families of the crew of the Fraserburgh-registered fishing vessel the Ocean Way, which was tragically lost on Sunday, resulting in fatalities.

That tragedy is not only a strong reminder that fishing is one of the most dangerous occupations; it also highlights the fact that many different nationalities work in our fishing industry, as four of the crew were Filipino. Has the Scottish Government been involved in helping to contact their families in the Philippines?

The First Minister: I agree with the sentiments expressed by Christian Allard. I am a former member of Parliament for Fraserburgh and many members in the chamber have close connections with fishing constituents. We record the Government's thanks to all those who acted quickly to try to preserve human life—sadly, of course, in vain for some of the people involved.

The Scottish Government has been in contact with the Maritime and Coastguard Agency and the marine accident investigation branch since the weekend. That has included providing them with information about the fishing vessel, which was Fraserburgh registered but was fishing from Northumbria.

Responsibility for contacting the relatives of the deceased is a matter for the relevant police force, which is Northumbria Police. However, I should

say that we have already made it clear to the police that, if they require further assistance in relation to the nationality of those whose lives were lost, the Scottish Government is anxious and willing to help in any way that it can.

Lewis Macdonald (North East Scotland) (Lab): NHS Grampian has lost its entire local leadership—executive and non-executive—in recent weeks. Does the First Minister recognise the damage that that has done to staff morale and public confidence in what has historically been an exemplary local health service? In that context, will he undertake to ensure that the next chair of Grampian NHS Board lives and works in Grampian?

The First Minister: I have seen some public suggestions about who that should be, but the next chair of Grampian NHS Board will go through the proper public appointments process.

I met the incoming chief executive of the board yesterday. Malcolm Wright assured me that, when he takes office, one of his first acts will be to arrange a meeting with local MSPs to discuss the way forward for the board.

We must recognise, as Richard Carey did in his note to NHS staff, that there had been a breakdown of relationships between some senior clinicians and senior management in Grampian. Therefore, he concluded—as others did—that the way forward was to have new leadership in NHS Grampian. We should go forward from there and rally behind the new chief executive as he addresses the questions, which he fully intends to do. Malcolm Wright comes into post with a substantial track record on addressing such concerns.

I do not for a second say that the finances are the key or the only issue here, but Lewis Macdonald will know that, historically, Grampian NHS Board was underfunded in comparison with the Scottish average. When we took office, it received 9.1 per cent of health board funding. I am delighted to say that, over the next two years, that figure will increase to 9.6 per cent, which is much closer to a fair allocation.

Lewis Macdonald should reflect on the fact that it seems extraordinary that, despite eight years of a Labour-Liberal Administration, that underfunding should have continued for so long. He should welcome, as I do, the fact that, in fairness to all health boards across Scotland, the new formula will bring a fair allocation to each and every health board, including Grampian NHS Board.

John Scott (Ayr) (Con): The First Minister will be aware that approximately 25 jobs are under threat at Prestwick airport because Greer Aviation and Landmark Aviation have been served notice to leave the airport by the management of

Prestwick. Does he share my concerns about that potential loss of jobs and businesses? Will he ask senior Transport Scotland officials to meet Greer Aviation and me to discuss the matter and avert the closure of the businesses in question, which have served Prestwick and Ayrshire well and provided a constant income stream to the airport for almost 15 years?

The First Minister: I do not think that the local member's depiction of the situation is entirely the full story. As I know of his interest in the airport, perhaps the best way forward would be for me to arrange the meeting that he asks for.

We should recognise that this is an operational matter for the airport. The senior management team is tasked with all aspects of taking the airport forward, including the development of significant commercial opportunities. On the issues that the member raises, I will be glad to facilitate the meeting that he requested.

Liam McArthur (Orkney Islands) (LD): Highlands and Islands Enterprise is seeking to build a number of units in Lyness in my constituency as part of welcome efforts to support renewables development but, despite previous commitments from the Government and the enterprise agency, the tender has been framed in such a way as to prevent any Orkney-based firm from competing for the work. The First Minister has the power to do something about that, so will he agree to suspend the tender process so that steps can be taken to allow small businesses in my constituency a fair crack of the whip?

The First Minister: No, but I undertake to examine the issue and to write in detail to the local member to see whether I can help him with his legitimate inquiry.

Cabinet (Meetings)

3. Alison McInnes (North East Scotland) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-02354)

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

Alison McInnes: This week, the chief executive of the Care Inspectorate, Annette Bruton, warned that it

"would be a serious mistake to assume Scotland is immune from the type of child exploitation"

that has been seen elsewhere in the United Kingdom. She reported that Scottish agencies have made progress but are still not effective enough. What discussions has the First Minister had with the Care Inspectorate on the support that can be given to ensure the safety of children in

Scotland? What priorities for action has he identified?

The First Minister: There were full discussions of those matters in the previous two Cabinet meetings, and I understand that there will be a ministerial statement this coming Tuesday, so Alison McInnes will have a full opportunity to press her questions.

Alison McInnes: I look forward to the publication of action on that.

People would expect the First Minister to take a close interest in what is a national issue. People in South Yorkshire assumed that agencies, committees and working groups were protecting their children, but we have learned that we have to check and double-check. Therefore, it is right to press the First Minister on the matter. It is insidious and creeping abuse.

Scotland's public agencies still have "important and major weaknesses" in dealing with the first reports of abuse. What deadline will the national plan set to give Scotland's young people the comprehensive assurance that they will be protected?

The First Minister: I chaired a long Cabinet session on exactly that subject on Tuesday. A range of initiatives were discussed, excepting, of course, the announcements that have already been made; for example, the new unit in the new Scottish police service for investigating crime and criminality, which will have substantial advantages over the variations in approach that were part of the difficulty for previous police services. The single police service gives us the advantage of having the specialism and detailed knowledge that that investigative unit will have. I know that Alison McInnes will welcome that.

Mr Russell's statement on Tuesday will go into a range of matters in a comprehensive response. There is no complacency whatsoever in the Scottish Government's approach. We recognise that everyone in the Parliament understands both the importance and the necessity of making absolutely sure that our agencies and legislation are entirely fit for purpose, and of ensuring that some of the abuses that have been historically documented can be addressed for the future, that weaknesses in our system will be addressed and, of course, that the survivors and victims of previous abuse will get the justice and the hearing that they rightly advocate and cry for.

Welfare Reforms

4. Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): To ask the First Minister what assessment the Scottish Government has made of the impact of United Kingdom Government welfare reforms

on families in which at least one family member is in employment. (S4F-02370)

The First Minister (Alex Salmond): We should start calling them "welfare changes", not "welfare reforms".

It is estimated that funds of £6 billion will be removed from the Scottish economy. That money is from families in Scotland in the six years from 2011-12 to 2015-16. Independent projections suggest that up to an additional 100,000 children and 150,000 working-age adults will be living in poverty by 2020 because of welfare reform.

As Jamie Hepburn highlights, households in Scotland are increasingly experiencing in-work poverty. Employment is no longer in itself a protection against poverty; six in 10 children and more than half of working-age adults in relative poverty in 2012-13 were living in households in which somebody was working. Unfortunately, that is an increasing trend that will be aggravated by the further changes that the Chancellor of the Exchequer is planning.

Jamie Hepburn: With those welfare changes hitting the poor and many working families hard, the First Minister will be aware that a range of front-line organisations, such as the Scottish Federation of Housing Associations, Children 1st, the Poverty Alliance and Engender, have called for the devolution to Scotland of powers over welfare. Does the First Minister agree that the whole Parliament should unite behind those calls so that we can make better decisions in the Parliament to improve on those matters and to build the fairer Scotland that we all want?

The First Minister: Yes, I do. I also think increasingly that the number of people in the Parliament who would say that Scotland should not—not "could not"—control welfare will diminish as people recognise, across the range of issues, that decisions that are made closer to people in Scotland will take account of the matters that Jamie Hepburn rightly raises. Of those issues, we should dwell on in-work poverty. We should recognise the logical—in fact, the inevitable—consequence of the Chancellor of the Exchequer's recent announcements that thousands more people in each and every constituency in Scotland will suffer a reduction in their standard of living as a result of the changes that he intends to make. Those are working people who will get poorer as a result of the chancellor's changes, which I understand the Opposition in Westminster seems to be prepared to accept and go along with. That is an intolerable situation, and I am certain that no Administration in the Scottish Parliament would ever countenance such a move.

Living Wage

5. James Kelly (Rutherglen) (Lab): To ask the First Minister what the Scottish Government's response is to the KPMG study that indicates that more than 400,000 workers in Scotland are being paid less than the living wage. (S4F-02363)

The First Minister (Alex Salmond): Tackling low pay is a key priority of the Government, and we fully support the living wage campaign. We have, of course, led by example. For the fifth consecutive year, we have required employers that are subject to our pay policy to pay their staff the Scottish living wage. We should note that, as a result—as the KPMG report shows—the living wage is paid to 81 per cent of Scottish employees, which is a greater proportion than in any other part of the United Kingdom outwith the south-east of England.

James Kelly: I am sure that the First Minister will agree that it is unacceptable that more than a quarter of a million women in Scotland are not paid the living wage. Some of those women are working on cleaning contracts in Scottish Government locations. Will the First Minister therefore agree to set out a national living wage strategy and to review urgently all Scottish Government cleaning contracts to ensure that people in those locations are paid the living wage?

The First Minister: What a pity that James Kelly did not attend the Scottish Trades Union Congress conference when I gave a speech that laid out exactly such a strategy and how the Government intends to roll out the living wage. Of course, it is this Government that introduced the living wage in Scotland, and we will pursue it for the fifth successive year, starting next April. It would be wonderful if, at some point in his rightful comments on these matters, Mr Kelly had acknowledged that it was the Scottish National Party Government that introduced the living wage across the public sector and, indeed, that secured the living wage as part of the recent contract negotiations for catering in the Scottish Government and for the railways.

I heard Mr Kelly on the radio wax lyrical about the £8 that the Labour Party has offered as the minimum wage, but he forgot to tell people that that is for the year 2020. In other words, there would be a 2 per cent increase in the minimum wage year by year, so it is likely—in fact, almost certain—that even an inflation increase would take the minimum wage past that amount. It is no wonder that the Labour conference and the leader's speech at that conference have been given such a resounding raspberry by working people in Scotland.

Crude Oil Prices

6. Alex Johnstone (North East Scotland) (Con): To ask the First Minister what assessment the Scottish Government has made of the potential impact on the economy of the recent fall in crude oil prices. (S4F-02352)

The First Minister (Alex Salmond): The impact will depend on a number of factors. The final impact on the economy will depend on how the fall passes through to investors and consumers. Of course, it would be unwise to assume that the recent fall will last. Much of the recent decline has been driven not by market fundamentals but by a reaction to a temporary oversupply in the market, as the Organization of the Petroleum Exporting Countries—OPEC—tries to force out the production of US shale oil. Indeed, the most recent forecasts by the Organisation for Economic Co-operation and Development, Cambridge Econometrics, Standard Chartered Bank and even the Confederation of British Industry are for a bounce back in prices next year.

Perhaps Alex Johnstone would like to think how secure our economy would be if, like Norway, we had had the opportunity to invest in an oil fund. I saw in a *Financial Times* report this week that every day for the past 13 and a half years the Norwegian fund has grown by an average of \$165 million. When oil prices were high and when they were low, the oil fund grew by \$165 million a day. Would that Scotland had discovered oil at the same time as Norway. [Laughter.]

Alex Johnstone: With Brent crude trading today at under \$83 a barrel, we have reached a four-year low, with a 20 per cent drop since the day the First Minister lost the referendum campaign, having put oil at the centre of his campaign for an independent Scotland. Given that the case was decisively rejected by the North East Scotland, where the industry is based, will he now accept that, bury the hatchet with the United Kingdom Government and work to ensure that the oil service industry has the best of support north and south of the border to weather the storm and return to a successful future?

The First Minister: That was spoken with the confidence and authority that comes from being at 8 per cent in the most recent Scottish opinion poll. At some stage, the Conservative Party will consider whether a revival to 8 per cent indicates a glowing future. Why is the Conservative Party at such an all-time low? It is because it seems to suggest that having oil and gas in massive quantities is a curse and an irredeemable burden for the Scottish people.

What other people look at is the announcement of new discoveries in the North Sea, such as the Xcite Energy discovery of the Bentley field, with

300 million barrels. British Petroleum has announced another discovery in the central North Sea—something that obviously only became apparent after 18 September—not to mention today's report in *The Press and Journal*, which indicates that the latest drilling in Clair ridge is showing extraordinary oil-well flows.

People will conclude from that that the size of the resource in the North Sea and in the waters around Scotland will outlast the Scottish Conservative Party by many decades, and will power Scotland in times to come.

RBS Branch Closures

The Deputy Presiding Officer (John Scott):

The next item of business is a members' business debate on motion S4M-10936, in the name of Neil Findlay, on RBS takes communities for granted. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes the proposed closure of Royal Bank of Scotland (RBS) branches in Armadale, Fauldhouse and Harthill; is concerned at the apparent arbitrary nature of the closures, which are inconsistent and set by RBS alone; believes that there has been no engagement or consultation with local communities or RBS's largest shareholder, the UK taxpayers; understands that, by the end of the third quarter of 2014, RBS will have closed more small branches, over 150 in nine months, than it has closed since it acquired NatWest in 2000; is concerned that there are no guarantees that the criteria for closure will not be broadened to include larger branches in future and sees the RBS commitment of two years ago to maintain branches where they were "the last bank in town" as completely worthless as these branches identified for closure are indeed "the last bank in town", and notes calls for the RBS management to immediately withdraw its plans to close these branches.

12:36

Neil Findlay (Lothian) (Lab): The Royal Bank of Scotland is a bank that we, the taxpayers, own and control, with an 81 per cent stake; a bank that we had to bail out to the tune of an eye-watering £37 billion; and a bank, of course, where Fred Goodwin—I do not think that he is Sir Fred any more—and his band of merry men, because it was largely men, almost brought a once great institution to its knees through reckless mismanagement. They played fast and loose with customers' money and took the bank—a bank that previously had a global reputation—to the brink. It is a bank that caused panic among its loyal customers, who feared that their money would no longer be there; it is a bank that almost failed.

I would have thought that the senior management of that bank would now be doing all that it could to win back the faith of its customers; all that it could to apologise to the people who have loyally banked with it; and all that it could to show humility for what it did—but apparently not.

This year, the true extent of the RBS closure programme was laid bare when it was revealed that RBS has earmarked 154 branches for closure this year—roughly a whole 5 per cent of its network. As of today, more than 100 local branches have already been closed. What we have seen, not just in my area but across Scotland, is branch after branch after branch being pulled. In April, 44 branches were earmarked for closure, from Castletown in the north, near Thurso, to Berwickshire in the south, as well as

branches in England and Wales. Of those 44 branches, 14 were the last bank in town, leaving local people and local businesses with no banking facilities.

That is significant, because in 2010 RBS published a glossy “Customer Charter” in which it gave a series of long-term commitments. In commitment 9 it stated:

“We pledge to stay open for business if we are the last bank in town”

and also noted:

“We have identified over 100 ‘Last bank in town’ locations where we will continue to provide local banking”

facilities.

In “Our Customer Charter: The first progress report—February 2011”, RBS boasted:

“We have continued to provide banking services in 146 locations where we are the last bank in town.”

This year, however, the commitment was ripped up and put into Fred Goodwin’s famous shredder. What a way to treat loyal customers, many of whom, along with their families, have been customers for generations or have run businesses that have banked with RBS for decades. The “last bank in town” commitment is not worth the paper that it is written on, and neither is the RBS customer charter.

In West Lothian, the Fauldhouse and Armadale branches are closing—the Fauldhouse branch locked its doors for the final time on Tuesday. It was the last branch in town, and now a community of 5,000 people no longer has a bank. Armadale, which is a growing community of 10,000 people, with a school, a nursery, a new railway station, jobs and retail facilities and 2,000 new houses being built now has no bank in town for people to use.

Just over the border in North Lanarkshire, the village of Harthill no longer has a bank either. So much for the promise to keep the “last bank in town” open. Of course, RBS says, “Oh, it’s okay—we will replace that provision. You can go online and use digital banking.” However, for many people in those communities—certainly for many older people—that is not an option.

To some of the communities, RBS says, “It’s okay, because we will have a replacement service—there will be something else.” In some communities, there is Post Office provision, but in other communities the provision is a twice-a-week, half-hour mobile service. We have a better service than that from the local ice-cream van.

Over the summer, I, along with my United Kingdom Parliament colleagues Graeme Morrice and Michael Connarty, met senior RBS officials. We put forward the social and economic case for

keeping the branches open, and pointed out the needs of the community and of business.

All that we got was an attempt to hide behind statistics that showed a fall in customer visits. RBS conceded that the fall in customer numbers at the branches that it was closing was lower than the average fall elsewhere, yet some of those other branches were being kept open. The officials would not tell us what their strategy was, or describe their plan for rolling out the closures, but they said that RBS would be continuing the programme.

