



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament (Hybrid)

**Thursday 3 December 2020**

**Session 5**



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# Scottish Parliament

Thursday 3 December 2020

*[The Presiding Officer opened the meeting at 12:20]*

## First Minister's Question Time

**The Presiding Officer (Ken Macintosh):** Good afternoon, colleagues. Before we go to First Minister's question time, I ask the First Minister to update us on the Covid-19 situation.

**The First Minister (Nicola Sturgeon):** I will give a short update on today's statistics and some other developments.

The total number of cases that were reported yesterday was 958, which is 4.3 per cent of all tests reported. Therefore, the total number of cases is 97,720. There are currently 982 people in hospital, which is nine fewer than yesterday, and there are 69 people in intensive care, which is one more than yesterday.

I regret to report that, in the past 24 hours, a further 51 deaths were registered of patients who had first tested positive in the previous 28 days. The total number of people who have died under that daily measurement is now 3,848. Again, I convey my condolences to everyone who has been bereaved.

We will shortly publish the latest estimate of the reproduction number. We expect that it will show that the R number continues to be just below 1, which is further evidence that the current restrictions are having the desired effect. That is why, on Tuesday, we confirmed that there would be no change to the current levels of restrictions for each local authority area. We will report on the latest weekly review next Tuesday.

I will briefly draw three other points to Parliament's attention. The first relates to schools. Over the past week, there has been discussion about whether changes are required to the upcoming school holiday period. I confirm that there will be no changes to school holidays. This morning, the Deputy First Minister has written to the Education and Skills Committee and provided it with a copy of the advice that we received from the Covid advisory group sub-committee on the matter.

The second issue relates to evictions. The Scottish Government took early action to effectively ban evictions that might result from the Covid pandemic. The legislation that does that is in place until March 2021. However, it does not apply to eviction actions that were raised before the pandemic, which is a matter that has been

raised in the chamber by Andy Wightman, Pauline McNeill and others. The Minister for Local Government, Housing and Planning, Kevin Stewart, has now decided to go further in providing safeguards. Therefore, I confirm that we will introduce regulations to legally prevent enforcement of eviction notices during the six-week period from 11 December to 22 January, unless there are exceptional circumstances, such as antisocial or criminal behaviour, or cases of domestic abuse.

Finally, I highlight that the Cabinet Secretary for Health and Sport will make a statement later today to update MSPs on our plans to vaccinate people against Covid. We are preparing for the first vaccinations in Scotland to take place next Tuesday, which will be a significant landmark in our collective struggle against the virus. Although we still have difficult months ahead, awareness that vaccination is starting will, I am sure, make many of us feel more hopeful as we enter the Christmas period.

The prospect of vaccination—and, with it, a return to something that is more like normality—should also give us a further incentive in the weeks ahead to keep ourselves and our loved ones safe. As ever, we can all play a part by sticking to the current rules and guidelines. I ask people to continue to do so.

The postcode checker on the Scottish Government's website is there for anybody who does not know what the rules in their area are. In general, I ask people, please, do not visit other people's homes, stick to the travel advice and follow FACTS: use face coverings, avoid crowded places, clean your hands and surfaces regularly, keep 2m distant from people in other households, and self-isolate and get tested if you have symptoms.

**The Presiding Officer:** We turn to First Minister's question time. I encourage all members who wish to ask supplementary questions, which will be taken at the end, to press their request-to-speak buttons as soon as they wish.

### Covid-19 Vaccination Programme

1. **Ruth Davidson (Edinburgh Central) (Con):** The approval of the Pfizer/BioNTech coronavirus vaccine for widespread use is the news that millions of people across the country have been waiting for. Now, we need to make sure that it gets out to people as quickly and efficiently as possible. As we all know, the vaccine needs to be stored in specialist freezers at an ultra-low temperature of -70° Celsius. Yesterday, the Minister for Public Health, Sport and Wellbeing announced that three of the 23 freezers that have been purchased by the Scottish Government are going to the Highlands. Under the Scottish Government's plan,

how many freezers will each of the other health board areas receive, and are they all already in place?

**The First Minister (Nicola Sturgeon):** I will make sure that we share a list of the exact locations, and where we are in getting them there. The 23 freezers will be sited in vaccine deployment centres in every national health service board area. As the first batch of vaccines is delivered, we expect to have in the region of 65,500 doses by next Tuesday.

One of the issues that is not yet certain, and which is the subject of on-going discussion with the Medicines and Healthcare products Regulatory Agency, is the ability to move the vaccines from the ultra-low-temperature freezers to, for example, care homes. Although that is not possible immediately, we hope that it will become possible very soon. That will depend, of course, on the on-going discussions.

No issue is more important to the Government right now than making sure that the vaccination programme works effectively and efficiently—that as soon as we have supplies of vaccine they are used to vaccinate people in the order of priority that has been set out by the joint committee on vaccination and immunisation. My focus, and that of the Cabinet Secretary for Health and Sport and the entire Government, is on making sure that all appropriate steps are taken.

**Ruth Davidson:** Every bit as important as where the vaccine will be stored is where people will be able to get it. The health secretary has suggested that general practitioners' surgeries will not be used as hubs, in order to allow them to continue to operate as usual. That is understandable, but it leaves people needing to know where they will go.

On 10 November, the First Minister confirmed to me that plans were being drawn up for mass-vaccination centres, including local centres to be run by pharmacists. She also told me that she would publish more details in the coming weeks, when plans are finalised. Is the First Minister now in a position to publish the full list of locations across the country that will be used to administer the vaccine, including the venues that are opening this month for vaccinations that are scheduled for before Christmas?

**The First Minister:** The health secretary will make a statement this afternoon, and we will shortly be in a position to publish the locations in which vaccinations will be delivered in the first phase of the programme.

Given the particular characteristics of the Pfizer vaccine, the main uncertainty, as I alluded to in my earlier answer, is on the extent to which it will be movable from the vaccine deployment centres in

each NHS board area to other locations. We hope that we will get greater clarity on that matter over the days and weeks to come. To start with, delivery will be close to the vaccine deployment centres, in order to ensure that we make maximum use of the first supplies of the vaccine, and to ensure that it can be overseen by experienced pharmacy staff.

As I have said before—the health secretary will update Parliament on this—we are also exploring a number of options for larger vaccination centres. Those venues will come on stream later, once we have supplies of vaccine in sufficient quantity to support their establishment. A number of other locations might be used, including primary care settings, where that is appropriate.

Those plans and options exist and will be implemented as soon as we get fine detail on, and clarity about, particular issues to do with the characteristics of vaccines. We expect and hope that, over the weeks to come, other vaccines will be authorised, as the Pfizer vaccine was yesterday. They do not have identical characteristics and requirements, so we have to be able to flex our plans to take account of the particular characteristics of each, as it becomes available. That is exactly what we will do.

**Ruth Davidson:** The way in which the vaccine is stored and transported means that it will be extremely difficult to bring it to individual care homes. That point has been acknowledged by the health secretary this morning, and by the First Minister a moment ago.

Dr Donald Macaskill, who is the head of Scottish Care, has warned that many care home residents are too “frail” or “vulnerable” to be transported to the hubs where the vaccines will be. Care home residents and their families have suffered enough through the pandemic, so the possibility that the promised vaccines could be delayed is yet another blow. What is the plan for Scotland's care home residents, who were promised that they would be first in the queue to receive the vaccine?

**The First Minister:** It is really important to understand the issues. I have heard the Prime Minister talk about exactly what I am going to talk about; it is not in any way unique to Scotland and is about the particular characteristics of the Pfizer/BioNTech vaccine. Ruth Davidson is right to point to that being mainly about the ultra-low temperatures at which it has to be stored. There is also a requirement to mix two different agents together, for that vaccine. I took part in a four-nations call last night in which that was one of the issues that were under discussion.

We will use vaccines as soon as they become available and as closely as possible in line with the order of prioritisation that the JCVI has set out. If,

during the first period, it is difficult to get the vaccine to care homes, we will obviously use those supplies for the NHS and care home staff.

This is the bit that I, the Prime Minister and the other First Ministers cannot be absolutely definitive about right now, because discussions are ongoing. I know that our pharmaceutical civil servants were discussing this very point with the MHRA yesterday. Although it might not be possible for the vaccine to be moved to care homes immediately, I remain hopeful, based on discussions to date, that that will become possible at an early stage, after we start receiving supplies. I hope that we will have greater clarity on that in the days to come.

I make it clear that that is not unique to Scotland's vaccination programme, but is an issue with which all four nations in the UK must contend. It is beyond question that safe delivery of the vaccine is the absolute priority, and it is in all our interests to make sure, in line with the JCVI advice that we have received, that elderly care home residents be vaccinated as quickly as is possible.

**Ruth Davidson:** I turn to the Scottish Government's longer-term plan. The health secretary made it clear in a statement less than a fortnight ago that the Scottish Government hopes to complete the vaccination programme in full by spring next year. However, this morning she told the BBC that only waves 1 and 2 of the vaccinations will be completed by spring, and that only after the spring will we move to vaccinate people under the age of 65. Will the First Minister clarify which is right? Does she expect all waves of vaccinations to be completed by spring, and does she agree that it is critical that the Government sets clear benchmarks in order to avoid raising expectations that cannot be met?

**The First Minister:** We very much hope that what the health secretary set out in Parliament when last she gave a statement is what we will be able to deliver. That is what we are working towards. Ruth Davidson's point about being clear with people is important. Although we have had the fantastic news this week of the authorisation to supply the Pfizer vaccine, our overall vaccination programme is contingent on a number of other vaccines receiving authorisation, so that supplies of them can flow in the quantities and at the pace that we expect.

We have no reason to feel pessimistic about any of that right now, but the processes are regulatory processes that we do not control. It is important that all the vaccines go through those rigorous and robust processes, which is an important part of ensuring public confidence. At every step of the way we will, as we did yesterday as soon as we got the news about the Pfizer vaccine, set out our expectations for when the

vaccination programme will start. We will also set out the issues that we are grappling with in relation to the first vaccine as soon as we have authorisations for the other vaccines, including the AstraZeneca and University of Oxford vaccine, of which the UK has procured the biggest number of doses.

We will set that out with clarity at every step of the way for the public and, of course, we will communicate directly with members of the public as well.

### **Covid-19 Vaccination Programme**

**2. Richard Leonard (Central Scotland) (Lab):** I begin by sending our condolences to the family of Maria Fyfe. Maria was a pioneer, who fought for what she believed in to the very end. She was an inspiration to generations of Labour Party members, me included, and many people beyond. She was instrumental in campaigning for the Scottish Parliament; she led the constitutional convention's working party on the equal representation of women. We are all in her debt and we mourn her passing today, but we celebrate her life.

I turn to the vaccination programme. We join others in welcoming the news this week that a vaccine will be available in five days' time. However, we know that the roll-out of the flu vaccine this winter has been problematic. Here is what one person told me just yesterday:

"My personal experience with the current flu jab arrangements is a bad one. No letter of invitation from the health board had come this year by the beginning of November. Wife rings up; offered precisely timed appointments on 4 November at a church. Turn up; no record of our appointment; get vaccinated nevertheless—staff at church excellent—two weeks later, get letter of invitation for vaccination."

Many people have had the same experience, but that was the experience of world-renowned virologist Professor Hugh Pennington.

The Covid vaccine requires two doses, which have to be 21 to 28 days apart, so the logistics and administration of delivering that vaccine will be even more critical. Is the First Minister really going to leave the current Minister for Public Health, Sport and Wellbeing in charge of that?

**The First Minister (Nicola Sturgeon):** Before I respond to the question on the vaccine, I also take the opportunity to express my condolences on the sad passing of Maria Fyfe to her family, friends and colleagues, including those in the Labour Party. Richard Leonard rightly said that Maria Fyfe was an inspiration to colleagues in the Labour Party, but she was an inspiration not just to colleagues in the Labour Party; for all my political life, I have been in a different political party but, when I was a young woman starting out in politics,

she was one of very few women in the front line of politics. She was a feminist icon that I looked up to; I did not agree with her on everything, but I very much looked up to her and found her example inspirational. Many of us, particularly women in politics today but many others as well, owe her a great debt of gratitude, and I pass on my thoughts and condolences to everybody who loved her.

On the question on the vaccine, first, the flu vaccination programme had to be delivered very differently this year because of the challenges of Covid. I readily acknowledge, as the Cabinet Secretary for Health and Sport has done, that there were problems and issues in some national health service boards as that programme rolled out. Steps were taken to address and resolve those, and the flu vaccination programme is now progressing extremely well. Uptake in many of the eligible groups is higher than we expected, and that programme will continue to its conclusion.

On responsibility for the Covid vaccine and all aspects of the Covid response, whether it is the health secretary, the public health minister or any minister, we are collectively responsible and engaged in making sure that we respond effectively to all aspects of the crisis. Ultimately, on all those things, the buck stops with me, as is right and proper. However, the Government is focused intensely on making sure that all the very difficult logistical challenges around the Covid vaccination programme are getting the attention that they need and merit. When we face challenges with it—as, undoubtedly, we and other countries will—we will address them and get the vaccine to the maximum number of people as quickly as possible. For the first time in nine months, the vaccine gives us hope for the future and the light at the end of the tunnel that all of us have been desperate to see, so it is vital that the programme proceeds as quickly as is feasible. That is the commitment that I give.

**Richard Leonard:** Figures for the take-up across Scotland of the winter flu vaccine have not been published, and it would be useful to see them, because the experience that I described is not unique; it is a common experience that people have been reporting to us over the past few weeks.

It is in all our interests that as many people as possible receive the Covid-19 vaccine, and public confidence that the vaccine is safe will be critical to that. The vaccine has been tested to the highest possible standards, but we are already faced with the spread of dangerous misinformation that seeks to persuade people otherwise.

Every member of the Parliament has a role to play in making sure that the public know that the vaccine is safe and encouraging people to come

forward and be vaccinated. What research has the First Minister's Government done on vaccine scepticism in Scotland? Does she have a clear plan to counter scepticism? Will she share that plan with Parliament, so that we can all be as effective as possible in persuading people that they should be vaccinated?

**The First Minister:** The short answer to all that is yes, but I will go into more detail, as I am sure that Richard Leonard would want me to do. He is right that we all have a responsibility to persuade people that they should come forward for vaccination, that it is safe and that it is in their and our collective interests that the maximum number of people take up that opportunity.

Richard Leonard is also right to point out that, although the first vaccination to be given authorisation has gone through a process that is very quick, that is a real credit to the global scientific community and its efforts to get us to this stage. No corners have been cut. Everyone will have had the opportunity to hear the head of the Medicines and Healthcare products Regulatory Agency say yesterday that no corners have been cut in the regulatory process, that all the procedures that would normally be followed have been followed and that people can have confidence in the Pfizer vaccine.

We carry out weekly polling to assess public attitudes on a whole range of matters associated with Covid. That will continue to include questions on public attitudes to vaccination. The health secretary will be making information available to MSPs next week so that they have the information that they need to counter some of the myths and misinformation about vaccination that we can already see appearing on social media. We will continue to update MSPs. It is vital that everyone—the Government and MSPs as the political leadership of the country, and the media and social media companies in particular—takes their responsibility in this very seriously. Like many colleagues across the chamber, I am not one of the early priority groups for the vaccine—I am not old enough—but as soon as soon as I am eligible to be vaccinated, I will be there with my sleeve rolled up. We all have the opportunity to lead by example.

**Richard Leonard:** Yes, we should all get our sleeves rolled up.

The First Minister accepts that mistakes were made during the course of the pandemic and, undoubtedly, those mistakes have consequences, some of them devastating and nowhere more so than in our care homes. We all appreciate that the practicalities of the Pfizer vaccine make the logistics especially challenging. However, the Government must have been working on the vaccination plan for months. The Joint Committee



on Vaccination and Immunisation believes that care home residents should be vaccinated first, as a matter of priority. This morning, Dame Anne Glover, who served as a chief scientific adviser to the Scottish Government, said on care home vaccinations:

“If we are solution-focused, we will find a way to do this.”

We realise that it is difficult, but will the First Minister commit to a priority programme of vaccinations for all care home staff and care home residents and their relatives? Will she publish the Government’s road map with clear dates for when that will be achieved?

**The First Minister:** Yes, we will publish all that and keep Parliament up to date. The Government is responsible for the vaccine deployment programme. As I said a moment ago, in that respect, as with everything in the Scottish Government, the buck stops with me. This is a statement of the obvious, but we are not in control of which vaccines get authorised first or what the properties and characteristics of those vaccines are—that is a constraint that the Scottish, UK, Welsh and Northern Irish Governments are all working within.

We are solutions focused. Earlier, I referred to on-going discussions between my officials and the MHRA on how we can get the vaccine from the deployment centres and ultra-low-temperature fridges in which they must be stored to the care homes where they are needed. Right now, I cannot say definitively when that will happen. I am reasonably confident that we will find a way of doing that, and even if that is not immediate as of next Tuesday when the programme starts, I hope that it will be sooner rather than later. All four Governments across the United Kingdom are keen to see a resolution to that issue as quickly as possible.

### School Holidays

3. **Patrick Harvie (Glasgow) (Green):** Naturally, I share the optimism that has been expressed about the vaccine approval. I offer my sincere thanks to the researchers, the regulators and the many thousands of vaccine trial volunteers who have made it possible. They have given us hope.

As well as creating hope, we need to address people’s fears. The fear of infection during the pandemic has been very real for tenants in Scotland. I welcome the news today that an eviction ban will be put in place. I commend my colleague Andy Wightman and campaign groups such as Living Rent on working so hard to push the Government to change its position on that.

There has been a lot of speculation about the school holidays, and there are different views on

the safest thing to do. This morning, the Cabinet Secretary for Education and Skills said that there is to be no extension to the holidays, despite suggesting earlier in the week that that might be necessary. Last week, the First Minister told me that her Government had not assessed the potential impacts that the Christmas relaxation of the regulations would have, so I seek some clarity. Does today’s announcement now mean that the Scottish Government does not believe that the loosening of restrictions over the Christmas period could lead to a third wave in January, as public health experts have predicted, and that there is no risk of young people bringing Covid into schools in January, putting each other, their communities and school staff at risk and forcing even more to self-isolate in the new year?

**The First Minister (Nicola Sturgeon):** I thank Patrick Harvie for that question. I will never stand here and say, in any sense, that there is no risk to the public during a global pandemic. That is why we all have to act responsibly, as the overwhelming majority of the public have been, to mitigate the risks as much as possible.

From a very pragmatic point of view, we have recognised that there might be a tendency for different households to come together over Christmas more than they would at other times of the year, so we have tried to put some guidance and boundaries around that in order to keep such meetings as safe as possible, although they will not be risk free. We have been very clear that our advice is that, where possible, people should not interact over Christmas. I hope that many people understand—as many of the people to whom I have spoken do, particularly with the prospect of a vaccine so close—how important it is to continue to take mitigating action over the Christmas period. However, there are obviously risks at all times when different households come together.

We have considered very carefully the issue of school holidays. We took advice from the sub-committee of the Covid advisory group, and the Deputy First Minister sent that advice to the Education and Skills Committee this morning. Those who read that advice will see that it reflects the fact that this is a difficult decision and that there are views on both sides. The balanced judgment that the Scottish Government has come to is that the risk of transmission in schools, even after the Christmas period—we have all gone through the reasons why we do not think that transmission in schools is a big driver of infections—is not sufficient to outweigh the risk to children’s education of being out of school for longer periods of time.

None of these judgements and decisions is straightforward. We take care to think them through very carefully. I recognise that, on almost

every issue, whatever judgment we come to, there will be people who legitimately and understandably think that we should have come to the opposite one, regardless of which side of the issue we come down on. That is why it is so important for us to continue to stress that, through our individual behaviour, we all have to act in a way that reduces, as far as possible, the risk of the virus spreading from person to person and from household to household.

**Patrick Harvie:** It sounds as though the First Minister recognises the possibility that more young people will have to self-isolate as a result of an increase in cases of the virus in the new year. Young people have already lost a substantial amount of classroom time this year, and many are losing more time every day. As a result, it is clear that the ship has sailed on any chance of holding exams in a fair and equitable manner.

This week, the education secretary told Parliament that one in four secondary 4 to 6 pupils has already experienced a Covid-related absence. That is causing real anxiety and frustration to thousands of young people across the country, one of whom got in touch, after being asked to self-isolate for a third time. She puts it really well. She says:

“I have followed all the rules and kept the amount of people I have contact with to a minimum ... it is incredibly frustrating to have to isolate again ... it's getting extremely concerning how much school I have missed due to self isolation ... this year is going to be incredibly unfair for everyone who has exams”.

The Scottish Greens first called for this year's exams to be cancelled in May, when it became clear that this would be a year unlike any other. Young people have experienced enough stress and anxiety this year to last a lifetime. As is often the case, it is those from the most deprived communities who are being disproportionately affected. Is it not time that the First Minister gave teachers and young people the clarity that they need by accepting that higher and advanced higher exams cannot go ahead in the coming year?

**The First Minister:** I recognise everything that Patrick Harvie has said. These are issues that the Scottish Government is continuing to think carefully about.

We have set out previously—the Deputy First Minister set this out when we announced the decision on national 5s and has done so subsequently—that, ideally, we want higher and advanced higher exams to proceed. However, the public health advice must allow that to happen, and it must be not just safe, but safe for all learners. We absolutely recognise that, which is why we are monitoring the position closely and continuing to listen to all views.

On this issue, as on every issue, we will hear different views. Patrick Harvie's view is legitimate, but I have also been contacted by young people who have expressed the opposite view. We have to try to navigate our way through these issues as carefully as possible.

We know that there is potential for further disruption, which is why contingency plans for higher and advanced higher courses are being developed. The Deputy First Minister has made it clear that a final decision on higher and advanced highers will be taken no later than mid-February, but it will be taken sooner than that if the evidence suggests that that is the right thing to do. The Deputy First Minister is engaged on this issue every day. He and I had a discussion about it just yesterday, and we will continue to discuss it in the days to come. Fairness to all learners will be at the top of the priority list as we continue to consider the issues.

