



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Thursday 24 April 2014

Session 4

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**Thursday 24 April 2014**

**CONTENTS**

	<b>Col.</b>
<b>GENERAL QUESTION TIME</b> .....	30089
Oil and Gas Revenues (Forecasts) .....	30089
Scottish Enterprise Chief Executive (Meetings) .....	30091
Healthcare Improvement Scotland (Meetings) .....	30092
Alternatives to Superfast Broadband.....	30092
Levenmouth Rail Link .....	30093
Edinburgh Airport (Weekend Flights) .....	30094
College and University Places (Fee-paying Foreign Students).....	30095
Renewable Energy (United Kingdom Share) .....	30096
<b>FIRST MINISTER'S QUESTION TIME</b> .....	30098
Engagements.....	30098
Prime Minister (Meetings).....	30101
Food Poverty .....	30103
Gender Equality Gap .....	30104
Red Road Flats Site .....	30106
Scotland's Labour Market Conditions.....	30107
<b>SCOTTISH FIRE AND RESCUE SERVICE (EMERGENCY CONTROL ROOM CLOSURES)</b> .....	30110
<i>Motion debated—[David Stewart].</i>	
David Stewart (Highlands and Islands) (Lab).....	30110
Mike MacKenzie (Highlands and Islands) (SNP) .....	30113
Graeme Pearson (South Scotland) (Lab).....	30114
Mary Scanlon (Highlands and Islands) (Con).....	30116
Elaine Murray (Dumfriesshire) (Lab) .....	30117
Liam McArthur (Orkney Islands) (LD).....	30119
Lewis Macdonald (North East Scotland) (Lab).....	30121
Jamie McGrigor (Highlands and Islands) (Con) .....	30123
The Cabinet Secretary for Training, Youth and Women's Employment (Angela Constance).....	30124
<b>HOUSING (SCOTLAND) BILL: STAGE 1</b> .....	30128
<i>Motion moved—[Margaret Burgess].</i>	
The Minister for Housing and Welfare (Margaret Burgess).....	30128
Maureen Watt (Aberdeen South and North Kincardine) (SNP).....	30133
Mary Fee (West Scotland) (Lab) .....	30137
Alex Johnstone (North East Scotland) (Con) .....	30140
Gordon MacDonald (Edinburgh Pentlands) (SNP).....	30142
Mark Griffin (Central Scotland) (Lab).....	30144
John Mason (Glasgow Shettleston) (SNP).....	30147
Malcolm Chisholm (Edinburgh Northern and Leith) (Lab).....	30149
Jim Eadie (Edinburgh Southern) (SNP) .....	30151
Jim Hume (South Scotland) (LD).....	30154
Bob Doris (Glasgow) (SNP).....	30156
John Lamont (Ettrick, Roxburgh and Berwickshire) (Con) .....	30158
Marco Biagi (Edinburgh Central) (SNP) .....	30159
Alex Rowley (Cowdenbeath) (Lab).....	30161
Sandra White (Glasgow Kelvin) (SNP).....	30163
Patrick Harvie (Glasgow) (Green) .....	30165
Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP) .....	30167
Sarah Boyack (Lothian) (Lab).....	30169
Alex Johnstone .....	30171
James Kelly (Rutherglen) (Lab).....	30174
Margaret Burgess .....	30176

<b>HOUSING (SCOTLAND) BILL: FINANCIAL RESOLUTION</b> .....	30180
<i>Motion moved—[John Swinney].</i>	
<b>DECISION TIME</b> .....	30181
<b>POINT OF ORDER</b> .....	30184
Graeme Pearson (South Scotland) (Lab) .....	30184

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## Scottish Parliament

Thursday 24 April 2014

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

### General Question Time

#### Oil and Gas Revenues (Forecasts)

**1. Iain Gray (East Lothian) (Lab):** To ask the Scottish Government when it will publish its revised forecasts for oil and gas revenues. (S4O-03136)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** In the parliamentary debate just before the recess, I made it clear that the Scottish Government intends to publish its third “Oil and Gas Analytical Bulletin” in the coming weeks. It will set out the impact of recent North Sea developments on the outlook for future production and revenues.

**Iain Gray:** It is now well over a year since the Scottish Government published forecasts for oil and gas revenues, and it is a full calendar month since the cabinet secretary promised to publish revised forecasts. What has taken so long? Has it taken a while to cook the books?

**John Swinney:** It must have taken Mr Gray every moment since 26 March to think of that terribly inventive line—that creative and cheerful contribution to the debate. I said on 26 March that we would publish the “Oil and Gas Analytical Bulletin”—which will be our third—in the coming weeks, and that is exactly what the Government will do.

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** Does the cabinet secretary agree that vast wealth remains in the North Sea, and that only with independence can we ensure that the mistakes and mismanagement of Westminster are not repeated, by establishing an energy fund and saving a proportion of Scotland’s natural wealth for future generations?

**John Swinney:** Maureen Watt makes the clear point that there are up to 24 billion barrels of oil still to be recovered from the North Sea, with a potential wholesale value of up to £1.5 trillion. All the doom and gloom about oil and gas that we hear from Opposition spokespeople is in stark contrast to comments from people including the Prime Minister, who comes to Aberdeen and tells us that we should celebrate the fact that we have significant opportunities remaining in the North Sea oil and gas sector.

The fact that I just put on the record about the amount of oil that is still to be recovered from the North Sea represents a significant opportunity for the people of Scotland. We should seize that opportunity and utilise the wealth for the long-term benefit of the people of our country.

**Gavin Brown (Lothian) (Con):** Why did the second “Oil and Gas Analytical Bulletin” not have any revenue figures in it? What is the deadline for the third bulletin?

**John Swinney:** I said that we would publish the bulletin “in the coming weeks”, and that is exactly what we will do. The second bulletin covered a variety of questions in relation to the North Sea oil and gas sector. I know that Mr Brown is terribly keen on constant revision of estimates, figures and statistics on all those questions. I gently point out to him that the Office for Budget Responsibility, which he holds in such high regard, has chopped and changed its figures on a variety of indicators—not least on the pathetic economic growth that has been delivered by Mr Brown’s Administration since 2010.

If Mr Brown is patient and waits for publication of the bulletin, he will not be in any way disappointed by the depth of its analysis and the contribution that it makes to the debate.

**Alex Rowley (Cowdenbeath) (Lab):** Does the cabinet secretary agree that, if we are truly to get the benefits of oil and gas for our communities throughout Scotland, we need to consider a national training strategy so that people can get the skills to get the jobs in that sector?

**John Swinney:** I agree entirely with Mr Rowley. I have seen the emergence of two things around the country in recent months. First, there is the energy skills academy approach. The Government has supported that through its provisions and by working in partnership with the industry and with our further and higher education institutions, which are working on ensuring that we have in Scotland the right skills mix that will allow us to make the most of the oil and gas opportunities.

Secondly, there is a proliferation of oil and gas related economic activity out of the north-east of Scotland. That is mainly due to the significant concentration of activity that is already there moving into other parts of Scotland, which are now reaping the dividends of being active participants in the oil and gas sector. I was talking to companies just the other week, in my colleague Aileen Campbell’s Clydesdale constituency, that are actively involved in supporting the oil and gas sector from the other side of the country. That is an indication of how the benefit of oil and gas is spreading across the whole of Scotland. We are determined to ensure that that remains the case.

**The Presiding Officer (Tricia Marwick):** Question 2, in the name of Michael McMahon, has been withdrawn. The member has provided an acceptable explanation.

#### **Scottish Enterprise Chief Executive (Meetings)**

**3. John Wilson (Central Scotland) (SNP):** To ask the Scottish Government when it last met the chief executive of Scottish Enterprise. (S4O-03138)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** Ministers and senior officials regularly meet the chief executives of all our agencies. As well as attending meetings, including that of the Scottish Enterprise industry board chairs on 26 March, in which I participated along with the Scottish Enterprise chief executive, I hold quarterly meetings with Dr Lena Wilson. The next meeting is scheduled for this afternoon. Other ministers also regularly meet Dr Wilson to explore how to capitalise fully on Scotland's economic potential in growth sectors and growth markets.

**John Wilson:** What criteria do Scottish Enterprise and Scottish Development International apply to grant funding for companies that are locating in Scotland, in particular regarding their providing good terms and conditions for employees by avoiding such things as the imposition of zero-hours contracts and ensuring that decent salaries are paid?

**John Swinney:** The support that Scottish Enterprise offers to companies is increasingly focused on ensuring that the investment that we make from the public purse brings with it economic benefits for the locality and for the individuals who are involved. That assessment of support is based on a number of criteria, not least of which is the added value that can be contributed by the business to the economy.

Through its account management process and in partnership with Skills Development Scotland, Scottish Enterprise works on particular training plans and employment plans for individuals who participate in such ventures. There are also very strict criteria about recruitment that must be met before payment of regional selective assistance, and there is the necessity to maintain those commitments while all support arrangements are valid.

All companies that operate in Scotland that are supported through Scottish Enterprise must comply with all relevant employment legislation that ensures that standard terms and conditions are available for employees, as conditions of the Government's grant-making system.

#### **Healthcare Improvement Scotland (Meetings)**

**4. Duncan McNeil (Greenock and Inverclyde) (Lab):** To ask the Scottish Government when the Cabinet Secretary for Health and Wellbeing last met the chief executive of Healthcare Improvement Scotland and what was discussed. (S4O-03139)

**The Minister for Public Health (Michael Matheson):** Ministers and Government officials regularly meet representatives of all health boards, including Healthcare Improvement Scotland, to discuss matters of importance.

**Duncan McNeil:** The minister will know that Healthcare Improvement Scotland has conducted 24 inspections of care for the elderly since its inspection programme began two years ago. Through that process, hospitals have been asked to make more than 300 improvements. In response to my freedom of information request, Healthcare Improvement Scotland has confirmed that only 14 of the improvements have been signed off as complete by the inspectors. Given that finding, is the minister confident that Healthcare Improvement Scotland has the resources and the powers to ensure that the failings do not continue and to ensure permanent change for the better for elderly and vulnerable patients in our hospitals?

**Michael Matheson:** Duncan McNeil will be aware that the inspection of older people's care in acute hospitals was introduced two years ago in order to identify where there are deficiencies in the system and to ensure that health boards then take appropriate action to address deficiencies that are found during the inspection process. A key aim is to drive up standards in how older people are cared for in our acute hospital settings; the inspection process is an excellent way in which to achieve that.

I accept that there are issues around some of the outstanding recommendations that have to be taken forward by health boards. Healthcare Improvement Scotland also has a role in carrying out follow-up inspections in order to ensure that appropriate action is being taken. We will ensure that that follow-up action continues in order to ensure that boards take forward the appropriate measures that are needed to implement the recommendations that Healthcare Improvement Scotland makes for them.

#### **Alternatives to Superfast Broadband**

**5. Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** To ask the Scottish Government what alternative services are available for premises not covered by the superfast broadband programme. (S4O-03140)

**The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon):** The digital Scotland superfast broadband programme, underpinned by £410 million of public and private sector investment, will extend access to superfast broadband infrastructure to 85 per cent of premises by 2015-16 and more than 95 per cent by 2017-18. In parallel, we have established community broadband Scotland, a £5 million initiative that is supporting the development of community-led schemes in those areas least likely to have a superfast service delivered by the main programme. More generally, ADSL and satellite broadband services are currently available to almost all premises in Scotland.

**Stewart Stevenson:** Would independence provide the opportunity to impose a universal service obligation for broadband that would leave no areas of the country uncovered? I have a personal interest, as I am currently living in one of the remaining 5 per cent of premises.

**Nicola Sturgeon:** This is an important point, and Labour members might be well advised to listen to the answer. Stewart Stevenson is right to say that independence, in providing the opportunity to align policy, taxation funding and regulation, could help to deliver a more coherent overall approach to ensuring access to broadband right across the country. An extended universal service obligation for broadband could certainly play a part in that.

As Stewart Stevenson will be aware, current European Union rules require member states to set a minimum USO to all end users at an affordable price. In Scotland, if we become independent, that will operate at least at the same level as the rest of the United Kingdom, but independence offers the opportunity for us to go beyond that target.

### Levenmouth Rail Link

**6. Claire Baker (Mid Scotland and Fife) (Lab):** To ask the Scottish Government where the reintroduction of the Levenmouth rail link ranks among its transport priorities. (S4O-03141)

**The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon):** The 2008 strategic transport projects review guides our transport investment. The review concluded that the reintroduction of the Levenmouth rail link would have benefits at the local and regional level rather than nationally. Accordingly, as it is primarily national priorities on which we are focused, Levenmouth, though the scheme has merits, does not at this stage feature as a Government priority.

**Claire Baker:** The cabinet secretary will be aware of the long-running campaign for the reintroduction of a passenger and freight rail link to Levenmouth. Levenmouth is the largest conurbation in Scotland that does not have access to a rail link, so there is a strong economic and social case. I recognise that the rail link is not at present on the list of the Government's strategic projects for the reasons that the cabinet secretary has given. However, in light of major developments in the area, such as the energy park at Methil and the expansion of Diageo in Leven, does she recognise that there is now a strong case for reviewing the rail link among the Government's transport priorities, given that an infrastructure project of that size will not be able to go forward without financial backing from the Scottish Government.

**Nicola Sturgeon:** In my original answer, I recognised that there are merits associated with the scheme, and I would repeat that view. Scottish ministers are, of course, willing to consider rail interventions that provide a positive appraisal arising from any study based on the Scottish transport appraisal guidance, subject to an affordable business case that takes account of the impact on the wider rail network. Obviously, the responsibility to demonstrate the need for that rail link would lie with the promoter, and I suggest that the promoters of the scheme discuss how the proposal currently fits with local and regional transport priorities and consider the possibility of refreshing the 2008 STAG-based study for Levenmouth. I know that the Minister for Transport and Veterans would be happy to engage further with Claire Baker and other interested members along those lines.

### Edinburgh Airport (Weekend Flights)

**7. Gordon MacDonald (Edinburgh Pentlands) (SNP):** To ask the Scottish Government what discussions it has had with the operators of Edinburgh airport about the number of weekend flights between 11.00 pm and 5.30 am. (S4O-03142)

**The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon):** The Scottish Government has had no discussions with Edinburgh Airport Ltd specifically about the number of weekend flights between 11.00 pm and 5.30 am.

**Gordon MacDonald:** Edinburgh Airport has recently announced that my constituents in Sighthill, Colinton, Oxgangs and Fairmilehead will suffer increased aircraft noise during the night as a result of runway maintenance. Will the Deputy First Minister seek assurances that work on the runway will not overshoot the planned three

weekends and that there are no future plans that will necessitate further changes to the original flight plans?

**Nicola Sturgeon:** I am happy to pass on those concerns and questions to Edinburgh Airport and ask it to consider responding directly to Gordon MacDonald. I understand that Edinburgh Airport has timed what are essential maintenance works to minimise the impact on its operations and on local residents, with only a very small number of scheduled flights affected.

We want Scotland's airports to be as successful as possible and we work closely with Edinburgh Airport. If we are going to see increased success and passenger growth at our airports, the infrastructure must be maintained and improved. I have confidence that Edinburgh Airport will seek to minimise the impact of that improvement on its neighbours. I encourage Gordon MacDonald to discuss any concerns directly with Edinburgh Airport and, as I said, I will pass on his comments to it.

#### **College and University Places (Fee-paying Foreign Students)**

**8. Hanzala Malik (Glasgow) (Lab):** To ask the Scottish Government what it is doing to ensure that the number of college and university places offered to fee-paying foreign students does not limit the number offered to Scottish students. (S4O-03143)

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** The number of international students has no direct impact on the number of places for Scottish and European Union students. On our behalf, funding for places at Scottish colleges and universities is distributed by the Scottish Further and Higher Education Funding Council. It does that by providing a number of full-time equivalent funded places each year specifically for Scottish and EU students. It is for colleges and universities to decide how many places they will offer fee-paying international students over and above the funded places that have been specifically allocated for Scottish and EU students. Neither international students nor students from other parts of the United Kingdom are able to access those funded places.