When I asked them whether they had consulted customers and whether they would come to a public meeting and speak to people in the community, their answer was no. Instead, all they did was send a letter out advising customers that their bank would be closing in a few months’ time. They did not talk to people or address local concerns; there was just a “Dear customer” letter saying that the bank would close.

I am afraid that we have now reached a situation in which RBS is Longniddry no more, Cumnock no more, Lochwinnoch no more, Harthill no more, Armadale no more, Fauldhouse no more—and many other communities up and down the country no more.

That is not the way that large companies that have received eye-watering levels of public money should be treating the people whose taxes bailed them out. RBS appears to have failed to learn a single lesson from the banking crisis.

12:43

John Mason (Glasgow Shettleston) (SNP): I thank Neil Findlay for bringing the debate to the chamber. I realise that his motion focuses primarily on West Lothian and North Lanarkshire, but he has mentioned a wider spread, and the scenario that he describes is very similar to the one that we experienced in Shettleston in June 2013 and in Bridgeton—also in my constituency—in March 2013.

I suppose my constituency has roughly the same population as many other members’ constituencies, but we have only one RBS branch for the whole constituency. The Shettleston branch was relatively small, but it was very busy: I used it on several occasions and almost invariably had to stand in a queue before being served.

As Mr Findlay said, RBS argued that more people are banking online and fewer people are using the branches. I accept that that is a trend. However, most people still need to go into a branch from time to time. That is especially the case for folk who are less comfortable using the

internet, banking by phone and using other methods. Such folk tend to be in poorer areas.

Neil Findlay was being somewhat generous to RBS in his motion when he referred to

“the apparent arbitrary nature of the closures”.

I do not think that the closures are arbitrary. I think that they are targeted at places where people have less money.

It might be argued that RBS is a business and must follow the profit. However, I have a few problems with that. First, businesses are allowed to have a conscience. Corporate social responsibility is seen as a positive attribute, which makes companies more sustainable in the long term.

Secondly, as Mr Findlay said, the Royal Bank is owned by the public and owes its continued existence to the public's generosity. Some of my poorer constituents—I suspect this applies to some of Mr Findlay's constituents, too—have gone through considerably hard times in recent years because of the stupidity of decisions by RBS and other banks.

Thirdly, banks have continued to pay excessively high salaries and bonuses. They seem able to cut some costs and not others.

Fourthly, as the motion says, there has been

“no engagement or consultation with local communities”.

That was our experience in Glasgow too. The first public statement that we got was not that the bank was thinking about closing the branch but that it had already decided to do so. The bank agreed to meet me and other elected members, not to discuss the options but to explain what it was about to do.

I was so annoyed by the decision and by the way in which it was carried out that we set aside party differences in the east end of Glasgow, for once, and had a joint Labour and Scottish National Party campaign, which was headed up by Sandyhills community council. However, I am afraid that even then the bank did not listen.

On a personal note, I have got fed up with the larger banks for a number of reasons and have switched my main account to one of the smaller banks, which should probably remain nameless but has its only Glasgow branch in my constituency. I urge other members to think about switching, too.

I am not arguing that RBS should not make itself profitable; a loss-making bank is not much good to any of us. I am arguing that banks need to look at the bigger picture. They are, to a large extent, a public service, albeit one that is generally privately owned, and serving the public must come into

their thinking somewhere. That should surely mean a little more listening and a little more consideration for our poorer citizens and communities, be they in West Lothian, Glasgow or anywhere else.

12:47

Hugh Henry (Renfrewshire South) (Lab):
Ross McEwan, the chief executive of RBS, told us:

“We need to remember—and then never forget—that the customer is why we are in business.”

He should try telling that to customers in Lochwinnoch, in the east end of Glasgow, in Armadale, in Fauldhouse and in all the other communities where the last bank in town is being withdrawn. Neil Findlay mentioned the worthless pledge that RBS made. Where was the pledge when Ross McEwan said what he said?

Lochwinnoch is a mixed community. People think that it is an affluent community, and many people who live there are relatively affluent, but there are also many people in Lochwinnoch who are elderly and are on lower incomes. Those people rely on having access to a bank.

As members have said, figures have been given on the reducing number of customers. We have been told that there are alternatives, because more people use online banking. However, internet access in Lochwinnoch is poor and online banking cannot always be relied on. We are also told that the Post Office offers an alternative service. However, the Post Office is being relocated to a Spar store, where an extremely limited service will be on offer.

What about access to the nearest alternative branch, whether it is provided by RBS or any other bank? The nearest settlement is Johnstone, which is more than 7 miles away. Lochwinnoch also has an extremely poor bus service so, for those without a car, it is difficult to get to an alternative branch. In addition, for those without internet access, it is difficult to access a service; even for those who have such access, it is still at times difficult to access a service.

I suspect that many of our constituents across Scotland would accept that there must be service cuts if there was a real problem and everyone faced those cuts equally and they together shared the pain and the grief. However, that is not the case. At the same time as pennies are being saved by branch closures, over the past four years RBS has paid out bonuses of £3.4 billion. A taxpayer-owned bank can afford to pay £3.4 billion in bonuses but cannot use some of that money to keep branches open in communities such as Lochwinnoch.

That same chief executive, Ross McEwan, is in line for a £1 million-a-year share allowance that sidestepped the European Union bonus cap, which effectively doubles his salary. He also received shares of almost £1.5 million as part of a £3 million signing-on deal when he was first hired from the Commonwealth Bank of Australia. We are not all in it together. It is not right that my or other members' constituents should be asked to bear the burden, so that a handful of people can continue to exploit the generosity of not just the customers, but the British taxpayer.

What we are seeing is just cynicism and a continuation of the greed that brought the British banking system to its knees. We are not seeing a level playing field where people are sharing out problems and responsibilities. RBS has not consulted, as Neil Findlay said; it has ignored its customers, despite Ross McEwan's promises and commitments. We are seeing a taxpayer-owned bank cynically treating its customers badly, caring not one jot about the consequences.

I hope that, even at this late hour, RBS will think again. However, if it chooses not to do so, the very least that it can do for the communities is to look at what it is doing with its assets and see how some good can be put back into the communities that it is damaging.

12:52

Gavin Brown (Lothian) (Con): It is fair to say that any branch closure is a matter of regret because, no matter where the branch is located, that has an impact on customers, staff and the wider community. The smaller the community, the deeper the impact is likely to be. Therefore, any institution, whether it is a bank or any other organisation, must think carefully about the consequences of any closure and, if it decides to close an office, must consider how it can ameliorate or reduce the consequences as much as possible. It should be an absolute last resort for a bank or other institution to close its offices, particularly in a smaller community where it might well be one of the last remaining institutions in the town or village. Therefore, I agree with some of the sentiment that has been expressed. However, some parts of the debate have been unfair towards the bank; other parts have ignored the realities of what happens out there on the ground.

John Mason said that he accepts that times and technology are changing but that he wants branches to be kept open, so that—I wrote down what he said—people have a place to go to “from time to time”. It is not possible for institutions to keep every branch or office open so that people have a place to go to from time to time. Although I do not want to see any closures in my region or, to

be candid, in any other region, we must also listen to what is happening on the ground.

There has been substantial change in how banks and other businesses interact with their customers. It is not right to say that such organisations ignore their customers; they must follow the trends in what their customers are doing. The statistics that I have been given are from the bank—obviously I cannot verify them myself.

Hugh Henry: Will the member take an intervention?

Gavin Brown: In a second, Mr Henry.

The bank says that since 2011 branch transactions are down by 30 per cent and online transactions are up by 232 per cent. If those statistics are correct, then any business or institution would surely have to invest more of its resources into what the 232 per cent are doing, which in RBS's case means that it will inevitably invest less in branches if their footfall is dramatically reduced.

Hugh Henry: Does Gavin Brown not agree that a very small part of the massive bonuses to which I referred would be enough to keep open the branches that are threatened with closure? Would doing that not be justified and would it not enable RBS to keep its pledge to keep open the “last bank in town”?

Gavin Brown: I have not seen inside the bank's books and I do not know the internal workings of the bank or how much is saved from every individual closure. I suspect that Hugh Henry does not really know either. It is very difficult for an MSP to suggest that they know better than an organisation how to run that organisation.

Neil Findlay: Will the member take an intervention?

Gavin Brown: I think that I have only a minute left, Presiding Officer.

The Deputy Presiding Officer: You can take the intervention if you want—it is up to you.

Gavin Brown: As long as I am given some additional time, I am happy to give way to Mr Findlay.

Neil Findlay: Mr Brown was speaking about customers. I can quote directly from RBS's progress report on its customer charter, which states:

“Dear Customer,

Last June, we made a public commitment to becoming Britain's most Helpful Bank. As part of this, we launched our Customer Charter, a set of 14 promises based on what you - our customers - told us was important from your bank. To show we're taking this seriously, we promised to be

transparent and share progress along the way. So here we are: our first official progress report."

The bank then goes on to list all the successes in implementing the charter, with big ticks for being the "last bank in town". What does Mr Brown say about the bank stating that it is listening to customers, then completely ignoring everything that has just been said?

The Deputy Presiding Officer: You can have extra time, Mr Brown.

Gavin Brown: Mr Findlay is perfectly entitled to express the view that the bank completely ignores customers, but I do not think that any organisation that wants to succeed can ignore customers and I do not accept that the bank does entirely ignore customers. Mr Findlay is perfectly entitled to his view on that; I simply disagree with him on it.

In my final minute, let me just take issue particularly with the heading of the motion, because I think that Mr Findlay has just used a lazy soundbite for it, to be candid. I was aghast at John Mason describing it as "generous" to say that RBS takes communities for granted. I do not think that that is correct, certainly not from my experience of speaking with the bank's employees and from looking at the work that they do in communities as employees of one of the largest employers in the country.

On a personal level, I have seen the work that the bank has done with the Prince's Trust and Entrepreneurial Spark—eSpark—and have observed the RBS moneysense tutorial that goes on in secondary schools, when bank staff take time out to go and try to help pupils across the country. RBS staff make donations through the payroll and give up time to volunteer, and there was RBS support for the recent STV appeal.

I think that anybody who saw what is going on across Scotland on the ground would think that it was unfair to say that RBS takes communities for granted. That is where I disagree with some parts of the motion.

12:58

John Pentland (Motherwell and Wishaw) (Lab): I speak in support of Neil Findlay's motion. Having lodged a motion regarding an RBS bank closure in my constituency, I will address the local circumstances, but many of my concerns apply to the closures that we are seeing across Scotland.

The Royal Bank of Scotland has earmarked more than 5 per cent of its branch network—154 branches—for closure this year. Although customers have been told that branches will close, there has been no formal announcement of the programme. The closures include branches where RBS is reneging on its promise—yes, that

promise—to keep the "last bank in town" open. Will these be the last closures? Who knows? No commitment has been made to the remaining 2,000 branches. With the bank's recent announcement of a third successive quarter of profit and with a pre-tax profit of £4.2 billion forecast for the year to December 2014, customers and staff are understandably angered and incensed by closures and job losses against a backdrop of rising profits and share prices.

RBS is 81 per cent publicly owned and it is not unreasonable to expect it to be controlled and operated in the public interest. Like other members, I find it extremely difficult to see that that is the case when it is the public and the staff, not the 19 per cent of other investors, who are disadvantaged by the closures.

The bank has a responsibility to be prudent with its finances after Fred the Shred's reign, but surely that needs to be tempered with corporate social responsibility and by taking into account the interests of the public and the staff. The bottom line should not be solely about profit and the share price. We would not think that that was ethical in any other company, so it is much less excusable when the company is public property, having been rescued at public expense. I am sure that there are circumstances in which we would be prepared to wait a little longer to recover that public investment for the sake of other priorities, such as financial inclusion.

In my constituency, the impending closure of the Cleland RBS branch means that constituents will have to travel further afield for banking provision. As alternatives in the area do not offer the same range of services, closure will significantly add to costs and inconvenience for local people and businesses. I have been in touch with RBS, which initially gave me a picture of a bank branch that had little custom. It transpired that the picture was somewhat busier than it had first been painted. I have called for an extensive consultation and questioned the rationale and adequacy of the alternative facilities that will be available to the people of Cleland. RBS has now said that it will provide a mobile banking service once a week, but that is a poor substitute. It also underlines RBS's determination to press ahead with the closure.

I have sought to engage with RBS to discuss what can be salvaged from the closure. I have asked about the possibility of the building being made available for community use, perhaps to host a credit union or another voluntary organisation. RBS is willing to explore that possibility but it insists that part of the discussion should be about its responsibility to the shareholders. The bank needs to understand and accept that the public are the majority shareholder and that they should be the priority. At the very

least, the bank should help to rescue something for my constituents who, through their Government, rescued RBS.

13:03

The Minister for Energy, Enterprise and Tourism (Fergus Ewing): I thank Neil Findlay for lodging the motion. We have debated the issue on several occasions. John Mason reminded us that he raised the issue of a branch closure in his constituency, and alluded to the fact that he did so on a cross-party basis. The parties who are represented in today's debate have made a number of valid and salient points.

I confirm that the Scottish Government shares and understands the concerns that have been expressed today about branch closures in our local communities. Bank branches have always played a huge part in communities throughout Scotland and we rely on our banks so that we can conduct our daily lives and businesses and pay our bills. We are clear that customers must be at the heart of what banks do. The decision to close branches will affect everybody in the local community, as Mr Findlay outlined and as other members said when they talked about branch closures in their areas. Mr Henry, Mr Pentland and Mr Mason gave specific examples and there are many others around the country.

I want to say a bit about the staff who are employed at the branches. For many people, they are the branch. When I ran my business, the Victoria Road branch of the Bank of Scotland was excellent. I can still remember Dorothy, who was one of the friendliest people I ever encountered; she cheered me up on many a day of travails of running a small business in Scotland. The staff have played an integral part and I pay tribute to them. I understand from RBS that the redundancies resulting from this programme of closures have been on a voluntary basis.

The bigger picture is that the bank is one of the major businesses in Scotland. It employs 11,500 people, supports 122,800 businesses and has nearly 2 million personal customers. As a matter of balance, it is reasonable to say that the bank contributes some positives, such as the eSpark programme and the microfinance fund. It plays a part in financial education in schools and gives grants to 47 charities. Its staff have donated nearly £1 million through payroll donations and raised a lot of money for the STV appeal, which helps children. We all recognise that there are positive points. However, the focus of this debate is on branch closures. I will make a few remarks on that topic.

Neil Findlay: Will the member take an intervention?

Fergus Ewing: I want to make some progress. I am just coming to the meat of the topic, but I thought it only fair to set the matter in context and I have done so.

RBS says that the decisions that have been taken have not been taken lightly or arbitrarily. When a decision is made to close a branch, there is a three-month period between announcement of the closure and the closure itself. I was keen to understand whether the process was of the nature of a consultation or engagement. My understanding is that the three-month period is not really to decide whether a decision should be overturned, but rather to allow customers and staff to deal with the consequences of closure, to give customers of the bank an opportunity to make other arrangements and to assist them there anent.

The period of consultation has been mentioned. As Mr Findlay rightly said, it is absolutely essential that, when the Royal Bank of Scotland or any other bank decides to close branches—others do, too; the RBS is not alone—customers' interests are placed at the heart of the issue. A time period is required. I want to know from RBS whether it is sure that all its customers can make other arrangements within three months.

Mr Henry suggested that the opportunity be given to explore the possibility of buildings' use by local credit unions as an alternative. I will pursue that suggestion with the Royal Bank. I chair a credit union working group and I think that credit unions need more help from the British Bankers Association and the Government to continue to expand their operations throughout the country. Many, though not all, credit unions are effectively operating as banks. However, they cannot get access to a sort code so they cannot offer proper banking facilities. That is an important hidden and detailed point, which is directly relevant to the debate. If customers wish to make alternative arrangements, it should be not just with the Royal Bank but with others. I will most certainly pursue that with the Royal Bank.

Most members recognise that action needs to be taken to deal with the financial damage that the banks sustained as a result of some monumental failures of decisions in relation to investments, about which we all know and about which none of us can do anything. The banks have to deal with the consequences of that. As all members have recognised, that means that difficult decisions have to be taken. However, it is correct to point out, as Mr Findlay did, that the customers' interests are paramount.

Increasingly, customers are using other facilities, such as mobile apps. The Royal Bank has informed me that more than 2.1 million customers a week use the RBS mobile app, with

more than 50 per cent of customers actively using mobile phone and online banking. RBS expects that 4 million customers will be using those facilities by the end of 2014. In other words, this is a rapidly changing scenario. The uptake of online and mobile facilities is massively increasing and, at the same time, the use of traditional bank branches is massively reducing. That is the reality. I think that most, if not all, members recognise that that means that, as customer practice changes, so, inevitably, difficult decisions will have to be made.