### Covid-19 (Exams)

**4. Willie Rennie (North East Fife) (LD):** I have to agree about the exams. On any given day, up to 30,000 pupils and 1,500 teachers are absent for Covid-related reasons. Some have had to self-isolate for a fortnight many times, while others have not missed a minute of school. That means that we need an effective alternative to higher and advanced higher exams. To make that happen, however, teachers and students will need plenty of warning. The longer the Government waits, the less time the teachers have to prepare and the greater the problem becomes. The Welsh Government decided weeks ago to cancel those exams. Will the First Minister think again, make the decision and cancel those exams now?

**The First Minister (Nicola Sturgeon):** If Willie Rennie had listened to my previous answer, he would know that the Government is thinking carefully about this, and that is right. There are no simple answers. As has been evidenced in Parliament during the past nine months, on almost every decision that we have taken, rightly and properly, understandably and legitimately, members of the Scottish Parliament and people among the wider population have said we should have done the opposite of what we did. That is in the nature of the situation.

It is important that we take the time to get things right, because this issue matters to all young people. The Deputy First Minister previously said that mid-February would be the last possible date for taking a decision, but there is a strong argument that we should come to a conclusion earlier than mid-February, and we are discussing that point intensely at the moment. We will take account of all the factors that young people are facing right now and the desire that many young

people have to sit the exams that they have worked for. However, many young people are understandably concerned that, because of self-isolation and the wider disruption caused by Covid, having to sit an exam would not be fair. We will come to a balanced decision as soon as we think that is appropriate. In the interim, as I said to Patrick Harvie, contingency plans for the higher and advanced higher courses are being developed.

**Willie Rennie:** I know that the First Minister is thinking hard about these things, but everybody in Parliament thinks about these things, and I have come to the conclusion that we will need to act earlier than February.

With the great news about the vaccine, people will want to know how the restrictions will be eased. As a Liberal, I am nervous about talk of immunity passports for getting into shops and restaurants or on to planes. Putting personal information on to large databases means risks to privacy and the possibility of fraud, hacking and theft. The World Health Organization questions the value of immunity passports, and the UK Government has said that it has no plans to introduce them. I want to go further, and I think that we need guidance. We might need to make changes to the law to protect people from its misuse. What is the Scottish Government's policy on immunity passports?

**The First Minister:** I will come on to that point directly, but I will round off on the previous issue first. I know that everybody in Parliament is thinking seriously about these issues, and I respect that. However, the Government has to take decisions after we have done the thinking. Willie Rennie is right to say that we should not take too long to reach our conclusions, but we need to take the time to get to the right conclusions, and I assure learners and their parents across the country that is what we are doing.

I do not think that Willie Rennie or anyone else will have heard me, the health secretary or anybody else talk about the prospect of immunity passports. That is not something that we plan to have or that we favour. I share some of the philosophical and ethical objections that Willie Rennie articulated.

There are also practical issues. We do not yet know—either in relation to the vaccine that has just been authorised or in relation to any of the vaccines—the extent to which vaccination prevents the transmission of Covid. We know from trials that the Pfizer vaccine suppresses illness—it prevents people from getting seriously ill—but we will not know for some time, once the vaccine is in use, whether vaccination prevents onward transmission. From a practical point of view, it is

flawed to say that, just because someone has had the vaccine, they cannot pass Covid on to somebody else.

We have no plans to introduce immunity passports, just as we have no plans to make vaccination compulsory, although we will strongly encourage maximum take-up of the vaccine. We will always consider whether legal changes are necessary to support our policy position, but the starting point—which I think, although I do not know, is the starting point for everyone in the chamber—is to make it clear that immunity passports are not something that this Parliament is contemplating.

### **Covid-19 Travel Restrictions (Compliance)**

**5. Stuart McMillan (Greenock and Inverclyde) (SNP):** To ask the First Minister how many people have been cautioned by Police Scotland for travelling between areas with higher and lower Covid-19 restriction levels since the current legislation was passed. (S5F-04627)

**The First Minister (Nicola Sturgeon):** As I said before, we want to see those laws working through high levels of public compliance rather than by relying on enforcement. That said, Police Scotland will uphold the law by using the approach that was adopted at the start of the pandemic. Operational matters are for the chief constable.

Police Scotland has reported that, although there have been high levels of compliance, the most recent data indicates that 33 fixed-penalty notices were issued under the travel regulations up to 25 November.

**Stuart McMillan:** I have been contacted by many constituents about shops in my constituency being busier than usual. Some of those who work in retail have indicated that they have had customers who have clearly come from outwith Inverclyde. Although I welcome the fact that retail outlets will be busier than usual at this time of year and the fact that people who cannot travel to shop are supporting the local economy, I am concerned about people travelling to Inverclyde unnecessarily and placing my constituents at additional risk.

Will the First Minister reiterate the message about non-essential travel? What additional resources can be given to Police Scotland in Inverclyde to increase random checks on retail outlets and customers, to help to catch those who break the rules?

**The First Minister:** It remains vital that members of the public continue to observe physical distancing, to wear face coverings and to avoid non-essential travel into or from level 3 or 4 areas.

The need to restrict travel across the country is even more important now in the battle to reduce transmission rates because we do not want to take the virus from high to low-prevalence areas. I again ask people to take personal responsibility—as the vast majority are doing—and to do the right thing. We must always remember that the purpose of all the restrictions, which none of us enjoy living under, is to protect the national health service and to save lives by preventing the virus from spreading.

Deployment of resources is a matter for the chief constable, but I am confident, on the basis of my experience throughout the pandemic so far, that if officers encounter any instances of non-essential travel or of breach of any of the other Covid regulations, they will continue to deal with those issues appropriately.

### **Disabled People (Impact of Reduction in Services)**

**6. Jeremy Balfour (Lothian) (Con):** To ask the First Minister how the Scottish Government plans to mitigate the impact of any reduction in services due to the Covid-19 pandemic on the lives and mental wellbeing of disabled people. (S5F-04620)

**The First Minister (Nicola Sturgeon):** It is important to recognise that disabled people have been disproportionately affected by the pandemic. It is critical that people's social care support is maintained at this time to ensure their safety, dignity and human rights. The recently published "Adult Social Care Winter Preparedness Plan 2020-21" makes clear that the transmission risk of restarting some support services must be balanced with ensuring that social care packages allow people to live fulfilling lives and to get the support that they need.

In October, we published the plan, "Mental Health—Scotland's Transition and Recovery", which lays out a response to the mental health impacts of Covid. Those with long-term physical conditions and disabilities are a key population group identified in that plan. We outlined a number of commitments, such as ensuring that those who require clinical treatment in response to mental illness can access timely and effective support.

**Jeremy Balfour:** The First Minister will be aware that today is the United Nations international day for persons with disabilities. Prior to the pandemic, disabled people were already more likely to experience damage to their wellbeing as a result of social isolation. With many disabled people experiencing a reduction in, or the total withdrawal of, social care support and the closure of day centres, surely that social isolation must have become more widespread and acute. Has the Scottish Government done anything to

address and mitigate the social isolation that disabled people are experiencing today?

**The First Minister:** I thank Jeremy Balfour for raising an important issue and for reminding us that today is the UN day for disabled people and that this year's theme is "not all disabilities are visible". That shines a light on the challenges that disabled people face in their day-to-day lives but especially the difficulties that they have been facing during the pandemic. It is important, as I said in my initial answer, that, notwithstanding the challenges that Covid presents, care packages are delivered to allow people to live their lives in the way that they have a right to.

On the action that the Government has been taking, we have been working closely with a number of disabled people's organisations to understand the impact of Covid on disabled people and to develop solutions to help with that. We have made funding available directly to organisations supporting disabled people and many of those organisations have been doing brilliant work, for which I commend them. I give a commitment that the Scottish Government will continue to work closely with them and do everything that we can to support them.

### **Youth Unemployment**

**7. Alex Rowley (Mid Scotland and Fife) (Lab):** To ask the First Minister what the Scottish Government's response is to the IPPR Scotland research suggesting that youth unemployment could reach over 100,000 in the coming months, the highest level since records began. (S5F-04619)

**The First Minister (Nicola Sturgeon):** The research from IPPR Scotland has already been really valuable in forming a response to addressing youth unemployment. It is important to note, though, that since that report was published we have seen revised unemployment forecasts, not least because of the extension of the furlough scheme, and of course we are now facing more economic uncertainty with the impending prospect of the end of the Brexit transition period.

We continue to be determined to do everything we can to ensure that the prospects of all young people are protected and not permanently damaged by Covid. Last month, we set out how the young persons guarantee will be delivered to create more opportunities for young people. We will work closely with them, employers, local government, trade unions, the third sector and others to respond as the situation develops. That will include initiatives such as the £15 million funding for apprenticeship recruitment and the £10 million funding for pathways to apprenticeship that I announced earlier this week.

**Alex Rowley:** I very much welcome every measure being taken to support young people through this period. In terms of building back from Covid, will the Government bring forward more detailed plans to address the unacceptable levels of fuel poverty in Scotland and for a national house-building programme to once and for all tackle Scotland's housing crisis, both of which will create thousands of apprenticeships and tens of thousands of jobs in Scotland?

**The First Minister:** Yes, we will continue to do all of that. Fuel poverty remains something that needs to be challenged and tackled, and the Scottish Government is doing that. Earlier in the week I announced a £100 million winter support package for people on low incomes that will include the £100 cash grant to families with children in receipt of free school meals, which they will get before Christmas. However, that overall package also includes funding to help people struggling to pay their fuel bills, which is just one of many ways in which the Scottish Government is seeking to help.

We also saw an announcement earlier this week of additional funding to support our affordable housing programme. We have delivered almost 100,000 affordable homes since this Government took office. We always see a housing programme as being first and foremost about delivering homes for people to live in, but Alex Rowley is right that it is also a good way of generating economic activity and jobs. That is why we will continue to invest strongly in affordable and social housing going into the next Parliament, just as we have done in the course of this Parliament.

**The Presiding Officer:** We turn to some supplementary questions. The first is from David Torrance, to be followed by Liam Kerr.

### **Burntisland Fabrications**

**David Torrance (Kirkcaldy) (SNP):** What support can the Scottish Government give to the BiFab workforce and any parties interested in investing in the yards following this morning's news that the company has filed for administration?

**The First Minister (Nicola Sturgeon):** I thank David Torrance for raising that really important issue. I deeply regret and am deeply disappointed about this morning's developments. I know that this is a deeply worrying time for workers and everyone associated with BiFab, and I want to give an assurance and a commitment that the Scottish Government will do everything that we can to support a positive future for them.

We have worked hard in the past to avoid the closure of BiFab. That has included significant investment in equity and loan facilities on the part

of the Government. We are a minority shareholder in BiFab, and we will continue to work even now to secure its future. However, as with any Government, we must do that within the law. If there was any more that we could have done within the law to avert what has happened today, we would have done it. It would have made no sense for us not to do it. We were not able legally to provide the additional support that BiFab was seeking. Had the majority shareholder been prepared to invest, it might have been different.

We will now work with administrators, trade unions and others to try to secure a positive future for BiFab. That is what we have always been committed to doing, and we remain just as committed to it now.

### **Legal Profession (Support)**

**Liam Kerr (North East Scotland) (Con):** I remind members that I am a practising solicitor.

On Monday, several bar associations took strike action over the legal aid system and the future of the legal profession. In October, a Scottish National Party minister told me that the reason for the reduction in both the number of young lawyers wanting to do defence work and the number of criminal law firms was due to

"the fall in reported crime over several years".

We know from Government statistics that recorded crime is at a five-year high, so that answer would appear to be incorrect. Does the First Minister agree that the actual reason for the reductions is the inadequate support from the SNP Government?

**The First Minister (Nicola Sturgeon):** I am not immediately familiar with the comments that have been quoted, but I will take time to look at them.

As someone who used to be a practising lawyer—although that was many, many years ago—I obviously want to see us have—as we do have—a strong legal aid system, for all the reasons why that is important. I understand, and the Government understands, how difficult the current situation is for those in the legal profession, as it is for people in professions and sectors across the economy. We have taken a number of steps to support lawyers and the legal profession generally, and we will continue to do so during this really difficult time.

### **Centrica (Workforce)**

**Pauline McNeill (Glasgow) (Lab):** I declare my membership of GMB Scotland, which represents Centrica's British Gas workers, who are being threatened with sweeping and unwanted changes to their terms and conditions as well as threats to hire and rehire them if they do not agree to them.

If that proceeds, that will send out entirely the wrong message at a time when we need to create fairness at work and when good jobs are hard to come by. Mark Drakeford, the Welsh First Minister, has called on Centrica to remove the threat to fire British Gas's entire 20,000-strong workforce and rehire it on significantly reduced terms. Will the First Minister make the same call to Centrica to get round the negotiating table and treat its workforce better?

**The First Minister (Nicola Sturgeon):** I have no hesitation in making that call of any employer: they should be round the table with their workforce, with fair work absolutely being at the heart of their approach.

At any time, but particularly during these difficult times, fairness for workers should be a priority for every business. I recognise that this is a tough time for businesses of all shapes and sizes and in all sectors, but businesses tend not to be able to operate successfully without the commitment of their workforces. Therefore, treating them fairly is paramount.

We will always continue to do what we can to support, constructive discussions in any way that is appropriate. I call on Centrica to get round the table and to try to come to decent and fair agreements with its workforce.

### **Spectator Sport (Support)**

**Bruce Crawford (Stirling) (SNP):** I am aware that the Scottish Government is considering what further support can be provided to help spectator sport to get through the winter. Does the First Minister understand that football clubs and others are deeply concerned about the loss of vital income, because no fans are coming through the gates? That applies particularly to football clubs outside the top five or six positions, which receive little by way of finance from the television companies. Will the First Minister also tell me what progress is being made in regard to any potential funding packages? The situation is becoming precarious for some clubs.

**The First Minister (Nicola Sturgeon):** The Scottish Government is currently developing and finalising a support package for Scottish spectator sport, which we hope to be able to outline shortly. We also welcome the recent announcement of a United Kingdom Government support scheme for sports that have been impacted by the loss of spectators during the winter. We do not yet have clarity on the Barnett consequential that will flow from that. The Minister for Public Health, Sport and Wellbeing raised the matter earlier this week, at a meeting of the UK Government's Cabinet to discuss sport, but there has not yet been an answer. Notwithstanding that, we will continue to engage with sporting bodies whose revenue is

being impacted. We hope to bring our support package to fruition in the very near future, at which point we will update Parliament in the usual way.

### **Hospitality Businesses (Support)**

**Alexander Burnett (Aberdeenshire West) (Con):** I draw members' attention to my entry in the register of interests, which relates to tourism.

Many businesses in level 2 areas that can open are nevertheless losing revenue due to the introduction of travel restrictions, which has resulted in high numbers of cancellations. Will the First Minister commit to backing the call made by my colleague Douglas Ross for a rapid review of the grants system, to ensure that businesses that are affected indirectly by such restrictions will be able to access funding over the winter period?

**The First Minister (Nicola Sturgeon):** We will always consider any proposals on how we might provide support better or differently, but I point out that the grants system already provides access to support for businesses that do not have to close but are affected by travel restrictions. I absolutely understand the impact on revenue for businesses in all sectors—particularly those in the tourism sector—that follows from travel restrictions having been put in place. I know that the current situation is tough for any business. However, if we did not have those restrictions in place and if levels of the virus increased as a result, the impact on revenues would probably be even greater and would last even longer. That is the reality of the situation that we face.

At its meeting this week, the Cabinet discussed our response to the recommendations of the Scottish tourism recovery task force, and the Cabinet Secretary for Rural Economy and Tourism will shortly set out our proposals on those. We will continue to do whatever we can to support businesses in the tourism sector, which has undoubtedly been one of those hit hardest by what we are all living through.

### **Coach Operators (Support)**

**Colin Smyth (South Scotland) (Lab):** Scotland's coach operators are facing a cliff edge, with thousands of jobs on the line. Some 80 per cent of their income derives from tourism. However, despite the tough restrictions on hospitality and travel that we have heard about, as well as the challenges of social distancing, coach companies were excluded from the recent Government funding and, unlike bus and rail operators, have received no sector-specific support. More than a month ago, the Northern Ireland Government announced a package of specific support for coach operators there. Will the First Minister do the same for Scotland's coach operators, to help them to face this looming

financial crisis and protect the thousands of jobs that are on the line?

**The First Minister (Nicola Sturgeon):** I will happily look at the initiative in Northern Ireland to which the member has referred. If we can give more support to any sector, we will do so where that is practical and we are able to do so within our resources. The coach sector has had an extremely difficult time, and I understand why the issue is being raised.

We have also made discretionary funding available to local authorities to enable them to decide whether they consider that particular sectors require help outside the grant structure that we have put in place. However, as I have said on a number of occasions today, in relation to sport and to tourism businesses, we will continue to look at parts of the economy that have perhaps not had the support that they would have wanted, to see whether we can do more. I will also look at the specific suggestion that Colin Smyth has made.

#### **Taxi Drivers (Support)**

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** As the member serving Maryhill, I send my condolences to Maria Fyfe's family and the wider Scottish Labour community for their sad loss.

I have been contacted by several constituents who are taxi drivers and who have seen their incomes melt away as Covid-19 restrictions have continued to impact the communities that we all represent. Taxi drivers were encouraged by the First Minister's recent announcement that they would be able to claim funds from the Scottish Government via local councils. However, will she now provide an update, including details of when payments are likely to be made, what the criteria are likely to be and when the first payments are likely to arrive in the bank accounts of taxi drivers who are currently very hard pressed?

**The First Minister (Nicola Sturgeon):** I draw the member's attention to the discretionary fund to which I alluded in my previous answer. It is designed specifically to target small businesses and the self-employed, which very much includes taxi drivers who have not received direct financial support through other schemes.

Since October, we have been working with local authorities to develop the detail of the discretionary fund, to ensure that the additional financial support that it provides will quickly reach businesses that need it. We have now reached agreement with the Convention of Scottish Local Authorities on allocations, which will allow such funding to start to flow to local authorities and allow them to start to assess applications on the

basis of need. I hope that that will allow money to start to flow in the very near future not just to taxi drivers but also to other small or self-employed operations that need that kind of support.

#### **Werritty Report (Scottish Government's Response)**

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** Last week, the Scottish National Party Government overruled a key recommendation of the Werritty report and announced that it will issue licences to grouse moors before the suggested five-year probationary period has ended. That decision risks an industry that is worth £350 million annually to an already precarious Scottish economy and puts jobs and livelihoods in rural areas such as my constituency of Ettrick, Roxburgh and Berwickshire in jeopardy. The Scottish Conservative Party values the role that grouse shooting plays in Scotland's rural communities, economy and natural environment. Could the First Minister explain to rural communities why the SNP has ignored its own research and gone against the evidence?

**The First Minister (Nicola Sturgeon):** In considering our response to the Werritty report, we took a range of different reports and evidence into account, including evidence that was heard by the Parliament's Environment, Climate Change and Land Reform Committee. Last week, the Minister for Rural Affairs and the Natural Environment set out our response to the Werritty report, including on the recommendation to introduce the licensing of grouse moor businesses; the response also covered the other recommendations in the Werritty report.

We do not think that it is practical or appropriate to wait for a further five years to assess raptor populations before introducing licensing, as the review recommended. There is a pressing need—much more pressing than that timescale would allow—to address problems of raptor persecution now. Waiting five years before deciding to act might mean that it could take eight years or longer before legislation was completed and a licensing system implemented. I appreciate that not everyone will agree with that, but the problem of raptor persecution demands action more quickly than that, which is why we have committed to taking action more quickly.

#### **Vale of Leven Hospital (Dementia Wards)**

**Jackie Baillie (Dumbarton) (Lab):** On Friday last week, staff in the Fruin and Katrine dementia wards at the Vale of Leven hospital were told by their managers that the wards would be closing and that patients would be transferred to Glasgow. I am sure that the First Minister would agree that that would be very disruptive for dementia

patients. That was because a locum consultant contract was ending.

I welcome the positive intervention from the Cabinet Secretary for Health and Sport. Can the First Minister confirm that every effort will be made to secure consultant cover so that the wards remain open?

**The First Minister (Nicola Sturgeon):** Yes, I give that commitment. I fondly remember visiting the Fruin and Katrine wards in the Vale of Leven hospital when I was the health secretary. At that time, there was concern over the future of those wards and we worked with the health board to make sure that they were protected. They remain open to this day all these years later. Cover has now been secured to take away any short-term risk to the ability of those wards to stay open and to cater for the patients who depend on them. The Government has that long-term commitment and I know that the health board has committed to that too.

#### **Small Business Saturday**

**Richard Lyle (Uddingston and Bellshill) (SNP):** As we mark small business Saturday this weekend in a year that has been especially tough for small businesses, what is the Scottish Government doing to encourage and support people to buy and enjoy locally sourced Scottish products by shopping locally?

**The First Minister (Nicola Sturgeon):** I encourage people to shop locally, support local high street businesses and buy Scottish produce where they can and where it is appropriate. There remain 11 local authority areas where non-essential retail is closed. Those restrictions will be lifted on 11 December. As we go into the Christmas period and, I hope, start to come out of the Covid crisis, there is an opportunity for all of us to support local businesses as often and as much as we can. I encourage people across the country to do that up to Christmas as well as after that.

#### **Christmas Covid Rules (Essential Workers)**

**Alex Cole-Hamilton (Edinburgh Western) (LD):** My constituent Hazel and her husband are both doctors. Between them, they are working four of the five days of lockdown relaxation over Christmas. She has elderly parents in Northern Ireland and her mum has advanced dementia. She has only seen them once this year, and has cancelled several trips due to Covid restrictions.

When it became clear that there would be some allowance for movement over the festive period, Hazel hoped to visit for her dad's birthday on 29 December and to stay for new year, but now they cannot do so. We are repeatedly told that Covid is not taking Christmas off; well, nor are doctors,

intensive care unit nurses, police officers or soldiers. Therefore, will the First Minister's Government allow those who are working on the front line this Christmas the opportunity to take their five days slightly later, so that they can have some of the comfort and joy that is being offered to the rest of the nation?

**The First Minister (Nicola Sturgeon):** I really, really wish that I could, but I will not beat about the bush here. We have had to take and continue to have to take really difficult decisions. I offer my heartfelt thanks to Hazel—I think that that was what the member said his constituent's name is—and her partner for the incredible work that they and others working at the front line of our health and social care services have done.