**Hanzala Malik:** I am not sure whether I should thank the minister for that reply.

Scottish students who have the required qualifications are not even offered interviews. I believe that they are being disadvantaged and discriminated against because of the Government's policies. Scottish students are not getting places; Scottish universities are instead

offering places to students from overseas. That needs to stop forthwith.

To blame the universities and say that it is their policy is unreasonable and unfair. I want to ensure that our students get a place at university. The First Minister went to great lengths to say that there is free education for our students, but if they cannot get into a university, there is no free education.

**Dr Allan:** Before members on the Labour benches applaud that, I have to correct it and repeat what I said: the number of international students does not affect the funded places that exist for Scottish and EU students.

International students play a valuable role in our education system. Perhaps the biggest problem is that the UK Government's stance towards international students imposes, in a very real sense, an arbitrary cap on their numbers. We want to see the number of international students continue to flourish, and that does not affect the number of places that are available for Scottish students.

#### **Renewable Energy (United Kingdom Share)**

**9. Mike MacKenzie (Highlands and Islands) (SNP):** To ask the Scottish Government what its position is on the United Kingdom's 4.2 per cent share of energy from renewable sources that was published in a recent paper by Eurostat. (S4O-03144)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** The figures highlight the importance of sustained investment and a sustained policy commitment to the development of renewable energy sources to enable the UK to achieve its targets. Central to that is ensuring that the UK Government's electricity market reform proposals do not in any way undermine investor confidence further than they have already done.

**Mike MacKenzie:** Does the cabinet secretary share my views that the UK Government's decision to give a vast subsidy to the Hinkley Point nuclear power station rather than make sufficient investment in renewable energy generation is likely to drive up and not lower energy costs?

**John Swinney:** The decision that has been arrived at on the public subsidy for Hinkley Point is a bizarre commitment by the UK Government, with an estimated subsidy of £35 billion and a support contract that will last for 35 years, compared with the 15 years for new renewable generation. Given the scale of that commitment and the significance of its cost, and as a consequence of the price that has been agreed by the UK Government, the decision has the potential to be a very negative factor in relation to energy costs.

**The Presiding Officer:** Before we move to the next item of business, members will wish to join me in welcoming to the gallery ambassadors and high commissioners representing members of the Association of Southeast Asian Nations. [Applause.]

## First Minister's Question Time

12:00

### Engagements

**1. Johann Lamont (Glasgow Pollok) (Lab):** To ask the First Minister what engagements he has planned for the rest of the day. (S4F-02036)

**The First Minister (Alex Salmond):** I have engagements to take forward the Government's programme for Scotland.

**Johann Lamont:** Does the First Minister still have full confidence in his Cabinet Secretary for Justice?

**The First Minister:** Yes.

**Johann Lamont:** There you go. No surprise there.

I welcomed the Government's interest in corroboration because, like many others in this chamber, I have genuine concerns about whether corroboration achieves justice for every victim, particularly women. However, it has become clear, through the passage of the Criminal Justice (Scotland) Bill, that the process has been flawed and that serious reservations have not been addressed. I believe, therefore, that the cabinet secretary has taken the right decision in delaying the plans. I also thought that that was the right decision six weeks ago, when my colleague Graeme Pearson, formerly one of Scotland's most senior police officers, suggested that course of action.

I remind the First Minister of Kenny MacAskill's considered response to that suggestion six weeks ago. He said:

"We know that Labour members take their cue from Cameron and Osborne."

He continued:

"Labour has sold its soul and is in danger of selling out the victims of crime."—[*Official Report*, 27 February 2014; c 28373 and 28376.]

Does the First Minister agree with his cabinet secretary that previous moves to delay the legislation were part of a Tory-led conspiracy, or was it just the right thing to do?

**The First Minister:** It is certainly true that it was very difficult to reconcile Labour's manifesto commitment to look at the matter of corroboration with the position that the Labour Party adopted with regard to the Criminal Justice (Scotland) Bill. Removing the general law and practice of corroboration from Scotland will, we believe, secure access to justice for hundreds of people who are otherwise denied it by the present

situation, in which cases cannot be brought to trial because they do not have the standard of corroboration that is unique within the Scottish criminal justice system.

That is why the moves that Kenny MacAskill made, and this Government proposed, to look again at the general law of corroboration, to remove it and to put in its place proposals on the standard of evidence as opposed to the quantity of evidence, have been widely welcomed by the organisations that care most about the people who suffer most from the situation—Rape Crisis Scotland and Victim Support Scotland.

As I understand it, this week the three Opposition parties asked at the Parliamentary Bureau whether we could look again at delaying the legislation until after Lord Bonomy's review group reported. The justice secretary acceded to that request. Given that, would it not be gracious and reasonable for the Labour Party to try to focus on the issue of access to justice—which, I hope, all of us want to secure—for people who have been subjected to some of the vilest crimes in Scotland?

**Johann Lamont:** I think that the First Minister, if he was serious about that, would be addressing the fact that the cabinet secretary's response to people who raised concerns was to impugn the motives of those who were doing so. I ask the First Minister again to reflect on the cabinet secretary's response to the Labour Party's request for delay. The gap between that and what the First Minister is now saying could not be greater.

Let us look at the process from the start. When the Criminal Justice (Scotland) Bill was introduced, senior legal figures raised valid concerns about corroboration. Those were dismissed by the justice secretary, who told his party conference:

"laws are made by Parliament not one profession. This is ... not a debate between learned legal friends."

When the Justice Committee raised more concerns, Kenny MacAskill came up with the genius idea of setting up an expert group to scrutinise the bill, which would report after the legislation was passed.

After Kenny MacAskill's disgraceful performance in the chamber six weeks ago and his embarrassing climbdown, I ask the First Minister, in all seriousness, does he believe that this has been an appropriate way to take through legislation on an issue of this importance?

**The First Minister:** This Government is taking forward legislation because we absolutely believe that the issue is of vital importance. That has been our motivation for taking forward the legislation, because we have listened to the arguments and,

indeed, the pleas of the organisations that I have listed.

I cannot help but contrast the observations of Johann Lamont on this issue with the observations of the organisations that have been campaigning for ways to redress this injustice and supporting the Government's attempts to do so, such as the welcome from Rape Crisis Scotland and Victim Support Scotland for the Government's continuing commitment to removing the general law of corroboration. Annabel Goldie yesterday described the cabinet secretary's decision as "courageous"—I think that she did that not in a Sir Humphrey way but in a genuine way.

Therefore, when this Government, which has a majority in this Parliament, listens to the arguments that have been put forward by the Opposition parties and tries to get the maximum unity behind our proposal, is it not reasonable—given our bona fides on this issue and our desire to secure access to justice for the victims of crime—that that should have a general welcome and support?

The determination of this Government is to redress this situation, and that is exactly what we are going to do.

**Johann Lamont:** It is precisely because I care so deeply about these issues that we were determined to build a consensus on the making of such a decision. That is why the cabinet secretary's hostility to anyone who disagreed with him was inappropriate. I ask the First Minister to go back and look at what his cabinet secretary said six weeks ago and ask whether that was an appropriate way for him to conduct himself.

Of course, this is not Kenny MacAskill's first mess. His sectarianism legislation was described as "mince" and "horribly drafted", and his police reforms have ended up in an embarrassing turf war.

Although I believe that the decision that has been announced this week is the right one, this Parliament still has a problem. We have to find a way of building a consensus to address the issues of corroboration and low conviction rates for rape. From the beginning, the Labour Party has said that we will do so. However, given Kenny MacAskill's approach and his expressed hostility to those who raised genuine concerns about what he was doing, does the First Minister really believe that it is possible for this Parliament to reach that critical consensus on corroboration with Kenny MacAskill as cabinet secretary?

**The First Minister:** In terms of accepting the role of Lord Bonomy's review group and the detailed examination of the issue that it will perform, and of helping people towards acceptance and ensuring that that consensus is

built, the answer is yes, of course. Do I believe that the Labour Party will look upon this issue as being an issue in itself? Probably not. However, the consensus that Kenny MacAskill is building is across Scottish society. That consensus, as we see—*[Interruption.]*

I say to Johann Lamont that it is precisely because we care about this legislation so much that we pursued it with such vigour, and we will continue to do so.

I am interested in the question that Johann Lamont asks about the confidence that I have in the justice secretary. I will tell the chamber why I have confidence in him. We have 1,000 extra police in the streets and communities of Scotland, thanks to this justice secretary. Recorded crime in Scotland is down by 35 per cent, thanks to this justice secretary. Violent crime is down by almost a half under the office of this justice secretary. Crimes of handling offensive weapons are down by 60 per cent. Above all, people's fear of crime in Scotland is dropping for the first time.

All those achievements of the justice secretary contrast with the position when the Labour Party was last in government, and the people of Scotland know and appreciate those things. They know that this Government has discharged its responsibilities to the communities of Scotland in a way that no previous devolved Administration managed. The real issues that matter to the people are contained in those vital statistics.

When we address the general rule of corroboration, we will do it on the basis of giving justice to the victims of crime. That will be the performance on which the Government and the justice secretary will be judged.

### Prime Minister (Meetings)

**2. Ruth Davidson (Glasgow) (Con):** To ask the First Minister when he will next meet the Prime Minister. (S4F-02029)

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

**Ruth Davidson:** In February, the Cabinet Secretary for Justice gave a speech that many people, including Scottish National Party members, considered to be the most ill judged and intemperate in the history of the Parliament. In it, he claimed that those with principled objections to the abolition of a key tenet of Scots law were part of nothing more than a unionist conspiracy. His performance was shameful to watch.

Let us try this again. Now that the justice secretary has been forced into a climbdown, does the First Minister accept that Kenny MacAskill's claim that Opposition parties were selling out the

victims of crime because of our constitutional beliefs was as wrong as it was offensive?

**The First Minister:** I cannot help but contrast what Ruth Davidson has just said with a statement that was issued by Annabel Goldie yesterday. Annabel Goldie, who is the spokesperson for the Conservative Party on the issue, welcomed the justice secretary's statement, welcomed the fact that the requests of the Opposition parties would be met and said that it took no little courage to make such a statement. What has happened between that generous welcome for the decision yesterday and the remarks that have just been made by Ruth Davidson? If we were to canvass opinion, we would find that many of us in the Parliament rather liked the days when Annabel Goldie was sitting where Ruth Davidson is sitting and Ruth Davidson did not have the leadership of her party.

**Ruth Davidson:** The difference is that I have never doubted the Scottish Government's concern for victims of crime on this matter, just as the Government should never have doubted ours.

We have been here before. The First Minister has been forced to stand there and defend his justice secretary's handling of al-Megrahi and the single police force. He is now being forced to defend his justice secretary on corroboration—the same justice secretary who has had bills for minimum unit pricing of alcohol and court reform taken off his desk and handed to other ministers. The justice secretary's judgment is now being openly questioned by his colleagues as well as by his opponents. His judgment that the case to abolish corroboration has been made cannot be taken at face value.

The First Minister now has an opportunity to restore some of the credibility that was lost through Kenny MacAskill's handling of the issue. He can do that by extending the remit of Lord Bonyon's review to consider whether corroboration should be abolished at all. Will he?

**The First Minister:** Now we get to the nub of the issue. The request to delay the legislation so that Lord Bonyon's review group can report and look at the safeguards that are necessary to make the abolition of the general rule of corroboration more widely acceptable was not really that at all, as far as the Conservative Party is concerned; it was actually root-and-branch opposition to the abolition of the general rule of corroboration. Of course, the Conservatives can express opposition to the abolition of the general rule of corroboration, but they cannot do that and complain about cases not being brought to court, as Murdo Fraser did on television. That particular vile case was an example of a case that could not be brought to court because of the general rule of corroboration.

The Conservative Party cannot have it both ways. It cannot say that it wants cases to be brought to court and justice for the victims of crime and then say that it is opposed root and branch to this necessary reform. This Government, in listening to the victims of crime, is doing exactly the right thing. We are doing the right thing in acceding to the request to let Lord Bonomy's review group report, so that we can further build the consensus for necessary reform. That is the substance of the issue.

I have enormous confidence in a justice secretary who has delivered the lowest levels of recorded crime for more than a generation; who has put 1,000 extra police on the streets of communities in Scotland, where recorded crime is down by 35 per cent; and who has delivered on the issues that matter to the people of Scotland. That is the performance of this Cabinet Secretary for Justice.

**The Presiding Officer (Tricia Marwick):** We have a constituency supplementary from Christine Grahame.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** On 30 January, I raised concerns about a norovirus outbreak in the Borders general hospital in my constituency. I regret to inform the First Minister that, three months down the line, the outbreak remains, a ward is closed to admissions and other restrictions are in place. Does he share my concerns about what appears to be a great delay in resolving the situation?

**The First Minister:** I share very much the concerns of the local member about the prevalence of norovirus in the Borders general hospital. As she knows, the general incidence of norovirus across Scotland is in a significantly better position than it was last year, for example. Nonetheless, it is of key concern that this particular incidence has not shown that general improvement. The Cabinet Secretary for Health and Wellbeing will offer to meet Christine Grahame to progress any further action that can be taken in order to resolve the situation.

### Food Poverty

**3. Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** To ask the First Minister what measures the Scottish Government is putting in place to tackle food poverty. (S4F-02040)

**The First Minister (Alex Salmond):** The Trussell Trust reports that 71,000 people used food banks in the past financial year, which is a fivefold increase on the previous year, and that more than 17,000 children have received assistance from food banks. It is unacceptable that

so many people in our rich country must rely on emergency food provision.

**Jamie Hepburn:** Last year, the United Kingdom Government wrote to Glasgow City Council. It made the incredible claim that the improved reduction in food waste was one of the drivers in the growth of food banks. Lord Freud, the Minister for Welfare Reform, has repeatedly stated that there is no link between his reforms and food bank use. Does the First Minister agree that such responses are symptomatic of a Westminster detached from reality and that it is outrageous that UK ministers have come up to Scotland today to lecture us on welfare when it is their welfare reforms that have caused the dramatic increase in the use of food banks in Scotland, which are used by tens of thousands of families with children?

**The First Minister:** Jamie Hepburn knows that, earlier this month, the Scottish Government announced an extra £1 million for an emergency food action plan to help combat food poverty, including £500,000 for emergency food aid. He also knows that we are investing at least £260 million over the period 2015-16 to try to limit the damage of the imposition of welfare cuts. We will as a Government continue to help the vulnerable wherever and whenever we can.

I heard the Secretary of State for Scotland on the radio this morning describe the welfare system that is being applied by the UK Government in the following terms:

"This is a fantastic system which provides support for some of the most vulnerable people in our communities."

That is what the Secretary of State for Scotland, when speaking for better together, the campaign encompassing the Tories, the Liberals and the Labour Party, offered as an explanation on behalf of the parties that are dismantling the welfare state in this country and have driven people into food banks across Scotland. He is arguing that it is a fantastic system. That is not just out of touch with the truth, but out of touch with the reality.

### Gender Equality Gap

**4. Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** To ask the First Minister what action the Scottish Government is taking to address the gender equality gap. (S4F-02031)

**The First Minister (Alex Salmond):** It is totally unacceptable that women face inequality in significant areas of their lives. This Government has an on-going commitment to tackling that gender inequality through the allocation of resources and has undertaken a range of activity since taking up office.

There are good signs. The female employment rate is 69.4 per cent in Scotland, which is higher

than any other United Kingdom nation; the inactivity rate is the lowest; 52 per cent of full-time college students are female and 43 per cent of those starting a modern apprenticeship in 2012-13 were women, which is up from 27 per cent in 2008-09. We should all agree that there is much still to be done. That is why we are consulting on women's representation on public boards. On 9 June, we will host a women-only Scottish Cabinet event to provide a forum for the gender equality organisations of Scotland to discuss the opportunities for women in an independent Scotland.