As for the three specific branches highlighted in the debate, I understand that the decline in transactions since 2011 has been 16, 22 and 25 per cent respectively at Armadale, Fauldhouse and Harthill. One point that I think Mr Findlay raised and which I will pursue with the Royal Bank is the suggestion that the percentage reduction in footfall at those branches was somewhat less than at other branches that had not suffered closure. I will specifically write to the Royal Bank after this debate to get an answer for Mr Findlay on that point. Points of that nature made by members in the chamber deserve to be answered by the bank. I am not here as a critic or defender of the bank; I am here to answer questions and ensure that this Parliament and elected representatives get responses.

John Pentland: Does the minister agree with me and Mr Henry that if the asset is considered as the community's he should insist that the Royal Bank takes on board the public rather than the private priority?

Fergus Ewing: I am strongly of the view that the Royal Bank must consider the interests of its customers, the community and its staff in all these matters. We take that very seriously, and I think that the member's point is well made.

I do not want to shirk the point about bankers' bonuses. I think that that is one of the topics that most irks the public in Scotland and the UK. It has existed for several years now, and I do not think that the public feel that the response to it has been satisfactory. Quite what that response should be is a legitimate matter of debate, but my personal view is that as long as the matter remains apparently unresolved the rehabilitation of the reputation of banks will be a difficult task.

In conclusion, Mr Swinney, the First Minister, the Deputy First Minister, I and other colleagues in the Scottish Government engage with the Royal Bank of Scotland on all sorts of matters, and we have raised the issue of branch closures with it at such meetings over the piece. We welcome the alternative investment in mobile van branches; some of the alternatives that the Royal Bank is coming up with; and the increased use of post offices as alternative locations. We are pleased

that the bank is engaging in consultation and, as I have undertaken to members, I will raise their points on specific matters after this debate. I am determined to continue to engage closely with all the main banks in Scotland as they seek to implement fundamental change and seek to restore customer trust and confidence.

13:12

Meeting suspended.

14:30

On resuming—

Winter Resilience

The Presiding Officer (Tricia Marwick): The first item of business this afternoon is a statement by Keith Brown on winter resilience. The minister will take questions at the end of his statement, so there should be no interventions or interruptions.

The Minister for Transport and Veterans (Keith Brown): I am grateful to Parliament for the opportunity to make a statement on our winter resilience in Scotland.

We know that severe weather will cause disruption, but the Government has taken a wide range of steps to improve our resilience to the challenges of winter, to mitigate its impacts and to allow our transport networks and businesses to recover and daily life to get back to normal as quickly as possible. Today's multi-agency preparations for the amber weather warnings that were issued this morning are a good example of that. Our resilience work is undertaken in partnership with a broad range of public, private and third sector partners and has included new investment, development and innovation, to learn the lessons from previous winters.

We have made sure that the lessons of previous winters have been identified, considered and acted on through the work of the winter weather review group in 2011 and through our on-going lessons-learned process. We have tested and reflected on those lessons collectively with a wide range of partners through exercise polar storm in 2011 and through exercise Arctic blast and exercise green delta in 2012, plus a range of other exercises that have taken place locally and regionally.

We have launched and are running Scotland's fourth national resilience week and a longer-running preparedness campaign—ready for winter—in partnership with the British Red Cross and a wide range of partners, to call on everyone to make their own preparations for winter.

Transport Scotland's winter service media launch was held earlier this week to promote and publicise the fact that, this winter, our roads will be serviced more quickly than ever when snow and ice hit.

We work constantly with our partners to improve the technology that is available to predict events and to provide early warnings to responders and the public. We have supported the Met Office in developing major improvements to its national severe weather warning service and we have invested more than £8 million in the floodline warnings direct scheme to improve information to

the public about when they may be at risk from flooding.

On 14 August 2014, my colleague Paul Wheelhouse, the Minister for Environment and Climate Change, announced Scotland's first national centre for resilience—the NCR—which will build on experience in south-west Scotland to develop national capabilities that focus on natural hazards, community resilience and flooding resilience and will provide a research purpose and facilities through the creation of the new centre for research on resilience.

We have invested sensibly in our transport resilience. For example, as of 4 November, we have approximately 693,000 tonnes of salt in stock or on order, including a Government strategic salt reserve. That represents more than double the amount of salt that was used last winter. We also have in place a range of new resources to improve intelligence, to monitor, to patrol and, where necessary, to act.

The winter fleet for trunk roads will have in excess of 195 vehicles available for spreading salt and ploughing, which is the highest level ever available on our trunk roads. That whole fleet will be available to support front-line and patrol vehicles as well as to cover breakdowns and essential maintenance.

During the 2013-14 winter season, 75 new state-of-the-art gritters replaced older vehicles and 34 of those new machines were bigger than the vehicle that they replaced, with the capacity to spread more salt. The new fourth-generation contracts winter service in the east commenced on 1 October 2014 and will follow similar principles. By the end of the 2014-15 winter season, new state-of-the-art gritters will be operational across the country.

New weather stations, temperature sensors, cameras, messaging signs, new icebreakers, a stockpile of alternative de-icers and welfare kits to help anyone affected by disruption have all been introduced since 2010.

The 2014 Commonwealth games legacy has equipped Transport Scotland with a larger pool of staff who are trained in resilience operations, while key parts of the network have been strengthened with increased camera infrastructure. We will build on that legacy to continually improve our response to severe events.

There has been significant investment in our railways and airports. ScotRail and Network Rail have invested more than £4 million to improve winter resilience, and airports have procured new equipment at their own expense and developed specialist snow teams.

We have introduced new procedures to ensure that resources are well used and that the response to challenges is as effective as possible. Those are based on the successful operation of MART—the multi-agency response team. The new purpose-built traffic Scotland control centre at South Queensferry will also improve co-ordination and joint working.

All motorways will continue to be covered by winter patrols, which will respond to incidents within 30 minutes. Control rooms can monitor the temperature on key routes remotely through sensors and see the conditions live via a network of cameras. Road users can keep up to date through a range of media, which includes using internet radio and getting smartphone updates on the move, in addition to more traditional methods. We have worked with power and telecommunications companies to help them to build their response capability further through improved customer service arrangements, the enhancement of key infrastructure and back-up systems, and the increased provision of customer information on the need to be prepared.

It is not only cold weather that causes problems; extremely high winds can also lead to disruption. Providers are taking additional steps based on the lessons of previous years, and the Government has invested in back-up systems to ensure that responders can continue to operate effectively.

We are supporting people to keep warm in their homes in spite of increases to energy bills. Unlike the United Kingdom Government, which has scrapped fuel poverty funding, we are committing almost £250 million over three years to tackle fuel poverty. We remain determined to help householders to stay warm and reduce their energy bills, and we are working with councils and energy companies to tackle fuel poverty. We have developed a protocol to help to ensure that vulnerable people can be identified and prioritised should there be issues with supplies of electricity, gas or heating oil.

We are continuing our work programme to build personal and community resilience and we are investing in the future through the development of a resilience education resource entitled “Ready for Emergencies”. It has already been used by schools throughout Scotland to help young people to assess risks and prepare themselves and their communities more effectively.

We continue to support communities that are taking steps to build their own resilience through uptake of our community emergency planning toolkit and through the provision of a range of financial and practical support to communities and local authorities.

We have improved the operation of the Government’s emergency arrangements by reviewing the experience of recent winters and other major events—such as the volcanic ash cloud, which caused substantial disruption—that have required those arrangements to be used. There is continual development of the staffing and training arrangements for SGoRR—the Scottish Government resilience room—and there is a new approach to sharing information between resilience partnerships and SGoRR when it is active.

It is true that we try to learn something new each time that Scotland is beset by severe weather. We must also ensure that we plan not simply on the basis of previous incidents but for the unexpected. It has become a cliché, but we always try to prepare for the worst while hoping for the best, not least in relation to the weather.

The Government and the responder community are doing all that they can to build Scotland’s resilience to severe weather in winter and all year round. At a time of severe economic challenges and environmental change, we need to show that Scotland’s infrastructure and services are ready to support our business and our people in order for us to be the resilient Scotland that we all want to be.

The Presiding Officer: The minister will now take questions on the issues raised in his statement.

Mark Griffin (Central Scotland) (Lab): I thank the minister for the advance copy of his statement. He has spoken at length about national planning events, the national resilience centre and the additional facilities and plant that will be used to keep the trunk road network clear. However, unless councils have access to salt, machinery and people power to keep local roads open, the network of expertly and efficiently cleared trunk roads that the minister mentioned will be of little comfort to our constituents, as they will not be able to access it. Given that local authority budgets have been cut in real terms for a number of years, how confident is the minister about the resilience of the whole transport network, not just the trunk road network?

The minister briefly mentioned a range of financial and practical support for communities and local authorities. Will he say exactly what level of financial support will be provided to local authorities to deal with adverse weather? Will contingency fund money be made available to local authorities that have to deal with localised extreme weather conditions?

I might be wrong, but I do not think that the minister mentioned remote and rural communities and constituencies. What has the Scottish

Government done to facilitate discussions with farmers, road contractors and other local businesses that operate with heavy plant that could be adapted to create a much wider local resilience network in rural areas?

Keith Brown: I think that the substantive point that underlies Mark Griffin's questions is about resources for local authorities. I am pleased that councils are getting a bigger share of the cake than they have done in the past—when I was a council leader, our share of the cake reduced every year.

I remind Mark Griffin that the final act of the previous Labour Government's Chief Secretary to the Treasury was to advise his successor, "There's no money left." That is what the Labour Government told the incoming Conservative-Lib Dem Government. I make that point because, although I acknowledge that there is pressure on local government budgets, we have increased the share of the resources that goes to local authorities.

As Mark Griffin said, councils are responsible for the vast bulk of our road network. Some 94 per cent of Scotland's roads are local roads. In law, the councils are the roads authorities, so we cannot just go in and do things on the councils' networks. However, I hope that Mark Griffin will be reassured to hear that we work jointly on issues. For example, in the north-east, in Aberdeen, and in the south we have contracts whereby trunk road operating companies sometimes salt or grit roads for local authorities, and vice versa. That makes eminent sense.

When there has been disruption, I and Transport Scotland have asked that our resources, if they are not being used to the maximum, be offered to local authorities. Such an offer is often made but not accepted, for perfectly legitimate reasons.

Mark Griffin mentioned remote and rural communities. In my statement, I mentioned a number of related matters; he might remember that I talked about getting assistance to an area quickly, especially when there is a lack of power, water or vital communications there. In 2010-11, the biggest challenge that we faced in relation to deliveries was the final mile, especially for people who relied on unconventional energy and required a delivery to a house that could not be accessed. There was a great deal of joint working on the issue with all sorts of organisations.

On Mark Griffin's suggestion about agricultural communities, we have examined the issue exhaustively. There are issues in that regard that do not apply in some other countries, not least those to do with legal requirements and damage to roads. However, we have been more than willing

to work with communities that think that they can offer something. We have worked in a collegiate way, which is why the response has improved throughout the country, including remote and rural areas.

Alex Johnstone (North East Scotland) (Con):

I am glad that so much effort has been put in. I hope that the tendency to pat ourselves on the back before a single snowflake falls does not result in my being back here in a few weeks' time lamenting the passing of a minister who had to resign because he believed what he had been told.

In 2010-11 we had one of the worst winters in a long time, and we ran out of salt. The problem was that stocks were held at a level that was consistent with requirements over a series of mild winters. We have had three mild winters since then and I am concerned that our ambitions about salt stocks are reducing. The minister said that stocks are at twice the level that was used last year, but how does that compare with what was used in 2010-11?

I am concerned that road maintenance should be a priority. Will the minister be in a position to ensure that resources are available so that when road conditions begin to deteriorate and potholes require to be mended, local authorities have the resources at their disposal?

There are many other subjects that I could cover, but I will prioritise coastal flooding. I notice that there is a storm warning for the north-east tonight and that there will be a full moon and a high tide, so the conditions will be perfect for another flooding event at Stonehaven. Can the minister guarantee that emergency services will be on standby to ensure that communities at high risk of flooding can have the necessary support at short notice?

Keith Brown: First, I will give the member, if he wants it, a breakdown of the salt levels that we have had not just in the terrible year of bad weather in 2010-11, but in subsequent years. I do not know whether the member is suggesting that we should have more than twice the amount of salt that we used last year, but that level of salt seems to me to be a pretty good basis for ensuring that we can deal with issues.

It is true to say that, because of the winter in 2010-11, everyone was looking for salt. For example, the Highways Agency sometimes came in and hoovered up all the available salt, which created problems for other people. We have tried to make sure that we have as much salt in stock as is necessary. However, we do not just stock salt: we have developed other materials that we can use for temperatures below that at which salt becomes ineffective. We have not only got enough

salt but ensured that we have a strategic reserve of salt, and I am confident that if a local authority, for whatever reason, starts to run out of salt, it can call on our strategic reserve. That emphasises the joint working that we are talking about.

I do not think that there is a sense that we are patting ourselves on the back. I have outlined what we have done. Of course we want to reassure people that arrangements have been put in place to make sure that we can deal with winter effectively. I make the obvious point—I made this point and subsequently saw it appear very differently in the media—that we are always at the risk of disruption through weather. Scotland is not the same, as is often said, as Canada or Norway. Everyone says that they deal with snow very well. Yes, they do, but they have snow throughout their winter period, so they have a different way of dealing with it. Because of our more temperate climate, our situation is different, and we can have a sudden shift between snow, freezing rain and dry periods. Therefore, we must try to have a response that deals with the circumstances related to our weather systems.

The member asked about local authorities and road maintenance. It is the case that in the past, especially during that very prolonged and cold period in 2010-11, damage was done to local and trunk roads that was out of proportion to what we would usually expect. From memory, I am pretty sure that we provided additional resources to local government and Transport Scotland for the trunk road network. We must always keep our eye on the situation. It is local authorities' responsibility to look after their roads and we look after the roads for which we are responsible.

However, if there is an exceptional event—Alex Johnstone mentioned flooding—we would have to look at the situation. I assure him that the responders are ready, as they are each time that we get warnings from the Met Office, whether the warning is amber or even red. The Met Office has upgraded the yellow warning for heavy rain to an amber warning, which calls for people to be prepared. South Aberdeenshire in particular is mentioned in the warning. The warning, which came into effect at 1 o'clock, will go through until 7 o'clock. The warning may have been updated since that time, but the earlier warnings suggested that there was not a risk of coastal flooding. However, I bear in mind Alex Johnstone's points and I undertake to check the position. I will get back to him to tell him whether the warning has been upgraded to say that there is additional risk. In any event, the responders are ready to respond to the circumstances as they arise.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): In that same severe winter of 2010-11, the A68 at Sutra in my

constituency was closed for four days. The A68 is a major trunk road that is essential to many communities, deliveries and businesses and to connectivity between the Borders general hospital and Edinburgh royal infirmary. A four-day closure was far too long. What specific measures have been or will be taken to avoid that happening again?

Keith Brown: I remember very well the problems at Harthill and on the A68 at Sutra. Those have both been identified as vulnerable locations. They are also defined as areas requiring special attention. They have specific mitigation measures established in the operating companies' winter service plans. Examples of those specific measures are additional and specialist plant that is pre-deployed when forecasts of colder weather dictate it; patrols that operate outwith specified times; and additional resources.

On the issue of salt stocks in those locations, the pre-deployed vehicles will be fully loaded and supplemented by patrol vehicles that will also be fully loaded. Our south-east operating company has salt barns at Boroughmuir, Bilston Glen, Tannochside, Hawick and Newtown St Boswells, as well as Gorebridge. Collectively, that stock exceeds 20,000 tonnes.

As I mentioned in my earlier response to Alex Johnstone, we have new materials that can help in situations such as the example that the member cited of a four-day period of very cold weather or any cold snap in which temperatures are well below normal and last for a longer period. We have materials that operate below 7° below freezing, which is the temperature that salt operates down to.

We also have additional equipment; for example, there is an icebreaker. The big problem on the M8 was breaking the ice and getting the traffic moving again. We have learned those lessons and I am sure that if there are further incidents we will learn lessons from them, too. We have taken measures to help in the situation of the A68 at Sutra and the M8 at Harthill.

Claudia Beamish (South Scotland) (Lab): Although there has been robust funding for the floodline warnings direct scheme, the minister will be aware that the funding for natural assets and flooding in the budget for 2015-16 has remained the same in cash terms as previously, which means that there is a 0.5 per cent reduction in real terms. Would it have been prudent to increase the flooding budget in view of the extreme weather conditions that we have experienced? Could that still be done? Can the minister provide details—if not now then through his colleague the Minister for Environment and Climate Change—of the Scottish Environment Protection Agency's 14 flooding

strategies? I was reassured by SEPA in April that they would be forthcoming this autumn.

Keith Brown: First, I am perfectly happy to ask my colleague Paul Wheelhouse to provide the information that the member seeks. The budget line that she referred to is also in Paul Wheelhouse's area. That is not the only budget line that we use for flooding. There are a number of other budget lines for flooding, including those that deal with emergency situations and contingencies in terms of the Belwin formula.

A substantial amount of work has been done in different parts of the country, not least in the south of Scotland and on both of its coasts, to address the consequences of previous flooding, including coastal flooding. However, to state the obvious, it is impossible to increase the budget line every year, so we have to make choices in that regard. Paul Wheelhouse is aware of that and has allocated what he thinks are sufficient funds. As I said, I am more than happy to get back to the member with the information from Paul Wheelhouse that she is looking for.