We simply have to restrict the flexibilities as much as possible, and that is a conclusion that all Governments across the UK have come to. On the face of it, why would we not allow people who are working hard on the front line to take the flexibilities at other points? However, if we allow different parts of the population to interact at different times, we will create a bigger risk of the virus transmitting more rapidly. That is why we cannot design the flexibilities, which we are encouraging people to use only if absolutely necessary, anyway, in a bespoke way that takes account of individual circumstances. I deeply and bitterly regret that—I really do. Part of the motivation for trying to keep things as tight as possible is for the sake of those working on the front line of our national health service, because they bear the brunt if Covid cases start to rise.

The last thing that I will say, which I do not expect to be of any immediate comfort to people in Hazel's position, is that, as we go through this Christmas, difficult though it will be for many people across the country, we have to keep our eyes fixed on the light that the vaccine offers us, in the hope that soon—hopefully by spring and Easter—we will all have much more normality in visiting our families and loved ones across Scotland and even perhaps when they live out of Scotland.

That is a really tough message, and every fibre of me hates having to stand here and say it, but it is important that I am straight with people and that I am straight with them about the reasons for having to communicate these really tough things, particularly at this time of year.

13:22

*Meeting suspended.*



14:30

*On resuming—*

## Portfolio Question Time

### Finance

**The Deputy Presiding Officer (Lewis Macdonald):** Good afternoon. I remind members to observe the social distancing measures that are in place throughout the campus, in particular when they are entering or leaving the chamber.

#### Retail Businesses (Taxation)

**1. Mark Ruskell (Mid Scotland and Fife) (Green):** To ask the Scottish Government what changes to taxation it can make to address the reported widening inequality between small retail businesses and large corporations as a result of Covid-19. (S5O-04817)

**The Minister for Public Finance and Migration (Ben Macpherson):** The Scottish Government is restricted by the devolution settlement in what changes to taxation it can make to address any inequality between small retail businesses and large corporations.

We are committed to delivering a taxation environment that is fair and sustainable for all taxpayers. Where we have powers, for example on non-domestic rates, we have decided to prioritise small businesses through the small business bonus scheme, which is more generous than any equivalent scheme elsewhere in the United Kingdom, and is lifting more than 117,000 ratepayers out of paying rates altogether.

**The Deputy Presiding Officer:** Before Mr Ruskell asks his supplementary question, we will pause for a moment to ensure that the sound in the chamber is fully operational.

**Mark Ruskell:** Yesterday's announcement by Tesco that it will voluntarily repay £585 million of rates relief has been warmly welcomed. However, Tesco is only one of several mega-retailers that have benefited during the pandemic. What discussions will take place with other large retailers about similar voluntary measures? Is the Scottish Government able to ring fence those repaid reliefs in order to support smaller high street retailers? What discussions will the Government have with the UK Government on the possibility of an additional windfall tax, through the corporation tax scheme, for companies that have made astronomical profits during the pandemic?

**Ben Macpherson:** We welcome yesterday's announcement by Tesco—as has been noted by the Cabinet Secretary for Finance—and the follow-up news today that other big retailers intend to follow a similar path. Yesterday, the cabinet

secretary committed to utilising the resources that are being returned to support businesses in Scotland through mechanisms and means that will be considered in due course.

As Mark Ruskell would expect, the Scottish Government is engaged in discussion with the UK Government on a windfall tax. If the Scottish Government were to have determination of such a tax, it would require permission from the Treasury through the mechanisms of the Scotland Act 2016. Alternatively, the tax could be delivered by the UK Government. We encourage the UK Government to use its powers to make tax decisions and policy in a progressive way, and to continue dialogue on reserved taxes and new taxes, such as a windfall tax.

**Angus MacDonald (Falkirk East) (SNP):** As the minister said in his initial reply, the vast majority of powers over taxation remain reserved, which clearly limits what the Scottish Government can do to address any inequalities. Does the minister agree that further powers over taxation should be devolved as soon as possible in order to better enable a Scotland-specific response to Covid?

**Ben Macpherson:** Absolutely. The Scottish Government believes that all tax powers should be devolved to the Scottish Parliament so that fiscal decisions that affect the people of Scotland can be made in Scotland. The devolution of tax levers would enable us to tailor measures to fit Scottish needs and circumstances, as we build the path to economic recovery. Having all the powers would also enable us to deliver a comprehensive, progressive and competitive suite of tax policies. The more powers we can bring together coherently, the better.

**Jackie Baillie (Dumbarton) (Lab):** Tesco yesterday and Morrisons today—who knows who will come tomorrow? I am keen to know what action the Scottish Government will take to actively encourage businesses that have made substantial profits during the pandemic to return their business rates relief. How quickly does the Government think it will receive the money back? How quickly will it ensure that the money goes out the door to businesses that are truly struggling?

**Ben Macpherson:** Again, I refer to the cabinet secretary's public statement yesterday. Updates have come rapidly in the past 24 hours from supermarkets that have engaged on the matter. The Scottish Government continues to engage with large retailers, as appropriate. We encourage businesses that are still considering what to do to consider that the moves by Tesco and other large retailers have been well received among the public, and to consider how good use of public finances can be maximised in these times. It is absolutely right for large retailers to return reliefs

in a period in which they have made substantial profits. We continue to liaise with large retailers, as well as with the UK Government, on such matters.

### **Economic Recovery (Funding Support)**

2. **Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** To ask the Scottish Government what its latest engagement has been with the United Kingdom Government regarding the funding provided to support the economic recovery from Covid-19. (S5O-04818)

**The Cabinet Secretary for Finance (Kate Forbes):** Ahead of the UK spending review last week, I wrote to the Chancellor of the Exchequer to stress the importance of delivering a fiscal stimulus package that will support businesses and households while regenerating the economy. I reiterated those points on the morning of the spending review.

Sadly, there was instead a cut to the Scottish Government's capital and financial transaction budgets and a freezing of public-sector pay rises for many hard-working front-line staff. The chancellor ignored the proposal for a £9.21 per hour national minimum wage, and he failed to replace European Union funding in full, or to even to offer a proper plan on how to do so.

**Stewart Stevenson:** Many countries, including France, Germany and New Zealand, have introduced substantial economic stimulus packages in response to Covid. The cabinet secretary has just described the UK Government's response. Has the UK Government articulated an argument to show that its response will help us, or will it do otherwise?

**Kate Forbes:** Stewart Stevenson mentioned other countries that have introduced much more generous economic stimuli than the one that the chancellor provided last week. As I said, ahead of the spending review, I urged the chancellor to follow the lead of those countries and to prioritise public services and economic recovery through a fresh stimulus. We suggested that the stimulus should be at least 5 per cent of gross domestic product, which would equate to £98 billion.

That investment is even more necessary, given the uncertainty that has been caused by the UK Government's reckless approach to EU exit. Headlines today continue to prove that point. As we know, the UK spending review fell far short of what we proposed, which will only make it harder for us to deliver the fairer, greener and more prosperous Scotland that we all want.

**The Deputy Presiding Officer:** I call Murdo Fraser.

I am afraid that we do not have sound from Mr Fraser at the moment. If it is possible, we might come back to him.

### **Strategic Framework Business Fund**

3. **Iain Gray (East Lothian) (Lab):** To ask the Scottish Government how much it has allocated to the strategic framework business fund. (S5O-04819)

**The Cabinet Secretary for Finance (Kate Forbes):** The support package offered through the Scottish strategic framework business fund is available to all eligible businesses from 2 November and will continue to be made available indefinitely while levels remain under review. As the member will appreciate, it is difficult to forecast what the costs will be, because it is a demand-led programme that will last indefinitely. On top of that, we have allocated more than £30 million for local authorities to give discretionary payments to businesses that still need support.

**Iain Gray:** Since East Lothian was happily moved to level 2 of the framework, some businesses have found themselves having to have recourse to the business fund when they would rather not. They are so-called wet pubs that have been forced by law to close because they do not have a kitchen on the premises, even if they have a beer garden. Identical premises that have a kitchen on site can open. Those businesses want to open but have been forced to make demands on the business support fund because of an illogical aspect of the law that underpins the framework. Will the cabinet secretary look at that again?

**Kate Forbes:** Iain Gray's question has more to do with the businesses that are captured at each level than the support that is available. When it came to establishing the levels, we tried to make it clear that we did not want a single business to be closed for any longer than it had to be, and we tried to make the scheme as fair and realistic as possible.

On the specifics about the wet pubs, perhaps Mr Gray could write to me—or would he like to clarify the point right now?

**Iain Gray:** I thank the cabinet secretary for the invitation to clarify. I am not asking about the differences between levels. The question is about two businesses at the same level, which are carrying out exactly the same business; one has a kitchen on its premises and the other has not. By law, one has been forced to close while the other is allowed to open.

**Kate Forbes:** That is what I was alluding to in my first answer. It is to do with the fact that the restrictions have detail on businesses that are able to provide food, for example, what time they close,

and whether they provide alcohol. All those points are captured in the restrictions.

When it came to capturing the right businesses in the right levels, we tried to make sure that no businesses would be required to close for longer than they had to, and the levels will remain under review.

**Sandra White (Glasgow Kelvin) (SNP):** Will the cabinet secretary provide an update on the effect that the delay to the United Kingdom budget has had on the Scottish Government's ability to plan business support in the longer term?

**Kate Forbes:** Throughout the past few months, the challenge has been in planning ahead, forecasting costs and finding support for those costs when UK Government policy announcements generated consequential, sometimes after the need in Scotland.

The UK Government changed its approach to guaranteeing the consequential, which was very helpful, but we do not have a guarantee for next year. The autumn budget is usually the basis on which we set our budget, so the delay to that means that there are huge uncertainties for us, particularly in terms of knowing what changes might be made to tax policies. Clearly businesses are facing challenges now and those challenges will not end at the end of the current financial year; they will continue into the next financial year, so it is important that we can provide long-term clarity to those businesses. However, that clarity and certainty are denied to us as a result of the UK budget being delayed.

**The Deputy Presiding Officer:** We return to Murdo Fraser for his supplementary to the previous question.

**Murdo Fraser (Mid Scotland and Fife) (Con):** Thank you, Presiding Officer; I hope that you can now hear me.

We know that the Treasury has guaranteed an additional minimum £8.2 billion in the current financial year. Last week, we heard from the well-respected Fraser of Allander institute that it believes that £1 billion of that money is currently not committed, and this is at a time when many businesses, as we have heard, are crying out for additional financial support. Is the Fraser of Allander institute correct? If it is not correct, what is the correct sum? When will we get a full report to Parliament on the allocation of those funds?

**Kate Forbes:** On the point about a report, the member will know that the spring budget revision is due to be published in February and, with the full understanding that the Parliament and the Finance and Constitution Committee want as much transparency as possible on those figures, I committed to writing to the Finance and

Constitution Committee in December with additional information. We are now in December, so that should be relatively soon.

The Fraser of Allander institute is right to highlight that the changes that the United Kingdom Government has made to how it generates and provides us with Barnett consequential has been helpful in providing a guarantee. However, it means that the consequential that are generated are divorced from the money that actually comes to us, if that makes sense. It is therefore difficult to link announcements that are made by the UK Government to the funding that we have here.

That means that although we forecast as many of the costs as possible—they might be for transport systems, vaccinations or business support—when additional funding such as the welcome £1 billion is made available, we must ensure that that money goes out the door as quickly as possible and that we provide certainty and transparency to Parliament. We must also ensure that we can fund initiatives and programmes up to the end of the financial year. The strategic business fund will be demand led to the end of the financial year, so I must ensure that there is sufficient cover for that and for deployment of the vaccine programme and for other costs that are, as yet, uncertain.

#### **Renewable Energy and Decarbonisation (Business Support)**

**4. Willie Rennie (North East Fife) (LD):** To ask the Scottish Government what financial support it can give to businesses that face an increase in their non-domestic rates because they have invested in renewable energy and decarbonisation. (S5O-04820)

**The Minister for Public Finance and Migration (Ben Macpherson):** Rateable values are derived by independent assessors on the basis of the notional rental value that a property could be expected to achieve on the open market. Where a property is improved for any reason, its rateable value may increase accordingly.

The Scottish Government provides business growth accelerator relief, which suspends increases in rates liabilities due to property improvements and expansions for twelve months. That support is unique and is also the United Kingdom's most generous package of reliefs for the renewable energy sector.

The community and renewable energy scheme provides financial support to rural small and medium-sized enterprises that are seeking to develop renewable energy projects in Scotland. In addition, support is provided through the smart export guarantee obligation and through its

predecessor, the subsidy feed-in tariffs scheme, which closed on 31 March 2019.

**Willie Rennie:** Metaflake in St Andrews was keen to reduce its carbon footprint by installing solar panels, but could not afford the system of over 50kW as it would have cost thousands of pounds in extra business rates. That does not make sense when we are trying to battle climate change.

Why is the Government penalising businesses that are trying to do their bit on climate change? I know that that was part of the Barclay review. Is the minister prepared to look at that again to provide the necessary support to incentivise those businesses?

**Ben Macpherson:** I would be happy to receive correspondence from Mr Rennie on that specific case and to hear the Liberal Democrats' views on how to support businesses as part of the forthcoming budget process.

Properties that have invested in renewable energy and decarbonisation may be eligible for business growth accelerator relief. We also provide a non-domestic rates exemption for renewables for subjects with a capacity of up to 50kW, which may apply to the situation that Mr Rennie mentioned.

I am keen to hear more about that case and I look forward to written correspondence and to further engagement with Mr Rennie.

#### European Union Funding (Replacement)

**5. James Dornan (Glasgow Cathcart) (SNP):** To ask the Scottish Government what its latest engagement has been with the United Kingdom Government regarding plans to replace EU funding. (S5O-04821)

**The Cabinet Secretary for Finance (Kate Forbes):** We have had little meaningful engagement across a number of programmes, including fisheries, structural funds and competitive programmes such as Erasmus plus and horizon Europe.

We have been clear and consistent in our position: we expect full replacement of European Union funding from the end of December to ensure no detriment to Scotland's finances and we expect the UK Government to fully respect the devolution settlement in any future arrangements.

Unfortunately, the chancellor's spending review last week provided little clarity on replacement funding for a number of EU programmes, particularly structural funds, Erasmus and horizon.

**James Dornan:** That is a depressing answer. Scottish ministers have successfully delivered EU funding programmes for decades. Is there any

further clarification of whether full control of replacement funding will be given to Scotland? Does the cabinet secretary agree that a failure to do so would clearly constitute a power grab?

**Kate Forbes:** It is still unclear whether full control of some replacement EU programme funding, particularly structural funding, will be given to Scotland. The United Kingdom Internal Market Bill, as introduced, included provisions that presumed Whitehall control over the delivery of EU programme funding replacements in Scotland, a programme that Scottish ministers have delivered successfully for decades for the sake of our communities, businesses and research institutes. Any attempt by the UK Government to introduce powers that give it full scope to reduce or redistribute replacement EU programme funding in areas of devolved competence would be a clear assault on our devolved spending powers. It is not just the Scottish Government that says that but the Welsh Government and the Northern Irish executive. Such an attempt would disrupt productive relationships that we have forged with stakeholders over many years and create the potential for confusion, duplication and unnecessary additional bureaucracy.

#### Local Authorities (Funding Settlements)

**6. Liz Smith (Mid Scotland and Fife) (Con):** To ask the Scottish Government what discussions it is having with local authorities regarding their future funding settlements. (S5O-04822)

**The Minister for Public Finance and Migration (Ben Macpherson):** As Liz Smith would expect, particularly in these challenging times, the Scottish Government regularly meets the Convention of Scottish Local Authorities and local authorities to discuss constructively a range of issues, including the future funding settlements. Negotiations on the annual Scottish local government finance settlement are conducted between the Scottish Government and COSLA, on behalf of all 32 local authorities.

**Liz Smith:** The Scottish Government constantly complains about the uncertainty that it believes the United Kingdom Government has forced on it in relation to budget planning, but has it considered the uncertainty that it is forcing on local authorities by giving no indication of how they might benefit from some of the £2.2 billion of Barnett consequentials, the allocation of which the Scottish Government has disclosed no information on?

**Ben Macpherson:** As I stated in my first answer, we regularly engage with COSLA on consequential announcements and other aspects of funding, and will continue to do so to work constructively to support our colleagues in local government in this challenging time, so that we

can respond as collectively and as effectively as possible.

### Project Funding (Lothian)

**7. Miles Briggs (Lothian) (Con):** To ask the Scottish Government how much funding it plans to allocate to projects in Lothian that will help support people and jobs. (S50-04823)

**The Cabinet Secretary for Finance (Kate Forbes):** Supporting people and jobs is at the heart of our pandemic response. The four Lothian councils have been allocated an additional £70 million to help meet the challenges posed by Covid, plus a further £162 million to support local businesses. The infrastructure investment plan includes a range of projects in Lothian, including new schools and healthcare facilities. That is in addition to our £300 million investment in the Edinburgh and south-east city region deal. Lothian residents will also benefit from the tens of millions of pounds we are investing across Scotland in initiatives that will help people find and secure employment.

**Miles Briggs:** The City of Edinburgh Council has stated to the Scottish Government that a replacement for Liberton high school is the council's top priority for funding from ministers. I pay tribute to both the school and the parent council for the campaign that they have run over many years now to secure a replacement school for the local community. When is an announcement likely from Scottish ministers on whether Liberton high school will finally get the funding that it needs in order to be replaced?

**Kate Forbes:** I am aware of the campaign. Members across the chamber and I all take a great interest in when the next funding for the replacement of school estates will be made. I know that the Deputy First Minister is actively working on that and hopes to make an announcement in due course.

### Enterprise Agencies (Funding)

**8. Jamie Halcro Johnston (Highlands and Islands) (Con):** To ask the Scottish Government what additional funding it has made available to its enterprise agencies, which have been supporting economic recovery during the pandemic. (S50-04824)

**The Cabinet Secretary for Finance (Kate Forbes):** Throughout the course of the pandemic, Scottish Enterprise, Highlands and Islands Enterprise and South of Scotland Enterprise have reprioritised activity to help businesses and communities and support economic recovery in their respective areas and regions. As a result of additional funding made available by the Scottish Government, more than £144 million has been

distributed by the enterprise agencies through the creative, tourism and hospitality enterprises hardship fund—which I know that many of Jamie Halcro Johnston's constituents benefited from, because they are also my constituents—and the pivotal enterprise resilience fund. The enterprise agencies are distributing a further £14 million through the hotel recovery programme.

**Jamie Halcro Johnston:** The cabinet secretary will be aware that the concentration of tourism and hospitality businesses in the Highlands and Islands has meant that the region's economy has been hit harder than most by the pandemic. However, before Highlands and Islands Enterprise was given responsibility for administering the schemes, as she mentioned, it started the year with overcommitted resource and capital budgets. HIE's chief executive has been clear that, in order to free up the budget to deal with the pandemic response, there was a

"need to remove or defer commitments"

on their normal priorities.

Given the need to rebuild, will the cabinet secretary ensure that the extra responsibilities of the enterprise agencies are reflected with appropriate operational support? Does she now regret her Government's cuts to HIE's operating budgets before the pandemic hit?

**Kate Forbes:** I always regret that a bigger pot of funding is not made available to the Scottish Government, which could then be distributed more fairly across all the public bodies, agencies and initiatives that would benefit from that.

Jamie Halcro Johnston makes a good point. Although we are still responding to the immediate crisis and helping businesses that are in distress, there is also a need to look at long-term recovery. Indeed, where businesses were looking for funding not only in HIE's area, but in the other two areas, we have provided that funding for long-term recovery.

The member might be aware of, for example, the recently announced £100 million green jobs fund. The funding will help businesses to create new green jobs and support businesses in that pipeline. Our enterprise agencies will provide £50 million to businesses in order to do that.

More information about budget allocations will be announced on 28 January 2021.

**The Deputy Presiding Officer:** That concludes portfolio questions. I apologise to those members who wanted to ask questions but could not be taken.

## Covid-19 (Vaccine Delivery)

14:57

**The Presiding Officer (Ken Macintosh):** The next item of business is a statement by Jeane Freeman, the Cabinet Secretary for Health and Sport, on the delivery of the Covid-19 vaccine. The cabinet secretary will take questions at the end of her statement.

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** Yesterday was the day that we have all been hoping and waiting for. I am pleased to return to the chamber to update Parliament on the deployment of the Pfizer Covid-19 vaccine, which is the first such vaccine to receive authorisation to supply from the United Kingdom regulatory body, the Medicines and Healthcare products Regulatory Agency.

I have previously set out the advance planning that we have undertaken so that we could be confident that, as soon as the first vaccine supplies arrived, we were ready to begin. Today, I can confirm that we will begin vaccinating from Tuesday 8 December, along with our counterparts across the four nations of the UK.

I also previously set out a number of areas in which we could not finalise our planning because we did not have the final and detailed information. Some of the issues remain, but the authorisation to supply that was received from the MHRA overnight on the 1 December and advised to me in the early morning of 2 December, alongside the final advice from the Joint Committee on Vaccination and Immunisation on the Pfizer vaccine that it published yesterday, provides some of that important information.

First, on the overall age range to be vaccinated, the JCVI has asked that we include 16 and 17-year-olds who have underlying health conditions. We will do that and factor those young people into our delivery. Secondly, the MHRA has been clear that we should retain 50 per cent of the supplies that are arriving in December, so that we can provide the second dose to those who have received their first dose in the timeframe advised. Finally, we have detailed information on those for whom the Pfizer vaccine is not advised: women who are pregnant or who plan to become pregnant in the next three months. Those are all vital pieces of information—it might be different for each of the Covid-19 vaccines that the MHRA authorises—which allow us to complete the patients leaflet to support informed patient consent, and the necessary clinical governance protocols and advice to clinical teams.

As I have said throughout, we have worked on a four-nations basis. Yesterday morning, I agreed

with my colleague health ministers that, subject to the first batch of approved supplies arriving in time, we will begin the vaccination programme on Tuesday 8 December. On the evening of Monday 7 December, I will discuss with those colleagues where we then are with that process.