**Christina McKelvie:** The First Minister will no doubt be aware that there has been much talk from anti-independence politicians this week about the supposed—obviously fantastic—benefits of having decisions on welfare and pensions made at Westminster. That is except, of course, for Iain Duncan Smith, who could not even front his own policy and come to Scotland today to make the announcement. What those politicians have all been silent on is how women—

**The Presiding Officer:** Yes, but can we get a question?

**Christina McKelvie:** They have been silent on how women have been particularly hard hit by Westminster's welfare cuts and on how they are likely to be hit by cuts to come. Can the First Minister assure the Parliament that, with the powers of independence, the Scottish Government will use every means at its disposal to make Scotland a fairer, more equal society?

**The First Minister:** The child tax credit and working tax credit changes will affect 110,000 households in Scotland, 88 per cent of which will be couples with children. The bedroom tax has hit 72,000 households, 80 per cent of which have a person with a disability in them. This Government took the action that was required to mitigate the impact of the bedroom tax in Scotland. We are still waiting, following repeated requests, for Westminster's acceptance that what we are doing is appropriate and within our powers. While we are devoting the resources of Scotland to protecting the people of Scotland from the bedroom tax, we cannot even get a letter back from the Westminster Government. That is untenable, not just for the Tory-Liberal coalition but for those in the Labour Party who argue not that welfare policy could not be implemented in an independent Scotland but that it should not be implemented in an independent Scotland. Unless and until the Labour Party disavows that attitude from Jackie Baillie, it will be stuck, and it will be guilty by association with what is happening at Westminster under the Tory-Liberal alliance.

**Jackie Baillie (Dumbarton) (Lab):** Is it not interesting that we waited for a year for the

Scottish National Party to take action on the bedroom tax? The SNP's record on gender equality is not good. Is it not the case that the SNP has slashed places at colleges? Is it not the case that the SNP has slashed jobs in the public sector? That all has a disproportionate impact on women. Is it not the case that the SNP has failed to deliver gender balance on the boards of public bodies, has failed to meet its own 40 per cent target for the number of applications from women and has spent a grand total of around £3,000 on advertising to promote public appointments? I cannot help but contrast that with the more than £1 million that has been spent on promoting the white paper on independence. Is it not the case, First Minister—

**The Presiding Officer:** We have a number of questions there, Ms Baillie.

**Jackie Baillie:** Is it not the case that the SNP talks a good game, but has actually—

**The Presiding Officer:** I call the First Minister.

**The First Minister:** I offer Jackie Baillie two statistics. [*Applause.*]

**The Presiding Officer:** Order.

**The First Minister:** I think that that was a delayed reaction from the Labour benches.

I offer Jackie Baillie just two statistics: 14 per cent and 40 per cent. Fourteen per cent was the percentage of women in Gordon Brown's Cabinet when he left office. Forty per cent is the percentage of women who are now in the Scottish Cabinet.

Is Jackie Baillie totally unaware that employment in Scotland is now at an all-time record level, and that driving that increase in employment has been the sharp rise in the employment of women, mostly in full-time jobs? Can she not find it in her heart to welcome the improvement in the figures, to welcome the fact that Scotland now has the highest rate of women's employment of any country in these islands? Does she not think that it might be something to do with the work of this Government and the Scottish Trades Union Congress in promoting exactly that? Does she not think it somewhat surprising not that we have a level of only 42 per cent of women entering modern apprenticeships, but that the level that we inherited from the Labour Party was 27 per cent? Just as 40 per cent is better than 14 per cent, 42 per cent is a lot better than 27 per cent.

#### **Red Road Flats Site**

**5. Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** To ask the First Minister what discussions the Scottish Government has had with Glasgow City Council concerning the future of the

site of the Red Road flats following the demolition of the existing buildings. (S4F-02035)

**The First Minister (Alex Salmond):** First, I think that it is worth noting the constructive manner in which Patricia Ferguson, as the local member, has responded to the concerns surrounding the Red Road flats and the Commonwealth games opening ceremony, which primarily affected her constituents.

Red Road is one of eight transformational regeneration areas in Glasgow in some of the most deprived areas of the city. The Government is part of a partnership with Glasgow City Council and Glasgow Housing Association that administers the work in those transformational regeneration areas.

**Patricia Ferguson:** I thank the First Minister for his answer. Does he agree that suitable alternative accommodation should be found for the asylum seekers who are living there as quickly as possible, and that all agencies in the city and the Scottish Government should now work collaboratively with the local community to prioritise dynamic and innovative regeneration of the 22-acre Red Road site, following demolition of the towers, in a way that will benefit the communities of Balornock and Barmulloch?

**The First Minister:** Yes, I agree with that, and I agree, incidentally, with the first part of the question. I know that the local member knows that the transformational regeneration areas and the partnership that applies them have done excellent work across major areas in Glasgow. There has been investment from the Government alone of £30 million in the construction of new homes in Toryglen, Gallowgate, Maryhill and Laurieston. I am certain that the partnership between the council, Glasgow Housing Association and the Government that administers the work will come forward with good ideas for the Red Road site, and I know that the partnership will want to have the widest possible consultation locally in order to achieve acceptance of the regeneration proposals—including, of course, by the local MSP.

### Scotland's Labour Market Conditions

**6. Kenneth Gibson (Cunninghame North) (SNP):** To ask the First Minister what the Scottish Government's assessment is of labour market conditions in Scotland. (S4F-02033)

**The First Minister:** I am delighted that Kenny Gibson has asked that question, because it is very significant that the Opposition parties do not want to talk about the latest labour market data, which show that employment levels in Scotland are at their highest in history, with 2,575,000 people now employed. The employment level has increased by 68,000 over the year, driven by an increase of

46,000 in female employment. Scotland continues to have the highest employment rate, a lower unemployment rate and the lowest inactivity rate of any nation of these islands.

**Alex Johnstone (North East Scotland) (Con):** Success for George Osborne. [*Laughter.*]

**Kenneth Gibson:** I thank the First Minister for his reply. The recent Bank of Scotland report on jobs shows that Scotland's labour market is continuing to recover and strengthen. Does he agree that, if Scotland can be relatively successful with the limited powers of devolution, we could achieve so much more with the full powers of independence? Can he advise Parliament what economic initiatives the Scottish Government will introduce following independence to cut unemployment in Scotland and to make it a more prosperous and more equal society?

**The First Minister:** I commend to Kenneth Gibson and all members of this Parliament not just the white paper, but the document on the economy that was published last November, which set out a range of initiatives to power forward the Scottish economy and employment market trends.

However, I heard—I think that I heard it right; it was certainly greeted with the appropriate amount of laughter—a comment from the Tory benches that the remarkable success in the employment figures in Scotland is to the credit of George Osborne. Is that the same George Osborne who, just over two years ago, said in an interview in the north-east of Scotland that he knew that international companies were hesitating to come to Scotland because of the upcoming referendum? Of course, he was striving and doing his best as chancellor to disavow that opportunity. Since then, we have had record levels of inward investment in Scotland. If that is the forecasting prowess of the Chancellor of the Exchequer, the very last thing that even a Tory should do is try to claim the credit for the excellent job figures in Scotland.

**Gavin Brown (Lothian) (Con):** The First Minister said that the Scottish Government has limited economic powers. How much credit can he realistically take for record growth, record employment and low unemployment?

**The First Minister:** In the brief period before Mr Brown is replaced by Mr Johnstone as the Tory economy spokesman, I will give Mr Brown this explanation. The interesting thing about the figures is the contrast, the movement forward and the differential between the Scottish figures and those for the rest of the United Kingdom—[*Laughter.*]

**The Presiding Officer:** Order.

**The First Minister:** I think that it is of interest to the people of Scotland that we have record employment figures. It is reasonable to make the

comparison and to say that, if the UK Government had implemented some of the fantastic policies that the Scottish Government has pursued, such as the small business bonus scheme and Mr Swinney's decision to protect capital investment despite the swingeing cuts of Alex Johnstone's hero—[*Laughter.*]

**The Presiding Officer:** Order.

**The First Minister:** If the UK Government had pursued just some of those policies, perhaps it would be in a different position. It is reasonable for the Scottish Government to take the position that, if we can achieve a record level with the Parliament's limited powers, there will be even greater success in Scotland's job markets when we have all the economic levers at our disposal.

## Scottish Fire and Rescue Service (Emergency Control Room Closures)

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

The next item of business is a members' business debate on motion S4M-09191, in the name of David Stewart, on local knowledge under fire. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament notes the recent restructuring of the Scottish Fire and Rescue Service (SFRS) and the proposed closure of five of Scotland's eight emergency control rooms, including that at Inverness; understands that these closures disproportionately affect rural constituencies where local geographic knowledge is highly important in mobilising firefighting efforts; notes the view that local problems require local solutions; considers that the control room proposals will leave rural towns and communities feeling vulnerable and isolated from the SFRS; believes that the fire safety legislation that has been passed by the National Assembly for Wales, which mandates the installation of fire sprinkler systems in all new buildings, is beneficial, and notes the calls for the Scottish Government to consult on whether to introduce similar such legislation.

12:32

**David Stewart (Highlands and Islands) (Lab):**

I thank all the members who are here for their interest in the debate and I thank all the members who signed my motion. To those who have not signed it, I say that I always welcome sinners who wish to repent. I congratulate the Cabinet Secretary for Training, Youth and Women's Employment on her recent elevation.

The debate is not simply about the closure of local control rooms but about how we ensure that our communities feel safe and secure, regardless of whether they are in Edinburgh or Elgin, Stirling or Stornoway, or Dunoon or Dumfries. The debate highlights important issues that affect communities across the country, in rural and urban areas. I know that many members across the political divide have had constituents raising concerns about the closure of their local fire control rooms.

In my area—the Highlands and Islands—the announcement that the control room in Inverness would close caused such local concern that residents started a campaign, which has resulted in a petition being brought to Parliament. In my many years representing the Highlands and Islands in various political arenas, I have rarely experienced such public anger.

I have visited the control room in Inverness and spoken to Scottish Fire and Rescue Service Board member Dr Michael Foxley, who is well respected as an ex-convener of Highland Council. Along with my colleague Rhoda Grant, I met the chief fire

officer and had a useful meeting with Roseanna Cunningham. I have met local Fire Brigades Union officials on a number of occasions and, during recess last week, I spent a couple of hours with senior fire and rescue staff in Fort William.

That has helped me to understand how different landscapes, infrastructures and community resources can have a huge impact on the way in which vital services, including fire and rescue services, are delivered. Communities find reassurance in knowing that, when they phone 999, they will be put through to a control room that is filled with people who understand the local environment and will get help to them in the most effective way.

The petition that one of my constituents has lodged shows the depth of feeling that exists. More than 4,000 people have joined the campaign. The petition was recently presented to me by councillors and community activists on a beautiful spring morning at Western Isles Council's headquarters in Stornoway.

There is enormous anxiety that the new arrangements will not handle the distinctive challenges in Highlands and Islands communities and that the quality of the current service will be diminished. Currently, the staff at the Inverness control room have a unique understanding and knowledge of the challenges that exist in the area, which are due to not just its distinct geography but the fact that it has the largest range of dialects anywhere in the United Kingdom and many native Gaelic speakers.

Staff have expertise in allocating resources to deal with forest fires. They liaise with lifeboats to get appliances to remote island communities, and they have in-depth knowledge of the intricate network of remote single-track roads to deal with road accidents. That expertise cannot be replaced by state-of-the-art computer systems or standardised training. As one Inverness control staff member said to me, "If it ain't broke, why fix it?"

Choosing to move operations to the central belt has angered many local people, as they feel that it is just another example of their expertise and jobs being overlooked in favour of a centralisation agenda. That concern was compounded by the feeling that local community views were ignored and had very little weight while decisions were being considered. I hope that the Scottish Government and the Scottish Fire and Rescue Service Board will review the procedures in making such decisions in the future.

In simplistic terms, prevention is always better than cure. That is why it is important that we consider other ways in which we can prevent deaths and injuries that are caused by fire. The

latest figures show that 46 fatal injuries were caused by fire in Scotland. The figure has been going down, but we must not be complacent and we must do all that we can to ensure that we avoid preventable injuries in the future.

I commend the efforts of the Scottish Fire and Rescue Service in undertaking various prevention programmes, including the home fire safety visits, and I welcome the revision to building regulations in 2010, which made having at least one smoke alarm mandatory. That has contributed to the fitting of more smoke and heat alarms in homes. With a fine sense of timing, the minister wrote to me last week to say:

"It is estimated that installing smoke alarms in dwellings could reduce the risk of death to about 30-50% of the risk where there are no alarms."

On affordable housing, the recent "Scotland Together" report found that social deprivation links to an increased risk of fire death, with 40 per cent of accidental dwelling fire deaths occurring in social rented housing and 31 per cent in the Scottish index of multiple deprivation 15 per cent most deprived areas.

More can be done, which is why I have advocated the introduction of fire sprinkler systems in all social housing and houses in multiple occupation.

**Mike MacKenzie (Highlands and Islands) (SNP):** Does Mr Stewart agree that the real fire problem exists in some older buildings and houses and not new buildings, thanks to the Scottish building regulation standards?

**David Stewart:** I certainly think that there are issues around older buildings. I will refer to the Welsh Parliament shortly. The member might find the experience there interesting.

The evidence shows clearly that fire sprinklers can save lives and that, if targeted well, they can help to protect the most vulnerable people in our society. Fire sprinklers are a highly cost-effective way of reducing the United Kingdom's appalling fire death toll. Currently, fire detection systems and smoke alarms probably save around 80 to 100 lives each year. It is the most vulnerable members of our society who are most at risk: the very young, the very old, the disabled, the infirm and those who abuse drugs and alcohol.

Sprinklers can prevent fire deaths. With social housing, residential care premises, houses in multiple occupation, hostels and similar properties, there are clear arguments that sprinklers offer the best chance of preventing deaths should a fire occur. The most comprehensive study on the effectiveness of sprinklers was carried out by the Rural/Metro fire department in Scottsdale, Arizona. It showed that sprinklers not only save lives but

significantly reduce the cost of damage—by 85 per cent on average.

I am, of course, aware that Scotland led the way in introducing mandatory requirements for sprinkler systems with the Building (Scotland) Regulations 2004. I praise the work that Fife Council and Angus Council have done in ensuring that all new social housing will have built-in systems. The Welsh Assembly has gone even further and passed groundbreaking legislation that requires all new homes to contain fire sprinkler systems from 2016. I hope that the Scottish Government will look at the results from Wales.

In conclusion, I urge the Scottish Government and the Scottish Fire and Rescue Service Board to reassess the decision on closing the fire control rooms in Inverness, Aberdeen and beyond. I hope that Scotland will continue to lead the way on fire prevention. The Parliament has a proud record of innovation and best practice in introducing measures such as free personal care, the smoking ban and a zero-tolerance approach to domestic abuse. We are at our best when we are at our boldest. Let us add another groundbreaking policy, rethink the closure of fire control rooms and extend the range of sprinklers to prevent the deaths and injuries of our old, vulnerable and disadvantaged constituents across Scotland.

12:40

**Mike MacKenzie (Highlands and Islands) (SNP):** I start by drawing members' attention to my entry in the register of members' interests, which shows why I am pleased to speak in this debate. I was a volunteer fireman for well over 20 years. I recently stood down, because I was unable to fulfil the role while being a member of the Scottish Parliament, and Strathclyde Fire and Rescue was kind enough to give me a long-service medal.

When our small volunteer unit was formed, it had the distinction of being the first in Strathclyde, and perhaps in Scotland, to have women firefighters. We founder members thought that we would be required to deal with the very occasional chimney fire and that we would not be at all busy. Nothing could have been further from the truth, although the first fire that we attended was indeed a chimney fire—it was at the home of one of our unit's members, which was embarrassing. No one is immune from fire.

Thereafter, and particularly in the early years, we were very busy indeed. We dealt with some major fires, including one in which, sadly, there was a fatality. I knew the deceased person very well. Rural firefighting is up close and personal. It requires a strong stomach. Nothing brings home the danger of fire more clearly than seeing the body of a friend among the smouldering embers or

the devastation of the ruined house of a neighbour.