Rob Gibson (Caithness, Sutherland and Ross) (SNP): In periods of rapid snow melt and heavy rain events, what actions does the minister believe are needed during forestry extraction operations to protect roads from slurry and logs landing on the carriageway, and to keep culverts clear so as to allow safe surface water drainage? Problems have occurred recently on routes in my constituency and elsewhere as a result of those issues.

Keith Brown: That is a very good point. I visited the A82 just before Fort William and saw the effect of what happened there. When there is very heavy rainfall and logs have been cut far up the hill, it is possible for the logs to travel a very long distance and, as the member said, to end up at the roadside. For obvious reasons, it is important that that should not be allowed to happen.

We have spoken to Forestry Commission Scotland to ensure that for future tree cutting, which is sometimes undertaken in order to protect the safety of road users—that was true of that location on the A82 to an extent—any logs that are left are kept well away for the safety of the road network. I am talking about not logs that are prepared for timber, but logs that are cut down for the purpose of protection. That applies not just to the trunk road network but to the local road network.

As the member said, slurry is often a problem and drains can be blocked; that happened recently on the A83. We cannot prevent such things from happening right across the country, but we must ensure that we have a very quick response so that the roads are cleared as soon as possible. If a

drain is not cleared, things start coming out from either side of the road and going on to it. We want to prevent that from happening.

Jim Hume (South Scotland) (LD): Thousands of airline passengers faced delays and cancellations after Edinburgh airport was forced to close as a result of heavy snow in January 2011. Last December, Prestwick airport was used more because other United Kingdom airports were struggling with snow. What measures are in place to ensure that our airports will remain open throughout the winter weather?

Keith Brown: With the exception of Prestwick, that is a matter for the individual airport operators. After the 2010-11 winter, those operators went to Scandinavia to look at the measures that are undertaken there, some of which are not applicable in Scotland. For example, some Scandinavian airports do not clear the snow off the runway; it is packed down and used. I have landed on those runways myself in the past. The snow is left on the runways, just as it is often left on roads and people use snow chains.

Lessons that are appropriate to Scotland were learned. Substantial investment was made by Edinburgh, Aberdeen and Glasgow airports because of what they found in Scandinavia. Those airports have spent more than £3 million on new measures.

During that winter, I made an offer to Edinburgh airport on a day when the trunk road next to the airport had been cleared but there were still issues at the airport. However, the equipment that we use on trunk roads is not suitable for airport runways so it is not possible for us to share equipment in that way, although we share best practice.

The airports have made substantial investment. Like the Government, the airports can be criticised for investing in equipment that might not be used for two or three years, but they have taken the necessary precautions and I am pleased that they have done so.

Roderick Campbell (North East Fife) (SNP): What practical steps can farmers take to prepare their farms for winter? In turn, what support can farmers offer their local communities in the event of severe weather?

Keith Brown: I would hesitate to suggest that I have any expertise about agricultural concerns and the preparations that farmers can make. We regularly consult affected communities, businesses and others about the approaches that we can take to winter.

We have discussed farmers helping to move cars or snow to allow access on their local roads and we found some problems that prevent that being done on as big a scale as we and the

farming community would like. However, we have talked to interested groups, in particular NFU Scotland, which has a number of other issues about using trunk roads that it would like to see advanced. We do consult the farming community, but if Roderick Campbell is aware of any remaining concerns and would like to see further consultation on joint working, I will be more than happy to meet representatives, as I have done recently, and discuss those concerns.

David Stewart (Highlands and Islands) (Lab): What, if any, rural and island emergency funding is available to hard-pressed local authorities for winter resilience work? Highland Council convener Jimmy Gray told me this morning that with 4,500 miles of roads, 1,300 bridges, and 32,000 children to get to school every morning, his authority struggles every winter to finance the staff, machinery and the 6,000 tonnes of salt that are necessary to face the challenging extremes of Highland winters.

Keith Brown: We deal with that in exactly the same way as previous Administrations have done: it is factored into the grant-aided expenditure that local authorities receive. In relation to each area, whether it be an island authority or a Highlands authority—it can be different for urban authorities—we try to factor in the winter. We have regular discussions with Convention of Scottish Local Authorities to make sure that we reflect that.

I acknowledge what David Stewart said about the particular pressures in the Highlands, especially the point about having enough salt to cover a vast area to ensure that people can travel safely to and from school during that time. However, those things have been factored in. Beyond that, an extreme weather event is exceptional and presents exceptional demands, and the Government will always look to help local authorities in that situation.

The Presiding Officer: Three members have yet to ask a question of the minister. We have a generous allocation of time for the next debate, so I intend to make sure that time is allocated now to allow those questions to be asked.

Graeme Dey (Angus South) (SNP): Three winters ago, efforts to clear many streets in Angus were hampered by householders responding to predicted heavy overnight snowfall by parking out on the road rather than in their driveways. They did so believing that that would make it easier for them to go about their business in the morning when, in reality, all that it did was obstruct the gritters. Cars also ended up being walled in by ploughed snow. Does the minister agree that there are simple and commonsense things that the public can do to ensure that we keep Scotland moving during severe winter weather?

Keith Brown: Our colleague Sandra White has been trying to progress a responsible parking bill in Parliament, and some of the lessons of that apply. It is for local authorities to make sure that they send that community message, although we are happy to work with them on that.

Graeme Dey is quite right. If someone moves their car out on to a local road in particular, and that does not leave space for a gritter or a snow plough to get through, they are stopping that work. I ask individuals to think about the consequences of where they place their cars. Roads need to be gritted and made safe, so we have to allow the plant to get through.

If local authorities want to consider whether there should be a broader message throughout the country, we are more than happy to look at how we can do that jointly.

Mary Fee (West Scotland) (Lab): I thank the minister for the advance copy of the statement.

I make no apology for repeating the point that was made by my colleague Mark Griffin that local authorities are bearing the brunt of Scottish Government cuts, against a backdrop of rising costs. My local authority, Renfrewshire Council, remains one of the most underfunded local authorities in Scotland. In recent years, I have received numerous complaints from constituents to the effect that pathways are rarely cleared when winter weather is at its worst.

I welcome the news about 75 state-of-the-art gritters, but will the minister tell me what additional support and funding will be made available to take into account local circumstances to ensure that my constituents, especially the elderly and disabled, have access to local services? In my area, in Erskine for example, many areas are connected by pathways that are not always cleared, and many of the roads are unsuitable for gritters. In some cases, that leaves people housebound and isolated for several days.

Keith Brown: Mary Fee says that she makes no apology for returning to the point about resources for local government. She will not be surprised to hear that I make no apology for saying that if members want more money for local government, they cannot also have more money for health—which has been demanded—more money for transport and more money for education. At some point, they have to say where that money is going to come from. Does the member not acknowledge the extent to which the financial circumstances in the United Kingdom have changed? Does she not acknowledge the fact that the budget has been cut for the Scottish Government? Does she not have any responsibility for saying where the cuts should fall? I am more than happy to listen to cases being

made for additional spending but members have to identify where the money will come from. If a case that is being made does not come with that, I have to conclude that it is not serious.

I have laid out the areas in which we have provided extra resources to local government. I have also laid out exceptional circumstances. We will always do that in relation to flooding. Alex Johnstone made a point in relation to exceptional damage to roads. We will look at that, but local authorities have responsibilities—they are the roads authorities. When I was a council leader, I was responsible for the roads in my area, not one of which was a trunk road or a motorway. We were responsible for all of our roads.

Of course it is difficult. There are pressures and I acknowledge that. If there are exceptional pressures, we will do what we can to help local authorities. I believe that we have made a fair settlement for local authorities and, if necessary, we are prepared to do more.

Stuart McMillan (West Scotland) (SNP): In the event of a particularly bad winter, how confident is the minister that after a thawing of ice the infrastructure will be able to deal with localised flooding?

Keith Brown: I have the distinct impression that Stuart McMillan had a particular location in mind when he asked that question; I know that that has been addressed by my colleague Paul Wheelhouse, along with Inverclyde Council. Of course, no man can hold back the tide, and there is no question that we have to do more in flood prevention. My view—I am not the expert in this area; Paul Wheelhouse would know better than I do—is that soft flood defences have often proved to be much more sustainable and effective than some of the hard flood defences that we have had in the past. I know that a great deal of work has been done by WWF and others to ensure that soft flood defences are used.

Stuart McMillan might be referring to an urban situation. We try to ensure that at least the roads that we are responsible for are protected from flooding. Of course, no one can anticipate what exceptional whether we may get. We design flood protection into the construction of roads and we continue to ensure that the roads that have been there for some time are better protected against flooding incidents.

Lobbying

The Presiding Officer (Tricia Marwick): The next item of business is a Standards, Procedures and Public Appointments Committee debate on its inquiry into lobbying. We have a little time in hand, so if members wish to take interventions, the Presiding Officers will ensure that they are compensated for that in their speech.

15:04

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Thank you very much indeed, Presiding Officer.

I am very much obliged to the Parliamentary Bureau and the Conveners Group for making time available for this committee debate. Presiding Officer, I might indulge your indication of a little bit of slack in the debate by occasionally stopping to restart my voice, and I have a glass of water beside me should that prove to be necessary. I apologise to anyone who feels inconvenienced by the tone of my voice—it is entirely to do with something that is not under my control.

The word “lobbying” can have negative connotations of deals being done behind closed doors. However, the starting point for the Standards, Procedures and Public Appointments Committee’s inquiry was that lobbying is a legitimate, valuable and necessary part of informing a healthy democracy. The more voices that feed into the Parliament, the more informed we will be in scrutinising, legislating and developing new policy. On that basis, lobbying should be actively encouraged. We are founded on principles that include openness and accessibility, and the committee is clear that nothing that the Parliament does in response to proposals for change should inhibit our engagement with civic Scotland. However, it needs to be clear what and who has influenced decision making; what matters in lobbying is the who, the what, the who knows and the who is affected.

The committee’s work was initiated in the context of the introduction of a bill at Westminster and of Neil Findlay’s proposal to establish a statutory register of lobbyists. At that time, Helen Eadie was the committee’s acting convener and, as ever, we are grateful for her contribution as a parliamentarian to our committees and to the subject before us today.

The committee has taken a great deal of evidence, and we are extremely grateful to all our witnesses and those who have submitted written views. I see that many of the people who have been involved in that process are in the public gallery this afternoon, and I am delighted that they

are continuing to engage with the committee's activities. They are not for the committee or for Parliament alone—

Neil Findlay (Lothian) (Lab): Will the convener take an intervention?

Stewart Stevenson: The convener will do so.

Neil Findlay: Why did the committee undertake its investigation? Who prompted it?

Stewart Stevenson: As I have said, at that point, Helen Eadie was the committee's acting convener because Dave Thompson was unwell. The decision was made by the committee; the investigation was requested by a range of people, but the committee is master of its work and under Helen Eadie's leadership it decided to undertake the inquiry. It might be a weakness of mine to think the best of people but I have always thought that as MSPs we must defend ourselves against the worst, and I hope that today's debate contributes to our getting to that point.

Neil Findlay: Was either Mr Stevenson as convener or the previous convener of the committee asked by the Government to have an inquiry into the issue?

Stewart Stevenson: The Government was very keen for us to do the inquiry, but it was not the only one taking an interest in the subject. The important thing to be aware of is that the committee itself could decide what it would do and that the inquiry was what the committee, on a cross-party basis, agreed to do.

I want to make some progress now, but I will welcome further interventions on the substance of what I am going to say.

The matter is of huge relevance to us all, and we have come to Parliament today because we think it important to take the temperature of members and those beyond the Parliament before we reach and publish our conclusions.

Our inquiry set out to investigate whether there was an issue with undue influence or access to politicians in Scotland. The good news for MSPs is that we received no evidence of a scandal on the horizon with regard to lobbying in Scotland; the evidence that we heard from a diverse range of people painted a broadly positive picture. But—and it is an important “but”—even if everything is fine, are we providing enough information to others to enable them to decide whether that is the case? With additional powers coming to the Parliament, additional safeguards might be needed. In any event, we have to revisit our rules and ensure that they are prepared for any future challenges.

Many witnesses were critical of recent Westminster changes in particular. I am sure that

that issue will feature in the debate. The UK legislation on lobbying was not held in high regard by a good number of our witnesses. It was described as a “sham” by one, and another said that they hoped that it would be repealed.

We have an opportunity to think calmly and collectively about whether, and how, to change the lobbying regime in Scotland, and also about what the pros and cons of tightening the rules on lobbying would be.

We found that a good question to get the debate started in committee was: who should the onus be on in making details of lobbying activity public? Should the onus be on the lobbyist, the person being lobbied—which would include most or all of us—or both?

Plenty of people considered that politicians and senior officials should make their diaries public, which, in practice, would mean publishing details of contact with lobbyists.

John Mason (Glasgow Shettleston) (SNP): I have not been involved in the inquiry but, although I would be happy to publish my diaries, I think that some individuals and groups who come to me confidentially would be quite nervous about their details being in the public domain.

Stewart Stevenson: The member makes a perfectly proper point, which I will develop later in my speech.

Others who came to the committee suggested that publishing diaries was no substitute for a register of lobbyists, which could simply be a complementary measure to the publishing of diaries.

However one captures lobbying activity, the first question has to be: what counts as lobbying? That sounds like a simple question, but the answer is one of the most contested in political science. The temptation is to go for a very simple wording—something like “lobbying is contact with a person in public office in an attempt to influence”. That sounds straightforward enough, but we have to ask what form of contact should be included. Does that definition not make just about everyone we come across in our working lives as politicians a lobbyist? If, on my train journey home tonight, I end up talking about public policy to someone sitting in an adjacent seat, would I, under that definition, have to register that conversation? Politicians come into contact with people in many ways. We are emailed briefings for chamber debates; we are phoned, tweeted and Facebook messaged; we meet people in cross-party groups and at events inside this building and in our constituencies; and we meet people by absolute happenstance. To get more complicated, we read in the media about research and grass-roots campaigns, some of which are begun by third

parties whose names, sometimes deliberately, receive no coverage at all.

Which elements of all those types of contact could be captured on a lobbying register, and who should be required to register? In some other countries, only consultant lobbyists are required to register, but the evidence that we received suggested that a lot of modern lobbying activity is done in-house, which means that registering only consultant lobbyists would not capture enough. I think that there is agreement about that.

Other witnesses suggested that in-house lobbying was hard to capture, as lobbying is incorporated into communications strategies and into the day jobs of people with multifaceted roles.

It should be noted that, among our witnesses and those who responded to our consultation, there was not a lack of willingness to make activities public. Lots of organisations made clear that they already publicise information, not least to demonstrate to the outside world, their customers and stakeholders the value of their work. Charities and others are under regulatory requirements to publish information. Unions want to highlight the fruits of their labours to their members and others. A number of public affairs organisations publish voluntary registers and have relevant codes of conduct.

Some concern focused on the logistics of how a registration system would work. Some suggested that systems that exempt groups based on size, purpose, amount of lobbying activity or income, or which placed thresholds on when to register lobbying activity, could be problematic as exemptions can create unforeseen loopholes and unintended consequences.

Another approach would be a sliding scale of information required, proportionate to the size of the organisation. For example, it could require some organisations such as full-time consultant lobbyists to register in full regularly and small charities with more limited resources to register activity less regularly and in less detail. However, the proportionate approach would require us to give a lot of careful consideration to how we would set the rules for such a sliding scale. For instance, should a large charity that lobbies for big Government contracts—as many do—register as much as consultant lobbyists or should it register as much as smaller charities?

The idea of charging a fee to register was almost entirely rejected in evidence on the basis that it would create a barrier or, at worst, a deterrent to people seeking to engage with the Parliament and with Government. Any additional costs of creating a modern register, such as the costs of a registrar or of software, would need to be met from the public purse. As ever, when there

are financial considerations members will need to consider whether the funds required are justified and will achieve the objectives of increased transparency, accountability and—the intention of some witnesses—an improvement in trust in the political process and politicians.

We also looked at sanctions. Some argued that naming and shaming lobbyists who act inappropriately would, in and of itself, have a powerful effect, curbing their ability to engage in the future. Others suggested that, for the bigger lobbying firms, nothing short of big financial penalties could curb their behaviour. That raises the question: in what circumstances should sanctions be imposed and by whom?

We heard from some witnesses that there are issues with the existing voluntary register being too weak because it lacks the ability to oblige the provision of information or to sanction effectively. Others suggested that a full statutory register in Scotland would be a disproportionate approach to cracking the nut. In response to the suggestion that a register would never provide the full picture of lobbying activity, those who are pushing for increased transparency suggested that a fuller, if still incomplete, picture would nonetheless be beneficial. Interesting developments elsewhere also informed us. The National Assembly for Wales inquiry decided that Wales should stop short of a register and look at other measures.