Following yesterday's announcement, between now and next Tuesday, detailed work and discussions will take place on a number of issues, including completion of patient consent work, clinical governance arrangement protocols, safe transportation and storage guidance, data collection and an iterative training process for the clinically accredited staff who will carry out vaccinations. As I speak, the training materials are being finalised by NHS Education for Scotland, using the detail that is now available from the MHRA and the JCVI. The first training sessions are scheduled for tomorrow and Monday, and we will then repeat the process throughout the entire vaccination programme.

As members will know, we will follow the JCVI advice and guidance on priority delivery of the vaccine. The vaccine aims to reduce mortality and morbidity from Covid-19. The guidance prioritises, according to their age, those who are most at risk from harm, and asks us to work our way through to the youngest adults and to take account of those who are clinically vulnerable. The only sectoral exception to that approach is for the health and social care workforce, who are in the first priority group alongside those aged 80 and over and care home residents. Professor Wei Shen Lim, chair of the JCVI's Covid vaccine sub-group, has said that the aim of vaccinating care home residents and staff, others in order of age from the oldest to the youngest, and healthcare workers is to cover almost 99 per cent of vaccine-preventable deaths from Covid-19, so that is clearly exactly the right approach for us to take.

Members will know that the Pfizer vaccine has specific storage and transportation requirements, which include exceptionally low temperatures and limited transportation times once it has been taken out of a low-temperature environment. It will also come to us in pack sizes of 997 doses. That all poses particular logistical challenges in vaccinating individuals close to their homes, so it will clearly present a challenge in vaccinating our care home residents and our elderly citizens who live in their own homes.

I am pleased to say that, over lunch time today, following detailed discussions led by our chief pharmaceutical officer, we now have confirmation, on the basis of the stability data, that the Pfizer vaccine can be transported in an unfrozen state for up to 12 hours and can be stored undiluted for up to five days. I am also pleased to confirm that, under certain conditions, we will be able to pack

supplies down into smaller pack sizes. Both those steps will make the vaccine more usable, with minimum wastage, for care home residents and our older citizens. It means that we will be able to take the vaccine to them, or close to them, and we will begin that exercise from 14 December. From next Tuesday, 8 December, we will begin vaccinating first the vaccinators themselves and then work our way through the first cohorts of health and social care workers.

When the first delivery is received in Scotland, it will go straight to our 23 commercial freezers, which can store the vaccine at the required temperature of  $-70^{\circ}$  and are located across Scotland, including in our important island authority areas.

In the first week of the vaccination programme, we will deliver to priority group individuals who can go to vaccination storage areas. I am delighted that our local authority colleagues will work with us to ensure access to transport for staff who need it. Working in this way in the first week of administration of a new vaccine will also allow our key pharmacy staff to be on hand as we run the process to make up the vials into doses and then vaccinate, as we test out the data recording and clinical governance protocols and work through the pack-down process for the following weeks.

We are therefore ready to implement the national plan that I set out two weeks ago, which sets out the overall policy direction and guidance; provides a delivery framework and service delivery guide; develops and delivers a national workforce model; provides national training; covers procurement and logistics; and provides national information and advice, and the tools to record data about vaccinations when they take place.

Locally, national health service boards' own delivery planning is well under way. It is putting in place local recruitment and deployment of staff, with boards' local authority partners identifying locations that are as accessible and local as possible and securing the support that they need—including the national support that we are receiving from the armed services—to set up and manage local centres in a Covid-safe way.

As other vaccines come through the MHRA authorisation and JCVI guidance process, we will flex our planning and delivery to take account of any necessary changes. However, on the basis that we receive the vaccine supply that we expect when we expect it, we should be able to vaccinate the first phase of people by spring next year. The rest of the adult population will follow as quickly as possible thereafter.

Our workforce planning and recruitment is on track to secure the 2,000 vaccinators and support staff we will need by the end of January. An

existing core of trained and experienced vaccinators from the flu programme will transition to the Covid vaccination during this month and next, we are actively recruiting from the emergency registers and NHS Scotland's accelerated recruitment portal, and we are drawing from the wider clinical workforce of general practitioners, pharmacists, dentists and optometrists. From Tuesday next week, we will need 160 whole-time equivalent vaccinators per day to begin delivery—and we have them.

All that work for next week and the weeks beyond that will be overseen by me and senior officials. I am delighted that Councillor Stuart Currie will join us from Convention of Scottish Local Authorities to ensure that we can maximise the input and expertise that our local authority colleagues will bring to the nationwide exercise.

As we progress in what will be a fast-paced exercise, we will, as the First Minister said, make every effort to keep members updated on both the national picture and their local arrangements, making initial information available from next week. My colleague Joe FitzPatrick as public health minister will oversee that and take on the additional work of responding to any local issues that members raise.

A significant part of that information will be on the safety and efficacy of this vaccine and the others that will follow. However, let me be clear that, in the MHRA authorising the vaccine for supply, no corners have been cut. The process has been as rigorous and robust as it always is and as we would expect it to be. Over the coming weeks, we will be issuing clear information to the public, not only on the safety and efficacy of the vaccine but on our delivery plans nationally and, importantly, locally. We need—as best we can, given the caveats that I have set out on delivery and vaccine properties—to be clear in our plans so that everyone knows what to expect and when they are likely to receive their invitation to be vaccinated.

A vaccination programme of this scale is a significant logistical challenge and it requires a major nationwide effort, but we undertake it with optimism and a determination to succeed. I have no doubt that there will be glitches on the way and unexpected difficulties to overcome, but science has excelled yet again to give us hope. Now we will get on to deliver on that. I look forward to working with members across the chamber in that work.

**The Presiding Officer:** We have a great deal of interest from members who wish to ask questions. I hope that we can make progress through all the questions.

**Donald Cameron (Highlands and Islands)**

**(Con):** I thank the cabinet secretary for advance sight of her statement. Yesterday's announcement was groundbreaking, and it gives millions of people across our country hope that we will soon return to some semblance of normality. However, we still have a long way to go and it is vital that we get the roll-out of this and future vaccines right. For instance, we would welcome the Government publishing a full list of venues across the country that will administer the vaccine, and which venues will open this month.

First, on the workforce, can the cabinet secretary tell us how many of the 2,000 vaccinators and support staff who are required to deliver the first phase are in place in each health board? Of those 2,000, how many will be vaccinators and how many will be support staff?

Secondly, given the particular storage needs of the Pfizer/BioNTech vaccine, how many freezers are currently in each health board area and what is their capacity, and does the Government have orders out for any more?

**Jeane Freeman:** As the First Minister said, we will publish a full list of venues as soon as we have confirmed all the venues that are in place across all the health board areas. I expect that we will be able to do that before the Christmas recess—I remind the member that the first priority groups are health and social care workers and care home residents.

I am delighted that the agreements that were reached over lunch time mean that we can take the vaccine to care home residents and to those who are over 80—we will want to be able to take the vaccine to some of them in their own homes, because that is much more person centred for them.

Twenty-three commercial freezers have been purchased, and they are located across all our health board areas, including in island authority areas. I would like to advise members on where they are, but I have to say—although this is not a reason for not doing that—that national security, which is part of MI5, is very unsure about the wisdom of making public where our storage is of what is a very precious vaccine. We continue to talk with it on a four-nation basis because, obviously and evidently, people want to know that their area is covered.

However, I can and will advise members of how many freezers each board area has, so that members can, I hope, see that we are ensuring proper coverage. The freezers are there and are being tested, and they are all of a size that can accommodate the vaccine supplies that we expect as they come through.

On the workforce, my statement made clear the number of whole-time equivalent vaccinators that we will need for the first week or so. We use a model to estimate the number of people within the 2,000 that we will need at various stages in the programme. That is currently being prepared and written so that I can advise Ms Lennon, who asked me a question about it previously. I am happy to ensure that Mr Cameron and the other health spokespeople also see what the model is and therefore how we flex and plan the recruitment of individuals and where we need them to be. That includes how we bring in additional people from the clinical workforce on a sessional basis as and when we need them, as we do with pharmacists, dentists and optometrists.

**Monica Lennon (Central Scotland) (Lab):** I thank the cabinet secretary for the advance sight of her statement.

The roll-out of the first vaccines in just five days' time really is the best early Christmas present that people in Scotland could have dreamed of, and I welcome the really good news for care homes. Will all care home residents be vaccinated during the first phase? When does the cabinet secretary expect all care home vaccinations to be complete?

I welcome the commitment to keep MSPs and the public updated. Will the provision of public information include a helpline that people can access for advice and confidential guidance? If so, when might the details of that become available?

**Jeane Freeman:** I, too, am absolutely delighted with the progress that was made over lunch time that will allow us to take the vaccine to care homes. That is one of the most critical issues, and it was one of the most challenging things about the Pfizer vaccine. Our senior officials, along with the MHRA and Pfizer, deserve our congratulations and thanks for getting us to this place.

On care homes, one reason why I made a point of pulling out the changes that have appeared since I last spoke in the chamber about the vaccine programme was to highlight the clear advice that we need to hold 50 per cent of the supplies of the vaccine that we receive in December so that the people who are vaccinated in December can get their second vaccination in January. That is not quite what we expected, and it means that, for example, in the first of the batches that have passed testing, we expect 65,500 doses but, instead of vaccinating 65,500 people, we will vaccinate half that number and hold the other half of the doses so that we can do them again within the time period allowed.

We expect more supplies to arrive during December and, as those are confirmed and we are clearer about that, that will let us know how many people we can vaccinate in December and



then be ready to redo in January. That has an implication for whether we can vaccinate all the residents in all our care homes.

Therefore, I have asked our clinical advisers—who will also have a connection directly to the JCVI—how, if we have to, we should prioritise our care homes, given that, although we will get through them all, we will not necessarily do so in the month of December. As soon as I have that information, I will be sure to let members know. I hope that, as I get that information, I will also get confirmation of the delivery dates of other supplies, which might ease that pressure.

We are giving active consideration to putting a helpline in place. There will be a national phone line, which, in the first phase, will be able to provide information. In the second phase, it will also be able to book people in for appointments in their local area. In the first phase, the line will provide information and will then put people through to local call handlers, who will be able to offer information on their specific local area. In the second phase, when the rest of the adult population will be dealt with, it will also be able to book appointments for people.

That will be in place from the start of next year. In addition to everything else, in January there will be a national household door drop that will provide information on the vaccine, its safety, what we expect it to do, when people can expect to be seen and the local plans in their area.

**The Presiding Officer:** I encourage the cabinet secretary to give shorter answers, as 15 more members have questions, and we have 10 minutes left.

**Mark Ruskell (Mid Scotland and Fife) (Green):** I thank the cabinet secretary for providing an advance copy of her very welcome statement. However, concerns have been raised by clinicians, including the head of the Royal College of General Practitioners, about the fact that black and minority ethnic people do not feature in the JCVI's priority list. The guidance states that there should be

“flexibility in vaccine deployment at a local level”.

We know, for example, that deaths among Scots from south Asian backgrounds are twice as likely to involve Covid-19 as deaths among those from white backgrounds. Will that be factored into the Scottish Government's prioritisation process?

**Jeane Freeman:** I completely understand Mr Ruskell's question and what prompted it. The JCVI looked very carefully at all the evidence and data that is available from across the UK on the impact of the virus on the BAME community, and it concluded that although people's background was relevant, age was more relevant to the impact of

the virus on the whole community, including the BAME community. In following the JCVI guidance, we must obviously take that into account.

However, our chief medical officer, along with colleagues, continues to consider where we might add in flexibility to our delivery. At this point, I cannot confirm one way or the other whether we will be able to do that. It is extremely important that we follow clinical advice in everything that we do and ensure that access to the vaccine is in proper order of priority and is equitable. However, if that position changes in any respect at all, I will be happy to make sure that members are updated.

**Liam McArthur (Orkney Islands) (LD):** The biggest scientific effort in history has helped to find a vaccine; now, the biggest public health exercise in history is needed to distribute it.

It is, of course, essential that islanders are offered equal access to the vaccine and that the priority groups who live in remote parts of Scotland are fully included in the first and subsequent waves of the roll-out. Can the cabinet secretary therefore give my Orkney constituents a categorical assurance that that will indeed happen, particularly given the welcome clarification that she has provided on the way in which the vaccine can now be delivered, and confirmation that freezer storage will be available in our islands?

**Jeane Freeman:** Freezer storage is available in all our island authorities—that is, in Orkney, Shetland and the Western Isles.

Mr McArthur is absolutely right. The development in how we can store and transport the Pfizer vaccine will make a significant difference not only to our care homes, but to our island communities and our remote areas. That means that we can make good—as we always intended to—on our commitment to equitable distribution of and access to the vaccine.

**Emma Harper (South Scotland) (SNP):** The news of the vaccine is very welcome, and I thank all the scientists and clinicians who have worked tirelessly to assess the quality, safety and effectiveness of the various vaccines. In the interests of transparency, I inform the chamber that the NHS has contacted me to ask me to participate in the vaccination process as a vaccinator.

I ask the cabinet secretary to expand on the regulatory process. When can we expect the Pfizer vaccine to get full licensing approval, beyond the welcome approval to supply?

**Jeane Freeman:** I will be really quick, but we will set this out in more detail. There are a couple of principal reasons why we have got so quickly to the authorisation to supply the vaccine, compared with previous experiences and, if you like, normal

practice. One of those is the fact that just about the entire global scientific and research community has been focused on the matter for many months. As we know, with the AstraZeneca/Oxford vaccine, the researchers had a bit of a template to start from on coronaviruses, although not specifically on Covid-19, and I think that they would say that it gave them a bit of a head start.

The other main element is the significant focus on the funding of all that research and work from Governments across the UK, as well as globally.

In addition, the regulatory authority has run a parallel process, so it looked at the data from the phase 1 clinical trials as they happened and then at phases 2 and 3 as they happened, so it has been able to review the data almost in parallel with the clinical trials as they have occurred. All of that has concentrated the process that led up to the stage that we are now at.

Of course, work continues, and it will continue, as we vaccinate across the UK and elsewhere, to see how effective the vaccine is—for example, in preventing transmission. The MHRA continues its process in order to move from authorisation to supply and full licence, which Ms Harper asked about.

I will be happy to set out the full detail of that and will ensure that, in the first piece of information that Mr FitzPatrick circulates to MSPs, we set out in more detail and with greater expertise than I have offered exactly how that whole process has worked.

**Brian Whittle (South Scotland) (Con):** What will be the role of GP surgeries in the vaccination process? What consideration has been given to the impact on their day-to-day working?

**Jeane Freeman:** We have reached a particular agreement with GPs and we are in discussions with other independent contractors to the NHS, such as pharmacists, dentists and optometrists, in order to secure what I would describe as their sessional time—their time in local vaccination centres. They are a critical part of the vaccination process.

Where GP surgeries can accommodate particular individuals in their patient list for whom going to the GP practice is much easier and more convenient than going elsewhere, they will do that. However, the overall intent is to allow the continuation of the vaccination programme while not interfering in the important day-to-day business of the GP community and their practice staff. That is the agreement that we have reached with them, which will allow both to continue. I am really pleased that we have reached that agreement, and, as I say, discussion is now under way with other independent contractors to the health service.

**Tom Arthur (Renfrewshire South) (SNP):** Will the cabinet secretary outline how the vaccine delivery programme will ensure that those who live in more rural communities, such as Lochwinnoch in my Renfrewshire South constituency, will be able to receive the vaccine if they do not have access to a car or are unable or reluctant to use public transport?

**Jeane Freeman:** There are two ways in which we are looking to make sure that that can happen. The first is the work with our local authority colleagues in particular to identify any local premises that they have in a village or a nearby town that we can make Covid safe and use as a local vaccination centre for small numbers of people.

The second way, which will probably be very effective in constituencies such as Mr Arthur's and indeed mine, is using mobile vaccination units. The ambulance service will be actively involved in providing those and in undertaking vaccinations, given its clinical experience. Both ways will ensure that we can cover those communities and take the vaccination to them.

**Iain Gray (East Lothian) (Lab):** On the international day of people with disabilities, we should remember that people with learning disabilities are particularly vulnerable to coronavirus, as their death rate is more than six times higher than that of the population as a whole. The JCVI gives some priority to adults with Down's syndrome, but not to children. Can the CMO consider whether we should also give priority to parents and carers of children with Down's syndrome and other disabilities, given the inevitable and daily contact involved in care, and their anxiety that they will bring infection into the home?

**Jeane Freeman:** That is a really important question, for which I am grateful to Mr Gray. He will know that children are not in this programme, because the clinical trials for the Covid vaccine have not been completed for that age group.

We have extended our interpretation of the first priority group to include carers—not just carers of adults, but carers of children. I am happy to undertake to look at whether we need to do more regarding the groups that Mr Gray is thinking about, or whether they are already covered in what we are going to do to widen, to some degree, the definition—it includes personal assistants and others—of those whom we think should be in the first overall wave between now and the spring.

**The Presiding Officer:** I call Alasdair Allan, to be followed by Rachael Hamilton.

It looks as though Dr Allan's connection has been lost. We will move on to Rachael Hamilton, and we will try to come back to Dr Allan later.

**Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con):** How many vaccines does the Scottish Government believe it has the capacity to deliver in the initial weeks of the programme? Will the Parliament be advised of how many doses of the vaccine each health board will receive?

**Jeane Freeman:** As I said at the outset, the UK Government has secured 800,000 doses, and our 8.2 per cent share of that is 65,600 doses. That is what we are assured will be delivered. I cannot give other numbers, because we do not have definite delivery dates for the rest of December, so it is not possible for me to answer the second part of Ms Hamilton's question.

I am happy to ensure that members are advised of information on the supply and the likely delivery dates as we get it. Doses will be distributed between our health boards according to population share, so that access is equitable. We have, for example, a breakdown of the number of care home residents in each of our health board areas, so we know what we need to distribute to those boards so that they can vaccinate all their care home residents. We have similar distribution allocation numbers for health and social care workers, and, indeed, for various age groups.

However, we need to remember that we are strongly advised by the MHRA—in fact, it is a requirement—to keep 50 per cent of all doses that we receive, in order to vaccinate for a second time those who receive the first vaccination. I understand that members are looking for definite numbers, but giving those numbers is not always as straightforward as one might think. We will do our very best to make sure that members have as much confirmed information that they can rely on as possible, as quickly as we can give it to them.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I, too, welcome the news that the vaccine can be transported unfrozen for up to 12 hours. Given the rurality of my constituency, Midlothian South, Tweeddale and Lauderdale, that is very important. Is there a role for communities in identifying local sites where vaccinations can take place? If so, whom should they contact—the NHS or their local authority?

**Jeane Freeman:** There is absolutely a role for that. Ms Grahame has already suggested a couple of possibilities to me. The best people to contact are in the local authority, and I would suggest going straight to the chief executive. The Society of Local Authority Chief Executives and Senior Managers—which, as Ms Grahame knows, is the chief executives collective body—is actively engaged with us on all of this. The local authority is the best place to go to, because authorities are a huge part of the schedule of work that I am very

pleased to say they have agreed to do alongside us, to make sure that we can deliver the programme.

**Neil Findlay (Lothian) (Lab):** How will the Government ensure that as many of our older citizens as possible are vaccinated and that their human rights are respected? I am referring in particular to those who cannot give consent to vaccination.

**Jeane Freeman:** In circumstances in which informed consent cannot be given—some older citizens will be in that situation, but other fellow citizens will be in it, too—it should be sought from the designated member of the person's family, if such a person exists. That person may have power of attorney or another role in that regard. There are well-known processes in healthcare for going through that exercise. The appropriate route to secure consent needs to be taken in order to ensure that people are not vaccinated without informed consent.

**The Presiding Officer:** We will try to get Dr Allan again.

**Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP):** I was pleased to hear the cabinet secretary confirm that the initial vaccine is more transportable than was initially thought. That has clear benefits for island areas such as mine. Will the cabinet secretary say more about the publicity campaign and the engagement that there will be for the first eligible groups to ensure maximum take-up?

**Jeane Freeman:** Over this month and into January, we will issue a number of pieces of public information about the safety of vaccines, how they work, what to expect from the national delivery programme, the priority groups, and why they have been set out in that way. The rough timeframe that we expect for all those things is an estimated one, because it is, of course, dependent on supplies arriving and other vaccines being authorised and approved. As I have said, we will do a national household door drop in January. There will be direct information to every household in Scotland that covers all of that, the local plans in the area, what people should expect to receive through the post or by whatever other means as their personal invitation, and why we encourage people to accept that invitation and be vaccinated. We will keep that approach going all the way through until we reach the end of the programme.

**The Presiding Officer:** I apologise to the half a dozen members whom I was not able to reach, but we have to end there, as we have quite a few items of business to get through.

15:32

*Meeting suspended.*

## Committee of the Whole Parliament

*[The Convener opened the meeting at 15:33]*

**The Convener (Linda Fabiani):** We turn to stage 2 consideration of the Scottish Parliament (Assistance for Political Parties) Bill, which we will consider as a Committee of the Whole Parliament. For the purposes of the meeting, the occupant of the chair is known as the convener.

### Scottish Parliament (Assistance for Political Parties) Bill: Stage 2

**The Convener (Linda Fabiani):** Everyone should take care to ensure that safety measures—social distancing and so on—are maintained when they leave the chamber, please.

No amendments have been lodged at stage 2, so the only requirement is to consider and dispose of the five sections of the bill and the long title.

I invite any members who have questions on the procedures to be followed to raise them now, before we begin. I am glad to see that everybody absolutely understands how it will work.

*Sections 1 to 5 agreed to.*

*Long title agreed to.*

**The Convener:** That ends stage 2 consideration of the Scottish Parliament (Assistance for Political Parties) Bill, and concludes this meeting of the Committee of the Whole Parliament.

*Meeting closed at 15:35.*

15:35

*On resuming—*

## Meeting of the Parliament

**The Deputy Presiding Officer (Linda Fabiani):** I remind members who are leaving the chamber that social distancing measures are in place.

### Solicitors in the Supreme Courts of Scotland (Amendment) Bill: Final Stage

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a debate on motion S5M-23014, in the name of Christine Grahame, on the final stage of the Solicitors in the Supreme Courts of Scotland (Amendment) Bill.