I was pleased to do my bit in the fire service. I learned a lot and I hope that I contributed something, too. I compliment Strathclyde Fire and Rescue on the excellent training that it gave us and I accord the highest respect to all the firefighters whom I worked with, whether they were volunteers, retained or full time. Firefighters are excellent people who routinely risk their lives on the public's behalf.

Perhaps the most important lesson that I learned from the fire service is that a little knowledge can be a dangerous thing. That brings me to Dave Stewart's motion. I fear that Dave Stewart is at risk of the danger of having a little knowledge. However, he is correct that local knowledge is very important. It is critical for firefighters, and much of our unit's training focused on that. It is critical to know where fire hydrants are and to be able to find them quickly on a dark night in bad weather. It is critical to know which houses and buildings in the unit's area are far from a water main and where the nearest sources of water are.

Firefighters have to be practised in improvising a water supply and in quickly setting up a pump and getting it operational. Time is critical and teamwork is essential. The senior officer who is present is in operational charge of the firefighting. Firefighting is not directed from afar by control room staff. That would be daft and dangerous.

It is a cause for regret when efficiencies are forced on us by the Westminster Government's cuts, but I do not think that what is happening will impact on the operational effectiveness of the Scottish Fire and Rescue Service.

12:43

**Graeme Pearson (South Scotland) (Lab):** It is unusual to offer congratulations to three people at the start of a speech, but I will do so. First, I congratulate the cabinet secretary on her elevation to her new post. I wish her well as she undertakes her duties. Secondly, I offer congratulations to Mike MacKenzie and the hundreds of firefighters who volunteer their services on behalf of their communities, and I acknowledge the essential work that they do. Finally, I congratulate David Stewart on securing this debate on the important issue of local knowledge and local accountability.

It should give David Stewart some comfort to know that the Cabinet Secretary for Justice, in a previous life, agreed with many of the comments that he made today. On 3 November 2004, in discussing decisions to cut fire control rooms and other available options at that time, Mr MacAskill said:

"The number of control rooms in Scotland is fundamental to the fire service and it must be fully debated in the Scottish Parliament before a decision is made."

**Mike MacKenzie:** Will the member give way?

**Graeme Pearson:** Please let me finish my point.

Mr MacAskill went on to say:

"We don't want a reduction of fire service control rooms, and there needs to be up front discussions not sleight of hand from this Executive."

Those were important points in 2004; indeed, as much was confirmed four years ago in Jeff Ord's report about the importance of fire control rooms to fire safety in Scotland.

That is not to say that there should be no change—after all, we live in a different world and face different challenges—but the problem is that we need to explain to local communities around not only Aberdeen and Inverness but Dumfries, Fife and Falkirk why their control rooms need to close at this time and to make clear the back-up resource that will be provided to ensure a first-class service for the future.

The issues that have caused so much concern not only around Aberdeen and Inverness but right across the country relate to the inability of the fire and emergency service, the police, the ambulance service and others to come together and co-ordinate the location of control rooms to give not only a better geographical spread but resilience to each of those services. If that were to happen, people would know that across the country there would be a fallback option for providing emergency support and control room facilities and that best use would be made of information technology, communication networks and the contracts for providing facilities right across Scotland to ensure that we did not lose the local knowledge that we accept is vital at times of stress.

There has been a failure to explain to the public what the options were, how the decisions were made, how communities will benefit from the reorganisation of fire control rooms as well as the separate reorganisation of police control rooms and how the crossover between those two reorganisations will achieve not only best value and other economies but better services for all concerned.

I am therefore happy to contribute to today's debate, and I wish David Stewart well in developing that debate and gaining support for his fire sprinkler proposal. I hope that the cabinet secretary will be able to offer some views on how we develop a way forward, a better service and better support from local control rooms.

12:47

**Mary Scanlon (Highlands and Islands) (Con):** I, too, congratulate Angela Constance on her promotion, and I thank David Stewart for securing the debate.

It is the responsibility of every Highlands and Islands MSP to ensure that, despite the challenges that are posed by the remoteness and rurality of the region that we represent, the services are the best that they can be. That applies equally to all public services, including the national health service, councils, Police Scotland, the Scottish Ambulance Service and the Scottish Fire and Rescue Service. Although most members have so far concentrated on the fire service alone, it is important to point out that the service is equally competent in dealing with flooding and other issues. It is, indeed, a fire and rescue service. I should also say that my colleague Jamie McGrigor will talk about the specific Western Isles issues that David Stewart has already mentioned.

Much of the focus over the past year has been on the merged police force, with little having been said about the merger of the fire and rescue services. In fact, Audit Scotland will not report on that new merger until January 2015—almost two years after the inception of the single service—although I appreciate that work is on-going.

I welcomed the merger of the fire and rescue service, mainly because of the Accounts Commission's very critical report on the then Highlands and Islands Fire and Rescue Service. That report highlighted that there were

"serious concerns about the sustainability of the fire cover model",

that there was no

"clear matching of resources to community risk ... poor leadership ... a capital backlog of £17 million, with ... 35 stations ... in need of upgrading ... significant health and safety risks in relation to firefighters"

and that information and communication technology systems were

"not adequate to properly support remote training".

My hope was that all those issues, and more, would be addressed in the lead-up to the merger into the single Scottish Fire and Rescue Service and that the Highlands and Islands would get their fair share of resources, support and training to ensure that firefighters would be given support in the job that we expect them to do.

It is therefore disappointing that, one year into the merger, jobs are being lost and services are being withdrawn, not just in Inverness but Scotland wide. Five of Scotland's eight fire emergency control rooms and six of Scotland's police control rooms are due to close. That goes

alongside further civilian job cuts in the single police force.

As David Stewart said, the closures will result in the loss of highly skilled jobs, but probably more important is that they also represent the withdrawal of an important local service and a potential reduction in quality in order to save money.

Although the Scottish Fire and Rescue Service assures us that there will be no compulsory redundancies, we know that in areas such as the Highlands and Islands, voluntary redundancies are on offer to staff who will be required either to relocate to places that are considerable distances away or to apply for unsuitable or often lower-paid jobs. It could be said that that is compulsory redundancy in all but name.

It seems that the Scottish Fire and Rescue Service Board has barely addressed or even considered those concerns. Staff at the Inverness control room have a unique understanding and knowledge of the area, the dialects and, indeed, the Gaelic that is spoken. Roads, houses, villages and areas often have regional names, which means that local knowledge is vital.

**Mike MacKenzie:** Will Mary Scanlon give way?

**Mary Scanlon:** I have just less than a minute left.

Local people have barely been consulted on the move and the Scottish Fire and Rescue Service has barely considered alternatives.

I turn to the second part of the motion, which I welcome, on the proposal for new fire safety legislation.

**The Deputy Presiding Officer:** Do so briefly, please.

**Mary Scanlon:** I appreciate that I am out of time, so I just want to say that I very much welcome what has happened in Wales and the fact that the approach that has been taken on the measure there was agreed to unanimously. I trust that a similar approach could be adopted in Scotland.

12:52

**Elaine Murray (Dumfriesshire) (Lab):** I start by wishing the Minister for Community Safety and Legal Affairs a speedy recovery—I understand that she is unwell this week. I congratulate Ms Constance on her promotion, although I am a little surprised to see her, rather than her cabinet colleague, the Cabinet Secretary for Justice, substituting for Ms Cunningham.

I congratulate David Stewart on securing the debate. The closure of police and fire and rescue

services' emergency control rooms across Scotland has prompted motions expressing concern from MSPs of all parties. Indeed, I had a members' business debate before the Easter recess highlighting the particular situation in Dumfries and Galloway, where both the police and fire and rescue service control rooms had been earmarked for closure.

Dave Stewart's motion rightly concentrates on the Scottish Fire and Rescue Service control room closures. They do not seem to have attracted the same degree of attention as the police control room closures, but they are equally important.

During my members' business debate last month I expressed my concern for the 15 control room staff whose jobs at the fire and rescue emergency control room in Dumfries will disappear, and my concern about whether they will all be offered suitable and comparable employment within the Scottish Fire and Rescue Service. Those concerns will remain until I have been assured that no one is being expected to travel unreasonable distances to control rooms in the central belt in order to retain their employment, and that no one has been forced to accept so-called voluntary redundancy because no job has been offered that they can feasibly accept.

I do not intend to repeat the contribution that I made a month ago. This time, I want to highlight some of the points that have been made by people who really know about the fire service—firefighters. The Fire Brigades Union Scotland made pertinent points in its submission to the SFRSB on the future of fire emergency control rooms last January. Unfortunately, the FBUS did not argue for retention of the control room in Dumfries and Galloway, but that is partly because discussions about its closure had pre-dated the creation of the single Scottish Fire and Rescue Service. I have, of course, sought and received assurances from the union that it will actively support the displaced staff in their being suitably redeployed.

However, the FBUS expressed serious concerns about the reduction in the number of control rooms to three, and in particular the lack of local cover in the north of Scotland—there will be no control room north of Dundee. The FBUS also pointed out the problem of wildfire in the Highlands and Islands and Grampian; wildfire is, of course, also a potential threat for Dumfries and Galloway.

Identification of the location of a fire can be difficult because forests and moorlands do not have postcodes, so local knowledge of such areas is crucial. Rural areas tend to rely on retained crews rather than full-time firefighters, and stations may be far apart along minor roads, so extra pumps may have to be mobilised in case additional resources are required, and standby

arrangements must be made to maintain fire cover at the stations that will be empty. All that requires a fair degree of local knowledge, whatever Mike MacKenzie says—the FBUS does not agree with him in that respect. It believes that local knowledge is required about the location of pumps and which stations have crew available and when. The FBUS submission warns against assuming that technology can provide the solution to every difficulty, and points out that a recent failure of the radio system caused problems for six of the eight existing control rooms.

The FBUS submission makes the important point that three large control rooms could be targets for terrorist attack. If one were to suffer a catastrophic failure, there would be only two left covering the whole country. The SFRS has a statutory responsibility to plan for worst-case scenarios such as technological failure, cyberterrorism or an illness epidemic affecting control room staff.

In the past, Government ministers have argued the case for closure in terms of the daily numbers of calls, but those numbers have been contested by staff. In addition, call handling is far from being the only responsibility of control room operators, and the other duties will still require to be undertaken when the control rooms close.

In conclusion, the control room closures have been undertaken without consideration of the views of local people and communities or even, it seems, the views of firefighters themselves, who know best about such things. Unfortunately, no one in Government is prepared to call the SFRS to account for the closures. I do not expect Ms Constance to do so, but I would have expected it from her colleagues in the justice department.

12:57

**Liam McArthur (Orkney Islands) (LD):** I start by paying tribute, as Graeme Pearson did in his excellent speech, to all those who work in the Scottish Fire and Rescue Service—both retained and full time. I congratulate Angela Constance on her promotion—a promotion and a visit to Orkney certainly made that a red letter day, I am sure. As today's debate demonstrates, there will be a variety of challenges ahead, but I wish her well in meeting them.

I thank Dave Stewart for lodging the motion and for bringing the debate to the chamber, and for the way in which he prosecuted the argument in his opening speech. His motion quite fairly establishes that closure of five of the eight emergency control rooms, including the one in Inverness, will have a disproportionate effect on rural communities such as mine—Orkney.

**Mike MacKenzie:** Will Liam McArthur take an intervention?

**Liam McArthur:** I will not, at this stage.

As a petition that Parliament considered only this week demonstrates, there has been no dilution of the anger and anxiety that is felt in rural areas about the issue, and those feelings are certainly echoed in my constituency.

Councillor Andrew Drever, the chair of Orkney Islands Council police and fire committee, set out very well in his letter to Pat Watters in October last year the case for retaining the control room in Inverness. He mentions the vastness of the area that it covers and the diverse geography, which Mary Scanlon has also highlighted, and the experience and local knowledge that are vital in mobilising responses.

Councillor Drever mentions the need to add resilience to the Scottish network overall. Such resilience is potentially crucial at times of natural disaster or civic emergency. He also points to the recent upgrade of the control room in Inverness, and suggests that because the control room is co-located on a single secure site with the Inverness workshop, which will remain open, the savings to be made are “minimal”.

I have met Alasdair Hay, and I know that he is trying to respond to the concerns that have been raised. However, as with the creation of Police Scotland, the message that is conveyed by merging and centralising operations is that rural and island areas are somehow a secondary consideration.

The minister will argue that the decision is an operational matter. I accept that one of the fears around the creation of a single police force and a single fire and rescue service concerns undue political influence and interference by the Cabinet Secretary for Justice. However, ministers can and should lead by example. The message from this Government from the outset is not only that centralisation is acceptable, but that it is positively encouraged.

A feature of the previous Lib Dem-Labour Executive's approach was the policy of civil service relocation. It was a recognition that devolution should not stop at Edinburgh but is about more. It is not just about powers coming to Scotland, but is about powers for all of Scotland. The process was not straightforward. For example, I recall well that submissions, at least in the first instance, from officials invariably suggested that the status quo was the easiest and cheapest option. Latterly, offers of moves to Stirling and Perth emerged in proposals. However, ministers were resolute and jobs were relocated and communities from the Borders to the Highlands and Islands and many points in

between benefited. It was not just about jobs, as is the case with the control rooms, important though they are. What was done sent a critically important message about the type of Scotland that we want to create, in which the centre does not always know or do best.

That policy was, of course, almost immediately abandoned by the Scottish National Party after 2007. It was done quietly, but very deliberately. We should not underestimate the effect that that has had on the wider public sector. Statements about effective consolidation, administrative simplicity and decluttering the landscape were used to justify retrenching to the centre; they were all used as excuses for chipping away at local democracy and were, in my view, the antithesis of what devolution was supposed to achieve. It has not gone unnoticed by my constituents that SNP ministers constantly demand more powers for themselves while showing little inclination to share the ones that they already have with communities, particularly in rural and island areas.

Again, I congratulate David Stewart on bringing this debate to Parliament, although I suspect that it comes too late for those in the Inverness control room and in others that are set for closure. However, I believe that it should prompt the Government to think again about its approach.

13:01

**Lewis Macdonald (North East Scotland) (Lab):** I, too, congratulate David Stewart on bringing this motion for debate today. On Tuesday morning, he and I both heard from petitioners Jody Curtis and Laura Ross when they spoke to the Public Petitions Committee on behalf of thousands of their fellow citizens. They said that the decisions to close every fire and police control room north of the central belt has left people in the north-west and north-east feeling as if their regions have been forgotten by Scotland's devolved Government. The public have had no opportunity to express a view on the closures and the concerns of control room staff have been ignored.

As Elaine Murray said, the Fire Brigades Union has spoken out particularly strongly on behalf of its members in the threatened control rooms in Aberdeen and Inverness. Two comments by the union's Scottish secretary, John Duffy, were mentioned by SNP MSPs on Tuesday, as if to imply that somehow the union is content with the closure proposals. It is not.

As Elaine Murray said, FBU Scotland argued in a paper to the SFRS board in January that "a different solution" is required in the north to

"the proposed enlarged control rooms to be sited in the central belt."

Local knowledge is critical for fighting fires in remote rural areas.

**Mike MacKenzie:** Will Lewis Macdonald take an intervention?

**Lewis Macdonald:** No.

Decisions on how many pumps to send, where to look for back-up, and which part-time stations can provide standby cover if other part-time crews are committed to a remote location are all decisions that are based on local knowledge and are

"not computer generated but ... learned and maintained by local operators."

The FBU also highlighted the specialised training that is undertaken by control room staff in Aberdeen, who need to be fully conversant with safety-critical procedures for specific risks that arise in the oil and gas industry: from working-at-height procedures, to mass decontamination, to mobilising the UK's international search and rescue team in conjunction with equally specialised control rooms in the West Midlands and Hampshire, to providing support to crews and senior officers at the scene of major incidents, which can be of vital importance for a successful resolution.

The union argued that the best solution for the north service delivery area was

"the retention of a Control room in both the North East and North West of Scotland to recognise and ensure a robust response to the unique risks and challenges presented by these large areas."

We know that Aberdeen already has a purpose-built control room that was designed and equipped in 2007 to allow for future expansion and which could be expanded at very little cost. The FBU has argued, rightly, that retaining two existing control rooms in the north-west and north-east makes more financial sense than spending taxpayers' money simply to replicate the Aberdeen control room in Dundee.