I turn to the point that Mr Mason raised. I have tested the water and have reviewed my diary and established a published copy of those diary entries that I consider to be lobbying. It proved simple to do that and to publish those parts of my diary. Members can see the results—if they are interested—at lobbying.stewartstevenson.scot. I tweeted about that this morning and we have already had more than 200 views of the information that I provided. People are interested in me—I do not know whether they would be interested in anybody else in the chamber, but at least they are interested in me. I ask members to have a look at what I have done—it is just a personal venture and nothing to do with the Parliament or the committee—and give me feedback. That will inform the committee and help it to see what effort is needed from the generality of members rather than from one of the more technologically literate members—I perhaps refer to myself. If any members want to do the same for themselves in the short term, I am happy to sit down with them and talk about how it is done.

I warn members that, if they do that, quite a lot of judgment calls will need to be made about what is or is not lobbying. I presume that, if a member meets a group with a small campaign in their constituency, that can be considered to be constituency casework and need not feature in a

published record of lobbying contact. However, if the member meets them again and they have a local business representative or even a professional lobbyist with them, that will tip the balance towards the meeting having to be published. That is the view that I would take.

Members will note that committee members' speeches will consist largely of snippets of the views of stakeholders, as they will read out 100-word statements from them. Those are not necessarily the views of the committee members; we are trying to bring the outside into the debate on the floor of the chamber.

This matters to folk out there; it is not just internal navel-gazing. While we debate—I know this because I have looked—live interchanges and debates are already happening on Facebook and Twitter. The committee will look at those after the debate to see whether they help our understanding.

That almost completes the whistle-stop tour of the issues that we have been tussling with. It is a complex area, where passions can run high. We had one very spirited debate between panelists—fortunately, there was a neutral person sitting between them. Members can look at the video of that if they want to see it.

Now it is over to our colleagues in the Parliament and people watching to help us understand the correct balance between regulation and ensuring that the Parliament remains open and accessible, as it currently is. The committee is not set on its findings; we have not yet attempted to reach consensus on most, or many, of the issues, so today's debate is a genuine chance to influence what we will put in the report and the recommendations that we will make in due course.

Thank you very much indeed for the extra time, Presiding Officer. I found it useful; I hope that everyone else did, too.

15:21

The Minister for Parliamentary Business (Joe FitzPatrick): I thank the convener of the committee for his thoughtful opening remarks and for the commendable efforts that he made, given the challenges with his voice today. I also thank the entire Standards, Procedures and Public Appointments Committee for bringing the issue to the chamber today.

It is appropriate at this stage to put on record the Government's support for the committee's inquiry. The committee's work is central to ensuring that we find a consensual way forward.

The inquiry is being conducted in a thorough and inclusive way, hearing from a wide range of

stakeholders, whose views will be vital in ensuring that Parliament can take forward reform on a balanced and proportionate basis.

For the Government's part, I have also met several stakeholder organisations, all of which I think subsequently gave evidence to the committee.

Today's chamber debate now allows individual MSPs to contribute to and inform the committee's work. Rather than following the usual format, where the chamber debates a committee's final conclusions, the SPPA Committee appears to be very much in listening mode today. That is to be welcomed, as is the interactive debate happening concurrently on social media. I hope that the Government comms will be able to join in as I speak.

Parliament has always led the way on matters relevant to its own affairs, and lobbying is no exception. Members will be keenly anticipating the committee's final report, but it is important that the committee should be given the time and space to get it right.

In the Government's view, any reforms to lobbying practice should be proportionate, evidence based and able to command widespread support from both stakeholders and political parties.

From the outset, the Government has been very clear that lobbying is a subject on which Parliament should assume a central role. That was the case when the session 1 Standards Committee conducted a review into lobbying in 2002, and it remains the case now.

The current committee inquiry feels like a natural and consistent progression from that previous work, and it rightly maintains the Parliament's central role in determining best practice. I have no doubt that its findings will be carefully thought through, collaborative and consensual, which will be helped in part by this debate.

I am sure that we all agree that improving public confidence in Parliament is a consensus issue, the responsibility for which is shared by us all. It follows that such matters should not be considered on a party-political basis or indeed in a vacuum. Issues of probity should command a balanced, reasoned and consensual approach, which is what this Parliament has adopted since 1999.

That is of course in stark contrast to the United Kingdom Government's approach. The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 shows what can go wrong when party politics are applied to an issue of public confidence. The UK Government adopted a

rushed and partisan approach, to the obvious detriment of the end product, which was roundly criticised.

We need to remember that the urgency of the UK legislation was caused by its coming in response to accusations made about the activities of elected representatives at Westminster. In Scotland, the context has thankfully been rather different. The driver here is not remedial action; the inquiry is part of an on-going process of ensuring that we take stock and consider whether improvements could be made to the transparency of lobbying.

As the convener said, analysing appropriate checks and balances in this complex area is a challenging task. Reforms must be necessary, be proportionate and achieve the aim of delivering increased transparency in lobbying activity. The committee's aim has rightly been to proceed methodically, rather than quickly.

I make it clear that my speech does not seek to pre-empt the committee's findings. However, I offer some thoughts on the Government's underlying thinking that I hope the chamber will find useful.

I believe—and I hope that others agree—that lobbying plays an invaluable and necessary part in policy making. It should be viewed as a positive activity, consistent with the open and inclusive approach taken by the Government and the Parliament.

I noted with interest a survey in *Holyrood* magazine in January of this year, which concluded that four fifths of members find direct contact with external organisations useful in their day-to-day role. I fully concur with that view. It is important not only for members but for the Government.

With that in mind, the Government's view is that three main policy principles should guide how we approach lobbying.

First, any erosion of the Parliament's principles of openness, ease of access and accountability must be avoided. Reforms should not restrict how stakeholders and members of the public engage in public policy issues.

Secondly, any proposed measures must complement the existing frameworks—for example, the Interests of Members of the Scottish Parliament Act 2006, the "Code of Conduct for Members of the Scottish Parliament", the Scottish ministerial code and standing orders—without compromising their effective operation. Any proposed measures must be clear and transparent in their purpose and operation.

Thirdly, any solution must be proportionate, simple in its operation and able to command broad support within and outwith the Parliament.

If we follow those principles, we can reach a balanced, well-rounded conclusion that we can all stand behind.

The convener has already mentioned the summary of evidence that the committee has published. That input from a wide range of stakeholders has proved valuable in helping to identify practical ways to enhance public transparency in lobbying activity.

Everyone giving evidence was clear that there was no problem with probity. Existing systems in Scotland to govern the probity of MSPs have not been criticised. Standing orders, the MSP code of conduct and the ministerial code are all seen to be robust. Instead, transparency is the area where there might be room for improvement. Evidence has also helped to tease out what information could help the public to understand the connections between lobbyists and MSPs.

The question now is how we can further improve on our existing systems and achieve an even greater level of transparency in respect of lobbying and parliamentary activity in general. That involves analysing and identifying where there are gaps in the systems and how those could be addressed.

A common theme was the value and character of statutory measures—for example, who should be covered by a register of lobbyists and what additional information it should contain.

I was also interested by the frequent references to non-statutory measures and how they might contribute to an overall package to improve the transparency of our Parliament. The publication of MSPs' meetings with outside interest groups was probably the most repeated example of that.

It is helpful that the convener has taken the time to show what that might look like by publishing his agenda on his website. Some time ago, the Government decided to do likewise, and members can see what that looks like by searching for "engagements" on the Scottish Government's website.

An important question is how our existing robust systems can be further improved. I look forward to hearing what others have to say on those points.

I will highlight just two of the many interesting perspectives that were raised during the committee's oral evidence sessions.

The first is that of Stuart Allan, who was the Commissioner for Ethical Standards in Public Life. Mr Allan confirmed that, in his role, he had encountered no evidence of lobbying impropriety in Scotland. Therefore, he did not consider there to be any justification for legislating to establish a Scottish lobbying register. He also suggested that increased transparency could instead be delivered through amendments to surrounding frameworks,

which he considered to be robust. As I indicated earlier, those frameworks include the code of conduct for MSPs, the ministerial code and the civil service code.

Mr Allan believed that there was scope to give consideration to the enhancement of voluntary registration schemes. In his view, the potential existed for the Parliament to engage with the lobbying industry to establish a code of conduct.

Neil Findlay: Will the minister take an intervention?

Joe FitzPatrick: I have a quotation to read out from Mr Allan. After I have done that and finished my second example, I will give way to Mr Findlay.

Mr Allan said that that

“would bring a great deal of credibility while leaving you with flexibility when things were going wrong. There is something to be said for that.”—[*Official Report, Standards, Procedures and Public Appointments Committee*, 13 March 2014; c 1000.]

Others—including Mr Findlay—provided a different perspective during evidence sessions. Alexandra Runswick from Unlock Democracy commented that the Parliament should act now, in a calm climate, before there is a vicious circle of scandals followed by inquiries. Dr William Dinan from Spinwatch made the point that although publishing MSPs’ diaries would be helpful, it in itself would not achieve the overall aim of transparency. He added that, in his view, any mechanism ought to be statutory, as a voluntary system would not work. Tamasin Cave from the Alliance for Lobbying Transparency considered that financial disclosure was a key point, as well as capturing lobbying activity.

The Deputy Presiding Officer (John Scott): In fairness to others, minister, I will need to draw you to a close shortly.

Joe FitzPatrick: I raised those two very diverse perspectives in order to recognise the complexity of the task that the committee is undertaking.

We are mindful of and, collectively, welcome the strong sense of public engagement that currently exists in policy making in Scotland. That engagement is healthy, constructive and—thankfully—free from allegations of impropriety. That is the natural environment for this Parliament. We enjoy a positive climate that encourages participation, builds trust and, above all, helps to preserve the integrity of our institution. The outcomes of the committee’s inquiry must be taken forward in a way that protects and encourages the strong connection that we have with the people of Scotland.

Once again, I commend the committee for the way in which it is progressing these issues, and I look forward to a consensual outcome.

The Deputy Presiding Officer: Thank you.

I call Paul Martin. You have six minutes or thereby. We are rapidly using up time.

Neil Findlay: On a point of order, Presiding Officer. I am unsure whether I caught what the minister said in his speech about whether the Government still intends to legislate on my proposal. Can you help me in identifying whether he said that?

The Deputy Presiding Officer: I am afraid that that is not a point of order, but I hope that other members who speak on behalf of the Government will confirm or deny that, or at least shed light on the matter. Your point is noted.

15:33

Paul Martin (Glasgow Provan) (Lab): As others have done, I commend the Standards, Procedures and Public Appointments Committee for its good work and welcome the approach that it has taken to today’s debate, which has been to lay before us an interim report and to allow members to contribute to the process.

We should recognise the role that Neil Findlay has played in ensuring that the issue was brought before the committee. I also welcome the fact that the Scottish Government has adopted his approach and his proposed member’s bill, and I hope that that will be elaborated on. I put on record the fact that Neil Findlay has yet to lobby me in seeking election as Labour leader, but I am sure that he will do so in due course.

It should be noted that more than 90 per cent of those who responded to the consultation exercise that Neil Findlay set in place said that they were in favour of the proposed bill being progressed. The debate should be about ensuring that the bill can be taken forward and that, in doing so, we take into account the wide range of views that have been expressed in the Parliament.

We are in no doubt that a statutory register of lobbyists is a must if we are to improve transparency and to maintain public confidence in the Parliament’s decision making.

It should be noted that, during its many evidence sessions, the committee heard that, unless action is taken to make the lobbying system more transparent and accountable, standards will inevitably be reduced. Whenever any politician is found to be abusing their position of privilege, that affects the Parliament’s reputation. We owe it to all our constituents to ensure that we maintain the integrity of Parliament at every possible opportunity.

Introducing transparency into the law-making process can only be good. It would indeed help

the Parliament to play its role in reducing the distrust of their MSPs that many people feel and would ensure that the Parliament can operate in an effective manner.

Labour members believe that a statutory register can be the backbone of a new law that gives people confidence that laws have been introduced fairly and not only in the interests of those who have experience behind them and professional lobbyists on their side.

There will, of course, be critics of the statutory register process. People will argue that only certain lobbying activities, such as formal meetings, will be recorded or that the financial threshold will be a particular barrier. Many of those arguments were made against the Freedom of Information (Scotland) Act 2002, the register of social landlords, and the Interests of Members of the Scottish Parliament Act 2006. We need to recognise that we must go forward in the manner that many members and many of those who have contributed to the process have said we should.

We recognise—Joe FitzPatrick alluded to this—that lobbying should be a democratic right that should be protected and that a person's ability to communicate with their elected representative should not be restricted. However, let us be clear: this is not about the pensioner visiting a surgery and raising concerns about their local bus service; it is about professional lobbyists and a £2 billion-a-year industry that has grown over the past decade. It is right that a regulatory process should be put in place to deal with that; we should put in place effective measures to deal with undue influencing by companies that are in danger of overstepping the mark on occasion.

The test of the new legislation would be the transparency that we can offer to the public. Labour's opinion is that we should look at the relationship of those who have been lobbied to ensure that the principles of transparency are put in place.

We also believe that rules must be put in place to deal with former ministers. I would have welcomed a contribution from the minister on how that issue could be taken forward. I am not sure what further evidence the committee could take on that, but we have to deal with the fact that undue influencing can be a feature for former ministers. The Westminster Government in particular has faced that challenge. We must ensure that we take forward that issue.

Stewart Stevenson: Will the member take an intervention from a former minister?

Paul Martin: Absolutely.

Stewart Stevenson: The ministerial code provides that, for a period of two years afterwards,

ministers cannot take up employment, for example, and they have to get agreement. I accept that it is the same arrangement for Westminster and that it does not work as well as it should. Perhaps the committee should look at the issue. In my case, my two years is just up. I regret that the job offers haven't been flooding in, but there we are.

Paul Martin: I welcome the former minister's contribution. I am not sure how disappointed he is that job offers have not come in, but I am sure that he will reflect on that.

In conclusion, it is important to recognise that transparency in the Parliament is crucial in many ways. We should recognise that the independence referendum brought a result, which is that the people of Scotland want to engage with the Parliament. We must ensure that people feel that that will happen in a fair and effective manner and that everyone has access to the Parliament regardless of their status and who they are. Those are the principles with which we wish to move forward.

We welcome the interim report and look forward to the final report being laid before the Parliament.

The Deputy Presiding Officer: We are now tight for time. I call Cameron Buchanan, who can have up to six minutes.

15:39

Cameron Buchanan (Lothian) (Con): I swung both ways on the issue, as they say. I could not decide what should happen, and I was convinced many times by the arguments on both sides. I will set out what five or six organisations said in lobbying us with their opinions. At the end, I will come to my conclusion. The issue that worried everybody was what does and does not constitute lobbying, as it is very difficult to define.

The Federation of Small Businesses said that the openness of the Scottish Parliament's processes and the integrity of our elected representatives mean that it sees no need to introduce new statutory regulations on lobbyists. However, should Parliament disagree, the FSB submits that trying to define adequately which individuals must register and what activity they must record would prove impractical. It believes that a less burdensome and more cost-effective solution lies in elected representatives maintaining a public register of their meetings with anyone who seeks to advocate a particular policy to them, and that doing that through an enhanced register of interests of MSPs seems to be a neat and cost-neutral option.

Spinwatch welcomed the committee's acceptance of the case for change, and said that it

is vital that proposals for lobbying registration are proportionate and will aid transparency and accountability. It argued that, as Holyrood is set to gain more powers, it is also likely to attract more lobbying, so now is an ideal time to create a lobbying register that discloses key information on who is lobbying, whom they are lobbying and on what issues, and what resources are devoted to influencing decision making. It said that the lobbying information that is already available is piecemeal, disjointed and often unreliable, so a central mandatory register that captures all organised lobbying is required.

The Confederation of British Industry said that lobbying is essential to the political process and must be conducted in an open and transparent way. It argued that measures already exist to support transparency, including the register of Scottish Government ministers' external meetings and the MSP code of conduct, and that any new regulatory proposals should adhere to the Scottish Government principles for better regulation and be a workable and proportionate response to a clearly defined problem. The CBI believes that further clarification and evidence is needed of a problem with lobbying in Scotland before legislation is taken forward and that consideration should be given to regulatory convergence with the regime at United Kingdom level to minimise the burden on those who are affected.

Cancer Research UK said that it supports the introduction of a universal register, accompanied by a code of conduct, in order to uphold public confidence in lobbying. It believes that bad practice in campaigning activity should be exposed and eradicated and the opportunity should be used to regulate reasonably all professional lobbyists. It welcomed the committee's inquiry into lobbying, which it believes to be a hugely important tool for charities, whether it is used to encourage change, maintain a positive status quo, raise awareness or provide expertise to strengthen strategy. It believes that the Scottish Government should protect the ability of charities to campaign.

The Association of Professional Political Consultants made an important contribution. It is the self-regulatory and representative body for professional political practitioners, ensuring the highest standards of honesty, integrity and professionalism among its members, who are all required to adhere to a strict code of conduct. It suggests that the simplest way to achieve transparency in lobbying would be to make public the official diaries of ministers, civil servants and MSPs. It would support the introduction of a statutory register of lobbying only if it applied equally to all those who engage in lobbying on a professional basis and did not extend to financial information.