Before the debate begins, I note that the Presiding Officer is required under standing orders to decide whether, in his view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In the case of the bill, he has decided that no provision relates to a protected subject matter. Therefore, the bill does not require a supermajority for it to be passed at the final stage.

15:36

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I am pleased to open the final stage debate on the Solicitors in the Supreme Courts of Scotland (Amendment) Bill. I thank my colleagues on the private bill committee—Bill Bowman, who was the deputy convener, Daniel Johnson and John Mason—for their work.

The bill was introduced on 26 September 2019, and is being promoted by the Society of Solicitors in the Supreme Courts of Scotland—the SSC Society. The bill passed its preliminary stage on 19 August 2020 and completed its consideration stage on 7 September 2020.

If Parliament passes the bill today, it will give the SSC Society powers to wind itself up and to create new types of membership. It will allow members of the society to resign, abolish the offices of librarian and fiscal, and rename the widows fund as the dependents fund, as well as close that fund to new members, or close it completely.

As members will recall from the preliminary stage debate, the benefits of membership of the society today include access to the society's building at Parliament house in Edinburgh, use of a legal library and members' lounge, and

membership of the widows fund, which is renamed the dependents fund by the bill.

The society currently has about 220 members located throughout Scotland, and is run by five office bearers and a council of six members. Over recent years, demographic changes in the membership have meant that the society now finds itself with a predominantly older and retired membership, with fewer younger members joining. Apparently, that is not unusual for such societies nowadays. Therefore, there is concern that a dwindling number of members might one day find themselves in a position in which the society, or the dependents fund, needs to be wound up, but they do not have the powers to do so.

One of the objectives of the bill is to enable the society to attract new members and to create different forms of membership, such as corporate membership, trainee membership and associate membership. It is hoped that that will encourage younger members of the legal profession to join the society. When it is possible to do so, new members will be able to make use of the library and facilities at the society's building in Parliament Square, albeit that that is not possible in the current circumstances.

At the preliminary stage, the committee questioned whether there was the possibility of a sudden influx of corporate or associate members, who might then disagree with a decision that was taken by the small group of remaining full society members. The promoter explained that it would be clear from the outset, and in the bill, that those new members would not have voting rights.

The bill also contains a provision that would give members the ability to resign their membership, unconnected from any disciplinary matters or retirement. At present, if a member fails to pay their membership fees for two years, their membership automatically ceases. However, we heard from the promoter that it is an "unwieldy process", and that allowing members to resign their membership would be useful.

Part of the committee's role has been to assess whether the bill will actually achieve its objectives. The committee undertook a thorough examination of the bill at the preliminary stage. We considered the purpose of the bill and whether it would give the society the powers that it requires. We also considered whether the bill should proceed as a private bill.

One of the interesting aspects of being involved with the bill has been in gaining an understanding of how private bills differ from the public bills that are scrutinised by Parliament. For a private bill, the committee is required to satisfy itself on two points: that the bill conforms to the definition of a private bill as set out in standing orders, and that

the accompanying documents conform to standing orders and are adequate to allow proper scrutiny of the bill.

On 17 December 2019, the committee therefore held an evidence session with the society's office bearers and their drafting adviser. During the committee's evidence session with the promoter, the office bearers emphasised from the outset that they do not expect to wind up the fund or the society any time soon. However, they wish to have the mechanisms in place, in case they are required in the future, so that winding up can proceed in an orderly fashion. It is understandable that the current office bearers wish to avoid leaving members with the prospect of having to raise an urgent action before the Court of Session.

The committee asked about how winding up of assets would work, and questioned whether the procedures for closing the newly named dependents fund and for winding up the society are robust enough. My committee colleagues will provide more detail on the amendments that were made at consideration stage, which strengthened the bill.

The committee's preliminary stage report, which was published on 15 January 2020, covers in some detail our questions about and recommendations on the bill. That was reflected in the preliminary stage debate, which was held on 19 August. The bill passed the preliminary stage when, in line with the committee's recommendation, Parliament agreed to the general principles of the bill and agreed that it should proceed as a private bill.

As no objections were lodged during the initial 60-day objection period, the committee turned at consideration stage straight to amendments. I lodged 11 amendments on the promoter's behalf, which all addressed recommendations in the committee's preliminary stage report. My committee colleagues will touch on other aspects of our work on the bill, including consideration stage amendments.

I conclude by stating that the committee recommends that Parliament agrees that the bill be passed.

I move,

That the Parliament agrees that the Solicitors in the Supreme Courts of Scotland (Amendment) Bill be passed.

15:42

**Daniel Johnson (Edinburgh Southern) (Lab):**

I, too, would like to thank my colleagues for their work on the bill to this stage, and I add my thanks to the clerks. Briefly, I will depart very slightly from my script. The work that is carried out on private bills is incredibly important and is an important

duty that we have in the Parliament. It is, by its very nature, niche, but it is obviously of fundamental importance to organisations such as the Society of Solicitors in the Supreme Courts of Scotland, the functions and underpinnings of which are set out in statute. I therefore thank the clerks for keeping us straight, for keeping on top of the detail and for getting the bill through to this stage.

I intend to concentrate on the mechanisms that are required for the winding up of the society, and on certain aspects of the society's meetings.

The promoter made it clear from the outset that the main aim of the bill is to address the lack in the Solicitors in the Supreme Courts of Scotland Act 1871 of powers to wind up the society. It came to the attention of the current office bearers that, should the society one day find itself in the regrettable position of having to wind up, it currently lacks the powers to do so. Understandably, the office bearers do not wish to find themselves, as one put it,

"aged 85 and the only person left at the table,"

only able to

"resign from office, walk away and leave an organisation that still exists with nobody to manage it."—[*Official Report, Solicitors in the Supreme Courts of Scotland (Amendment) Bill Committee*, 17 December 2019; c 10.]

Quite so. The bill therefore inserts into the 1871 act section 52B, which sets out the general process for decisions on the winding up of the society.

The process starts with the council agreeing a proposal to wind up the society, followed by either a general meeting of the members or byelaws being made to decide the procedures to be followed at a special general meeting. The society's members must be given at least 30 days' notice of the special general meeting at which they will consider the proposal to wind up the society, using the previously agreed procedure.

If the members vote to wind up the society, the council will implement that decision, either in accordance with the arrangements that have been made by the society or in such manner as the council considers expedient.

At the preliminary stage, the committee questioned whether the procedure to dispose of the society's assets was detailed and robust enough to encompass any tensions as a result of the division of the society's substantial assets. We noted that, even with the best of intentions, the division of assets may lead to tensions. It was therefore welcome that the promoter proposed amendments to the bill at the consideration stage to strengthen the procedure around the division of

the society's assets, which include the society's headquarters, situated just off the Royal Mile.

The bill has therefore now been amended to require that the society's members are consulted on how any property be distributed in the event of the society being wound up. That consultation must take place before the special general meeting where members would discuss any proposal to wind up the society.

I hope that I have provided members with useful detail on how the bill has been amended at the consideration stage to strengthen the procedures for winding up the society. However, as the promoter has made clear throughout the passage of the bill, it is hoped that those procedures will not be required any time soon. I agree with the committee's recommendation that the Scottish Parliament agrees to pass the bill.

15:46

**John Mason (Glasgow Shettleston) (SNP):** I, too, thank my colleagues on the committee, the clerks and the promoter for their work in getting the bill to this stage, and I thank the convener, Christine Grahame, for moving the motion and for her professional way of chairing the committee.

As the convener mentioned, the bill is necessary as the promoter has noted the changing demographics in the society. The office bearers are currently faced with an ageing membership that may result in their one day having to wind up the society. The committee therefore agrees with the promoter that it is necessary to ensure that, should that unfortunate circumstance take place, the society has the powers that it requires to allow for an orderly closure of the society, the dependents fund or both.

The Solicitors in the Supreme Courts of Scotland Act 1871 set out the procedures that govern the society's widows fund. The bill has renamed that fund the dependents fund and has inserted new detailed procedures that would allow for it to be closed to new members or closed completely. Those procedures include an actuarial investigation, a meeting of the members to consider a resolution to close the fund and the offer of

"such lump sum or other payment as seems reasonable"

for the annuitants or potential future annuitants. Any residual money would then transfer to the society.

Although the committee generally agreed with those provisions, we noted that the promoter might want to consider, as part of the winding-up procedures, a provision in the bill that the beneficiaries and any prospective beneficiaries should be notified of a proposal to close the fund.

The promoter accepted that recommendation and amendments were lodged at the consideration stage to address that. Those amendments mean that the bill now requires that all annuitants and prospective annuitants be notified in advance of any decision to close the dependents fund completely.

The committee also examined the procedures involved in winding up the society; our intention was to ensure that the procedures were as robust as possible and that the promoter would not find itself in the position of having to come back to Parliament again to amend the 1871 act. Although we agreed that it is the right of the society's members to make their own decisions about its future, we considered that some of the practical procedures around the decision making could be strengthened.

At the preliminary stage, the committee heard that

"typically, only around 10 of the 220 current members attend the statutory general meetings."

We noted our concerns about the lack of requirement in the bill for a quorum in the decision-making process and the fact that a voting threshold was not mandatory for meetings where winding-up decisions were to be taken. The committee therefore welcomed the promoter's proposed amendments to ensure that, for any decision to wind up the society, a voting threshold must be set, which the bill now requires.

It has been interesting to experience the private bill process and to play a slightly different role from the usual one of a committee member. Generally speaking, I enjoy a bit of controversy, but there has been none of that in the bill. However, it has been interesting.

I agree with the committee's recommendation that the Scottish Parliament agrees that the bill be passed.

15:49

**Bill Bowman (North East Scotland) (Con):** In closing on behalf of the committee, I, too, thank my colleagues for their work on the bill so far, and I again thank the Society of Solicitors in the Supreme Courts of Scotland's secretary, Robert Shiels, for showing us around the society's building at Parliament Square. It was a useful visit and helped to set the context for the position that the society, which has an entirely voluntary membership, now finds itself in.

The Solicitors in the Supreme Courts of Scotland Act 1871 forms the statutory constitution for the society. However, one omission from the act was any powers for the society to wind itself up, either because the then members did not

foresee a day when the society might not exist, or because they deliberately did not include powers that would allow the society to close down. In 1979, elements of the 1871 act were amended to reflect the changes that had occurred over the previous century, but the issue of the lack of powers was not addressed.

As my colleagues have mentioned, the society's office bearers were clear from the outset that there is no wish to close the dependents fund or the society in the near future. However, the office bearers have acted prudently by ensuring that, should the bill be passed today, the society's constitution will now set out the necessary powers to allow it to be wound up.

In the bill's accompanying documents and in evidence to the committee, the promoter set out a number of alternatives that were considered instead of primary legislation. The promoter's memorandum notes:

"Under the common law, the doctrine of cy pres would allow trustees to make an application to the Court of Session to have the terms of a public trust varied where the purposes of the trust are or have become impossible to fulfil or have become particularly inappropriate."

However, due to the nature of the dependents fund, any attempt by the trustees to close the fund or vary the payment of entitlement to lump sums against future entitlements, means that, according to the promoter,

"a cy pres scheme is very unlikely to be approved by the Court."

The promoter also noted that section 9 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 gives the sheriff court and the Court of Session powers to

"approve a scheme for the variation or reorganisation of the trust purposes"

in any public trust. However, as with the cy pres scheme, the trustees believed that to be unsuitable for the dependents fund.

The trustees also considered sections 39 and 40 of the Charities and Trustee Investments (Scotland) Act 2005 as a means of providing the required powers but concluded that

"the use of the Fund cannot be said to be dedicated to charitable purposes as such and so it would not seem to qualify"

under the 2005 act.

The bill therefore seeks to modernise the society's statutory constitution, which is the 1871 act, and its purposes include giving the society powers to wind itself up in the future; creating new types of membership; making new provision to allow members of the society to resign; and abolishing the offices of librarian and fiscal.

One of the other objectives of the bill is to update some aspects of the act's terminology. Widows fund is being changed to dependents fund and reference to lawful children is being removed. The bill will allow the trustees to pay annuity claims based on cohabitation, depending on the facts and circumstances between the deceased member and the claimant.

As I noted at preliminary stage, the promoter is also removing the offices of librarian and fiscal. The role of fiscal was a historic office for handling matters of discipline, which are now dealt with by the Law Society of Scotland and the Scottish Legal Complaints Commission. The office of librarian is being removed because, although the society will still have a librarian, that person is no longer required to be a qualified solicitor.

As my colleagues have noted, 11 amendments were lodged on behalf of the promoter at the consideration stage. Those amendments improve the bill and strengthen the procedures surrounding the winding up of the society and the dependents fund. I am grateful to the promoter for taking on board the recommendations in our preliminary stage report.

The amendments not yet mentioned by my colleagues include minor and technical amendments, such as ensuring that the 1871 act is consistent in terms of style. One amendment also clarified the type of meeting that a member holding one of the new forms of membership that the bill creates would not be entitled to participate in.

The bill has been fascinating to work on, not least because it has meant that the committee has played a small part in a society that has been in existence for more than two centuries. When the society was formed in 1784, and made a body corporate through a royal charter that was granted in 1797, I doubt that the founding members could have envisaged their society being debated in the Scottish Parliament more than 200 years later. Perhaps we might think of what might be happening here in 2220.

The setting up of the widows fund—now the dependents fund—in 1817 also means that annuities have been paid to the surviving spouses and orphans of the society's members for more than 200 years.

I agree with the committee's recommendation that the Scottish Parliament agrees that the bill be passed.

**The Deputy Presiding Officer:** Thank you, Mr Bowman. That was very succinct. I can confirm that Mr Bowman did not speak for nine minutes—I forgot to restart the clock.

That concludes the final stage of the Solicitors in the Supreme Courts of Scotland (Amendment) Bill.



## Heat Networks (Scotland) Bill: Stage 1

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a debate on motion S5M-23564, in the name of Paul Wheelhouse, on stage 1 of the Heat Networks (Scotland) Bill.

15:55

**The Minister for Energy, Connectivity and the Islands (Paul Wheelhouse):** I am delighted to open the debate on the bill and that we have reached this point in the process. I thank the Economy, Energy and Fair Work Committee for its careful scrutiny of the bill and I welcome its recommendation to approve the general principles of the bill. I am also grateful to the organisations and individuals who have given evidence, the convener and members of the Delegated Powers and Law Reform Committee, and the heat networks regulations working group, which was a strong source of support to us in preparing the bill.

Before I talk about the bill itself, it would be beneficial if I were to briefly set out what a heat network is, how it differs from the heating systems that we are more familiar with in Scotland and the benefits that it can bring. Put simply, a heat network is a distribution system of insulated pipes that carry hot water or steam from a central source and deliver it to homes and businesses. Heat networks are best deployed in denser, more built-up areas where there is more concentrated demand for heat, but they can also work well in rural contexts. The technology is well known across Europe, predominantly—but not exclusively—in large cities such as Copenhagen, where it supplies heat to 98 per cent of buildings.

Heat networks are generally more efficient than individual gas boilers and, in the right circumstances, can deliver fuel savings, helping to lower bills and tackle fuel poverty. The heat can come from a wide range of renewable and low-carbon sources, including large-scale heat pumps in our rivers or even waste heat recovered from industrial processes such as whisky distillation. There are also health and safety benefits, as there is no need for any combustion to take place inside the building, thereby avoiding fire and carbon monoxide poisoning risks.

As heat networks are long-lived assets, they can create long-term local jobs in maintenance and administration. When deployed in suitable areas, heat networks have many benefits, the most important of which might be their capacity to remove the emissions that are caused by heating our buildings, and to reduce bills and so help to tackle fuel poverty. The Committee on Climate

Change, along with other key actors in the sector, has advised us that there is real scope for making greater use of renewable and low-carbon heat networks.

Given the opportunity that the technology presents, the overall aim of the bill is to accelerate development of heat networks in Scotland and so drive down emissions and tackle fuel poverty. The bill seeks to do that by creating a new licensing regime to ensure that operators are solvent, fit and proper, while also driving up standards across the sector. The bill introduces new processes for consenting, zoning and permitting to ensure that new networks are developed where they will have the most benefit; that they are tailored to the needs of an area; and that they can provide greater certainty to developers and investors to attract investment. We are levelling the playing field with other utilities by creating new rights for heat network developers and operators, which will help to reduce the costs and risks associated with construction. Finally, the bill puts in place arrangements to protect network users by enabling a transfer of operational rights to occur to ensure continued supply.

The bill and its provisions have been developed following extensive consultation with stakeholders and communities, including our island communities, and are based on advice and recommendations from an expert working group of stakeholders. The Economy, Energy and Fair Work Committee has made helpful recommendations throughout its report and I have responded to the committee in what I trust is an equally helpful manner.

The bill is lengthy and complex, so I will concentrate on covering four important areas that are addressed in the committee's stage 1 report: consumer protection, fuel poverty, community engagement and the division of responsibilities between local and national Government.

I will also listen carefully to the points made by members in the debate today on all areas of the bill. If the bill progresses to stage 2, I will write to members of all parties so that I can hear the views of Parliament in further detail. As I have said from the outset, I want the process to be collaborative so that we produce a piece of legislation of which we can all be proud. I am confident that we can and will do that.

The committee has highlighted the challenges relating to consumer protection, which, as members are aware, is not currently within the competence of the Scottish Parliament. I very much welcome the committee's scrutiny of the issue, and I reassure members that we will not enable the mass deployment of such schemes without commensurate protection for homes and businesses.

Earlier this year, the United Kingdom Government signalled its intention to legislate in order to introduce a set of consumer standards for the sector, which will apply across Great Britain. That is very welcome. I continue to work closely with my UK counterparts to ensure that the proposals are fit for Scotland.

I have written to Kwasi Kwarteng MP, who is Minister of State for Business, Energy and Clean Growth, to seek new powers for the Scottish ministers to determine which body oversees the consumer standards in Scotland. That would ensure that that body, whether it is the Office of Gas and Electricity Markets or another organisation, is one and the same as the licensing authority that is created by the bill. In that way, we will achieve coherent regulation in Scotland while harmonising standards for businesses and consumers across the borders.

**Graham Simpson (Central Scotland) (Con):**

Does the minister think that Ofgem would be the appropriate body?

**Paul Wheelhouse:** We are very supportive of Ofgem providing the role. Obviously, it is not within our gift to appoint a body that is constituted under a UK statute. We are seeking to work with UK ministers to get the powers so that the Scottish Parliament is able to appoint Ofgem to that role. We have had early discussions with Ofgem, and we believe that it is supportive of performing the role.

I had hoped to have a response by today, in time for the debate, but I do not, for which I apologise. I am waiting for Mr Kwarteng's response, but I do not read anything into that—it is perhaps just a bandwidth issue. We will continue to keep the committee and Parliament updated as we progress. Meanwhile, I hope that members agree that the bill will improve the current situation by regulating the market for the first time and enabling conditions of licence and consent to be placed on operators and on individual sites.

I turn to the important issue of fuel poverty, which has rightly been raised in the committee's report. Heat networks have an important role to play in helping to eradicate fuel poverty. The business and regulatory impact assessment that accompanies the bill notes that heat networks can provide average fuel savings of 17 per cent for households and, in the right circumstances, savings of up to 36 per cent.

I recognise that the bill does not make explicit reference to fuel poverty, but I assure members that contributing to the eradication of fuel poverty has been an absolute priority for the Scottish Government as we have developed the bill. To put that beyond all doubt, I propose to lodge amendments at stage 2 to parts 1, 2 and 3 of the

bill to ensure that consideration of fuel poverty is embedded explicitly throughout the bill. My officials and I are liaising with the chair of the Scottish fuel poverty partnership forum and with Energy Action Scotland to inform those amendments. Should the bill pass, I will continue to work with fuel poverty stakeholders to ensure that the regulatory framework, as it is further developed and implemented, helps to tackle fuel poverty.

The committee has recommended that the bill include stronger provision for community engagement. I have reflected on that, and I recognise that the bill could be strengthened to ensure that the views and needs of local communities are accounted for. To ensure that local views are considered from the inception of a potential project, I will lodge an amendment at stage 2 that will require developers to provide real evidence of their engagement with local communities alongside their application for a heat network consent. As we develop subsequent regulations in that area, it will be important for us to draw on the expertise and insight of communities and organisations such as Citizens Advice Scotland, and I commit to working with them as we progress work in that area.

I note the committee's recommendation for the balance of powers between the Scottish ministers and local government to be modified over time. As introduced, the bill makes the Scottish ministers responsible for approving new heat network developments through the consenting system. I want to be clear that that will not undermine the role of local authorities. Rather, the intention is to ensure proportionality by not requiring local authorities to take on that function at this time, while the heat network sector is still developing and when such systems will not have equal distribution across the country. The intention is also to make use of the Scottish Government's existing capacity within the energy consents unit, which already performs a similar function in approving new renewable generation and electricity transmission projects. That will enable us to realise economies of scale and to proceed as quickly as possible in approving new schemes, in view of the global climate emergency.

The committee's recommendation on that issue is very sensible and practical. I agree that local authorities should be empowered as far as possible, particularly in the case of heat networks, which are local assets by their nature. I will therefore lodge a Government amendment at stage 2 to enable responsibility for the award of heat network consents to be transferred to local authorities in future. However, the amendment will also allow local authorities to choose to leave the responsibility with the Scottish ministers, if that suits their circumstances.

Of course, the bill is only one part of our work to tackle fuel poverty and reduce emissions from Scotland's homes and buildings. We have the most ambitious and comprehensive fuel poverty legislation and retrofit programmes in the UK, and we are committed to investing £1.6 billion during the next parliamentary session to expand and accelerate our heat and energy efficiency programmes as part of a green recovery.

We have already launched a £50 million green recovery low-carbon infrastructure transition programme call, and we will invest £25 million in heat networks as part of the Clyde mission. This year, we are also providing funding of £20 million to social landlords so that they can improve their properties by making them warmer and greener. Last month, in addition to opening a £4 million renewable heat cashback scheme for small and medium-sized enterprises, I announced a new £4.5 million cashback incentive to help people install renewable and energy efficiency measures in their homes.