The board went ahead with those closures on a majority vote only after senior management had drastically revised the projected costs and savings, hours before the decision was taken, and in spite of the conclusions of the management's own options appraisal that there was no financial benefit from closing Aberdeen. It had to assess the importance of cost savings as representing 10 per cent of the argument; that exposed a real and fundamental weakness in the case.

The Scottish Fire and Rescue Service could hardly have got off to a worse start. Even if ministers do not recognise the folly of the closure proposals, surely they must recognise the damage that is being done to the trust and confidence of

the wider community in the new service as a whole.

I am sorry that Roseanna Cunningham could not be here, and that Kenny MacAskill did not stay to respond to the debate, but if ever there was a case for a change of heart by justice ministers, this is it. Ministers should require the board to withdraw its discredited proposals and to work with the Fire Brigades Union and other stakeholders to agree proposals that will make real savings, restore public trust and enhance public safety in all our communities.

13:05

**Jamie McGrigor (Highlands and Islands) (Con):** I, too, congratulate David Stewart on securing today's important debate, and I am pleased to be able to make a short contribution. I also congratulate Mike MacKenzie on his long service medal, which is a great achievement. Our firefighters are very brave people and we must recognise that and give them every possible support.

On behalf of constituents across my region, I wish to highlight the genuine concerns about the proposal to close the Inverness control room. I was recently in the Western Isles, where campaigners, including Councillor Catriona Stewart, presented me with a copy of the petition with more than 3,000 signatures that was given to David Stewart as convener of the Public Petitions Committee. The number of signatures collected, in addition to those gathered through the Facebook campaign, demonstrates the strength of local feeling. Council leaders have also spoken out against the changes.

Anxiety about the potential loss of local knowledge and expertise is widespread. The remote and rural island communities of the Highlands and Islands region have been well served by the Inverness control room.

**Mike MacKenzie:** Does Mr McGrigor not feel that, given the circumstances in which local knowledge is available in control rooms, such as Mr McArthur mentioned in relation to Inverness—

**The Deputy Presiding Officer:** Let us have a question, not a speech, please.

**Mike MacKenzie:** Does Mr McGrigor agree that the claim of local knowledge of such a widespread area as the Highlands and Islands is not credible and, indeed, that such local knowledge is not necessary at control room level? Does he agree that some members are guilty of raising public fears that should not be there?

**Jamie McGrigor:** We have a devolved Administration and we ought to devolve other things as well.

Anxiety about the potential loss of local knowledge is widespread. It has been correctly pointed out that many roads, houses and place names in the region are in Gaelic, so it is vital that those in the control room have an awareness of Gaelic, something that the Inverness control room certainly has and something that has been acquired and built up over a long period of time. There are also many cases of duplication of place names across the Highlands, Orkney, Shetland and the Western Isles, and computer systems cannot compensate for the local knowledge of place names and dialects.

As members will know, the wind off the Atlantic blows fiercely in the islands and fires spread quickly. Any delay can be disastrous.

I also share the concern of constituents who are annoyed that communities simply were not consulted before the proposal to close the Inverness control room was announced. That is regrettable. I call on the minister to recognise and address the significant level of public concern across the Highlands and Islands on the matter, and to urge the Scottish Fire and Rescue Service to engage with communities and reassess the decision on the Inverness control room.

13:09

**The Cabinet Secretary for Training, Youth and Women's Employment (Angela Constance):** I start by thanking members for their kind comments with respect to my promotion. I am sure that I speak on behalf of all members in wishing Ms Cunningham a speedy return to her normal robust good health. Nonetheless, I am pleased to have the opportunity to respond on behalf of the Scottish Government to important community safety issues that are very much at the heart of the communities that we all represent.

Ms Cunningham has said on many occasions that the Scottish Government acknowledges the very clear passion across the chamber on the issues that Mr Stewart raised today. However, it is important for us all to reflect on the fact that, in any change programme, decisions will be made that cannot please everyone. Graeme Pearson touched on that when he intimated that the world never stands still and that change is often required and necessary.

I say to Jamie McGrigor that the Government acknowledges that there have been difficult decisions, but it is also right for us to spend at least a few minutes looking at the positive outcomes of what has been achieved. A key aim of our new national fire service is to strengthen the connection between services and local communities. That aim is already being delivered across Scotland, which is evident from the public

consultation on local fire and rescue plans, prepared by local senior officers, which concluded in March. Nearly 900 individuals and organisations responded to that consultation, taking advantage of the new opportunities to help set fire service priorities at a local level. Feedback was overwhelmingly positive.

I know that concerns continue about the loss of local knowledge, which has been a theme throughout the debate, but we have a clear commitment from the chief fire officer that he would not propose any action that would undermine the safety of any community in Scotland. Modern technology and mapping systems provide the most accurate information on the location of incidents. It is the professionalism and expertise of control room staff that are imperative and they are not dependent on their location.

Three modern control rooms with connections to every fire appliance in Scotland will deliver a better service using the latest information technology, which will allow dynamic mobilising, remove the boundaries of the previous eight services and make sure that the nearest available appliance is deployed as speedily as possible.

I ask David Stewart, Jamie McGrigor and others whether it is realistic to expect anyone to have local knowledge of the entire Highlands and Islands. Let us consider the control room in Johnstone that serves the whole of Strathclyde region—including 29 islands—which will deal with requests articulated in a full range of dialects and the Gaelic language. Staff in Johnstone handle more than 50 per cent of all calls to the Scottish Fire and Rescue Service—again, all through professionalism, expertise and the supporting systems.

David Stewart and others are understandably concerned about the isolation of rural communities, but we all know that budgets are under pressure. It is important to reduce duplication in areas such as control rooms, because that protects the precious resources available, which means that the continued front-line presence and delivery in rural areas—

**Liam McArthur:** Will the cabinet secretary take an intervention on that?

**Angela Constance:** I might do in a wee minute. I am conscious that Mr Stewart also wanted answers about sprinklers.

It is important to recognise that the changes have been made with a view to protecting front-line services. Where local knowledge is imperative is among staff on the ground and at the front line.

Given the financial climate that we are in, what is the alternative?

**Lewis Macdonald:** Will the cabinet secretary take an intervention?

**Angela Constance:** Perhaps in a moment.

I am pleased that we have not had to go down the route of fire services in London, where hundreds of firefighting jobs have been lost.

It is important to recognise that the level of calls to fire control rooms is such that they could all have been handled by one control room, but the SFRS chose to keep three control rooms to address the very issues that Dr Elaine Murray raised to do with resilience—Liam McArthur touched on that as well. It is important not to put all our eggs in one basket.

In broader terms, new resources are going into the north of Scotland, in the form of the water rescue resource service in Inverness. Further, the first whole-time firefighter recruitment campaign will be under way in May. I hope that that will be of interest to Mary Scanlon because the majority of those new posts will be located in the north of Scotland. It is important that I reiterate the commitment of the Government and the Scottish Fire and Rescue Service to having no compulsory redundancies. Nearly 40 new firefighters are now in the service who previously worked in support services.

Mr Stewart raised the important issue of sprinklers. It is true that domestic sprinklers can help to prevent casualties and damage to property caused by fire, which may be a particular issue in more rural areas. Scotland has led the way in the UK. Perhaps Mr Stewart has had something to do with the fact that, in 2005, we were the first to introduce building standards requiring the installation of sprinklers in new-build enclosed shopping centres, residential care buildings, sheltered housing and high-rise accommodation.

In 2009, the “Scotland Together” report, to which Mr Stewart referred, concluded that it was not cost effective to install sprinklers in all Scottish homes. That point was reiterated in the Welsh Government’s evidence. Nonetheless, the scope of sprinkler coverage should be kept under review and the Government will take great interest in the latest proposals emerging from Wales. We already have enabling powers, under the Building (Scotland) Act 2003, to introduce secondary legislation. I stress that the Government’s current position is to support a targeted approach to sprinklers, but we will continue to review the situation and look at what is happening in Wales and elsewhere to promote community safety.

At the end of the day, though, although Parliament has debated and is divided on aspects of detail, community safety is of paramount importance to all of us and the communities that we represent. We should recognise that, although

we are making progress with fire safety in Scotland, there is never any room for complacency.

13:17

*Meeting suspended.*

14:30

*On resuming—*

## **Housing (Scotland) Bill: Stage 1**

**The Deputy Presiding Officer (John Scott):** Good afternoon, everyone. The first item of business this afternoon is a debate on motion S4M-09749, in the name of Margaret Burgess, on the Housing (Scotland) Bill. We are tight for time, so if members could stick to their times, that would be great.

**The Minister for Housing and Welfare (Margaret Burgess):** I am delighted to open this stage 1 debate on the principles of the Housing (Scotland) Bill.

I thank the Infrastructure and Capital Investment Committee for its scrutiny of the bill and its stage 1 report on it. I also thank the Finance Committee and the Delegated Powers and Law Reform Committee for their consideration of the bill and their contribution to the lead committee's scrutiny of it. I am particularly grateful to all our stakeholders for the considered views that they offered to the lead committee and their responses to the numerous Scottish Government consultations that helped to shape the policy objectives of the bill. The Infrastructure and Capital Investment Committee recognised that those consultations were comprehensive and inclusive.

I welcome the Infrastructure and Capital Investment Committee's conclusion that the bill provides

"a package of measures which will contribute to the improvement of housing in the social, private rented and owner-occupied sectors."

That captures well what the Government wants to achieve through the bill.

The Infrastructure and Capital Investment Committee made a number of detailed recommendations and comments in its report and called on the Government to consider and respond to them during the later stages of the bill's parliamentary scrutiny. The Government is still reflecting on some of those issues, but we will set out our position on all of them in our response to the report.

In this debate, I want to focus on the principles of the bill and what we want to achieve through it, but I will also address some of the more significant points that the committee raised.

I will start with the provisions to end the right to buy. The Scottish Government is committed to increasing the supply of social housing, which is why we want to end the right to buy. By doing that, we will keep homes in the social rented sector,

increase choice for tenants and people in need of housing, and help social landlords to manage their stock more effectively.

I am pleased that the measure has been widely supported. In fact, the majority of stakeholders have told us that the right to buy should end sooner than three years after royal assent, as the bill currently provides for. That has been endorsed by the committee. In light of that, we have looked again at the length of the period and considered whether it strikes the right balance between moving quickly to safeguard homes for rent and giving tenants a fair opportunity to exercise their right to buy should they wish to do so. We have concluded that a period of two years from royal assent strikes a better balance, and we will therefore lodge an amendment at stage 2 to that effect.

**James Kelly (Rutherglen) (Lab):** I am not opposed to the right-to-buy proposals in the bill, but how does the minister see the abolition of the right to buy tackling the number of people on housing waiting lists, currently 155,000, bearing in mind that the Government's own figures suggest that it will make only a dent in reducing those lists—1,500 houses a year?

**Margaret Burgess:** As I said, the principle that we propose in the bill is to safeguard the social houses that we currently have. The bill is a way of doing that. It goes in conjunction with the Government's target to increase our supply of affordable housing and to ensure that we build a further 30,000 affordable houses by the end of this session. I remind the member that we are building more houses for social rent now than were built under any previous Administration of this Parliament. We will continue to do that and will safeguard the houses that we already have by ending the right to buy.

The bill includes a range of measures to help social landlords to meet housing need and to support local communities by giving them more flexibility in how they manage and allocate their housing stock. There is general support from the committee for those measures. I agree with the committee's recommendation that the Government should publish guidance to help landlords to use their increased flexibility and we are more than happy to undertake that we will do so, for example, to provide further clarity on how the antisocial behaviour measures are intended to work in practice.

I am also aware of the very different views that stakeholders have on section 5 of the bill, which will allow landlords to take age into account when they allocate social housing. The provision was included in the bill because landlords told us during the consultation that the measure would enable them to allocate individual properties in

such a way that new tenants were helped to sustain their tenancies to the benefit of themselves and their communities. However, others have expressed concern that the provision introduces the possibility of allocations being discriminatory. I place on record that that is not the Government's intention; indeed, the section includes explicit safeguards against that possibility. However, I respect the different positions that stakeholders have taken on the issue.

At a recent meeting of my housing policy advisory group, the opposing arguments were explored and debated. From that discussion, it was clear to me that everyone is united in wanting to achieve the best outcomes for communities and for those in housing need. I am now considering carefully everything that has been said on the matter and hope to set out the Government's position in my response to the committee's stage 1 report on the bill.

There has been widespread support for the transfer of private rented sector cases from the sheriff to a tribunal. The move will enable greater specialism and access to justice in such cases, given that we have heard that both landlords and tenants can be reluctant to use the courts. There is significant interest in the operational detail of the tribunal, for example in relation to access and representation. Such detail will largely be set by secondary legislation.

Some representatives of the social rented sector expressed disappointment that cases relating to that sector are not being transferred to the tribunal. The Government believes that improved specialism and procedures enabled by the Courts Reform (Scotland) Bill will improve how cases that arise in the social sector are dealt with, but we will of course continue to keep the impact of those reforms under review through continuing engagement with stakeholders. That will include my attending regular housing policy advisory group meetings where I can hear about the issues first hand. The group includes representatives of social rented tenants, the Chartered Institute of Housing, the Association of Local Authority Chief Housing Officers, the Convention of Scottish Local Authorities, the Scottish Federation of Housing Associations and Shelter Scotland.

The bill introduces rights for third parties to report to the Private Rented Housing Panel. Those rights will strengthen local authority powers to tackle poor conditions in the private rented sector for the benefit of individuals and communities across Scotland. Again, there is widespread support for that policy. We intend to strengthen the provision further by lodging stage 2 amendments that will give local authorities a new power of entry in respect of enforcement of the repairing standard. That will give all local authorities in

Scotland powers to tackle substandard housing, wherever it arises in their areas. We believe that that approach will be a more effective way of tackling such problems than the proposals for enhanced enforcement areas. I know that local authorities have expressed concerns about the potential cost to them of those new powers, but a key feature of the provision is that they are discretionary. In effect, they offer local authorities an additional tool for tackling substandard housing in a targeted way when they are satisfied that the cost of intervening is justified by the benefits to tenants and communities.

Improving safety standards in private sector housing has received almost unanimous support from stakeholders. As part of our sustainable housing strategy, we intend to look later this year at safety standards across all tenures of housing. At stage 2, I intend to lodge an amendment that will provide for a regulation-making power in respect of making changes to the repairing standard for private landlords. I also expect non-Government amendments to be lodged at stage 2 that would require electrical safety checks and the installation of carbon monoxide detectors in private rented housing. I want to see the detail of such amendments before I commit to supporting them, but I am sympathetic to such proposals and hope that we can amend the bill in that regard.

The committee made the case for smoke detectors to be hardwired. I agree that that should be the standard for private rented homes, but I do not think that we need to legislate for it. Under section 20 of the Housing (Scotland) Act 2006 there is a requirement for any alarm that has been installed or replaced since September 2007 to be hardwired. Given that alarms need to be replaced at the end of the manufacturer's recommended lifespan, which is usually between five and 10 years, the desired result will be achieved without the need for further legislation.

If there are concerns on that point, they can be picked up through the work that we intend to do on cross-tenure standards, which I have mentioned. If necessary, we can address them through the new regulation-making power that we propose to introduce at stage 2.

The Scottish Government is committed to improving standards in the letting agent industry, an industry that serves a rapidly expanding private rented housing sector. The provisions in the bill are intended to give tenants and landlords confidence in a consistent standard of service and easy access to a dispute-resolution service.

The bill will achieve those twin aims by setting up a statutory register of letting agents, developing a statutory code of practice and creating a new means of redress for tenants and landlords to the new first-tier tribunal. I was pleased to note the

broad support for our proposals at the committee's evidence-taking sessions.

**James Kelly:** I ask the minister to provide some clarification on the regulation of letting agents. Under the bill, if a letting agent performs unsatisfactorily, can they be removed from the register?