Those were some of the submissions that we received. As I said, I have swung both ways on the issue. After listening to some witnesses, I was convinced that we should do something on lobbying, but it is difficult to define. In the end, I was not convinced of the necessity. What does and does not constitute lobbying? If I speak to somebody in a bar, is that lobbying? It is very difficult. Publishing diaries would be dangerous because, if people want to hide anything, they just would not put it in their diary.

On the basis of the conflicting evidence, I think that we need more safeguards, but I found it very difficult to come to an opinion, and I would welcome everybody else's.

The Deputy Presiding Officer: We move to the open debate, with speeches of up to six minutes, please.

15:43

Fiona McLeod (Strathkelvin and Bearsden) (SNP): It was interesting that the convener of the Standards, Procedures and Public Appointments Committee opened his remarks by saying that lobbying is often viewed negatively. What the committee is doing sometimes comes down to considering what lobbying is—that is the heart of the issue. Members know that I am a librarian. My whole profession is about ensuring that people have access to information and have the evidence that they need to inform any decisions that they make. Evidence-based policy development is one of the most important things that we can do as parliamentarians. Is lobbying a negative, or is it part of the process of ensuring that the Parliament is open, accessible and transparent?

I was first elected in 1999. All those maxims that we talked about—our principles of openness—were very important to us when we first got elected, and I am sure that that has continued to be the case for every MSP. One of the things that the inquiry has made me think about a lot is being a member of a cross-party group. Cross-party groups allow people who work in a particular area or who live a life experience in a particular area to come and discuss things openly and easily with parliamentarians.

For me, it rests on whether we are sure that, as we go through this process, we are still going to be an open and accessible Parliament. As the minister said in his speech, openness and accessibility, yes—but is that transparent? Perhaps that is the nub of what we are looking at here and I am eager to hear from other MSPs.

I was fascinated by the evidence that the committee received. I will give some examples of it, but I would like to start by quoting from two of my constituents. As the convener said, people

have been tweeting and commenting on the issue all day and I have had constituents get in touch with me. Without naming them, I will quote from two of those constituents. The first states:

"MSPs should know what their constituents feel about such a register. When the Scottish Parliament was founded, it was meant to have been so open and easy to access that it was thought that a register of lobbyists wouldn't be necessary. Whilst people who regularly interact with the Parliament may think this openness has been maintained, I would suggest the general public have a very different perception of the accessibility of MSPs. They have the impression that the powerful and connected have a better quality of access to politicians than they do as citizens. Lobbyists are seen to be, by a large number of people, as serving big business in an effort to encourage Parliament to do what they want and not what is in the best action for the general public."

That lady concludes:

"I would suggest that a register of lobbyists will only increase that perception. If the Parliament really is open and easy to access, then why do we need a register for lobbyists?"

However, the next constituent who contacted me says:

"Firstly, I am not at all sure how much lobbying goes on in the Scottish Parliament and what effect lobbying might have. I think when you as an MSP are contacted by a constituent about any matter, that cannot constitute lobbying. What I would be more concerned about is the possibility that a vested interest of some kind targets MSPs directly to make a case, particularly if the interest is a commercial one."

That gentleman comes to the opposite conclusion:

"For that reason, I think I would be in favour of a register of lobbyists which could be consulted online."

He finishes:

"I think the main benefit of some formal system whereby lobbying can be made visible is to act as a deterrent, in that those involved in questionable areas of lobbying might be more inhibited if they were to be aware that what they were doing is readily evident."

From just those two examples from constituents, we can see that they are both coming from the same place but arriving at opposite conclusions.

I realise that we are now short of time so I have to go to my conclusion. A lot of the other quotations that I was going to give can be found in *Official Reports* of the evidence to the committee over the course of the inquiry.

In conclusion, we have to ask a number of questions. How do we define lobbying? How do we record lobbying once we have defined it? Also, how do we ensure the two-way flow of information not only from the Parliament out but from the outside into the Parliament to ensure that we have evidence-based policy making? For me, the utter bottom line is this: how do we remain true to our founding principles of openness and accessibility?

15:49

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): Some people may come to the conclusion that regulation is needed because they have a negative view of lobbying. I support regulation based on a very positive view of lobbying. I do not think that those two positions are in any way incompatible.

I think that we can broadly agree on a definition of lobbying as an attempt to influence policy by a relationship with Government or MSPs. Such activity is clearly central to the way in which this Parliament operates, as I imagine it is in all Parliaments, and I regard that as a positive. The broadness of the definition is not as problematic as Stewart Stevenson suggested. No one is suggesting that any individual on the train or anywhere else who is not part of some group or organisation would be caught by a definition of lobbying. On the other hand, I would not want the definition to be too restricted.

I was struck by the comments made by some small organisations in the oral evidence, which I read this week, that suggested that many of them were very keen to support the idea of regulation. The key point for them is that we should proceed not by exclusion but by proportionality. As long as regulation would not involve a great deal of time and bureaucracy, many small organisations are keen to be part of such a system. I will give some specific examples later on.

I am slightly mystified by the Government's position on the issue; perhaps the minister will clarify matters in his winding-up speech. My understanding is that when a member introduces a bill in this Parliament, there is clear provision for the Government to take it over, but it does so with the intention of taking forward at least the broad objectives of the bill, if not every single detail, as in the UK Parliament. However, we now seem to be finding out that the Government can take over a bill and yet—I will not use a word as strong as sabotage—not advance the details of it. We should perhaps look at the system in this Parliament as, in that regard, the UK Parliament is fairer to members who introduce private bills.

Fiona McLeod: I have been a member of the SPPA committee for two years, and everybody knows that I take my committee very seriously. The Government said to the committee—as did many other organisations following the introduction of Neil Findlay's bill—that the Parliament should look at the issue of lobbying seriously. There is no committee in Parliament to which scrutiny of the issue is more relevant than the SPPA. We take our work very seriously.

The Deputy Presiding Officer: I will give Mr Chisholm a little extra time for that intervention.

Malcolm Chisholm: I completely understand that. My more general procedural point is that, if the Government was not minded to support Neil Findlay's bill, it should not have taken it over. Perhaps the SPPA committee can look at that in a subsequent investigation.

I certainly support regulation but, as other members have said, we certainly do not want to copy the UK Parliament legislation, which, incidentally, Labour is committed to repealing. I was struck by the description of that legislation as

"a small net with massive holes in it."—[*Official Report, Standards, Procedures and Public Appointments Committee*, 16 January 2014; c 872.]

The damaging effect that it has on lobbying by the third sector in England is particularly worrying.

I was intrigued by the fact that the Scottish Council for Voluntary Organisations, unlike many of its constituent organisations, is adamantly opposed to regulation in Scotland. I do not know whether the SCVO is confusing the proposals with some of the things that have happened in England. The SCVO instead proposes a system of publishing MSPs' diaries, which has been mentioned in the debate today. Such a system would have a great many holes, because—as we all know—so much of the lobbying is done through civil servants, special advisers and so on, and I do not see how publishing MSPs' diaries would deal with the problem at all.

There are two arguments for regulation: one is preventative and the other is positive. The preventative argument was made very well by Dave Moxham, who said:

"Is there a problem? We do not know. That might be because we might not have the systems in place that would identify whether there was a problem."—[*Official Report, Standards, Procedures and Public Appointments Committee*, 30 January 2014; c 902.]

We hope that there is not a problem, but we have to take action to ensure that there is not a problem now or in the future.

Some of the positive reasons have been described already. A key word is transparency. We want transparency in how decisions are made and in the interactions between Government and MSPs, and lobbyists. That will make us more trustworthy, which is important in terms of public perception, and more accountable. Crucially, it is very much in accord with the Parliament's founding principles, although some people seem almost to be saying that regulation would be contrary to those principles.

I was struck by the strong words of my constituent Jenny Kemp, the director of Zero Tolerance, who gave powerful and persuasive evidence—I do not have time to quote much of it. She said:

"in general, anything that aligns with the founding principles of the Parliament and opens it up and makes it more accessible has to be a good thing."

Jenny Kemp was arguing strongly that a register of lobbyists would accord with the founding principles of the Parliament. Given some people's concerns about the effect on small voluntary organisations, it was interesting that she also said that the approach would be good for organisations such as Zero Tolerance. She told the committee:

"Small organisations probably have quite a lot to gain from more transparency, because we are not on a level playing field."—[*Official Report, Standards, Procedures and Public Appointments Committee*, 30 January 2014; c 924, 908.]

She thought that anything that opened up the Parliament would help to create a more level playing field.

I hope that when he winds up the debate, the minister will say clearly that in principle the Government supports regulation and a statutory register of lobbyists. Of course a lot of the detail has to be worked out—and I am no expert in the matter to say what that might be—but in principle we should say that we accept the need for regulation and a statutory register of lobbyists.

15:55

George Adam (Paisley) (SNP): I found the inquiry fascinating—there is no hyperbole there—and I think that we have only scratched the surface of what is, as the convener of the Standards, Procedures and Public Appointments Committee said, a complex issue.

We must ensure that we do not have a knee-jerk reaction and rush into things, as the Westminster Government did. I am a member of the committee, but I still have not made up my mind about the best way forward. The Scottish Parliament has a reputation for openness, accessibility and accountability, and we should do nothing that restricts citizens' ability to engage with the Parliament.

Our approach has been in stark contrast to that of the UK Government, which rushed through a partisan approach to lobbying. We in Scotland have been fortunate in that we have not faced the issues that Westminster has faced, but that does not mean that there is no need for legislation here. We might have to consider legislating.

The committee began its inquiry into lobbying in September 2013 and received a wide range of evidence. Many members have talked about the valuable information that we received from across civic Scotland, which helped us to approach the issue.

As the minister said, we must ensure that we get this right. The committee heard about experience in Canada and the United States of America. The Canadian system was described as excellent, open and transparent. However, as the convener said, there were costs involved.

In 2013, the UK Government introduced the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill. That is a mouthful and it is not easy to say—not to mention whether the approach will actually achieve anything. The committee heard evidence that it will not help groups; indeed, it prevents groups from interacting with the Parliament, because it places heavy legal burdens on charities, third sector bodies and others who campaign on political issues.

In April, Trades Union Congress secretary Frances O'Grady said of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014:

"The Act does nothing to curb the power of corporate lobbyists, yet hinders free speech, shuts campaign and community groups out of the democratic process and ties unions up in needless red tape."

Billy Hayes, the general secretary of the Communication Workers Union said of the Westminster model:

"The lobbying industry is free to continue secretly cajoling politicians while charities and trade unions will be silenced."

We must ensure that we do not go down that route. We must be mindful of the founding principles of this place when we take proposals forward. If we have a knee-jerk reaction, it will be difficult to sustain the founding principles of this Parliament.

One of the biggest issues that came up during our inquiry was the definition of lobbying, as members said. What exactly is lobbying?

Neil Findlay: I am sure that George Adam, who is a thoroughly decent man, accepts that my proposal has nothing at all to do with the bill that was passed at Westminster, does not reflect what happened there and is a completely different proposal.

George Adam: I am saying that we must make sure that we do not go down the Westminster route. If we are to legislate, that legislation not only must be robust but must make sure that people can still interact with this Parliament.

The Scottish Parliament's reputation for openness, accessibility and accountability was part of what was set up in November 1997 by the consultative steering group; indeed, it made sure that those were the Parliament's founding principles.

I see that we are having time difficulties, so I want to mention that one of the most passionate discussions at committee was when Professor Susan Deacon was there. She came to the issue from a specific angle: she is a former back-bench MSP and minister, an academic and a businesswoman. She articulated what the argument should be:

"Some of that work took place even before the Parliament was established, through the CSG. Were I a member of the committee, I would want to dust down an awful lot of the existing codes, regulations and statutes and think about how to ensure that the issue is embedded throughout the thinking and the practice of the institution as a whole and of individual members."

I am as passionate as I ever was—albeit that I am on the outside looking in rather than on the inside looking out—about ensuring that Holyrood is seen to be open, accessible and transparent".

Those issues are an important part of the debate and Susan Deacon has articulated what, for many of us, is the way forward. She added:

"I will add a couple of comments about where I am coming from—I want to be totally transparent. Since I left the Parliament, I have spent part of my life working in the academic community and looking at the public policy process through another lens, while also sitting on a multiplicity of boards in the private sector and for a number of charities and having advisory roles in the public sector, so I see many dimensions of the issue."—[*Official Report, Standards, Procedures and Public Appointments Committee*, 27 February 2014; c 964.]

Susan Deacon saw, from her various perspectives, that the issue is, as the convener said, a complex matter. She also said at one point that this is the Scottish Parliament and we do things a specific way here; we decided at a very early stage what we were going to have as our major principles. However, I, too, am passionate about the Parliament and how we go about our business. If we decide to legislate, we must listen to as many voices as possible and ensure that we do not lose this place's guiding principles. This institution—this Parliament—deserves much respect. We must remember its founding principles.

16:02

Jim Hume (South Scotland) (LD): I welcome the opportunity to speak in the debate on this important issue. The Liberal Democrats have long campaigned for more transparency and accountability in our political system. With that in mind, we welcome the committee inquiry into lobbying. I add my thanks to those who provided evidence to the inquiry.

This Parliament has always prided itself on its openness—we are open not only for scrutiny, but for people from all walks of life to be genuinely

involved in the decisions that are made here. How we do business is different. It is an inclusive

“approach to the development, consideration and scrutiny of policy and legislation.”

The referendum campaign has reinforced and, for some, re-ignited that connection, which is to be wholly welcomed.

However, we must guard against any move to regulate that would inhibit the free exchange of views, ideas and information. That exchange is vital to the work that we do here: it means that we are better informed; it also means that we are closer to those whom we represent than many other legislatures are. The exchange allows us to make legislation that is fit for purpose, and to take into account potential problems that are raised by groups or individuals from outside Parliament. It means that we can explore issues fully and properly. I would not want to see such a change, nor do I believe that that would be the wish of any member of this Parliament.

The difficulty, as others have said, is the balance between making information available, so that we are fully transparent, and ensuring that the discussions and exchanges of information, which are crucial, are not curtailed by disproportionate and heavy-handed regulation.

How would we define lobbying? Who knows? The definitions that have been suggested to date all seem to have flaws. Perhaps the best starting point is the definition of the UK Public Affairs Council:

“Lobbying means, in a professional capacity, attempting to influence, or advising those who wish to influence, the UK Government, Parliament, the devolved legislatures or administrations, regional or local government or other public bodies on any matter within their competence.”

However, it is difficult within that to outline the parameters for where lobbying starts and information sharing ends. That is not to say that that is not possible, but I do not think that we are quite there yet.

As Liberal Democrats, we of course believe in localism and community action, and we share those values with many third sector organisations. I believe that we are at our best when we work together for common goals and shared ambitions, but barriers can be problematic in respect of doing that effectively. That said, we must ensure that we retain public trust and confidence in the system. We should constantly scrutinise and strive to improve the openness of Parliament, because to do less than that is to go against its founding principles.

A common call, of course, is for MSPs and civil servants to publish their official diaries, along similar lines to the current duty on ministers to do so. That seems to be reasonable; I noted before I

came into the chamber that Stewart Stevenson already does that. I am sure that we will all give careful consideration to that call.

I do not think that there is any clear answer to the question whether a register or other regulation would serve to increase openness or, indeed, hinder it. Other legislatures have debated the same questions and have come up with different results. However, the mature and co-operative manner in which we are discussing this issue in Scotland was reflected in the briefings that we received from a range of groups ahead of today's debate. Some of the groups are wholly in favour of reform and others are against it, but all the briefings had merits.

However, I took exception to this statement by the Electoral Reform Society:

“The fact that it is not currently possible to find out who met who and why, and that money and favours are still being exchanged for access to politicians, suggests that legal direction is required.”

I do not think that I will be the only one who is angered by the accusation that

“money and favours are ... being exchanged”,

especially as there is absolutely no evidence of that happening, as the convener highlighted. It is important that the debate on lobbying continues, but it should do so based on the assumption that all who are involved are already acting properly. In Scotland, there is nothing to suggest that that is not the case.

The reconnection with politics and the political process that we have seen over the past few months has involved the return of a truly grass-roots politics and a national conversation that is open to all. If we are to continue that conversation, continued mutual trust and respect between politicians and the public has to be the foundation.

16:07

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): I thank the Standards, Procedures and Public Appointments Committee for its work on the important area of lobbying and for bringing forward today's debate. At the outset, I draw members' attention to my entry in the register of members' interests, as I am a member of a variety of bodies that could easily come under the ambit of any framework that we agree for lobbying. I also declare that my wife works for Amnesty International and that some of the work that she does could easily come under the terms of any lobbying regulations that we might put in place. We are talking about transparency, so I felt that it was important that I put that information on the record.

In considering what to contribute to today's debate, I was reminded of President Kennedy's 1961 address to the American Newspaper Publishers Association on the subject of secrecy. He began his speech by saying:

"The very word 'secrecy' is repugnant in a free and open society".