We will shortly publish a consultation on our 2024 standard for new buildings, requiring them to use only zero-emission heat. That will open up a new market opportunity for the renewable heating sector, and will be an important step forward in encouraging the connection of new buildings to heat networks.

We will also shortly publish our heat in buildings strategy for Scotland, which will set out a vision for the roll-out of energy efficiency and heat decarbonisation in Scotland. The strategy will set out an ambitious set of new actions that will accelerate the decarbonisation of our building stock, including new commitments to support the deployment of heat networks. I encourage all members to consider that important document closely when it is published.

I hope that I have demonstrated to colleagues that the Heat Networks (Scotland) Bill will play a crucial role in our package of programmes as we take steps to ensure that Scotland's buildings are warmer, greener and more efficient. The bill is an important step in supporting the deployment of heat networks at the scale that is needed to help us reach our net zero carbon targets. The bill will provide confidence for consumers, investors and the supply chain, creating a sustainable market for district heating, and I commend it to Parliament.

I move,

That the Parliament agrees to the general principles of the Heat Networks (Scotland) Bill.

16:07

**Gordon Lindhurst (Lothian) (Con):** Heat networks are hardly a new idea. The first modern district heating system was pioneered in a town in

the state of New York in 1877. Birdsill Holly, a friend of Thomas Edison, observed the abundance of thermal energy in urban areas, and he realised that heat from industrial processes could be piped into homes to meet public demand. Waste not, want not. A triumph of the free market, we might say, but this is a committee report and I could not possibly comment.

The Scottish Government has presented us with a doorstep of a bill. It extends to 85 sections and 42 pages. I am pleased to say that our stage 1 report is two pages shorter. In the words of Horace,

"Whatever advice you give, be brief."

It is, however, pleasing that the minister has heeded so much of our advice. It is fair to say we are not overly familiar with the words

"The Scottish Government accepts the Committee's recommendation",

but credit where credit is due: that phrase appears in almost double figures in Mr Wheelhouse's written response to us. He and his officials are to be commended for taking such a constructive approach.

The bill is a technical bill with substantial delegated powers. In broad terms, it seeks to regulate the supply of thermal energy via heat networks. It has a single purpose, but that single purpose covers a plethora of policy areas, including energy efficiency, renewables, land rights, planning, and climate change.

I want to focus on a handful of matters that we highlighted in our scrutiny. The first and most fundamental matter, which also featured in our energy inquiry, is public engagement. The Committee on Climate Change has advised the Scottish Government to prioritise behaviour change. Our committee agrees. We also want the Scottish Government to take the lead by example to facilitate new social norms.

We want to address the disconnect between public support for carbon reduction and a lack of awareness of the role of heat, and to ensure community buy-in, consumer confidence and what we might term social licence.

Citizens Advice Scotland saw the intentions of the Bill as "admirable" but said that

"it could go further to guarantee good outcomes for consumers."

CAS cited the experience of one community in north-west Glasgow, an area where more than 90 households had their heat turned off after falling into arrears. The provider had put up its price but had failed to appreciate the vulnerability of those customers. That is why we need a clearer commitment to local input in the growth and

development of heat networks, which I think the minister recognises. That must be at the heart of the bill and central to its ethos.

We welcome the minister saying that developers should provide a community engagement report and the indication that he will lodge an amendment to stipulate that in the bill. Again, we credit him with taking a positive stance. He has agreed that provisions on fuel poverty, which a number of witnesses wanted, should be included in the bill.

The Nordic experience, notably in Denmark and Norway, is an acknowledged influence on the bill. In other circumstances, we would have liked to see the results of that experience for ourselves, but coronavirus prevented that. We were grateful, however, to the Danish energy agency for providing us with a written submission in the absence of an opportunity to make a site visit. The Danes described heat networks as a “low-regret investment” that is “agnostic to the heat source” and is adaptable to technological developments in areas such as waste heat and hydrogen.

Municipalities in Denmark oversee the consent process for heat networks and, together with consumer co-operatives, own most of the networks. The balance of power between the national and the local is certainly not like that in the bill. We feel that it would be desirable if that could be modified over time and, yet again, the minister has accepted our recommendation. He recognises that local authorities should be “empowered as far as possible” where they are willing and able. He accepts that heat networks are essentially “local assets” and he says that he will seek to amend the bill to enable the future transfer of consents to councils.

I might offer the minister even more compliments, but I am already in excess of my quota, so I will move on to a question. What is on the wallpaper today? I am told that that is what a Dane asks when they want to know what is on the agenda. On what is left of my wallpaper, I will cover a robust critique of some of the bill’s drafting.

We heard detailed evidence in relation to wayleaves, legal definitions, and the creation of real rights. Professor Roddy Paisley specialises in land law and he impressed even Andy Wightman. We will no doubt hear Andy’s comments shortly.

Professor Paisley made observations on various aspects of the bill. Here are just a few. He said that it is

“somewhat oddly drafted and lacks clarity”

and also that

“I think it will be overly sanguine to expect the builder’s shovel to conform in every or even most situations with the lawyer’s pen.”

He described the bill as

“a half-baked import ... In Scotland we can do better than this”

and lastly said:

“It would not be a good idea to model what you propose to do in the bill on what is already in legislation, drafted by the Westminster Parliament”.—[*Official Report, Economy, Energy and Fair Work Committee*, 1 September 2020; c 7.]

That was an interesting contribution and one that we felt ought to be stress tested with another academic. We then presented both sets of views to the Scottish Government. Did the minister respond in a defensive or a derisory way? I am almost dismayed to say that he did not. He described the views as “valuable”. He believes it “crucial” to consider the transparency of wayleave rights and he says that he will seek to amend the bill to address such issues.

Heat networks are hardly a new idea, but a minister who listens—now there is an innovation. We recommend that the general principles of the bill be agreed to.

16:14

**Alexander Burnett (Aberdeenshire West)**  
**(Con):** It is welcome to finally be here deliberating legislation to advance heat networks in Scotland, although I feel that it has been a long time coming; so long, in fact, that I had to check when the subject was first raised in the Parliament, and the honour falls to Sarah Boyack for raising it back in 2003.

For my own part, and to declare an interest, I started building heat networks back in 2007. I am a firm believer that all members should bring real-life experience into the Parliament, but I guess that I might be in the minority who has literally been in the trenches of district heating. Unfortunately, I do not believe that the minister and his team have built a heat network, which is perhaps reflected in some parts of the bill, which I will come to later.

However, the principle of the bill is to encourage greater use of heat networks, which is welcome. I hope that when the bill is passed, it will encourage the development of heat networks. So far, Scotland’s performance has been woeful in hitting only half of its target of heat produced by renewables. However, we welcome the elements in the bill addressing consumer protection and the wish of both the committee and the minister to use Ofgem, which is seen as the Rolls-Royce of regulation in an emerging market. We also have no issue with the many technical definitions in the bill.

There are, however, a number of concerns about the bill, which fall into two clear parts. The first is existing schemes, of which there is no mention. As an aside, I find it extremely concerning that the exact quantum of schemes and consumers is not known, with figures given of 800 schemes and possibly 20,000 consumers. However, in a written answer to Tom Arthur on 29 October, the minister said that that figure was nearly 30,000. That seems a large discrepancy and a large number to be overlooked by any bill.

The minister said that existing schemes will be covered by proposed UK legislation, but there is a concern about whether they will be covered in the same way as this bill will cover them and what happens until that UK legislation is passed. Furthermore, many schemes are continuing to expand, so I would be grateful if the minister could make it clear whether any expansion of an existing scheme will require a licence and, further to that, how any existing part of the scheme not covered by the bill will then interact with the part of the scheme that will now be covered by the UK legislation. There is a vague assurance from the minister that the bill will not have a disproportionate impact on existing schemes, but clarity on those points would be most welcome.

On new schemes, I will focus on two areas that demonstrate a lack of knowledge of the sector. The first is the identity of the supplier of last resort, which the Scottish Government views as a key outcome of the bill. The suggestion is that, as part of a licensing requirement, an operator would have a third party obligated to take over and ensure continuous operation of the scheme. That is a welcome consumer protection, but we must look at how that would work in practice.

The third-party supplier of last resort, who one assumes would already be a licence holder and therefore a competitor to the existing operator, would have to take on an obligation to step in and take over a scheme in the event of insolvency or another failure of supply. Leaving aside the effects of insolvency and creditors' claims on a network's assets, that third party's obligation is a financial risk that would sit on its balance sheet and would therefore require the constant due diligence of a competitor's financial and physical performance.

Aside from commercial confidentiality, the cost of that could be prohibitive or, worse, could be passed on to consumers, with negative consequences for fuel poverty. Again, I would be grateful if the minister could give clarity on the detail of that aspect. Is he saying that the Scottish Government will always be the supplier of last resort?

The second aspect requiring further explanation is around heat zones. There are physical and practical components of a heat network that

complicate that element. As a brief explanation, the generating building, fuel store and emerging pipework sizes must all be calculated and sized accordingly at the outset of a project. Although some additional capacity can be added and distributed, it is not nearly as straightforward as expanding an electrical or gas network, which much of the bill appears to be based on.

A heat network's available capacity, and even the location of that capacity around the network, is not straightforward and subject to change with every new connection. The idea that new buildings in a designated area can simply connect is, I am sad to say, fantasy. One new building might well have a different heat load to another, requiring physical differences in both the pipe size and the hydraulic interface unit, or heat exchanger, which will mean financial differences, too. That all means varying connection charges.

**Paul Wheelhouse:** Will the member take an intervention?

**Alexander Burnett:** If I can have the time back, certainly.

**Paul Wheelhouse:** The member rightly identifies that we need an accurate understanding of what the heat load and the demand load would be, building by building. Does he appreciate that, as a first step, we are looking at using public sector buildings in order to produce building assessment reports to inform local heat and energy efficiency strategies and give accurate data? I hope that we will, for anchor loads—at least for public buildings—be able to give investors confidence that there is sufficient demand to justify the investment.

**Alexander Burnett:** I welcome that reply. I also note for the record that I welcome the minister's offer in previous conversations to be as constructive as possible on the bill.

The minister mentioned existing loads. Those are subject to change, an issue that I will touch on now. There can be varying connection charges, which might not be known at the outset. However, building users might also change, with different heat demands, leading to obvious implications for the operator. A shed with a micro-distillery has a very different heat profile than if its use was to change to storage only. The same could apply to the public sector buildings that the minister just mentioned—their uses might change over time.

All that leads to issues over the connecting and charging obligations for the operator and the potential consumer, which do not appear to have been given any meaningful consideration.

A significant issue is how local authorities will resource their new heat zoning obligations, with funding needed for the specialist skills that are

required. I know that other colleagues will speak about that. For my part, I hope that we are not going down the Government's familiar route of devolving responsibility without the matching resource.

Other submissions raise the point that the bill is based on single entity and operator schemes, whereas multi-operator schemes are quite normal, so clarity is also required on licence-holding requirements. Similar questions were raised about the revocation or refusal of a licence, the transfer of assets process, the valuation and compensation mechanisms and, most worryingly, the lack of an appeals system.

I hope that the minister will significantly improve his knowledge of how heat network systems are built and do everything in his power to ensure that his legacy is not the death knell to consumers and developers of heating networks.

Despite the many reservations about the bill, it must become one that will increase heat networks and protect consumers. The bill must be welcomed and we will support it at decision time.

16:22

**Claudia Beamish (South Scotland) (Lab):** I thank Paul Wheelhouse for introducing the Heat Networks (Scotland) Bill. I welcome the bill as an opportunity to address concerns around the sector and as a move towards decarbonising heat. It is also an opportunity to lift thousands of families out of fuel poverty.

I will leave the committee members who are speaking today to outline the recommendations, which we support, during this important stage 1 debate.

I am pleased to open the debate for Scottish Labour. We will support the bill at stage 1, but we believe that it has so much more potential. We face a climate emergency, and heat from buildings accounts for a quarter of Scotland's climate emissions, yet none of the statistics around renewable heat in Scotland seem to match the urgency for action. So far, the progress in this area has been far too slow. The target of 11 per cent seems quite measly given our understanding of the climate change emergency, and the fact that it has been missed is disappointing.

Heat networks can and must be part of the transition to a net zero society, but the estimates are of only between 7 and 17 per cent of Scotland's heat demand being met from renewable networks, which is not enough. That will not drive the large-scale changes that are needed to tackle the climate crisis. We need ambitious targets for a green recovery.

It is notable that, in its recommendations, the committee invites the Government

"to reflect on whether its ambitions for the impact of the Bill are on a level with those it has already set out for tackling climate change and pursuing a green recovery."

That needs further attention, and consideration must be given to the recommendation of WWF Scotland that targets and a clear delivery plan should be included in the bill and not just in guidance.

There is certainly consensus that heat networks are a way forward as part of a mixed renewable energy solution. However, if the sector is to be a success, a number of factors must come together. I will be listening carefully to discussion of those in the debate.

The bill presents an opportunity to drive up consumer confidence, and we know that low confidence is a significant barrier to developers and uptake. A regulated sector with robust licensing, service standards and consumer protection would improve confidence among developers and investors, who are reluctant to take risks without measures that create licence holders with statutory powers similar to those of other utility providers. In its report, the committee has asked to see

"a clearer commitment to consumer protection",

which is a view that is supported by Ombudsman Services.

I ask that consideration be given to including in the bill provision for what should happen in a situation when a customer enters into a heat network without the ability to switch suppliers. I hope that the minister and the committee will address that issue as the bill progresses. Having more information about service, customer engagement, minimum standards and price, as well as other information such as licence conditions, in the main body of the bill would be a way of ensuring such protection.

Further, as other members have said, having a co-ordinated approach by local government and the Scottish Government will be necessary. In its report "Renewable Heat in Scotland, 2011", the Energy Saving Trust acknowledged that clarifying the role of local authorities should be a priority. Although the bill does consider the role of local authorities, there is a lack of reference to community engagement, so that aspect must be given greater priority. Again, the committee has recognised that.

Advice and funding will also be critical to ensuring that councils have the capacity and knowledge to develop municipal, community or co-operative not-for-profit heat network companies. I welcome hearing the minister's commitments on

those areas. Consideration must also be given to achieving a just transition and to ensuring that skills and knowledge are in place to respond to the challenge and expand the sector. Those include the skills to develop technology, install it and maintain it.

Given the benefits that heat networks could bring in reducing domestic fuel costs, it is a relief that the minister has today agreed that provisions to address fuel poverty will be included in the bill.

In Drammen, Norway, district heating via a heat pump delivers the city's collective heating needs, using fjords as a resource. Some 50 per cent of the system is owned by a commercial energy company and the remainder is owned by a municipal company. Indeed, in many European countries there have long been district heat networks, which are embedded in their cultures with no concerns about a lack of individual control, because people work together on such schemes. We must recognise that, as we develop networks here in Scotland, there must be support and clear information for our communities. It is encouraging for the development of our manufacturing base in relation to heat networks that it was a Scottish company, Star Renewable Energy—which I know the minister and other members have visited—that made the Drammen system possible.

There is much to be positive about in the bill. If the gaps are addressed, it will enable us to grasp fully the local, national and global benefits that heat networks offer.

**The Deputy Presiding Officer (Christine Grahame):** I call Andy Wightman to open the debate on behalf of the Scottish Greens. You have up to five minutes, Mr Wightman.

16:28

**Andy Wightman (Lothian) (Green):** Scottish Greens welcome the bill. I thank the committee's clerks and all those who gave evidence. As the convener did in his opening remarks, I thank the minister for his constructive engagement and positive response to the committee's stage 1 report.

As we know, Scotland is a northern country in which it is wet and cold for much of the year. We have a persistent problem with fuel poverty, but we also need to keep warm. Some years ago, I was lucky enough to visit the Soviet Union on a number of occasions. One year, I was skiing in Siberia when I encountered interesting and quite substantial heat networks with vast pipes snaking across cities and leaks of warm air condensing in huge clouds in the streets. The homes of Soviet citizens were warm, even in the most hostile climate on earth. That is not unusual. Many—indeed, most—European countries, and certainly

all the northern ones, have long embraced heat networks, and developing the policy behind the bill has involved drawing on the experience of a number of such countries. The bill is therefore a welcome one, and it represents an important step towards addressing Scotland's energy needs.

We know how little time we have in which to address the climate crisis, and making our heating systems more efficient and climate friendly is one of the key challenges that faces us, together with transport and land use.

The committee has identified a large list of areas where improvements could be made. Again, I thank Mr Wheelhouse for his constructive response to the committee's recommendations, and I will reflect on a few of them. First, it has been suggested that the function of tackling fuel poverty should be in the bill as an objective and criterion for the regulatory process and the awarding of consents. I welcome the Government's agreement on that and look forward to debating the formulation of words to achieve that.

Secondly—and this is the Scottish Green Party's principal concern—the bill centralises power with Scottish Government ministers. Much of the evidence from the Scottish Government in relation to the bill drew heavily on the Danish model of heat networks. As the convener mentioned in his opening remarks, the Danish energy agency provided useful written evidence to the committee, which I have here. It indicates that, under the key elements of heat networks, municipalities—local authorities—have

“mandated responsible authority for heat planning and approval of heat projects.”

The document goes on to say:

“The pipe network for distribution and transmission of heat is owned predominantly by municipalities”

—two thirds of it—

“while consumer-owned cooperatives own most of the”

remainder.

An important feature of the Danish heat network system is the concept of the

“not-for-profit” requirement. This has been part of heat networks regulation since heat planning became a municipal responsibility. The not-for-profit requirement stipulates that heat network companies can only charge the consumers a price equal to the actual or ‘necessary costs’ of producing and transporting the heat—profit is deemed an unnecessary cost.”

Although the private sector no doubt played a useful role in New York, the Danish evidence shows that municipal enterprise can play an equally productive role in heating our homes. I am pleased that the Government has agreed to amend the bill to allow for the future transfer of

regulatory functions to local authorities, but I believe that it should go further.

In the Local Government and Communities Committee yesterday, cabinet secretary Aileen Campbell said:

“We are committed to local decision making”.—[*Official Report, Local Government and Communities Committee, 2 December 2020; c 2.*]

In my view, the bill should presume that local government should be the competent authority as the default, unless it decides not to be. In such scenarios, local authorities may decide that they wish the Scottish Government to perform the relevant functions on their behalf, or they may decide to share services and expertise with neighbouring local authorities, as they do now.

Public engagement has also been mentioned in relation to what will be a dramatic change in infrastructure and how we heat our homes. In the absence of a formal role for communities and local authorities regarding planning and consent, a robust plan for engaging with and taking feedback from relevant individuals is important. Again, I welcome the Government’s response on that.

The committee heard significant evidence on the legal aspects and drafting of the section on wayleaves. The convener mentioned a few of those. Professor Paisley told us that section 60 needs “wholesale redrafting”, and that references to the words “owner” and “occupier” are “English inspired nonsense”. I should say that it is very good when witnesses appear before committees and tell us exactly what they think. [*Laughter.*]

As the convener said, the committee is very interested in and keen to see that evidence being tested properly, and we did that by inviting Scott Wortley, who was the committee’s adviser on the drafting of the Title Conditions (Scotland) Act 2003. Professor Paisley said that that was one of the Scottish Parliament’s finest legislative achievements.

Finally, we touched on the issues of building regulations and the green recovery, among other matters. However, I will leave it there. I confirm that the Scottish Green Party will support the bill at stage 1.

16:33

**Liam McArthur (Orkney Islands) (LD):** I hope that the Deputy Presiding Officer might grant Andy Wightman a closing remark, so that he can explain why he was on special manoeuvres, skiing in Siberia. [*Laughter.*]

Like others, I thank the Economy, Energy and Fair Work Committee for its work on the bill, as well as those who provided evidence. In the light of the comments by Andy Wightman and the

convener, I, too, thank Paul Wheelhouse for his characteristically constructive engagement with the committee on the matter.

I was delighted that committee members managed to visit Orkney as part of their evidence gathering. That is always to be encouraged, and I am sure that it helped to inform the recommendations in the stage 1 report. Indeed, the islands that I represent have shown themselves to be pioneering in the generation and use of energy in ways that cut emissions and lead us towards net zero. Of course, achieving that in relation to heat, as in transport, remains one of the biggest challenges that we face. That is why the bill, which the Scottish Liberal Democrats strongly support, is crucial, and it is why the point that Claudia Beamish made about adequate resourcing of the provisions in the bill was well made.

The Orkney example also illustrates the tension in the bill between national oversight and local delivery. I accept that the consent process needs to ensure that we have the right projects in the right places and that we have a proper balance between environmental objectives and efforts to reduce fuel poverty. However, communities and local authorities must have a formal role in the planning and consenting of schemes, because, without that, public buy-in becomes difficult and, as CAS and others have pointed out, decisions could be taken that either ignore or override the interests of local residents, some of whom might be vulnerable.

Given the higher levels of fuel poverty in our island and rural areas, the bill’s provisions demand rigorous island and rural proofing. As various witnesses made clear to the committee, we need to avoid overly bureaucratic regulation, but we also need to ensure that customers across Scotland have access to the same low prices for energy.

Denmark has made a success of a decentralised process, and, as members have observed, there is no reason why Scotland cannot and should not do the same. I therefore welcome the minister’s assurances about transferring consenting power to local councils that wish to have it and about requiring meaningful engagement by developers with local communities. I was struck by Andy Wightman’s position in relation to a presumption. That approach has been taken to planning for aquaculture development, so there is a precedent.

On the theme of island proofing, I ask the minister to investigate why Shetland Heat Energy and Power’s treatment on rates appears to be at odds with the treatment of projects elsewhere in Scotland. That might not fall into his ministerial responsibility, but, even if it does not, I am sure



that my colleague Beatrice Wishart, as well as Shetland Heat Energy and Power, would welcome some clarification on that.

The bill makes sensible proposals on definitions and licensing. I echo the points about the benefits of having a consistent approach across the UK, which would point to Ofgem being the obvious choice as a licensing authority. However, on the question of conditions, I think that we can be bolder in the bill, and that can be done under the guise of consumer advice, which is devolved to the Parliament. I see no reason why the bill should not include more detail on licence conditions such as information about service, price, customer engagement and minimum standards. More importantly, CAS, Energy Action Scotland and the ombudsman also see no reason why that should not be the case.