**Margaret Burgess:** Yes. I will cover that later. A letting agent who does not perform and does not follow the statutory code of practice can be reported to the first-tier tribunal and can be removed from the register if they do not comply with the code. Also, if they do not pass the fit-and-proper person test, the Scottish Government can remove them from the register.

Let me be clear that the provisions that we are introducing on letting agents will have teeth and we intend to use those teeth to ensure that the reputation of the sector is improved.

**Patrick Harvie (Glasgow) (Green):** The minister says that the regulation of letting agents will have teeth. It is clear that the detail of how it will work will be in the code of practice. The committee has recommended that the bill should be used to outline the issues that the code will cover. Does the minister agree with that recommendation? If not, it is hard to see why we should allow the negative procedure to be used to approve the code of practice rather than the affirmative procedure, which would at least give the Parliament some power of scrutiny.

**Margaret Burgess:** As I said, we are still considering the committee's report and will respond to it. The code of practice will be worked up with stakeholders. We have listened to concerns and will introduce amendments at stage 2 to require training for letting agents as a condition of registration. We are considering a number of measures to strengthen the provisions even before the code of practice is worked up.

We expect the code to cover issues such as professional standards, ethics, professional indemnity and complaints-handling procedures. We are also considering how the enforcement measures in the bill—which may cover what Patrick Harvie mentioned—can be made more robust. We will address that through amendments at stage 2.

Our approach to reforming the mobile homes site licensing system has also been welcomed by the committee. We have listened to what the committee and industry have said on that and will lodge stage 2 amendments on it.

When I gave evidence on the bill to the committee, I said that the Government was sympathetic to calls for tenants of a registered social landlord to be balloted before their landlord

became part of a group structure with another RSL.

We asked stakeholders for their views on that, and I am grateful that more than 40 took the trouble to respond at short notice. I am now considering their views and hope to set out the Government's definitive position on the matter in our response to the stage 1 report.

As the committee recognised, the bill is about improving housing across all tenures. It will help us to deliver better outcomes for communities, safeguard the interests of consumers and support improved quality across all sectors of housing.

I look forward to working with members across the chamber to secure those objectives as we continue to take the bill through Parliament.

I move,

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

14:44

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** The Infrastructure and Capital Investment Committee has carried out comprehensive scrutiny of the Housing (Scotland) Bill, which, as is ever the case with housing bills, contains a wide variety of proposals. I will cover briefly how we viewed some of the key provisions in the bill. I am sure that my colleagues on the committee will pick up on some of them in more detail as the debate progresses.

First, I extend the committee's thanks to all the housing stakeholder groups and individuals who provided oral and written evidence on the bill. It is always hugely encouraging for us to witness the passion and commitment of organisations that genuinely want to see tangible improvements made to social and private rented housing in this country.

I offer particular thanks to the social housing tenants groups, the housing association representatives and the officials and councillors from West Dunbartonshire Council for meeting the committee informally in Dumbarton in February as part of Parliament day. It was particularly helpful for us to hear at first hand the practical experiences of both tenants and those who manage and operate social housing. We also held a formal meeting in the evening in Dumbarton, which I believe is a first for a committee of the Scottish Parliament. We were very pleased to see an excellent turnout from members of the public, who also participated in a question-and-answer session with members and witnesses on housing issues.

It is clear that the most prominent element of the bill is the proposal to abolish the right to buy social

rented houses in Scotland. We heard strong evidence from local authorities, housing associations, tenants groups and others that the policy has had its day and that ending the right to buy will help to stop affordable rented housing being lost from the social housing sector. We heard that it will help RSLs to maintain the supply of affordable rented housing stock and make it easier for them to carry out more effective strategic and financial planning.

Based on that evidence, the majority of the committee agreed with the proposal to abolish the right to buy. I know that Alex Johnstone will have no problem with my indicating that he was the only committee member who disagreed with the proposal.

Having taken the decision that abolishing the right to buy is the correct way to proceed, the majority of the committee also reached the view that the proposed three-year notice period before its implementation is too long. That reflected the strong views heard in evidence that the sooner the abolition comes into effect, the better. We are of the view that a notice period of one year is adequate to allow people who have a right to buy to decide whether that is the right option for them. I was pleased to hear that the minister has moved to two years and look forward to hearing at stage 2 her views on why she has gone for two years rather than one.

As well as proposing the abolition of the right to buy, the bill proposes a range of provisions that will impact on the management of social housing in Scotland. It will help to increase the flexibility that landlords have when allocating houses and give them more tools to tackle antisocial behaviour.

The committee is content with those provisions, which reflect the broadly positive views that we heard in evidence. However, we have highlighted the need for clear guidance on the detail of how certain provisions should work in practice and the factors that will be taken into account in their implementation.

Section 5 of the bill was the subject of concern among some of the stakeholders who gave evidence. That section repeals provisions that prevent social landlords from taking account of an applicant's age unless properties are specifically designed or adapted for a particular age group.

Concerns were expressed that the measure has the potential to be discriminatory towards certain age groups, particularly young people. We were reassured that councils would carry out equality impact assessments when developing their allocations policies and would have to justify their decisions objectively. Nonetheless, the committee calls on the Scottish Government to consider how

effective and consistent monitoring might be carried out so that there is no consequential discrimination against any age group. I would welcome the minister's comments in that regard.

During stage 1 scrutiny, local authorities and some tenants groups expressed disappointment that provisions to allow for initial or probationary tenancies were not included in the bill. Others saw that such a proposal was riddled with difficulties. The committee's view is that there is no clear indication that it would be appropriate to introduce those measures at present.

Part 3 of the bill deals with the private rented sector. The committee agrees with the evidence that supported the bill's transfer of private rented sector cases to the first-tier tribunal. Many considered that it would help to reduce costs and make the process easier for both tenants and landlords.

The committee heard that many also wanted that type of tribunal to be available for social sector rented cases, but it supports the idea that the private rented sector should be prioritised. The committee also supports the Scottish Government's commitment to monitor the progress of the private rented sector tribunal in order to decide whether further changes could be made for social rented sector cases at a later date.

Throughout its evidence taking, the committee sought views on proposals that were made by the Electrical Safety Council to improve the physical standard of private rented housing. Those proposals were supported by many other organisations that provided evidence. They state that for all private rented accommodation there should be mandatory five-yearly checks of electrical installations and any supplied electrical appliances; mandatory provision of suitable mains-powered smoke alarms; and mandatory installation of carbon monoxide alarms. I note the minister's comments in her opening remarks, which we will address at stage 2.

Part 4 of the bill provides for the registration of letting agents, which was widely supported by those who gave evidence. The committee recognises that much of the detail of the register of letting agents and the code of practice is subject to further regulations. However, given the evidence that it heard, the committee recommends that the Scottish Government considers how it might include in the text of the bill more detail—as Patrick Harvie said—of what those regulations might cover. That could include professional conduct, qualifications and training and financial obligations.

The committee also recommends that the Scottish Government should consider an initial registration period of one year before an agent

progresses to three-year registration as proposed in the bill. The committee heard that it is not clear how many letting agents operate in Scotland and is of the view that the Scottish Government should take an active role in considering how unregistered letting agents might be identified.

Part 5 of the bill deals with mobile homes. The committee welcomes the proposed range of measures, which are designed to help to address some of the problems that are experienced by permanent residents of mobile and park homes. A key proposal is to introduce a fixed site-licence renewal period and a fee for the administration of the licensing scheme.

Evidence suggests that there is a great deal of concern about the potential impact on residents should a site lose its licence. Some site owners feel that the fixed three-year renewal period for licences should be replaced with a more flexible arrangement. The committee recommended an awareness campaign to ensure that residents and site owners are provided with accurate information about the intentions and potential impacts of the new licensing regime.

The committee also recommended an awareness-raising exercise among local authorities to enhance understanding of mobile and park home site regulations and to embed the need for a consistent approach to inspections and enforcement. The committee welcomed the introduction of a fit-and-proper-person test for site owners to help to ensure the security of residents. It called on the Scottish Government to consider the feasibility of a shared fit-and-proper-person register to ensure that non-compliant owners cannot move between authority areas while continuing to employ non-compliant behaviours on their sites. The committee believes that that would add greatly to the protection of site residents throughout the country.

The committee was concerned that fines to site owners for non-compliance with licensing requirements might, as the bill is currently drafted, be passed on to residents. However, it is reassured that the Scottish Government intends to lodge an amendment on that at stage 2.

Part 6 of the bill seeks to ensure that local authorities have a range of powers to tackle poor conditions in the private sector, and we welcome the principle behind the missing share provision in the bill, which will allow local authorities to step in where an owner is unwilling or unable to pay or cannot be found or identified.

As the minister said, part 7 of the bill deals with proposals in relation to the Scottish Housing Regulator. I was pleased by the minister's response on that issue in her opening remarks and I note her comments on it.

In conclusion, the Infrastructure and Capital Investment Committee welcomes the Housing (Scotland) Bill because it provides a package of measures that will contribute to the improvement of housing in the social, private rented and owner-occupied sectors. The committee therefore recommends that the Parliament agree to the general principles of the bill.

14:55

**Mary Fee (West Scotland) (Lab):** Scottish Labour believes that the Housing (Scotland) Bill as introduced is a missed opportunity to tackle the housing challenges that Scotland faces. Under the control of the Scottish Government, housing is facing the biggest crisis seen in Scotland since the end of world war two. The bill contains no new or radical proposals to tackle the problems forced on housing by the SNP and it exposes the vision and leadership lacking in the stewardship of the housing minister and her colleagues in the Scottish Cabinet. Further, the bill demonstrates that there is a clear need for a long-term action plan.

The measures in the bill do not go far enough to merit the praise that we will no doubt hear from members on the Government benches. Instead of a bold vision to build the new houses that Scotland urgently needs, we have proposals that tinker around the edges of the serious issues that have resulted in over 155,000 people across Scotland being on social housing waiting lists. I will go into some specific aspects of the bill shortly, but I ask that when the minister makes her closing remarks she gives us a bit more detail on how the Government intends properly to enforce the registration of letting agents; explains, over and above the announcement last week, how the bill will tackle energy efficiency; and, importantly, explains what steps will be taken to ensure that young people will not be discriminated against if age becomes a factor in housing allocation.

I was pleased to hear the minister say in her opening remarks that a two-year period is now being considered before introducing the abolition of the right to buy. However, as Maureen Watt said, the committee recommended that the period be reduced to one year, so I would be grateful if the minister could give us a bit more detail in her closing remarks about why she has moved to the view that the period should be two years and why she has not adopted the committee's recommendation that it should be one year.

The provisions in part 1 of the bill will, rightly, abolish the right to buy. The vast majority of respondents to the Scottish Government's consultation supported that proposal, as does Scottish Labour. Councillor Harry McGuigan of COSLA is right to say that

"the abolition of the right to buy is absolutely necessary if we are to be able to meet the requirements and demand for housing in our communities." —[*Official Report, Infrastructure and Capital Investment Committee*, 5 March 2014; c 2705.]

We would all be foolish to believe that abolition will of itself somehow create more houses, but it will give councils and housing associations the ability to improve strategic and business planning as well as keep good-quality housing in the public sector. It is worth noting that almost half a million homes in Scotland were sold under the right to buy and that, regrettably, almost a third of those are now in the private rented sector, with rents almost double those of remaining social rented housing. On the timescale for abolition, I said earlier that we strongly favour less than the three years proposed in the bill. Again, I would be grateful if the minister could explain why she is moving to the view that the timescale should be two years.

Part 2 of the bill attempts to address some of the social problems associated with the social housing supply, but it is again a missed opportunity to tackle them head on. Shelter Scotland and Scotland's Commissioner for Children and Young People warned in committee that there could be disadvantaged groups if age is taken into consideration. As the minister knows, Shelter has set up an online petition on the issue and I am sure that her inbox will be filling up as a result of young people signing it. It would have been more beneficial for the minister if the age proposal had been in the original consultation; it was not, hence the anger from SCCYP, Shelter and other organisations working with young people. I know that some councils currently use age as a criterion in allocating housing. For example, only half a mile from where I live, flats have been prioritised for elderly tenants, which is having a positive effect in the area.

Although we recognise that the provision could have benefits, we want to ensure that section 5 does not have serious implications in relation to equality legislation or for young people, who could be denied a quality home. The Government must provide solid and watertight guidance for local authorities and registered social landlords in the event that they use such powers. If the proposals remain as they are, we would like a code of practice to be implemented, as well as effective monitoring, to ensure that discrimination does not take place.

The antisocial behaviour elements of the bill must be backed by checks and balances to ensure that the provisions are not misused. During the evidence sessions, we heard that there is a need for the Government to clarify what evidence can be used, the extent to which it can be trusted and how issues can be remedied. We want to ensure that any measures are used in an effective

manner that ends the misery that many communities endure and that, at the same time, work is done with those who are responsible to change their behaviour.

Garry Burns and Paul Brown expressed frustration with the types of evidence that can be used in relation to short Scottish secure tenancies and the historical period over which incidents that tenants were involved in can be taken into account. I know from my time as a councillor—as will other members—that resolving issues in the first place is far more beneficial and more cost effective, if that works for both parties. There is a hard-working ASSIST—advice, support, safety and information services together—team in Renfrewshire and mitigation should always be the first option.

The reasonable preference provisions must be used to house people who are in dire need. The current preference groups are outdated and must be brought in line with current practice, but further clarification of “unmet housing need” is required. Given that we have an ageing population, there will be a number of elderly people who are living in homes that have not been suitably adapted and it is only right that preference is given to our elderly to improve their health, wellbeing and mobility.

In relation to succession for carers, we do not want unpaid carers to be left homeless in the event that they do not meet the new qualifying period. That could have great emotional cost for them and it could cost the social landlord that would have to rehouse them.

The Scottish Government must be careful about legislating on social housing and then passing on the responsibility for implementing those provisions to local authorities. The committee was warned that that could lead to legal challenges. Margaret Burgess and the Government must take responsibility for that.

I turn to part 3 of the bill. Scottish Labour supports the transfer to first-tier tribunals. We know what is happening in sheriff courts across Scotland. To improve criminal justice and housing-related action, we need to reduce the burden on local sheriff courts, but representation in tribunals is an issue that needs further clarification. I know from the time that I have spent sitting on tribunal panels that they are more plain spoken and much less imposing than courts, but when a tenant needs advocacy, that must be guaranteed.

We support the committee’s recommendations on electrical safety, smoke alarms and carbon monoxide alarms, and we look to the Government to make the necessary amendments at stage 2.

The registration of letting agents is to be supported, but we want to ensure that there are processes in place for identifying unregistered

agents. Registration is one of a number of steps that the Government has put in place over recent years. We want to ensure that no tenants, or possible tenants, are ripped off. As those letting agents that have been lacking in ethics may continue to operate under the radar, it is a must that such agents are regulated. We also need to know what sanctions will be available for anyone who is found to be working outside the registration process.

If the Government is to place the responsibility for regulation on local authorities, they must not be burdened with the costs associated with that.

Part 5 of the bill deals with the licensing of mobile home sites with permanent residents. It is clear that some issues need to be addressed at stage 2. The committee has called on the Government to clarify some of those issues, such as the fixed term for a licence, the adverse effect on funding, the use of renewal instead of review and the passing on of fines for non-compliance to residents.

We know that housing conditions in the private rented sector are far short of what we would call acceptable. The measures in part 6 of the bill do not go far enough in tackling poor conditions. Proposals for energy efficiency in private rented homes appear to have been overlooked, and we want that issue to be dealt with at stage 2.

On part 7, there are questions to be asked of the Government on how it intends to consult with sector stakeholders on the proposals for the Scottish Housing Regulator to transfer RSL assets in the event of insolvency.

We have some real concerns that the passage of the bill will not solve any of the problems that have resulted in the current housing crisis. With fewer houses being built in Scotland than at any time since the end of world war two, we need a bold and ambitious statement of intent from the Scottish Government and the bill falls far from that standard.

15:05

**Alex Johnstone (North East Scotland) (Con):**

I rise to speak on the Housing (Scotland) Bill on what I believe will go down in history as a dark, dark day for liberty and democracy in Scotland. However, before I get on to my main subject, I will run through the bill in fairly short order. A great deal in the bill is desirable and will find my support, although I may move to amend some of the characteristics in it.