I believe that it is appropriate and necessary that we put in place a system that guards against secrecy or, at least, the perception of secrecy. However, I believe that our starting premise must be, as others have said, to recognise the legitimacy of lobbying. This Parliament has a reputation not only for transparency but for openness, and lobbying is clearly a legitimate part of our process. It is therefore important that whatever we do in respect of lobbying is proportionate and reasonable.

The Electoral Reform Society provided a useful briefing in which it highlighted a point that Paul Martin also made, and which has been made in the context of other debates, which is that during the referendum process we saw heightened interest in civic and political life. I think that all members welcomed that in the referendum, despite our having different views during the referendum campaign. In that regard, it is absolutely vital that members of the public have faith in the transparency of our operation and know who is lobbying us and contacting us.

The Electoral Reform Society has quite a strong point to make. From its contact with members of the public, it concludes that the public

"have the impression that the powerful and connected have better quality of access to politicians than they do as citizens."

Irrespective of whether we think that that is the case, if that is the perception out there, we would do well to act on it. The Electoral Reform Society also concludes that a register of lobbyists would be an appropriate way to proceed. I note that the SCVO takes the alternative view; it opposes the creation of a lobbyist register and says that the best way to deal with the issue is publication of MSPs' diaries. The Association of Professional Political Consultants also reached that conclusion.

The burden of ensuring transparency in lobbying should be a two-way street. For the reasons that were raised by John Mason, I am a little concerned about the idea that our diaries should be published as part of the process, but the committee will look at the issue and see how the evidence goes.

Kevin Stewart (Aberdeen Central) (SNP): I have some concerns about the diary issue, but also about the ad hoc things that happen outwith our diaries. I travel between Aberdeen and Edinburgh a lot, as folk are well aware, and during

those journeys I have lots of discussions with people. Would we have to add such discussions if we were going to publish our diaries?

Jamie Hepburn: That is a fair point. My train journey is considerably shorter and when I am on my way home I am more likely to meet constituents than I am to meet lobbyists. However, the point is well made and worth putting on the record.

As I said, transparency in lobbying should be a two-way street and I want to make a suggestion for the committee to consider, if it has not already done so. At the moment, when we have a declarable interest in relation to a motion or an amendment to another member's motion or a member's bill that we are introducing, we have to register that interest. Indeed, even if we are just signing another member's motion to support it, we have to register our interest. If we as elected representatives progress particular areas of our work because we have been asked to do so by a lobbyist, perhaps we should register that. For example, when members lodge amendments to bills because they have been asked to by organisations, they invariably make that point on the record; perhaps we should be doing that more formally.

I will conclude by saying what I think we should not do. We should not seek to ape Westminster's Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, which came into effect on 19 September. That seems to have been motivated less by the desire for transparency in lobbying and more by the desire to curb third sector criticism of UK Government policy, and it has put severe financial restrictions on the ability of organisations to work in their areas of interest during the regulated election period. Martin Sime of SCVO described that as an "affront to democracy".

People want lobbying to be regulated primarily so that there is transparency about how much influence organisations have on the legislative process, particularly when there is a commercial interest. I do not think that people want to stop Friends of the Earth or WWF raising environmental concerns, or to stop Amnesty International or Liberty talking about human rights issues. We should ensure transparency in our system but we should not clamp down on the legitimate right of organisations to criticise us, even when we do not like that criticism. It is part of life in politics. I hope that the committee can take that point on board.

16:14

Graeme Pearson (South Scotland) (Lab): I am glad to contribute to the debate this afternoon.

It is about a vitally important issue to this Parliament and to fairness, justice and transparency. I also record my gratitude to Stewart Stevenson and the SPPA Committee members, who have played out many of the complex issues that we are grappling with this afternoon.

I also record my pleasure at hearing Helen Eadie's name mentioned this afternoon. She was certainly one who revealed to me the importance of integrity, conviction and principle when one indulges in parliamentary procedure. In that light, I concur with Malcolm Chisholm on many of the issues that he raised. Lobbying causes public concern and it does not matter whether that is merely a perception. MSPs, civil servants and public officials can be compromised or considered to have been compromised by lobbying. That perception in itself is detrimental to all that we are trying to do here. It damages public faith in democracy.

I am sure that many colleagues will have been contacted at one time or another by people who have reservations about the level of contact and lobbying that occurs—or is thought to occur—in the confines of this building. That is not to say that trying to lobby, to raise awareness or to advance causes is, of itself, a problem. Nothing in the proposals that were offered by my colleague Neil Findlay seeks to prevent legitimate lobbying of members—a process that, if properly utilised, is designed to communicate, inform and share intelligence with those who have a duty to make policy decisions on behalf of the Scottish people.

However, the problem occurs when lobbying, and the way in which policy is decided, is believed to be shadowy and covert. The impression of or assumption by some people that something untoward has occurred, or is occurring, damages public life every bit as much as the reality. Lobbying is part of the political process. Despite some of the more uncharitable perceptions, it does not necessarily mean undue influence. However, it is undeniably about influence and awareness; ultimately, it is about having an impact on policy and decision making. Those who would lobby will, on occasion, have a personal interest in a desired outcome. That interest might be based on common good. On other occasions, though, it may be founded on commercial or financial advantage.

Any perception that MSPs or any official are being swayed by lobbyists exerting special influence is damaging, especially when the meetings or engagements that take place are thought to be secret. That is why I supported my colleague Neil Findlay's proposed lobbying transparency bill in 2012. I am glad that the Scottish Government agrees that there is a need for greater transparency and I look forward to studying the proposals that it will publish in due

course. I look forward also to reading the conclusions of the Standards, Procedures and Public Appointments Committee's inquiry.

The very existence of a register, along with a code of administration, will go a long way towards ensuring that the good health of Parliament's integrity is recognised. The interactions between lobbyists and parliamentarians should be acknowledged and recorded to ensure that they are up front and above board. That does not inhibit discussions. It does, however, protect all of us who are engaged in such discussions from any perception that they are suspect.

I agree with members from all sides of the chamber who believe that Westminster's approach to this issue does not hit the mark. It was suggested that legislation would bring clarity on the issue of lobbying, but it has only muddied the water and made things more difficult in the Westminster environment.

A number of charities, including Oxfam, have complained that a bill would threaten to stifle public debate. The Political and Constitutional Reform Committee at Westminster criticised the bill there for being too narrow and too focused on third party lobbyists.

There will, unfortunately, be pressure on committee members to decide which way they will swing at the end of the day, but whatever proposals are brought to Parliament for further consideration, they should at their heart be genuinely transparent and able to give the public the confidence that any problems that might arise in the future will be headed off at the pass by some up-front solution. We must have clear legislation, learn the lessons from our Westminster colleagues and deliver what the public need: clarity of purpose and due honesty and integrity from the members of this Parliament.

16:20

Richard Lyle (Central Scotland) (SNP): I, too, am delighted to take part in this debate on lobbying, particularly as a member of the Parliament's Standards, Procedures and Public Appointments Committee.

In my speech, I will highlight various comments by organisations that have presented their evidence to the committee. The committee has spent a great deal of time considering the issues surrounding lobbying, and I hope that my remarks will cover some of the evidence that we have looked at over the past number of months.

I want to share with the chamber the views of Epilepsy Scotland on lobbying. It states that, although it

"does not perceive that there is a tangible problem with lobbying in Scotland, ... we recognise that accountability around lobbying is integral to fair and open government. We do believe, however, that responsibility for this rests ultimately with MSPs"

and

"that any proposed legislation ... must be a proportionate response to an evidenced issue. We believe that any regulation of lobbyists in Scotland should be specifically formed to reflect the culture of political participation in Scotland, and the ... working practices of the Scottish Parliament."

The organisation also says that the regulation of lobbyists

"must not create a barrier to parliamentary engagement for organisations representing the most vulnerable and disadvantaged members of society."

Epilepsy Scotland makes interesting points about lobbying in Scotland, and its highlighting of the importance of taking into account

"the culture of political participation in Scotland"

is most welcome, particularly in light of people's incredible and passionate participation in the recent referendum on Scotland's future, which has already been mentioned.

The point about increased political awareness was also raised by the Electoral Reform Society in its submission to the committee, in which it said that Scotland has witnessed a democratic awakening and that its citizens are engaged in political discussion and keen to participate in our democracy.

The ERS also noted that, additionally, the Scottish Parliament is set to be charged with greater responsibility for the decisions that impact on the lives of the Scottish people and that now is the time to ensure that those decisions are made with the utmost transparency, that our citizens have faith in the system and that the system works for Scotland's citizens.

Finally, the ERS suggested that a register of lobbyists detailing who is meeting whom to discuss what and how much they are spending would greatly enhance the reputation of the Scottish Parliament and the Scottish Government and serve to provide the public with the means to access information about decision making in our democracy.

Another view on how we in Scotland can address lobbying has been put forward by the Association for Scottish Public Affairs, which said that MSPs legislate best when they are well informed. I agree with that. As the former Commissioner for Ethical Standards in Scotland, Stuart Allan, said

"Lobbying is a legitimate and recognised part of the democratic process."

There must be a level playing field; lobbyists should not get better or worse access to MSPs than anyone else. Bad practice should be addressed, but we are not convinced by a register. Moreover, regulation should be proportionate; in his six years as commissioner, Stuart Allan recorded no breach of lobbying rules. Lobbyists must behave ethically, but MSPs, too, have responsibilities and they should review their code of conduct.

The Association for Scottish Public Affairs has suggested that MSPs publish their diaries and record details of meetings with lobbyists. The only problem that I have with publishing diaries is that when I worked for a finance firm I had not only to detail my diary for the week but to record my retro diary. During the week, things would happen, and sometimes I would not be able to fulfil my commitments. As a result, the following week, I had to retro my diary and say what had changed the previous week.

Another organisation that addressed the issue of lobbying with the committee is Action on Smoking and Health Scotland. It said that it supports the development of a lobbying register and believes that

"any lobbying regulations should reflect Scotland's existing obligations under the World Health Organisation's Framework Convention on Tobacco Control—a legally binding international health treaty, to which the UK is a signatory".

It further notes that the framework's guidelines advise parties to protect public health policies from the commercial interests of the tobacco industry.

ASH suggests that the tobacco industry's previous history of lobbying demonstrates both overt and covert lobbying tactics aiming to undermine public health policy, and that it is therefore

"critical to track all tobacco industry lobbying practices and relationships with third parties".

The Chartered Institute of Public Relations said that Scotland's Parliament has an opportunity to demonstrate how politics can allow and encourage the free exchange of information to make better policy and law and that it can do that by working with the entire lobbying profession to offer a process through which the public can access more information about its work.

I see that I am running out of time, Presiding Officer.

The Presiding Officer (Tricia Marwick): No, that is fine, Mr Lyle. You may continue.

Richard Lyle: In that case, I will read out the paragraphs that I was going to miss out.

The debate about transparency in lobbying has given way to one that focuses on professional

standards. Any proposals should support the voluntary structures that regulate lobbyists and promote lobbying as a professional community.

To conclude, I would like to thank each of the organisations that I have cited in my speech and whose thoughts on lobbying I have expressed. I would also like to thank the many organisations and individuals who contributed to the committee's inquiry. I look forward to the deliberations of the committee.

I repeat my point about retro diaries. We can put something in our diaries but we must remember that, when we change our plans, we will have to go back and change the diary, which means that we will give ourselves a lot of work. That is the one point that I would make in that regard.

I have not yet made up my mind on this issue. I hope that the Government takes it forward. I support the point that Mr Findlay makes, but I do not have the concerns that he has, because I know that, as far as we are concerned, we are going to make the right decisions.

I look forward to hearing colleagues' contributions on the matter.

16:27

John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): I welcome this afternoon's debate, which has on the whole reflected what I believe is a desire on behalf of the Standards, Procedures and Public Appointments Committee and the Scottish Government to identify a set of proposals that all parties can stand behind. Although I remain to be convinced that a change in the law is necessary or, indeed, desirable, I acknowledge the wish to achieve cross-party consensus for improving the transparency of lobbying.

The main point that I would like to make this afternoon is that we must all be careful not to label lobbying as a dirty business. It is a legitimate and worthwhile activity, and one that is sometimes specifically required by statute. We have passed legislation in this chamber that requires consultation and review, and we must be mindful that any restrictions on lobbying might harm the Parliament's ability to reform and improve on existing legislation.

Lobbying helps to generate effective and informed public policy and legislation. As an Opposition politician, I understand the value of expert opinion on legislation. In the absence of civil servants at our disposal, Opposition parties find helpful the suggestions from those in the know about the impact and likely outcome of new laws. Any changes to lobbying practice that make it more difficult for that advice to be given therefore

put at risk the ability of Opposition parties to hold Governments to account.

I understand the desire for transparency on this issue. Voters rightly deserve to know how legislation is made and who is talking to politicians. While he was leader of the Opposition at Westminster, David Cameron predicted that commercial lobbying was

"the next big scandal waiting to happen",

which is why the UK Government legislated to create a register for third-party lobbyists.

My concern is that there is little evidence that we have a particular problem with lobbying in Scotland. Those who are calling for reform have not yet produced the evidence to show that Scottish lobbyists are acting with anything other than integrity. David Cameron's concern centred on commercial lobbyists, and Scotland has not developed a commercial lobbying culture to the same extent as England and Wales. The Scottish Parliament is different from Westminster and in some ways is already more transparent, particularly in the way that our committees work. In a smaller jurisdiction it is also perhaps easier for the public and press to keep track of what is going on.

Jamie Hepburn: Perhaps I picked the member up wrongly, but I think that he said that David Cameron's primary concern was corporate interest in the lobbying sector. If that is so, why does his Government's legislation largely cover the activities of the third sector rather than those of the corporate sector?

John Lamont: The Prime Minister's primary concern was commercial lobbying, but there are other aspects of the legislation south of the border that involve the voluntary sector. I believe that the UK Government has worked well with some of the voluntary groups to bring them on board. Organisations such as the National Council for Voluntary Organisations, which initially opposed the new laws at Westminster, worked with the UK Government and were eventually persuaded that the laws were worthy of support.

There are already checks and balances in place, and an element of regulation already exists in Scotland. Umbrella bodies and individual companies have voluntary codes of conduct or registration schemes for their members and staff that are generally described as a form of self-regulation. The Association of Professional Political Consultants, the Public Relations Consultants Association and the Chartered Institute of Public Relations—the three main membership organisations for public affairs practitioners—require their members to abide by their respective codes of conduct. The APPC and

the UK Public Affairs Council have similar registers.

Freedom of information legislation can and has been used to determine information about meetings between Government staff, ministers, MSPs and lobbyists. On that, I disagree with the organisation Spinwatch, which told the Standards, Procedures and Public Appointments Committee that a

“relative dearth of investigative journalism”

means that it is not clear whether there is a problem with inappropriate lobbying in Scotland. Journalists in Scotland are a persistent bunch, and I have no doubt about their abilities to find a story or a scandal, were one to exist. Added to that, the Interests of Members of the Scottish Parliament Act 2006 rightly prohibits MSPs from receiving payment from lobbyists, and the code of conduct for MSPs and the ministerial code of conduct remind members of their responsibilities when dealing with lobbyists.

There is little evidence that lobbyists are acting in an underhand way in Scotland, and some mechanisms already exist to promote transparency. In that context, I remain somewhat sceptical that a change in the law, as proposed by Neil Findlay, is necessary or desirable. Nevertheless, I am open to persuasion and I accept that, although there might not be a widespread problem, that does not mean that additional transparency would not help to prevent a problem from emerging in the future.

The reason that I am cautious about that is because of what we risk losing by the creation of a lobbying register. Any change in the law must be proportionate so as not to act as a deterrent to those who seek to engage in a legitimate way. I have no doubt that, if we were to introduce charges or overly onerous regulation, many third sector organisations and smaller businesses would be unable to carry on with their lobbying activity. I am also sure that some larger organisations might come to the conclusion that it was no longer in their interests to make representations to politicians in an effort to improve legislation.

As Professor Susan Deacon from the University of Edinburgh told the committee,

“if the Parliament’s aim and aspiration is to encourage openness and access and a free flow of information, and to build understanding, the last thing that we want is people worrying about how they are labelled and whether they have complied with the rules before they speak to politicians.”—[*Official Report, Standards, Procedures and Public Appointments Committee*, 27 February 2014; c 981.]

In conclusion, I point out that, although the Scottish lobbying environment may be different from Westminster’s, we must not ignore the

legislation that has been passed south of the border. Many lobbyists work across the United Kingdom, and the introduction of two wildly different schemes could introduce unnecessary complexity.

16:34

Neil Findlay (Lothian) (Lab): I thank the committee and its convener for their report. I am still not sure why it was needed or why the committee had its inquiry, but we are where we are.