During the passage of the Climate Change (Scotland) Act 2009, Scottish Liberal Democrats worked with others to deliver important amendments prioritising action on heat networks. We believe that setting stretching targets in the bill is again the right approach and the best way of achieving those ambitions, as WWF and others have argued. I look forward to working with the committee and the minister and his officials to make the necessary improvements at stage 2.

I confirm, once again, that Scottish Liberal Democrats will be happy to vote in support of the bill at decision time this evening.

**The Deputy Presiding Officer:** We come to the open debate.

16:37

**John Mason (Glasgow Shettleston) (SNP):** We face a number of challenges around heat. They include the need to decarbonise heat and the fuel poverty that many of our constituents face. Heat networks, and in particular district heating systems, definitely have a big part to play in tackling those challenges. I say in passing that I hope that we continue working on hydrogen as an option, using the existing gas pipework if possible. I find it tremendously exciting to hear about the H100 pilot project in Fife, although I accept that a lot of the technology on hydrogen is still at a relatively early stage of development.

I have been a member of the Economy, Energy and Fair Work Committee and its predecessors on and off since 2011. I was hugely impressed when, some time ago, we visited the University of St Andrews district heating system, which has its heat production facility at Guardbridge, some 4.6 miles away from most of the university buildings. The network is about 10.6km in length. Frankly, I had not realised that hot water could be transferred so far with such little loss in

temperature. I suspect that I am not unusual in not fully understanding the systems.

The committee found a bit of a disconnect between the undoubted public support for climate change reduction measures and the lack of awareness of the role of heat. When district heating is mentioned, some of us perhaps think of the sort of hugely inefficient Soviet-era system that Andy Wightman referred to, leaking steam and heat all over the place, with little or no control for the individual household. However, a modern district heating system is completely different.

In its response to paragraph 143 of the committee's report, the Government refers to a report entitled "Public awareness of and attitudes to low-carbon heating technologies: an evidence review", the findings of which include the fact that the two main factors that put people off low-carbon heating systems are the expected cost and uncertainty about performance. I guess that that will gradually be overcome as such systems become more common and more people have them or know other people who have them and are benefiting from them.

In my constituency, the Commonwealth games village was an extremely desirable housing development, with a mix of owner-occupied and social rented housing. Of course, it was built to a higher than normal specification and was subsidised, so it was very attractive to prospective residents. I suspect that most of them moved in despite the district heating system rather than because of it. We had various complaints early on, especially about the charging system. At least to start with, the heating charges were set to match traditional heating costs, because the operators did not know what the actual costs, such as the cost of long-term maintenance, would be. I do not think that we have had any complaints about the system recently.

The hope is that heat networks can be one way of reducing fuel costs and therefore fuel poverty, so I welcome the Government's response to paragraphs 131 and 132 of the committee's report, which recommended that that aim be made more explicit in the bill.

A related issue is how we will deal with the existing heat networks when the new licensing system comes into play. The committee raised that topic in paragraph 86, and I welcome the Government's response, which talks about possible exemptions, which could be time limited, the exclusion or modification of licence conditions, and the adaptation of fees.

Andy Wightman was particularly concerned that local authorities and communities should be as involved as possible with district heating. I have a lot of sympathy with that point of view, so I

welcome the Government's commitment to lodge an amendment at stage 2 to enable responsibility for the award of heat network consents to be transferred to local authorities if they wish that to happen.

There is a lot more that could be said—for example, about an obligation to connect and other issues—but I will leave it at that. Like the rest of the committee, I am very happy to support the general principles of the bill.

16:41

**Edward Mountain (Highlands and Islands) (Con):** I refer members to my entry in the register of interests.

It is interesting to take part in the debate as somebody who has not been involved in the committee process on the bill but has read some of the information that has come out. During my professional career as a chartered surveyor, I have witnessed the emergence of heating networks and have seen the practical benefits that they can bring.

As we all know, individual boilers take up significant space in homes and offices. Connecting up to a heating network means that people can remove not only the boiler, but the relevant alarms and the need for annual safety inspections. Overall health and safety can be improved, because the risk of fires and carbon monoxide poisoning is reduced or eliminated.

I believe that it is time for heating networks to be expanded, especially as the early adopters of such schemes have shown real promise. For example, in the Highlands, the Wick district heating scheme has been blazing the trail when it comes to delivering renewable and affordable energy. It is that energy that powers Caithness general hospital, Pulteney distillery, Wick assembly rooms and homes that are owned by Cairn Housing Association, which proves that such schemes are reliable and provide a sustainable source of heat for homes, businesses and our health service.

Although Wick is leading the way, Scotland has been falling behind when it comes to expanding heating networks. I believe that estimates suggest that only 1 per cent of Scotland's total heat demand is met by heating networks. Scotland has a long way to go when we compare the situation here with that in Denmark, where 63 per cent of households are powered by heating networks, or that in Finland, where such heating accounts for 50 per cent of the total heating market. I truly believe that the Scottish Government has missed a trick in not legislating sooner for heating networks, and I am pleased that its work in the area is now gathering momentum.

The Government promised to create a licensing body for heating networks back in 2013, but such a body has not yet been delivered. If the Government had done so, the industry could have accelerated its expansion, which would have helped to reduce carbon emissions and household bills even more. There has been a seven-year delay. In that time, how much heat has been generated by distilleries in Speyside and squandered by being pumped back into the rivers, thereby increasing river temperatures by two or three degrees?

**Paul Wheelhouse:** I am grateful to the member for giving way; I will not take much of his time. I very much agree with him about the need for pace. I do not disagree with that at all. I merely highlight that we, the UK Government and indeed colleagues in Northern Ireland have needed to emerge with a framework for consumer protection that works for all parts of the UK. I do not say that to criticise, but I hope that the member appreciates that that is an important part of what we are discussing today.

**Edward Mountain:** I thank the minister for that, and I agree. Whoever is slowing it down and wherever the slowness is, I will criticise those people, because it is a great scheme, as we have heard this afternoon.

The Economy, Energy and Fair Work Committee's report identifies that there is no formal role for communities or local authorities in planning and consent for heat networks. I am pleased to hear that the minister has taken steps to change that, because local democracy is an essential part of the planning process and it should never be undermined. Local communities should be involved at all levels.

If we are to reduce emissions and meet Scotland's climate change targets, we require a mixture of renewable energy solutions, and heating networks have a key role to play. I am delighted that my party and, it appears, all the other parties support the general principles of the bill, which is, I believe, long overdue.

16:46

**Richard Lyle (Uddingston and Bellshill) (SNP):** As ever, I begin by welcoming the opportunity to contribute to this important debate.

Scotland and, by extension, this Scottish Government have a proud record of taking world-leading action to address climate change and tackle fuel poverty, and the Heat Networks (Scotland) Bill paves the way for even greater action on those priorities. In passing the bill, Scotland will be the first country in the United Kingdom to legislate on the development of heat

networks in order to help to meet climate change targets and tackle fuel poverty.

The bill will introduce regulation and a licensing system for district and communal heating in order to accelerate the use of heat networks across Scotland. As many members will know, district or communal networks deliver heat from a central source through insulated pipes to local homes and other buildings, and they have the potential to reduce or remove emissions from the heating of buildings and homes across Scotland.

Heat networks are generally more efficient than individual gas boilers. They can be run wholly from renewable sources and they reduce the need for customers to procure and maintain their own boilers. Those are incredibly important elements of the bill. I will shortly outline why the fact that heat networks can be run wholly from renewable sources is particularly important given our global obligations to our climate.

As a member of the Economy, Energy and Fair Work Committee, I am particularly pleased that the committee has recommended that the Parliament agrees to the general principles of the bill, because it can make a difference.

We are facing a global climate emergency and we must reduce the emissions that are associated with heating our homes and businesses if we are to achieve our aim of net-zero emissions by 2040. One of the main challenges is to reduce and ultimately stop the impact from heating our homes and buildings, which is currently where more than half of the energy that we consume as a society goes.

In order to fully deliver on those ambitions, however, we need clarity from the UK Government on the future of the gas grid. In the meantime, Scotland will make full use of our devolved powers, and that will include the development of heat networks where they are appropriate. Heat networks will play a key role in supplying Scotland's heat in future, and the bill will create the circumstances that are needed to unlock the full potential of the sector and support its growth.

It is welcome that the proposals in the bill were developed based on recommendations from an expert group of industry, consumer group and local government representatives, and that they are in line with the statutory advice that was received from the Committee on Climate Change.

The benefits of heat networks are not only environmental. However, heat networks are often more efficient than individual fossil fuel heating systems, as I mentioned, and they can be run fully from renewables, recovered waste or surplus heat sources. They can allow the heat source to be changed to one that is compatible with Scotland's world-leading climate change targets without

further disruption to the heat users, and they have the capacity to reduce or remove the emissions associated with heating buildings. The Committee on Climate Change has recommended that heat networks should form a part of Scotland's future heat supply.

Heat networks can save space and remove combustion risk in buildings, and they have been shown to save householders and businesses up to 36 per cent of fuel costs, with consequent benefits for tackling fuel poverty and reducing costs faced by businesses and public bodies.

The Competition and Markets Authority found that costs for 90 per cent of heat network customers were similar to or less than the costs for those who used gas or electricity, and the evidence gathered for the impact assessments suggests that heat networks can result in fuel savings of up to 36 per cent.

The SNP Scottish Government has done much to support the sector in recent years. Between 800 and 1,000 heat networks are estimated to be up and running in Scotland. The bill marks the beginning of a transformational change as we seek to create a supportive market environment for the necessary expansion of our heat networks—an environment that supports the achievement of Scotland's target to deliver 11 per cent of non-electrical heat demand from renewable sources by 2020, and the Scottish Government's target that 50 per cent of all energy consumption should come from renewables by 2030.

Ultimately, these actions will contribute to our shared goal of dealing with our global climate emergency and creating the world we all want to see, which is sustainable and fit for our future.

**The Deputy Presiding Officer:** I have a little time in hand, so I am giving quizzical looks if members go over their four minutes. I am not upset.

16:51

**Daniel Johnson (Edinburgh Southern) (Lab):** Thank you for that reassurance, Presiding Officer. I speak on behalf of all members when I say that we do not like upsetting you at all.

**Members:** Hear, hear.

**Daniel Johnson:** I echo Edward Mountain's comment. As a non-committee member, one can feel a little like an interloper, especially on a subject such as this. I would say, however, that any debate that can take one from the poet Horace to skiing in Siberia is worthy of every member's consideration.

This area is of interest to me. One of the great privileges of this job is that we get introduced to areas with which we had perhaps not been familiar but which become very important and interesting to us. I am certainly very thankful to David Somervell and Transition Edinburgh who, early on in this parliamentary session, invited me to a briefing that outlined the early progress that the University of Edinburgh had made in developing heat networks.

As members may or may not know, the University of Edinburgh has three combined heat and power pumps across its campus, the first of which was installed in 2000. In basic terms, they have been able to improve the university's energy efficiency by more than a third, partly through the more efficient use of heat from power generation but also through the reduction of power loss by having power generated immediately next to where it is consumed. That has generated savings in excess of £1.5 million a year for the university.

That is not the only such scheme in or close to my constituency. Slateford Green, which is a housing association development of 60 flats in my constituency that was developed in 2000, had a heat network built as part of it. Tynecastle school, which is just outside my constituency, is heated using waste energy from the Caledonian brewery, which is much in line with the distillery schemes that Edward Mountain alluded to.

Despite the progress that we have had in Scotland and the benefits that have been outlined, heat networks provide only 1 per cent of Scotland's heating. It is imperative that we do better and that we improve our ability to heat our homes in an energy-efficient way. Quite simply, as Andy Wightman pointed out, Scotland is cold. The fact that CO<sub>2</sub> emissions from heating our homes are a quarter of our total emissions, as Claudia Beamish set out, is something that we have to tackle.

The improvements that we gain from efficiencies decline, so we need investment and infrastructure if we are going to remove gas boilers from our homes. In our cities in particular, heat networks can be an incredibly valuable part of that. The bill is therefore welcome. It provides a framework for the construction and running of heat networks, and it is a necessary starting point.

As has already been said, there is concern that the bill is permissive rather than enabling. I was encouraged by the minister setting out the range of other measures that the Scottish Government is seeking to take forward so that the bill is not simply a single shot but is part of a suite of initiatives. However, we need to go further.

If the University of Edinburgh example points to anything, it is that efficiency and carbon neutrality

can go hand in hand in addressing fuel poverty. It is clear that, if savings of a third can be passed down to all consumers and communities, that will be advantageous as we seek to tackle fuel poverty.

The committee convener's contribution was remarkable for a great number of reasons. Not least, I was struck by his conversion to municipal socialism. The example of Denmark and the way in which such schemes work in Scandinavian countries is important. We do not want large corporate investment that does not pass on benefits to our communities. The schemes work best when they are owned and controlled by local communities.

**Andy Wightman:** I am very glad that Daniel Johnson mentioned that. Does he agree that what we are seeing in countries such as Denmark is an example of municipal enterprise, not socialism?

**Daniel Johnson:** By the means of our collective endeavour, we achieve more than we do alone. I do not care much if we want to call that municipal socialism or co-operative enterprise; it sounds like a good thing.

I am encouraged by the sentiments from all parties across the chamber that we should build on the bill, build a means of building heat networks so that all communities benefit, tackle climate change and tackle fuel poverty.

16:56

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** I think that Daniel Johnson has just condemned Gordon Lindhurst to banishment by describing him as a municipal socialist—but there we go.

I welcome the chance to say a few words in this stage 1 debate on the Heat Networks (Scotland) Bill. Before I say anything about the bill, it is worth saying something about the public perception—or the lack of perception—of what this is really all about. If members talk to constituents about heat networks and why the Parliament is legislating on them, they are unlikely to get a great deal of acknowledgment or even much awareness of what networks are and why we are legislating. Therein lies a problem for all of us as we take the bill forward. The help of all MSPs is needed to start to bring these matters to the attention of our electorate.

We are talking about a system of supplying heat that involves hot water or steam being piped to networks that connect to our houses. It does away with central heating boilers that burn gas to heat our homes, which most of us have. That is it in a nutshell. We have to start a discussion with the

public at large about how we and they can go about all of that.

The aims and reasons behind the idea are clear enough. As many members have reminded us, we face a climate emergency and we need to reduce the emissions that are associated with our domestic homes if we are to make good progress towards our target of net zero emissions over the next 20 years.

During the committee's evidence sessions, we heard that half of Scotland's entire energy consumption was to create heat, with over 80 per cent of all our houses dependent on gas. We have also heard that about 50 per cent of Denmark's entire heat demand is met by district and local heat networks. In Scotland, the figure is only about 1 per cent—I think that that is similar to England's figure. We know that, for a variety of reasons, Denmark started off on its journey much earlier than we were able to. The challenge is formidable, but the prize can be even greater.

The bill is mainly technical, but it has a number of key provisions that are essential to allow us to begin the process. It starts us off on the necessary journey of regulating the heat network sector by creating a licensing system that heat network operators will be bound by. That provides for consumers the essential protection that those operators are fit and proper companies to deliver those services.

The bill also creates a consent system to make sure that local factors and local assets are taken into account before the approval of any new developments, although there was some discussion in the committee about the extent to which the public themselves may be able to give such consent. The bill will also allow us to identify potential heat network zones in which it would be appropriate to establish a heat network. Among a few other provisions, it will also require public sector building owners to assess the potential of their estate to connect to a heat network so that they can begin to make progress in that regard.

One of the issues that came up was who the regulator for the sector should be. The discussion centred around Ofgem, which is a statutory body that was established under UK legislation. It is fair to say that everyone, including the Scottish Government, I believe, was happy for Ofgem to provide those regulatory duties for us, provided that it applies whatever the Scottish ministers determine as appropriate criteria for the sector here in Scotland.

There was also a discussion about licensing, including the regime to be put in place, and who the licensing authority should be. There was a good bit of discussion about whether Ofgem could, or should, occupy both the regulatory and

licensing roles, and whether there would be a conflict if it did so. It would be worth while hearing the minister's further thoughts on those key duties and how we best set up and support those functions.

I will end where I started. In engaging with the public on such important work, local people will want to be involved and not feel that things are being done to them. We need to provide the means by which local people can participate in the whole transition to heat networks and feel that their interests are at its heart. They will want to know more about how existing systems in their homes could be decommissioned, and whether any support will be available to help with that transition. People will also want to know that what we end up with is not only better for the environment but much more efficient and cost effective for their homes and families.

I am happy to support the bill at stage 1.

17:02

**Dean Lockhart (Mid Scotland and Fife) (Con):**

It is perhaps fitting that we are having this debate while many parts of Scotland are seeing the first snow of winter.

I was a member of the Economy, Energy and Fair Work Committee when it started gathering evidence on the Heat Networks (Scotland) Bill, but I left the committee before the report was published, although I confirm that there was no connection between those two events. I thank the clerks for all their hard work, not only on the bill but across a wide range of topics over the four years that I was a member of the committee.

As Gordon Lindhurst said, it is a technical bill and my colleague Alexander Burnett demonstrated that, when it comes to the technical details of the bill, he knows his onions. As he said, the bill covers a wide range of policy areas, including fuel poverty, climate change and delegated powers to local authorities. It is those areas that I will briefly touch on today.

The minister gave his commitment that fuel poverty was an "absolute priority" in the development of the bill. However, the evidence of Citizens Advice Scotland was compelling about the limitations of the bill when it comes to addressing fuel poverty. CAS said that the bill

"cannot guarantee lower fuel costs for heat network consumers as it does not have competency over pricing."

It also said that

"the Bill cannot oblige heat networks to publish their tariffs so that consumers can compare what they are paying in the same way gas and electricity consumers can"

at the moment. It said that

“while heat networks are ... able to provide lower cost heating, ... consumers will not be guaranteed that”

that lower cost will be passed on for their benefit.

To be fair, not all those powers are in the minister’s gift. In his response to the stage 1 report, and in his opening remarks today, he undertook to consider what changes could be made at stage 2 to make the bill more explicit with regard to how heat networks will contribute to reducing fuel poverty. That is all very welcome.

As other members have said, addressing the fuel poverty issue will be an important part of developing the bill and ensuring that it has effective outcomes. Therefore, I encourage the minister to carefully consider the evidence that was given by Citizens Advice Scotland on that matter.

Outside of the bill, I know that the minister is working on other policy measures to address fuel poverty. However, it is now more than three years since we heard an announcement about the publicly owned energy company, which was announced as the primary answer in addressing fuel poverty in Scotland. Again, I know that the minister has been working hard to turn that announcement into a feasible working plan; perhaps in his closing remarks he will provide an update on when in the near future we might see the publicly owned energy company. For the record, and to continue the collegiate nature of the debate, I do not hold the minister himself wholly responsible for the delays in that policy, because I suspect that its announcement was cobbled together by a special adviser in order to grab headlines for the announcement of the programme for government. Perhaps the minister will confirm whether that was the case.

The second area of concern that I want to highlight is the support that local authorities will require in order to implement the legislation. Paragraph 181 of the report rightly states that

“The importance of the role of local authorities ... should not be underestimated”

in delivering targets.

The minister told the committee that he wants to “strike the right balance” between local authorities having the necessary powers and the Government giving them the necessary resources. A significant number of respondents gave feedback in the consultation to suggest that local authorities lacked the necessary resources and the necessary expertise to deliver the proposed targets that were set out for heat networks. In their written evidence to the committee, Glasgow City Council and Highland Council warned that

“Care must be taken not to overload local authorities”

in delivering targets. I will conclude on that point. Local authorities have done a tremendous job in responding to the Covid crisis and I think that we would all encourage the minister to make sure that they have all the necessary additional support, resources and expertise that are required to implement the proposals.

I am happy to support the bill’s general principles at stage 1.

**The Deputy Presiding Officer:** I call Colin Beattie, to be followed by Bob Doris. *[Interruption.]* I think that you are on mute, Mr Beattie. While we are waiting for things to be sorted at that end, I call Bob Doris.

17:07

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** It is just as well that I was paying attention, Presiding Officer.

I am pleased to speak in the debate and to highlight the very real opportunities to boost consumer protection that the licensing of heat networks, which is the central aspect of the bill, may bring.

The minister knows that I have a direct constituency interest in the matter. In November 2019, he visited Maryhill to hear about the issues facing residents of the Wyndford estate in my constituency, which are referenced in paragraph 133 of the committee’s report.

Households in Wyndford receive their heating and hot water through a heat network. Such households have less protection than energy customers; that is clear. My office was contacted by many households who were about to be disconnected or were seeking to get their supply reconnected. In what should have been a flagship scheme, residents had been cut off by SSE due to arrears—which were often disputed, it has to be said—for heating and hot-water charges. There were issues around SSE’s punitive £274 reconnection fee and the high level of the up-front payment—routinely of around 50 per cent of the debt owed—that it required before a household could be reconnected.

In the run-up to Christmas 2018, my office, along with Glasgow North West Citizens Advice Bureau, secured some reconnections by persuading SSE to show flexibility, and I warmly welcomed the actions that SSE took at that time. At the height of the situation, 121 households were disconnected, but the figure dropped to 46.

I very much hope that the licensing regime in the bill, along with the wider UK consumer protection framework that we have heard much about, can drive up the consumer experience, so that the situation in the Wyndford estate is not

repeated in future. I want to be clearer about how that can happen and what needs to go in the bill to drive that expectation.

One of the key issues that customers in Wyndford faced was the daily accrual of debt through standing charges, even if they did not use heating or hot water. Low-usage households were particularly impacted. SSE was persuaded to introduce a low-usage, low-income tariff without daily standing charges—it was not ideal, but it was better than what had been in place. The definition of what constituted a vulnerable household was too narrow, and SSE extended the criteria to include households with children under five. I pay tribute to the Wyndford tenants union, which persuaded SSE to increase the threshold for residents seeking to qualify for the low-usage tariff, and which drove further changes to the criteria for access to that tariff.

I am keen to ensure that there is suitable regulation and levers of influence in the bill and the licensing regime so that, for example, reconnection fees are not a barrier to reconnecting constituents to heating and hot water, and that companies' repayment plans are not unreasonable.