The proposal to use age criteria in social housing allocation policy is an important change that I support. In fact, I have already discussed with the minister how such a change might be

used to develop other strategies, particularly in relation to veterans, and she has given me assurances that that will be considered, although not within the framework of the bill. I am disappointed, however, that Shelter and one or two other organisations have sought to interpret the proposal to use age criteria in allocation policy in a way that does not conform with my reading of the bill. The Scottish Federation of Housing Associations today published a strong defence of the policy that we should take seriously.

I am also concerned that there is no proposal for probationary tenancies. The fact that probationary tenancies were consulted on and found a great deal of support among landlords is one that we should have taken more seriously. As a consequence I may seek to amend the bill at stage 2.

The proposal to move from the sheriff court to first-tier tribunals to deal with private rented housing disputes received a great deal of support. In fact, the suggestion that the social rented sector should be treated the same way was enthusiastically received. It is my understanding that, once the proposal is in place, the Government will consider whether it can be extended at a later date.

The approach taken by the Government to landlord and letting agent registration is to be commended. The work that is being done between organisations and the Government has meant that there is genuine support in the industry for the proposed regulatory framework. Ultimately, that is what will make it a success. If those who are being governed choose to be governed and regulated in that way, we will have positive outcomes.

I also welcome the provisions in part 6, which will allow us to tackle poor conditions.

From that, I must go to the subject of right to buy. Right to buy was a transformational policy. It had the effect of creating stable, mixed-tenure communities that contributed to strong, stable societies in many parts of Scotland. The opportunity that many took to become homeowners changed lives and will continue to change lives. The suggestion has been made on many occasions that we should not sell those houses because they are required in the social rented sector, yet if we look at the facts we see that there are some very big holes in that argument.

To qualify for the right to buy, someone has to be a long-term tenant, and those who are denied the right to buy will most likely remain tenants. The fact is that the houses that will not be available to buy in the future are unlikely to come back on to the market to be re-let as social housing, and perhaps only 2 or 3 per cent at the most will return

to the market in year one. The provision will not increase the number of houses available.

The minister has referred to the timescale for taking away the right to buy, saying that she has decided on a two-year timescale rather than the three years in the bill. I want to ensure that everyone who wishes to buy their home gets that opportunity but, at this stage, I am not going to suggest that two years provides any less of an opportunity than three.

I am concerned that those in protected areas will not have the opportunity to buy their homes and, given the rights that are being protected for those who do not live in such areas, I want to ensure that there is some kind of quid pro quo for those in protected areas, and I will be consulting and taking legal advice on whether the issue is properly covered in the bill.

The fact is that the bill creates a problem that did not exist before it was introduced. According to the latest yearly figures, only 1,500 houses were bought by their tenants, which suggests that right to buy has been withering on the vine. By moving to end it, the Government has opened a window of opportunity for the hundreds of thousands of Scots who still have that right. The likely outcome of the legislation is that demand for right to buy will peak over the next two years, which means that many houses that might have remained in the social rented sector will be removed from it. I see the abolition of the right to buy as a vindictive and politically motivated move that, at the end of the day, will simply be counterproductive.

**The Presiding Officer (Tricia Marwick):** We move to the open debate. I ask for speeches of six minutes, and I remind members that we are very tight for time.

15:11

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** Edinburgh has the largest private rented sector in Scotland. The 51,000 registered homes in the sector represent just less than a quarter of the housing stock, and the figure is expected to rise to over 30 per cent by 2018, compared with only 12 per cent across Scotland. Given the large size of Edinburgh's private rented sector, many of my constituents find that the only way they can put a roof over their heads is by taking up a tenancy through either a private landlord or a letting agency.

What will the bill offer the many families with a private sector tenancy? I believe that three parts of it will be of interest to my constituents: part 3, which creates a tribunal to deal with disputes; part 4, which regulates letting agents; and part 6, which tackles private housing conditions. The creation of a new housing tribunal for the private rented

sector has been welcomed by the Chartered Institute of Housing, which stated that it was

“a new, specialist and more modern approach to dispute resolution”

and that

“Neither tenants nor landlords in the”

private rented sector

“see the current sheriff court system as user friendly or efficient”.

The Law Society of Scotland has also approved of

“the transfer of the sheriff’s jurisdiction to the first tier tribunal”,

a change that will result in 700 cases per year being removed from the sheriff court system.

Although the aim of part 3 is to provide better access to justice for tenants and landlords where disputes arise, Inclusion Scotland has highlighted that

“some private tenants may be reluctant to take issues to the tribunal because of fear of reprisals by landlords; that there will need to be exemptions to any tribunal fees for those who cannot afford to pay; and that certain people with protected characteristics, including disabled people, may need support to participate effectively in proceedings.”

Part 3 will also allow local authorities to report a landlord to the Private Rented Housing Panel for failing to comply with the repairing standard that landlords are required to meet in order to rent out their property. Previously only tenants could refer a landlord to the panel, but many were reluctant to do so for fear of losing their tenancy.

Part 4 might go some way towards alleviating some of Inclusion Scotland’s concerns with regard to landlords by establishing a mandatory register of letting agents, with those applying to be on the register required to meet a fit-and-proper-person test. The aim of such a test, which already exists in the landlord registration scheme, is to weed out anyone who has committed any offence involving fraud, dishonesty, violence, drugs, discrimination, firearms or sexual offences or who has failed to comply with housing legislation.

This section will also create a statutory code of practice and a dispute resolution procedure for letting agents and tenants. The committee recommends that the Scottish Government considers how it might include details in the bill relating to professional conduct, qualifications needed to be a letting agent, training for staff and how their financial obligations should be handled.

Part 6 ensures that local authorities have a range of powers to tackle poor conditions in the private sector. The last Scottish house condition survey that looked at this issue in detail estimated that there were £223 million-worth of essential

improvements outstanding in the private rented sector across Scotland.

The bill provides a discretionary power to local authorities in order to support owners of communal blocks to carry out repairs by allowing the council to pay the missing share and recovering the outstanding sum later from the owner who is either unable or unwilling to pay. How effective that will be will depend on the individual local authority’s view on its available funding, the difficulty in recovering outstanding money and the timescale for that recovery.

In Edinburgh, the council is owed £22 million by up to 3,500 property owners for work that was carried out to their homes under the statutory notice system that previously existed. People need time to repay repair costs. However, the suggested 30-year repayment period is excessive and will mean that local authorities might consider not making use of the discretionary power. That will not help the many families and individuals who live in poor housing conditions and I therefore hope that the minister will consider the committee’s recommendation that

“local authorities should be given the flexibility to determine the time period over which the share must be paid back based on individual circumstances.”

If accepted, that change will, I hope, encourage local authorities to make use of the power in order to assist private rented sector tenants to have their homes improved.

Finally, the ending of the right to buy was supported by 83 per cent of all respondents, including 81 per cent of councils, 92 per cent of registered social landlords, 73 per cent of individuals and 75 per cent of tenants groups. A newspaper today carries the headline, “Scots Tories warn of ‘rush’ if right to buy ends”. If that could be the outcome, we should ensure that the lead-in period is reduced further, from the two-year period that was announced by the minister to one year, in order to protect what is left of our social housing.

15:17

**Mark Griffin (Central Scotland) (Lab):** There is not a lot to disagree with in the bill before us. It is extensive and it contains a number of areas about which there is broad agreement. The proposals represent a step forward, but there are areas that could be strengthened in order to give more protection to tenants and communities and there are areas where we feel that the bill represents a missed opportunity.

**John Mason (Glasgow Shettleston) (SNP):** The member repeats what his front-bench colleague said about there being a missed opportunity, but she did not tell us what any

missed opportunities were, other than more money. Does he have any examples?

**Mark Griffin:** I will set out three areas in my speech: the bill's good points; where I think that it can be improved; and where it represents a missed opportunity.

By giving local authorities the power to enforce repairs and maintenance in the private sector, the Government has taken away the opportunity for a landlord to issue a notice to quit or to harass a tenant who simply exercises their right to live in an adequately maintained home. That is not to say that every, or even many, landlords would behave in that way, but there is certainly a fear among some tenants and communities of rocking the boat and suffering at the hands of an angry landlord.

Giving social landlords more flexibility to allocate houses in a more sensible way, using local knowledge, can create more sustainable communities, but that should be accompanied by clear guidance so that young people in particular are not discriminated against when it comes to allocating individual properties.

The transfer of jurisdiction for civil cases relating to the private sector from the sheriff court to the first-tier tribunal should reduce the costs and the timescale for disputes to be resolved, and will also allow highly skilled members of the tribunal to build substantial experience in dealing with housing matters. It will be interesting to see how that progresses and whether—as was suggested during evidence sessions—it will be rolled out to the social sector.

Those are examples of where the bill is strong on improving tenants' rights and creating stronger communities, but there are also weaknesses that I hope the Government will address at stage 2. The Government has taken steps to mitigate the impact of the right to buy with the introduction of pressured area status and, now, through the outright abolition of the right to buy. That is long overdue and should have been done a long time ago, under previous Administrations.

**Bruce Crawford (Stirling) (SNP):** Will the member give way?

**Mark Griffin:** I am sorry. I know that we are tight for time and I need to make progress.

Witness after witness told of the impact on social landlords and their ability to budget, access capital from financial institutions and plan any improvement programmes or new house-building programmes. That goes some way towards explaining why so few local authority houses have been built over the past few years. However, I do not understand the inclusion of a three-year window to allow even more social housing stock to be lost to the private sector. The period has now

been changed to two years, but the bill team argued that a three-year timescale was felt to be fair and reasonable due to potential issues with the European convention on human rights.

**Bruce Crawford:** Will the member take an intervention on that specific point?

**Mark Griffin:** I will take a brief intervention.

**Bruce Crawford:** Will Mr Griffin please tell me where, in the 2011 Labour manifesto, it is suggested that the right to buy should be removed?

**Mark Griffin:** I have long been a supporter of the removal of the right to buy and think that the Government has taken the right step. I have said that it should have been done a long time ago. I had hoped that Mr Crawford would welcome the consensus in most of the chamber on the removal of the right to buy, and I will say why the timescale for that should be reduced.

Most of us agree that the right to buy should go because of the impact that it has had on social housing stock and the ability of landlords to improve or increase the housing stock. The Government should be working towards what it feels is the minimum time period in which the right to buy can be abolished. We should take an evidence-based approach to find the shortest time possible in which to abolish it and just get on with it.

Another area in which the Government could strengthen the bill at stage 2 is its provisions on antisocial behaviour. I might be wrong, but I think that this is the first time that a Government minister has mentioned antisocial behaviour in this session, although it is a massive issue that has not gone away. The Government must set out how it feels that short Scottish secure tenancies will add to local authorities' ability to deal with antisocial behaviour instead of simply moving the problem around different communities.

I will conclude with the areas that I think have not been adequately covered.

**The Presiding Officer:** You are in your last 30 seconds, Mr Griffin.

**Mark Griffin:** When the Housing (Scotland) Bill is debated in Parliament, our communities will expect a recognition of the fact that house building is at its lowest level for decades and a plan for how to increase house building to make up the shortfall of 160,000 homes. The other issue, which was highlighted by my colleague Mary Fee, is the massive disparity between the rents that are charged to private tenants for homes that were previously local authority stock and the rents that are charged to the tenants of current local authority stock.

I will close there, as I see that the Presiding Officer is looking at me.

**The Presiding Officer:** Thank you, Mr Griffin. You were getting the evil eye, but you recognised it.

15:24

**John Mason (Glasgow Shettleston) (SNP):** I would not expect the bill to prescribe an allocation of the budget for more housing. The two main parties in the chamber agree that we would like to spend more money on housing, but that needs to be dealt with under the budget, not under the Housing (Scotland) Bill.

I will make some general comments about the housing associations and RSLs in my constituency and say why I am enthusiastic about them.

It is hard to get a balance between professionalism and local control. That is easier to achieve in better-off areas, such as the west end of Glasgow, where it is easier to get local folk who have professional experience and qualifications, whether to sign a passport form or to help to complete a lottery application.

In poorer areas, we may have big national and very good organisations, such as Quarriers, but they are not controlled locally, or we may have very small organisations that are run entirely by volunteers, which struggle to obtain the required expertise. Consequently, housing associations fulfil a key role in the fabric of a constituency such as mine in the east end of Glasgow. They combine local control and professionalism in a way that is seldom matched in other organisations in my area. I am very enthusiastic about them, so I am very concerned that they may merge or join other groups, in much the same way that I was concerned that the Glasgow Housing Association was not broken up more.

Many aspects of the bill are widely welcomed, such as the abolition of the right to buy. I welcome the minister's announcement of a reduction in the period in which that will happen.

On the private rented sector, I welcome the registering of letting agents. I get frequent complaints from tenants especially but also from landlords and neighbours about letting agents, which are often about the state of a property or anti-social behaviour. It has been very difficult to find a way forward. However, I agree that there is no point in having registration without teeth, as seems to have been the case with landlord registration. Therefore, I welcome the committee's recommendations in paragraph 180, for example, about the matters that might be covered in regulations.

The social rented sector has rigorous oversight, which is much less true of the private rented sector, despite the fact that they have similar tenants. The Scottish Federation of Housing Associations takes up that point on paragraph 2.3 of page 2 of one of its briefing notes to the committee:

"However, we note that there is nothing in this Bill that will bring the private rented sector anywhere near the levels of the social rented sector in terms of the regulation of management or of physical property standards."

However, I accept that we are moving in the right direction.

We need to see improvements in electrical safety in the private rented sector. I was taken aback when I first heard that a majority of accidental fires are caused by electricity. I had assumed, as perhaps others did, that the major cause of such incidents was gas. Therefore, I am very happy to endorse the committee's recommendation at paragraph 168, about which the minister spoke positively.

It has been suggested that increased private tenancy security could lead to a tenant investing more in their property for the longer term and playing more of a part in the community than has often been the case. That is another area worth exploring.

On the private rented sector, I throw in my continuing concern about the Belgrove hotel in my constituency, which does not fall neatly into any of the categories that we are discussing. As a result, 140 vulnerable tenants do not get the protection of being a part of the social rented sector or the protection that we hope to give to private tenants in the future. I am not expecting an answer on that issue today, but the minister knows of my concerns and I believe that the matter concerns her, too.

To return to specific issues in the social rented sector, I have mentioned group structures. At times, it seems that smaller associations are being gobbled up through merger or acquisition. Should tenants always get to vote on such a merger or acquisition if they are joining a group? Local understanding and accountability are in danger of being lost, so I am glad that the Government has a positive view on the matter and that it is consulting on the issue.

I am not sure how much can be changed by legislation, but I am concerned by some of the things that I have heard about the relationship between the Scottish Housing Regulator and associations. It is important to get the balance between operating at the right distance and maintaining a relationship. Sometimes that relationship was too close, but I wonder whether it

is now too distant. We could do with an improved attitude and a better working relationship.

The SFHA referred to that issue in its briefing for the debate. For example, it asked for a requirement

“for the SHR to publish, following consultation, a consolidated Code of Regulatory Practice that addresses all of its methods for intervening in the affairs of social landlords, including those that are not publicly reported and those that do not involve the use of statutory intervention powers.”

I wonder whether the regulator is too keen on larger groups of associations, with the consequential loss of local involvement that inevitably follows.

On allocation policies, I wonder how far we can go in taking local connections into account. We are dealing with some complex family structures these days, and I frequently get cases where school, work, childcare and access are all being juggled with difficulty, and the request is for rehousing in the immediate local area. In some cases, that might never be possible, because larger homes are not available, but swinging the policies in that direction, where community involvement is available, would be valuable.

15:30

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** Like previous speakers, I find most of what is in the bill acceptable. The real issue is what is missing from it. The headlines will be captured by sections 1 and 2, on the abolition of the right to buy, and I do not object to that, but there is a danger of overstating the effect of that measure. There is a danger that, if that measure is not implemented quickly, it may have unintended consequences. It is a mistake to believe that the policy will be a panacea for the chronic shortage of affordable social rented housing. That is the danger to which I refer.