The Scottish Government intimated to me that it was going to take over my bill proposal almost 17 months ago. On the very last day before recess, just as the egg timer was running down and I would have been able to pursue the bill myself, the Government said that it would take it forward and that it was minded to legislate on my proposal. So far, nothing has happened—there is no such legislation in the legislative programme. I fully expect the proposal to be in the new First Minister’s legislative programme. I make it absolutely clear that if it is not in that programme, I will return with my bill immediately.

I genuinely think that a game has been played with my bill and that the inquiry has been an attempt to kick it into the long grass for as long as possible. I hope that I am wrong, but I fear that that might be the case.

Fiona McLeod: Does Mr Findlay accept that his proposal generated a huge amount of interest? If it goes forward and becomes an act, it will fundamentally affect the standards and procedures of this Parliament. Therefore, the Standards, Procedures and Public Appointments Committee is the correct committee to scrutinise the ideas that he has put forward. Does he not want the evidence gathering that we are doing to happen? Is he saying arrogantly that his ideas for a bill are all that we need to look at?

Neil Findlay: No. The committee could have looked at the matter some time ago if it had wanted to, but there has been a long delay—it has taken a long time to get to this point. We are where we are, and we have to move on. I expect the proposal to be in the legislative programme.

I apologise for not following Mr Stevenson’s every utterance on Twitter. I am sure that his legions of followers get a riveting daily intake of news and excitement. I might try to dip into it on the odd occasion, although I will try to hold myself back.

I make it clear that I think that lobbying is a legitimate part of the democratic process; I have never said otherwise. The briefings that are provided, the advice that we get from a range of

organisations and the comments that we get on legislation are all very good. I particularly commend Mr Hepburn's wife, given that he mentioned her.

Jamie Hepburn: Hear, hear.

Neil Findlay: The briefings that she provides for Amnesty are excellent. Mr Hepburn can pass on my regards to her for that.

A number of organisations provide us with excellent briefings. I would never seek to stop that.

My proposal is simply an attempt to throw light on the lobbying process and make it more open and transparent, which, as many people have said, is in line with this Parliament's principles of accountability, openness, equal opportunities and power sharing. It is not about stopping any of that; it is about enhancing all of it.

Could we do more to enhance those principles? I think that we can. Why should the public not know who we meet and what we are meeting about? If contracts are being won, Government policy is being changed or questions are being asked, people should be able to see that. We are supposed to act in the name of the people who elect us. Therefore, those people should have the right to know what is going on.

I want the register that I have proposed to be very simple and not burdensome. A simple online form could be completed. In effect, people would be asked to complete an A4 form online. People could have a template on their computer with all the information already populated, such as the company name—if it is a company—the address, where it is registered and who the person making the contact is. All that would need to be filled in—on a quarterly basis, or whatever we agree—would be a very limited amount of information. The burden on those individuals would be very limited.

I have always accepted that there is issue about proportionality. I will make an analogy with groups such as the Scout Association. I am sure that such groups come to all MSPs and ask whether they can help them to get the hire of a hall for free from the council or a church. That is not lobbying; it is normal constituency contact. However, if the Scout Association was involved in a bidding round for youth work that was worth several million pounds and hired a lobbying firm or an in-house lobbyist to try to ensure that it won that contract, we would have a different relationship with it—one that would be registrable.

There would be thresholds in place. Thresholds are a good idea because they differentiate between small-scale lobbying and something that happens on a bigger level. There is a huge and clear difference between lobbying that costs £500 and lobbying that costs £50,000.

Malcolm Chisholm mentioned some of the smaller organisations. It could also be possible for smaller organisations to register voluntarily even if they were underneath the threshold. It would be their right to do so.

I have no problem with publishing my diary, but there are sensitive issues such as those that John Mason referred to. The lobbying that is done through civil servants and special advisers comes into that as well.

The lobbying sector has nothing to fear. Indeed, a register would protect the reputation of the players in the industry, who take pride in their work. The onus would be on the lobbyist to register, but there would be no creeping round the corner with a magnifying glass, wondering what people were doing. The system would be like that for the register of members' interests: if a complaint was made, there would be an investigation. That is how I envisage it working.

There have been scandals elsewhere. We have seen cash for questions, lobbygate and the Adam Werrity and Bell Pottinger cases. All those scandals damage our democracy and it could take only one big scandal to set Scottish politics back decades, so we should work together to create a system to ensure that that never happens.

With increased powers coming to the Parliament will come increased lobbying. Prior to the Parliament's creation, the lobbying industry was almost non-existent in Scotland, but with the Parliament came the lobbying industry. With the further powers that will come with the Scotland Act 2012, lobbying will increase again and, if we have further constitutional change, we will have even more lobbying. Creating a register is about protecting our democracy. We need to invest in setting up a register, even if it costs us money to do so.

I ask members to give serious consideration to what the public's view will be if we reject the proposal and do not set up a register. Will they think that we are interested in more openness, or will they think that we are trying to hide something? I know that members co-operate and operate properly. Let us keep it that way and not have such an accusation levelled against us.

16:43

Joe FitzPatrick: I thank all members who are in the chamber. It has been a really good debate. There is much more common ground than there is division across the chamber, which is certainly the approach that the Government hoped that we would be able to take.

I have found members' speeches interesting and helpful. I am sure that the committee will be

able to draw much from members' comments. The speeches demonstrate that many issues that arise when we consider lobbying and transparency are complex.

Before I talk about some of those issues and about some of the other speeches, I will respond to Mr Findlay's remarks. I had hoped to be able to let him intervene on my opening speech but did not realise at that point that we were becoming tight for time.

Let me be clear that it remains our intention to take the matter forward but it is a complex issue and the Government feels that it is right that the committee take the time to understand fully all the issues and that the Government then take time to consider the committee's deliberations carefully before coming to a conclusion about how best to legislate.

Neil Findlay: Is the minister telling us that lobbying legislation will be in the legislative programme that is coming up? The current session of Parliament does not have much longer to run.

Joe FitzPatrick: Mr Findlay will, of course, be aware that I will not discuss the Government's legislative programme here. However, he will be aware of what standing orders say and of our intentions as previously stated. That remains the position.

We are in a better place than I could ever have imagined that we could get to in managing to take forward proposals on the issue in a way that brings on board not only all members of the Parliament, but potentially people outwith the Parliament—lobbyists and other groups—on both sides of the argument. The committee's work has been hugely helpful in allowing us to progress that, and I would be failing in my duty to the Parliament if I were not prepared to consider the committee's deliberations before we move any further forward.

Paul Martin kicked off with some very important points. His first point was about access to this place, which is crucial. We are all extremely proud of the fact that the public see the Parliament as being open and accessible. It is clear that we must find a way to protect that as we move forward.

Paul Martin talked about how that feeling has intensified as a result of the referendum, because more people now have an interest in policy making and politics. We therefore have a duty to ensure that we make access easier. I do not see why, at the same time, we cannot find ways to make it more transparent, too.

The regulation of former ministers was another issue that Paul Martin mentioned. I guess that we sometimes forget to talk about the robustness of the framework that we already have. It was helpful

that the committee's convener gave us an outline of the regulations that are in place. We have some extremely robust regulations in place, and we should maybe talk about them more often. The debate has provided a good opportunity for us to do that.

In summarising the powerful arguments on both sides of the debate that were made in evidence, Cameron Buchanan neatly demonstrated the task that faces the committee. None of us should underestimate the scale of that task, which will involve pulling together what sometimes appear to be very divergent views and opinions. The committee will have a job to do in weighing up those competing arguments, but I think that its members are all up to the task. They have certainly shown their ability to do that going forward.

Fiona McLeod raised the recurring question of what lobbying is and said that a register might underline the Parliament's openness and accessibility. That echoes the first of the Government's key principles. Although we want to find a way of increasing transparency, we must maintain the openness that the Parliament is so proud of, which Paul Martin mentioned.

George Adam reiterated a point that I made in my opening speech, which is that we must not go down the road that the UK Government went down in its legislation. That is a very good point. Mr Findlay made it clear that his proposals were nothing like those that were advanced in the UK Government's legislation. I put it on record that, if they had been, we would not have expressed any intention to go forward with them. The UK Government turned the clock back and did exactly the wrong things for openness, transparency and the ability to participate. Its legislation was progressed in a highly partisan way, and calls for it to be repealed have already been made by members of all parties down south, as well as by external organisations.

George Adam mentioned Susan Deacon's perspective on this very complex topic. I agree with him. Susan Deacon's contributions were very well thought out and very useful for us in taking the issue forward.

I put on record my thanks to Jamie Hepburn's wife for all her work. A number of members have pointed out that we in the Parliament do not see lobbying as a dirty word in the way that it is perhaps seen elsewhere. Lobbying is hugely useful to us, as the *Holyrood* article in January this year indicated. We simply could not do our job without the assistance of the many organisations that help us to come to conclusions. Jamie Hepburn's point about how we can perhaps make the process more transparent might be helpful. It might also help organisations. If a member has

worked with the RSPB, for instance, surely it is in the RSPB's interests that, if that ends up with an amendment being lodged, that is somehow properly recorded. That is something positive. We should never see those things as not being positive.

At the start, I mentioned three very important principles. I want to close with those principles. If we can stick to the principles that guide the Government's thinking, we will find a way to take legislation forward in the best possible way for the Parliament.

First, we must not erode the Parliament's principles of openness, ease of access and accountability.

Secondly, any proposed measures must complement our existing frameworks without compromising their effective operation.

Thirdly, any solution must be proportionate, simple in its operation and able to command broad support within and outwith our Parliament.

I thank members for the debate, which has been really useful. I am sure that the committee will carefully deliberate on the points that have been made, and the convener's decision to proactively publish his engagements on his website will be helpful to all of us.

The Presiding Officer: I call Margaret McDougall to wind up the debate for the committee.

16:52

Margaret McDougall (West Scotland) (Lab): I am closing this debate as deputy convener of the Standards, Procedures and Public Appointments Committee.

I have enjoyed the debate. Members right across the chamber have covered many perspectives on the issue. I will reflect on a few of them. I think that I have got everyone's names.

Joe FitzPatrick said that the committee needs to do the work properly and get it right so that we do not need to go back to it, whatever decision we take. Paul Martin mentioned how engaged the Scottish public are after the referendum and that we should maintain that interest. Cameron Buchanan found it very difficult to form an opinion, despite having heard all the evidence, as the subject is so complex.

Fiona McLeod gave examples of the differing views of constituents, and Malcolm Chisholm reminded us that proportionality is required. George Adam spoke about the Parliament's reputation. That was the first speech that I have heard him give in which he did not mention Paisley once.

Members: Hear, hear.

Margaret McDougall: Well done, George.

I am sorry, Presiding Officer.

Jim Hume spoke about public trust and confidence in Parliament, Jamie Hepburn referred to lobbyists influencing bills, and Graeme Pearson reminded us that lobbying is part of the political process. Richard Lyle said that MSPs work best when they are well informed, John Lamont spoke about the differences between the Scottish Parliament and the Westminster Parliament, and Neil Findlay spoke about his wish to bring the principles of openness and accountability through a lobbying register.

There was a lively discussion on Facebook and Twitter in advance of the debate. I am sure that it has continued throughout the debate, and I hope that I will have time to refer to some of those contributions.

Beyond collecting helpful insight into members' perspectives, we have achieved another aim of the debate: to create an example of how positive and valuable being lobbied can be. The more voices that we hear from and the more sources of information we tap into, the more informed we will be and the richer the basis for our scrutiny and our policy development can be.

I thank Neil Findlay, as the committee's inquiry was instigated in large part on the basis of Neil Findlay's proposal for a member's bill. The committee thanks him for his central role in bringing this important issue to Parliament. I also thank everyone who has played a part in informing the debate, whether they are in the chamber, were quoted by those speaking in the chamber or made comments in advance on social media. In addition, I thank those who contributed to the inquiry, some of whom have come to watch the debate in person—I hope that they have enjoyed it. I also thank the committee clerks for making arrangements for the debate and for their support throughout the inquiry.

As I am speaking in my capacity as deputy convener, I will talk a little about what happens next. I am sure that all those who have contributed will want to know how their views will be taken into account. The committee plans to discuss all the evidence that has been received, including the full *Official Report* of the debate and the contributions on Twitter and Facebook, at its next meeting. It will then start to move towards a report that will feature recommendations for change. I am sure that no member will envy us that task, given the many and varied views on the issue.

Needless to say, the committee alone cannot bring about change. Given the potential impact of the work on all MSPs, any recommendations will

need to be endorsed by Parliament as a whole. For example, if the committee recommends that we change the rules on lobbying in the code of conduct for MSPs, or that there should be legislation for a statutory register, we cannot move forward with those changes without the support of Parliament as a whole. *[Interruption.]*

The Presiding Officer: One moment, Ms McDougall. There is far too much chattering, as members who have not been part of the debate are coming into the chamber. I ask them please to show courtesy to the member who has sat through the debate and is now making her speech.

Margaret McDougall: Thank you, Presiding Officer.

The committee is clear that there is a case for change and that its recommendations to Parliament must seek to ensure sufficient transparency for citizens who seek information on how lobbyists seek to influence policy formulation and scrutiny processes, as well as sufficient controls to prevent or expose any lobbyists who seek inappropriate access to, or to exert undue influence over, politicians or officials.

In considering options for the future, it is helpful to look at what we already do. On checks and balances, the code of conduct sets out rules on contact with lobbyists to which MSPs must adhere. They include a requirement to register anything that is received that could be perceived to influence their behaviour as a politician. There are also criminal sanctions for failure to register or declare any registration during relevant parliamentary proceedings. Should anyone engage in paid advocacy—there has been no case of that yet—a prison sentence can be imposed. Additional requirements are placed on ministers, including a requirement to report any inappropriate attempts to engage with them to the head of the civil service.

On the side of the lobbyists, witnesses to the committee listed ways in which lobbyists currently regulate themselves or are subject to legislation. For example, charities must disclose information to the charities regulator. Consultant lobbyists highlighted the new registration system that is to be imposed at UK level and the need for any additional regulation in Scotland to be co-ordinated with it.

On making public information on lobbying activity, I note that information is in the public domain on the Parliament's website. The register of interests is published, as is information on the activities of cross-party groups and the funding that they receive. Details of all those who contribute to the formulation of Government policy and committee scrutiny of it is in the public domain, as are details of those who organise

events in the Parliament and those who participate in Scotland's Futures Forum and the Scottish Parliament and Business Exchange.

We also publish details of advisers and research consultants who are used by the Parliament. Similarly, the Government publishes details of special advisers. The Scottish Government also seeks to publish details of meetings between ministers and outside bodies on a rolling basis.

I will just read out some of the tweets and comments that we have received.

The Presiding Officer: You are in your last minute, Ms McDougall.

Margaret McDougall: Allan MacKenzie wrote:

"The public must have access to all information necessary to form an opinion as to the influence and extent of any form of lobbying. The public must understand who has influenced decisions and why they have attempted to do so."

Nicky Godfrey wrote:

"We must keep it open and above board to try to restore some trust. If lobbyists are sincere, why would they need to hide anything? And if politicians have no conflict of interests between their elected post and any private interests then they should have no objections to clarity and transparency either. But above all, whatever the Scottish Parliament decides, it must be seen to be more open and democratic than Westminster, to avoid losing the newly awakened political enthusiasm in the Scottish electorate."

The Presiding Officer: You need to bring your remarks to a close now.

Margaret McDougall: I am just closing, Presiding Officer.

As we have heard today, there are strong voices saying that this is not enough. Although the question of whether we need a statutory or a voluntary register is central to the debate, there are other areas where the committee has already agreed that more could be done. For example, we want to work with the digital Parliament programme to make information that is already in the public domain more accessible.

We also want to look at whether there is more information that we could or should publish. Our starting point in considering all this should of course be: what would the citizen want to know?

Point of Order

17:02

Dr Richard Simpson (Mid Scotland and Fife) (Lab): On a point of order, Presiding Officer. During yesterday's living wage debate, I accepted an intervention from the Cabinet Secretary for Training, Youth and Women's Employment, Angela Constance, at the point when I specifically referred to the MacRobert Arts Centre as an organisation that is grant funded through Creative Scotland. I did not refer to a directly funded organisation, yet during her intervention the cabinet secretary said:

"All cultural bodies are subject to, and must comply fully with, the Scottish Government's public sector pay policy, which includes payment of the Scottish living wage as a minimum for all staff."—[*Official Report*, 5 November 2014; c 60.]

Creative Scotland informs me that, although it encourages those in receipt of grants to pay a living wage, it cannot make it mandatory. That is despite the cabinet secretary giving a clear impression to the chamber that that was the case. I have spoken to a number of organisations and they confirm that they do not pay all their staff a living wage. Presiding Officer, will you invite the cabinet secretary to correct the *Official Report*, as her claim has proved to be inaccurate?

The Presiding Officer (Tricia Marwick): I thank the member for advance notice of the point of order. As he knows—as all members know—the Presiding Officer is not responsible for the content or the veracity of a member's speech, but the cabinet secretary has heard what you have to say and I am sure that she will reflect upon it.

Decision Time

17:03

The Presiding Officer (Tricia Marwick): There are no questions to be put as a result of today's business.

Meeting closed at 17:03.

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