More important, there should not be disconnections in the first place, of course, and there should be a fair and consistent approach to protecting vulnerable groups. Standing charges accrue daily for users of heat networks, and we should remind ourselves that they also pay standing charges for electricity. We must not penalise users more generally and certainly not low-usage, low-income households.

In paragraph 135 of its stage 1 report, the committee wanted clarity about what the bill can do to drive that kind of change—and it is that kind of change that I would be hugely supportive of in the bill. I want to be very clear about how the bill will improve the lot of people on the Wyndford estate in my constituency and across Scotland in relation to existing heat networks, as well as how it will drive more heat networks, which we all want to see.

17:11

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** Tackling our need to decarbonise heating systems must be a major priority for us all. To date, we have been fairly successful in decarbonising our electricity needs through wind farms and other renewable sources, but a comprehensive solution to decarbonising our heating has been more elusive.

We are facing a global climate emergency and we need to think of innovative ways to reduce the emissions that are associated with heating our

homes. Heat networks will have a key role to play in supplying Scotland's homes with heat in the future, and that is why we need to focus on unlocking the potential of the sector and supporting its growth. Heat networks have a huge potential to reduce our carbon emissions and provide a more efficient and environmentally friendly way of heating our homes. I was happy to take part in the Economy, Energy and Fair Work Committee's evidence taking in this key area.

The subject is very close to my heart, as I have long advocated making better use of our natural resources to provide the energy that is needed to run our heating systems. I give my constituency of Midlothian North and Musselburgh a quick plug. We have an abundance of flooded mine shafts, which creates the opportunity to develop geothermal energy from the water that they contain and to provide my constituency with jobs and relatively cheap heating sources.

I would like to highlight one or two points that arose from the evidence that the committee gathered. First, given the landscape around the opportunity to develop local heat networks, we need to consider carefully the likelihood that a variety of different designs and technologies will arise, depending on the heat source and the mode of extraction. It is vital that all those designs and technologies are capable of talking to one another and integrating at a national level. Although we are talking about "local" heat networks, it is important that they do not operate in isolation.

The committee had concerns about the regulatory framework and we need to consider whether there needs to be a Scottish regulator or whether Ofgem could be modified to take up the task—that issue is still to be resolved.

Companies investing in local heat networks would enjoy a virtual monopoly that might last as long as 20 or even 40 years as they recovered their costs. I emphasise the importance to consumers of a monitoring or price-matching system to ensure value for money and prevent excessive price hikes.

Fuel poverty is a real concern and is likely to feature more prominently, given our current economic situation. Evidence from the BRIA shows that heat networks can lead to fuel savings of up to 36 per cent. There are already many Scottish Government investments in the area, such as the heat networks early adopter challenge fund, and we need to ensure that such funds are utilised to support the transition to achieving net zero emissions by 2040.

I was pleased to hear the minister's commitment that local councils and communities would be completely involved in the development of heat networks. Given the likely impact on local

employment, the environment and energy supplies, there needs to be solid local buy-in for projects to be a success—and I am not talking about the contrived local consultations that have been the norm in some places; we need consultations that actively promote participation.

I foresee difficulties in implementing local heat networks where multiple landowners and stakeholders with conflicting interests are involved. The possibility of compulsion exists, but I am ambivalent about whether that is the best route to take in the interests of the wider community. There is an attraction in resolving issues in that way, but it can also create hostility and problems among local residents, so a form of statutory negotiation—with compulsion as the back-up position—might be the best solution. We might need to consider the all-too-common situation of there being no clear ownership of a necessary piece of land—compulsory wayleaves or purchase are obvious solutions.

Overall, the committee carried out a thorough and comprehensive investigation into local heat networks, which is particularly commendable given the disruptions that have been caused by Covid-19 and its fallout. The Scottish Government has been keen to review all the points that have been raised with it, which will result in effective and workable legislation, enabling Scotland to take the lead in developing the abundance of opportunity that is available.

I am happy to support the bill at stage 1.

17:16

**Lewis Macdonald (North East Scotland) (Lab):** As members have said, the Heat Networks (Scotland) Bill is a welcome and long-awaited development. Today's debate has shown that there is broad support for its general principles. There is also consensus that the bill will need to be amended substantially if it is to achieve the desired results, and I am glad that the minister has acknowledged that so clearly today.

Local councils already play a number of roles in relation to district heating, whether as investors in networks, customers, landlords of customers or partners with commercial or not-for-profit network operators. The bill gives councils new responsibilities, and it is important to get those right from the start. I am glad that there now appears to be broad agreement that councils should be consenting authorities if they wish to be so. They are also critical to delivering the engagement of the communities that they represent.

The bill rightly promotes carbon reduction and increased energy efficiency, which are key public policy objectives, but currently makes no mention

of fuel poverty. Therefore, it is welcome that the Government is intent on embedding the tackling of fuel poverty in parts of the bill. The bill should go beyond merely mentioning fuel poverty and should actively and positively encourage heat networks to be designed expressly to address it.

Evidence to the committee at stage 1 proposed that tackling fuel poverty should be a statutory consideration for local councils in deciding whether and where to designate heat network zones, and I hope that that is one of the areas that the minister is looking at with regard to addressing fuel poverty in the bill.

If we are to achieve a just transition to a low-carbon economy, carbon reduction and increased energy efficiency must go hand-in-hand with fuel poverty reduction. The opportunity that the bill offers to put all those objectives on an equal footing should not be missed.

The bill requires the availability of waste heat and renewable sources of energy to be taken into account, but they are not the only possible options.

If we succeed in putting new heat networks in place, they will undoubtedly help Scotland to meet the challenge of climate change but, first, we need to get the networks built. Once they are there, in the ground and in people's homes, the source of energy and the technology employed can be changed at source without disruption to the end user, unlike more conventional technologies, such as gas central heating.

In the north-east of Scotland and elsewhere, a huge amount of investment is already being made in hydrogen, in the hope that it can replace hydrocarbons in the existing gas grid. Hydrogen might be a key fuel for future heating networks, too, although it is not there yet.

The bill must not get in the way of that, or of any other switch in fuels in future, by overspecifying what types of sources should be taken into account in designating and developing heat network zones in the short term.

The economics of network development also require a degree of certainty before the pipework is put in place and the investment is made. If a network is built up to the perimeter of a potential anchor-load building, there is currently no obligation on the operator of that building to connect, even if it is in a designated heat network zone. That lack of obligation potentially creates a high level of risk for the network operator. As Michael King of Aberdeen Heat & Power told the committee, there should at least be an obligation on owners of anchor-load buildings to explain their reasons if they choose not to connect. Such a statutory obligation would certainly concentrate the mind.



Finally, the bill can and should address the issue of community engagement. Currently, network customers rely on the efficiency and prudence of their network operator. If networks are built as purely commercial undertakings—as envisaged by the bill—there is an obvious risk that the interests of the operators and those of the customers could diverge over time.

As Ombudsman Services suggested, and as Claudia Beamish and Liam McArthur mentioned, better accountability of operators to customers is an alternative approach that could be achieved through requiring the provision of consumer advice, as opposed to consumer protection, and could make such provision a licence condition for new network operators.

I have followed the fortunes of Aberdeen Heat & Power since it was set up as a not-for-profit company in 2002, with a mission to reduce fuel poverty and cut carbon emissions. It supplies over 3,000 tenants in 50 high-rise blocks, and many public buildings besides, making AHP the largest operator of its kind, not just in Scotland, but anywhere in the UK. Clarity about the impact of the bill on existing networks is therefore important. The bill will allow other parts of Scotland to follow that lead, and so it is to be welcomed. The bill can be improved, and Labour looks forward to that being done as it proceeds through Parliament.

17:21

**Graham Simpson (Central Scotland) (Con):** I am glad that I turned up today, because the debate has been very interesting. On the face of it, that might not have been expected, but there have been some very interesting speeches and I thank everyone who has taken part. We started with Gordon Lindhurst gushing like mad about the minister—we will have to have words with Mr Lindhurst about that. We discovered that Mr Lindhurst has a new role as a municipal socialist. I suggest that, for his next holiday, Mr Lindhurst could go with Andy Wightman to Russia—I am sure that the two comrades would make a very happy couple.

**Daniel Johnson:** Is the member proposing to send his colleague to the gulag? It sounds rather like it.

**Graham Simpson:** It has often been suggested. [*Laughter.*]

**Gordon Lindhurst:** The assumption is that we are not in a gulag already.

**Graham Simpson:** Let us get serious now. I was struck by Alexander Burnett's speech. It is good to hear from someone who has hands-on experience of heat networks and I hope that the minister listens to him. The minister should

consider Mr Burnett a critical friend—he was genuinely trying to be positive.

The bill was introduced on 2 March and provides for a regulatory and licensing system for district and communal heating, to accelerate its use in Scotland. That would be a good thing. We can easily see how there might be issues for consumers if there were no regulatory back-up. The bill is an inherently good idea, but, as Citizens Advice Scotland has said, it is limited in what it can do. There are currently very limited consumer protections in place for heat network consumers. Consumer protection powers are reserved to the UK Government. The Scottish Government therefore cannot legislate for those, although it can introduce a licensing system.

I have thought about the issue a lot in regard to buyers of newly built homes. They, too, have few protections if things go wrong. People need to be protected, so it is encouraging that the UK Government is considering a framework for consumer protection in that area. It needs to get on with it. Once someone has signed up to a heat network, they could be tied to a provider for a long time; essentially they are off grid and unable to switch supplier if the price gets too high or they are not happy with the service. Claudia Beamish mentioned that issue.

What does the bill do? As we have heard, it is a pretty hefty bill. There are seven parts to it, and I will go through them quickly, because no one has yet done so. Part 1 provides key definitions, sets out a requirement for a heat networks licence and makes it an offence to supply thermal energy through a heat network without a relevant licence; part 2 establishes the heat network consent process for specific projects; part 3 places a duty on councils to consider undertaking the designation of heat network zones; part 4 builds on the designation of heat network zones by allowing ministers to award a heat network zone permit; part 5 places a duty on public sector building owners to assess the viability of connecting their building to a heat network; part 6 provides heat network licence holders with various special rights and powers; and part 7 requires that ministers identify the key assets of each heat network consent application that they receive. Heat networks have the potential to play a significant role in the green recovery and the just transition.

As I said at the start of my speech, there were a number of really good contributions from members. I slightly joked about Mr Wightman's visit to the Soviet Union, but he saw at first hand the heat networks there, and he rightly spoke about fuel poverty. Liam McArthur mentioned the pioneering work that is being done in Orkney and the islands. John Mason mentioned his

constituency experience in relation to the Commonwealth village.

Edward Mountain talked about the benefits of not having a boiler; that was also mentioned by Richard Lyle. Daniel Johnson, who is always interesting to listen to, talked about the heat networks at the University of Edinburgh and elsewhere in the city. Bob Doris—thankfully, minus his moustache—talked about the problems that his constituents had when they got disconnected from a heat network, which is clearly a potential issue.

The committee raised a number of questions with the minister, to which the minister responded positively. There will be a lot of work at stage 2, and I will be on the committee that will deal with that. There is work to be done, but we welcome the general principles of the bill. I look forward to dealing with the bill, in conjunction with other members and the minister, at stage 2.

17:27

**Paul Wheelhouse:** I thank all members for their contributions to today's debate. I particularly thank Gordon Lindhurst for probably ending my career by giving me so much praise in the early part of his speech.

I will use my closing remarks to respond to a number of the points that were made today, as well as to set out our intended approach to the remaining stages of the bill, and beyond, should the Parliament agree to its general principles, which I am grateful to say looks likely.

First, I will briefly recap on the need for the bill. I appreciate that there are challenges in delivering the bill. We are addressing a number of issues collectively and constructively with members across the chamber. We should not forget that the Parliament is taking on quite a task. This is a complex area. We all agree—including Mr Burnett, who is delivering heat networks—that the bill is badly needed. We are the first country in the UK to take such a bill through the parliamentary process. That is not to say that other Administrations across the UK are not looking at the issue—they are—but we are, in some ways, trialling the legislation, and I hope that some of the measures that we take will benefit others thereafter.

As we have heard, the bill represents a chance to unlock and enhance the latent potential of the heat networks sector in Scotland. I repeat Richard Lyle's point that we have had fantastic input from the expert working group and stakeholders in shaping the bill. The input has not purely come from me, as someone who does not benefit from a heat network and has not built one; we have benefited from those who benefit from heat networks and those who have built them. We have

taken on board the lived experience of people in the sector.

It is absolutely necessary that we pass the bill. As we have heard, only about 1.5 per cent of properties in Scotland are connected to a heat network, although there are some tremendous examples of such networks around Scotland, as we heard from Daniel Johnson, John Mason and Lewis Macdonald. My colleague Kevin Stewart is very familiar with Aberdeen Heat & Power and has previously filled me in on its work.

I was struck particularly by the networks around the University of Edinburgh that Daniel Johnson mentioned. We are not just talking about domestic projects; that project is benefiting a major institution in Scotland's capital and it is great to hear about the savings that have been made for the university that mean money going into education for the public's benefit.

All the Administrations across the UK would agree that we have to do better, and the bill is essential in providing the framework to do that. We know that renewable and low carbon heat networks are one of the technologies that we will need to install in order to remove the emissions that are caused by heating in our buildings. Willie Coffey rightly cited the figure that more than half of the energy that we consume is required to provide heat. We know that we will need to focus particularly on those systems during the remainder of the decade if we are to contribute to the interim targets set in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

Denmark's experience was cited by a number of members, including Andy Wightman and Willie Coffey. The trigger for its massive expansion of heat networks was the energy crisis during the early part of the 1970s. We are not facing an energy crisis, but we are facing a climate crisis and I hope that the need to act quickly will help us to power forward and develop networks at pace. I need to be honest with the Parliament and say that it will be challenging to achieve the level of coverage that Denmark has, and there are a number of geographic and demographic reasons for that, but I think that we can outperform the 17 per cent upper end of the range that is being cited, although it will require concerted action from all parties.

I am pleased to note the broad agreement that we have heard in today's debate about the role of heat networks and the role that this bill, in particular, can play. As I say, the bill could be an example of an area over which our Parliament can come together as a collective in support of a shared objective, and do a good job in doing so.

In that spirit, I welcome the Economy, Energy and Fair Work Committee's helpful stage 1 report.

We have genuinely endeavoured to take on its recommendations, including through making commitments to amend the bill. I am pleased that that has been welcomed by members in the chamber today.

I trust that the changes that I outlined at the beginning of the debate in our response to the report will also be welcomed by stakeholders. As I said in my opening statement, I want the bill to be one that we can all be proud of, and I genuinely mean that. I am therefore happy to take any opportunity to co-operate with members and listen to any constructive suggestions that they might have to strengthen the bill, to benefit from the experience of those who have developed and delivered heat networks, and to hear from members who are concerned about fuel poverty, local engagement, community awareness and other matters that have been raised today.

I have listened closely to the issues that have been raised today and I will try to respond to a few of them in the time that I have available to me. One of the main issues that was raised in the chamber today was about community involvement in decision making. Colin Beattie, John Mason, Liam McArthur, Andy Wightman, Edward Mountain, Claudia Beamish, Dean Lockhart, and Lewis Macdonald all mentioned that—I apologise if I have missed anyone off that list. It is one of the most important issues that was raised today and, under the bill as introduced, local authorities will be able to designate heat network zones within their local areas, a measure which one witness described in their written evidence as the biggest enabling feature within the bill.

I also note the committee's desire for the balance of powers between the Scottish ministers and local government to be modified over time, and we intend to do that. I should state that our starting point for developing the bill was largely influenced by the situation in Norway, which is a more centralised model, but we are listening to the aspirations of the Parliament and we are reflecting that in our approach. The points raised in the debate re-emphasise the importance of that issue, and, as I set out in my opening statement, we intend to amend the bill at stage 2 in response.

Alongside that, we have committed to lodging an amendment that will require developers to submit evidence of real engagement alongside the heat network consent application, and provide powers for the Scottish ministers to issue guidance on effective community engagement. I hope that members can see my commitment to further strengthening local involvement in decision making within the regulatory system.

Many members have mentioned fuel poverty today, and I recognise that it is a very important issue. I reassure members that, although the bill

as introduced does not specifically mention fuel poverty, it is our intention that the heat network developments should be deployed to eradicate fuel poverty in Scotland where possible. In that respect, the not-for-profit model was discussed by Andy Wightman, and Daniel Johnson and Dean Lockhart asked about a public energy company. We continue to work on that and some of the issues that have been talked about in today's debate are very much the issues that we are now trying to take on board. We are looking at changing the utilities market, rather than preparing a company to deliver today's utility market, and we are looking at heat as a service. There could be a role for a public energy company also to provide heat networks. I give the commitment that we are still working on the issue and taking it seriously. I will happily engage further with members on that matter as time goes on.

We will also be happy to provide details of the work that we are doing with the Scottish fuel poverty advisory panel in developing the relevant amendments on tackling fuel poverty that we wish to include in the bill. Prior to stage 2, we will engage with members who have a strong interest in that.

Presiding Officer, how much time do I have left?

**The Deputy Presiding Officer:** How much are you asking for?

**Paul Wheelhouse:** As much as I can get.

**The Deputy Presiding Officer:** I will give you a minute.

**Paul Wheelhouse:** In that case I will not be able to respond to some of the points that have been raised.

I will come back on the real rights issue, which was raised by Gordon Lindhurst. We are taking steps to amend the bill to address that. We must ensure that our approach is not disproportionate and that it does not act as a cost deterrent to projects. We are working with Registers of Scotland to ensure that licence holders would be required to make information about wayleave rights publicly available. We commit to a consultation on how that requirement will be implemented so that we hear the views of all the parties that are interested in that complex area.

I hope that these and my earlier comments will give the Parliament confidence that we are listening to stakeholders and members as we consider the provisions of the bill. We will plan secondary legislation. We do not intend to pre-empt the parliamentary process, but we have begun initial work to inform the development of regulations so that we can put the new regulatory system in place as quickly as possible and so that we can support the deployment of investment in

the sector, should the bill be passed. Our response to the stage 1 report gives more detail about that work.

I hope that my remarks are helpful to members. I will try to communicate more with members about the issues that have been raised today. I repeat my commitment to meet interested members ahead of stage 2 to allow further opportunities to discuss the provisions of the bill and, in considering their support for the general principles of the bill, I ask members to bear that commitment in mind.

The bill seeks to address two crucial issues: climate change and fuel poverty. I thank members for their generous remarks today and for their supportive contributions to the debate. I hope that all members feel that they can get behind the bill and that they will vote in favour of the motion. I invite members to support me in agreeing to the principles of the Heat Networks (Scotland) Bill so that we can move to detailed consideration at stage 2.

**The Deputy Presiding Officer:** That concludes the stage 1 debate on the Heat Networks (Scotland) Bill.

## Heat Networks (Scotland) Bill: Financial Resolution

17:37

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is consideration of motion S5M-23140, on the financial resolution on the Heat Networks (Scotland) Bill. I call Ben Macpherson to move the motion.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Heat Networks (Scotland) Bill, agrees to—

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

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

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

## Parliamentary Bureau Motions

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is consideration of two Parliamentary Bureau motions. I call Miles Briggs to move motions S5M-23574 and S5M-23589, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on committee membership.

### *Motions moved,*

That the Parliament agrees that the following change to committee membership will apply from 7 December 2020—

Neil Bibby to replace Anas Sarwar as a member of the Public Audit and Post-legislative Scrutiny Committee.

That the Parliament agrees that—

Gordon MacDonald be appointed to replace Gail Ross as a member of the Local Government and Communities Committee;

Gail Ross be appointed to replace Willie Coffey as a member of the Public Audit and Post-legislative Scrutiny Committee;

Christine Grahame be appointed to replace Annabelle Ewing as a member of the Culture, Tourism, Europe and External Affairs Committee; and

John Mason be appointed to replace Shona Robison as a member of the COVID-19 Committee.—[*Miles Briggs*]

**The Deputy Presiding Officer:** The question on those motions will also be put at decision time.

## Decision Time

17:37

**The Deputy Presiding Officer (Christine Grahame):** There are four questions to be put as a result of today's business. The first question is, that motion S5M-23014, in the name of Christine Grahame, on the Solicitors in the Supreme Courts of Scotland (Amendment) Bill, be agreed to.

As the motion is on a bill, we must move to a vote. I suspend the meeting to allow members to access the digital voting system.

17:38

*Meeting suspended.*

17:44

*On resuming—*

**The Deputy Presiding Officer:** I ask that members now vote on motion S5M-23014, please.

### **For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Ind)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)

Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wells, Annie (Glasgow) (Con)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division on motion S5M-23014, in the name of Christine Grahame, on the Solicitors in the Supreme Courts of Scotland (Amendment) Bill, is: For 109, Against 0, Abstentions 0.

*Motion agreed to,*

That the Parliament agrees that the Solicitors in the Supreme Courts of Scotland (Amendment) Bill be passed.

**The Deputy Presiding Officer:** The next question is, that motion S5M-23564, in the name of Paul Wheelhouse, on the Heat Networks (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the general principles of the Heat Networks (Scotland) Bill.

**The Deputy Presiding Officer:** The next question is, that motion S5M-23140, in the name of Kate Forbes, on the financial resolution on the Heat Networks (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Heat Networks (Scotland) Bill, agrees to—

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

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

**The Deputy Presiding Officer:** I propose to ask a single question on the two Parliamentary Bureau motions, unless any member objects.

As no member objects, the question is, that motions S5M-23574 and S5M-23589, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, be agreed to.

*Motions agreed to,*

That the Parliament agrees that the following change to committee membership will apply from 7 December 2020—

Neil Bibby to replace Anas Sarwar as a member of the Public Audit and Post-legislative Scrutiny Committee

That the Parliament agrees that—

Gordon MacDonald be appointed to replace Gail Ross as a member of the Local Government and Communities Committee;

Gail Ross be appointed to replace Willie Coffey as a member of the Public Audit and Post-legislative Scrutiny Committee;

Christine Grahame be appointed to replace Annabelle Ewing as a member of the Culture, Tourism, Europe and External Affairs Committee; and

John Mason be appointed to replace Shona Robison as a member of the COVID-19 Committee.

*Meeting closed at 17:45.*

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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