There have been many outstanding affordable housing developments in recent times, and I am pleased, if I may get a plug in, to be officially opening one in Leith tomorrow that has been named by the Chartered Institute of Housing as one of the best affordable housing developments in the United Kingdom.

However, it is increasingly difficult for housing associations to build social rented houses in the numbers that are required, because of the reductions in the level of housing association grant. Any housing association will tell us that the reinstatement of the HAG was welcome to some extent but it has not gone nearly far enough. There will be a declining number of social rented houses. That is the problem that confronts the Minister for Housing and Welfare. She always makes

comparisons with previous Administrations regarding affordable housing in general.

There are a number of further points relating to the bill's social rented housing provisions. First, on allocations, I note that the Chartered Institute of Housing said that the new criteria would not make much difference at all. The underoccupancy criterion is welcome, although I worry about people in overoccupied social rented housing, who seem to have very little opportunity to move, certainly in Edinburgh.

Antisocial behaviour is a massive problem, as we all know from our constituency surgeries, emails and so on, and many witnesses have said that the proposals in the bill would not have a significant effect on that, although we have to hope that the increasing opportunities for using the short SST will be helpful in that regard. Nobody wants to have to evict anybody but, in certain circumstances, eviction has to be an option. Presumably it will be easier with a short SST than with the standard SST.

The age issue has been the most controversial. Like Mary Fee and other members, I think that the important thing is to have a code of practice and effective monitoring. There are worries from Shelter and the children's commissioner that we must take seriously. In particular, we should track the percentage of young people who are getting tenancies. That has increased considerably since the 2012 homelessness legislation kicked in.

Mary Fee said that the measures could be positive. She mentioned the flats that have been prioritised for elderly people in her area. We had a block of flats in Leith that was successful with older people. The percentage of tenancies going to homeless people was the same as it had been previously, but the regulator said that that had to be stopped. There probably needs to be a change in the law if we want that to be an option.

The biggest missed opportunities are in the private rented sector. I welcome the provisions on the tribunal and on letting agents, although the points about enforcement and identification that James Kelly and Mary Fee made are important. When it comes to landlord registration, there is just a minor change, in section 22. The problem is that landlord registration has become a largely bureaucratic exercise, but action on the antisocial behaviour of private tenants and on the failure of landlords to take responsibility for common repairs could be dealt with to some extent through a beefed-up landlord registration system.

I will move on to some other issues concerning the private sector, and they are all to do with amendments to the 2006 act. I note that the repairing standard and the Private Rented Housing Panel were created by that act. It is good

that there will be an amendment about electrical safety checks and a beefing up of the repairing standard.

I note that the City of Edinburgh Council has suggested that it is not just local authorities that should be able to make a report on the repairing standard; neighbours who are affected by issues concerning privately rented property and—crucially—neighbouring home owners when a landlord is not contributing to common repairs should also be able to do so. Landlords not contributing to common repairs are a massive problem in my constituency, or parts of it, anyway, and that is an interesting suggestion from the council.

The City of Edinburgh Council has other interesting and important suggestions when it comes to common repairs more generally. Sections 73 and 74 contain minor changes to work notices and maintenance orders, but the council proposes that all owners who have common parts to their property be required to develop a plan to ensure maintenance of the common parts and that an annual roof inspection be included in that, along with a payment plan and the appointment of a responsible person or agent to manage the plans. That suggestion should be considered for future amendments.

Finally, there is the issue of widening the scope for where a missing share can be paid. That is already possible in certain circumstances under section 50 of the 2006 act, but the City of Edinburgh Council suggests that there be more flexibility so that there is not a 30-year repayment period, that charging orders are secured by priority ranking—

**The Presiding Officer:** I ask you to bring your remarks to a close.

**Malcolm Chisholm:** —and finally that there is a fund that local authorities can access to facilitate shared repairs. There are major issues in Edinburgh about that, and I hope that the Government will seriously consider the council's proposals.

15:36

**Jim Eadie (Edinburgh Southern) (SNP):** The provision of good-quality, affordable housing is something that we all want to see for ourselves, our families and our communities, and although legislation alone cannot deliver that, I believe that the Housing (Scotland) Bill together with the unprecedented levels of investment will take us closer to achieving that ambition for all our citizens.

The centrepiece of the bill is of course the abolition of the right to buy, which will retain

thousands of homes in the social rented sector over the coming decade. The right to buy legislation, which was introduced by a Conservative Government in the early 1980s, was controversial. I remember it being opposed by a dynamic and forward-thinking director of Shelter Scotland by the name of Margo MacDonald. It is fitting that we recall that in the week in which tributes have been paid in the chamber to Margo's massive contribution to Scottish public life.

There has been near unanimity in the Infrastructure and Capital Investment Committee on the issue, although we should recognise the lone dissenting voice of Alex Johnstone, who sought to keep the spirit of Margaret Thatcher and the concept of a property-owning democracy alive throughout our deliberations. However, the weight of the body of evidence that we received from across civil society was overwhelming in its opposition to the right to buy.

The situation was summed up best in the evidence session in Dumbarton by Jennifer MacLeod of the Highland and Argyll and Bute tenants network, who rightly contrasted the right to buy with the right to rent. Reflecting on her experience in her community, she stated:

"I could see the reduction in the number of houses that were available for rent. We have a right to rent as well as a right to buy. Over the years, the right to buy has done great damage to the amount of housing stock that is available, and I am glad that it is finishing."

I have another reason to be grateful to Jennifer MacLeod. Asked by me later in the evidence session whether she would like to contribute her views on the issue of secure tenancies, she replied in a wonderful Highland accent:

"No. I just happened to be looking at you ... Gazing in wonder."—[*Official Report, Infrastructure and Capital Investment Committee*, 24 February 2014; c 2671, 2688.]

I replied that I did not know whether to be flattered or concerned by that statement.

A further insight into the right to buy comes from Charles Moore in his authorised biography of Margaret Thatcher, in which he states:

"The policy had its disadvantages. The most notable were the gradual build-up of a housing shortage, which in 1979 had not existed, and the stoking, for the future, of a housing bubble."

Although the impact of a housing bubble was not felt in Scotland to the degree that it was felt south of the border, his comment is nonetheless a sobering antidote to the rose-tinted memories of Alex Johnstone and others on the Conservative benches.

Many people took advantage of the opportunity to buy their council house, often at a significant discount, but that was at the expense of diminishing the council housing stock, reducing

the number of good-quality homes for families who could not afford to buy and who found themselves stuck in the less-desirable properties. The bill addresses that inequity.

There are a number of ways in which the bill can be further strengthened. One is to give households containing pregnant women and children the right to challenge being placed in homeless temporary accommodation of a very poor standard. I intend to lodge an amendment at stage 2, with the support of Shelter Scotland, to address that issue so that households containing children or expectant mothers have a legislative right to challenge local authorities that place them in poor-quality accommodation.

Another issue that has been referred to is introducing carbon monoxide safety requirements for properties that are in the private rented sector. I am grateful to Shelter Scotland for its support on that issue, on which I will lodge an amendment at stage 2. Shelter Scotland has rightly said that it wants to see

“carbon monoxide alarms become mandatory in all privately rented property in Scotland.”

I want further progress on that and I will work with members across the chamber to achieve that change to the bill.

Shelter has highlighted the possibility, which has been referred to, of age discrimination against future tenants who come within the bill's ambit. I welcome the minister's clear commitment this afternoon to reflect further on the range of views that have been expressed during the bill's passage through Parliament. I draw attention to the fact that the committee received a range of evidence on the issue. There was a clear division between local authorities and registered social landlords on the one hand and Shelter Scotland, Scotland's Commissioner for Children and Young People and organisations that act on behalf of homeless people on the other. It is clear that much more exploration and discussion of the issues is needed before any final conclusions can be reached.

Like Malcolm Chisholm, I have received representations from the City of Edinburgh Council. I encourage Scottish Government ministers and officials to engage in constructive dialogue with the council to address issues such as extending the power to make third-party referrals to the Private Rented Housing Panel; the enforcement of landlord contributions to common repairs; increasing the flexibility for local authorities to determine the length of a repayment period when covering a missing share, which Malcolm Chisholm referred to; and the requirement, which Malcolm Chisholm also referred to, for owners to produce a maintenance

plan that covers common repairs. They are all reasonable observations and suggestions for further progress and work that is to be done.

The bill has much to commend it, but further steps can be taken to strengthen it. With colleagues across the chamber, I look forward to playing my part at stage 2 to bring about those improvements.

15:42

**Jim Hume (South Scotland) (LD):** I welcome the opportunity to contribute to this important debate. I broadly welcome many of the aims that are in the Scottish Government's bill. It is hard to argue that some of them are not long overdue. For example, the scrapping of the right to buy and the long-awaited regulation of letting agents will undoubtedly arrest the decline in social housing stock and provide long-awaited protection for tenants, by driving up professionalism among letting agents.

I welcome the introduction of a tribunal service to better serve tenants and letting agents who are in dispute and take away some of the pressures that our sheriff courts feel. However, I am concerned about the need for a tenant to pay a fee to progress their complaint to a tribunal. Many tenants who find themselves in dispute with letting agents are vulnerable and have little money. I fear that they will be priced out of seeking justice, so I would like the minister to provide assurances in summing up that no one will be priced out of accessing the tribunal system. There must be access for all.

We are in the midst of a housing crisis in this country, with 180,000 people on local authority waiting lists. A third of them have been on those lists for more than three years. Given that, we can understand the minister's desire to increase flexibility in the management and allocation of social housing. The Government's news release described that as

“allowing landlords to make better use of their stock, tackle anti-social behaviour and provide further protection for tenants.”

That is all good, but the Government was noticeably quieter on the details, which include the provision in section 5 to remove the prohibition on taking age into account in social housing allocations. I know that the Chartered Institute of Housing in Scotland called for that measure, which has the SFHA's support. I realise that the minister is to look at the provision again, but the measure did not originally feature in the consultation.

The arguments in favour speak of removing barriers and helping social landlords to make sensible allocations to sustain tenancies and communities. To my mind, the reality will wind up

being quite different. I share the concerns of Citizens Advice Scotland, which has stated that the removal of the protection could result in particular age groups—in all likelihood the young—being allocated to undesirable areas. I associate myself with Shelter on the matter and I congratulate it on taking the lead in opposing the removal of the prohibition.

The minister will know that Shelter is not alone. Last month, she received a letter from Graeme Brown and 11 other representatives of organisations such as Children in Scotland, Barnardo's, Homeless Action Scotland and the Poverty Alliance that detailed their opposition. I agree with their assessment that current legislation and practice already allow for social landlords to respond to particular requirements that relate to, for example, accessibility or the need for an adapted property. The letter also addressed those who say that the proposal will enable social landlords to tackle imbalances in communities by correctly highlighting that they are already able to do so through a local lettings initiative and, of course, sensitive lets.

The allocation of social housing must always be done on the basis of need and nothing else. The proposal has a real danger of leading to age discrimination, primarily against young people, who are so often a section of society in the most pressing need of housing. Regardless of the protections that are afforded in the Equality Act 2010, I hope that the minister will seek to remove the proposal from the bill soon.

I have issues with some things in the bill, but there are a few small missed opportunities. One thing that I would like to be improved—I intend to lodge an amendment to the bill at stage 2 to this effect—is the use of section 5 referrals. When a local authority seeks a registered social landlord's assistance in housing a homeless person, if that is done through a section 5 referral, the homeless person will enjoy certain safeguards, such as a response from the RSL within a reasonable period, and a request will not be declined without a good reason. However, not all councils currently use section 5 referrals when they engage with social landlords to house a homeless person, which denies such people the safeguards that are afforded through the robust and consistent framework that section 5 of the Housing (Scotland) Act 2001 provides. I would like to see all referrals done through section 5, and I urge the minister to commit today to amend the bill to make that happen. If she does not, as I said, I am prepared to lodge amendments at stage 2.

The bill is important, but it has by no means a perfect set of proposals. Some proposals in particular do not simply need to be amended or refined; they need to be dropped altogether. I

support the bill at stage 1 in recognition of the undoubted benefits that it will deliver in certain areas, but, as I said, I will look for significant work on the bill at stage 2.

15:47

**Bob Doris (Glasgow) (SNP):** I want to look at electrical safety in relation to the private rented sector, which we have heard about from other members. First, however, I pay tribute to our housing minister and the constructive approach that she has taken with the Electrical Safety Council—which I should now call Electrical Safety First, as it has rebranded itself and changed its name—and with me in her willingness to consider legislating in that area in the bill.

In its submission on the bill, the Electrical Safety Council provided strong evidence that

“69% of all accidental fires in Scottish homes (more than 3,400 annually) are caused by electricity. Independent research also suggests that private tenants are more likely to be at risk of electric shock or fire than owner occupiers.”

Therefore, there is an evidence base on the extent of the problem. That is why I have supported for some time calls for five-yearly checks of both fixed wiring and portable electrical equipment. I am therefore pleased that the minister has indicated that she is supportive of an amendment on that at stage 2. I fully appreciate that the Government must see the detail of the amendment before it confirms that it can accept it, but I confirm that I hope to lodge an amendment at stage 2 that will require a five-yearly cycle for periodic inspection reports on fixed wiring and five-yearly portable appliance testing.

It is not only the Electrical Safety Council that has called for that. It has been excellent in building a coalition of various partners. Among the 12 trade associations that have backed that call are the Scottish Association of Landlords, Shelter Scotland, the Royal Institution of Chartered Surveyors and the Chartered Institute of Housing Scotland. There is a broad coalition and alliance around that, so I hope that we have success at stage 2 in bringing forward a proposal.

I will say a little bit more about the Scottish Association of Landlords, because I do a lot of work with that organisation. Too often, we talk about the cowboy landlords in the private rented sector, whereas the Scottish Association of Landlords represents the top performers—the registered landlords who seek to do all that they can. [*Interruption.*] I suspect that Alex Johnstone may also be a registered landlord—who knows? We can check his declaration of interests.

The Scottish Association of Landlords drew to my attention—or refamiliarised me with—the

repairing standards. The Housing (Scotland) Act 2006 states that

“Regard is to be had”

to any guidance set out by ministers in relation to section 13(1)(f). Members will all know what section 13(1)(f) is, but I remind them of what it says. It states that the repairing standard is met if

“the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.”

I understand that the guidance in relation to that is in the technical handbook and that the 2013 guidance requires—if members are still following me—that there must be hard-wired smoke detectors in all public rooms. Which tenures does that cover? It covers new-build properties, redeveloped properties and private rented properties but not social rented properties, so the fire safety standards in social rented properties are lower than they are in private rented properties. That is a reasonable thing to put on the record.

It is important that we are cognisant of the various standards that apply to different tenures. We should consider the expression in the 2006 act that private landlords should give “regard” to. There is a vagueness in that. Does it mean that landlords should do it, that they should not do it, or that they should think about it and maybe do it? We must look at and perhaps address that vagueness.

The safety of their tenants is paramount for the private landlords to whom I have spoken, including the Scottish Association of Landlords. However, we must ensure that they are given due time to hard wire smoke alarms and to meet their other commitments in a robust, safe and affordable manner. The landlords whom I work with are up for doing that, but more clarity around the requirements would be welcome.

In the minute and a half that I have left, I will make some general comments on ideas around the flexibility of landlords’ allocation policies. I will talk not about age-related criteria, but about something that is one of my biggest constituency issues. I have constituents who are living in appalling housing conditions. Their housing needs could have been met by social landlords, but when a house was offered they did not take it, because they knew that if they did so they would be stuck in the house for a generation or two. That is because in social housing, a person’s housing aspirations tend to be forgotten once their housing needs have been met.

A Maryhill housing officer said to me years ago that housing officers used to say to social tenants, “I know you don’t really want that property, but do a couple of years up the close and we’ll get you a much better property in a couple of years’ time.” However, for a number of years it has been the

case that as long as the person’s housing needs have been met, they will stay up the close for five, 10, 15 or 20 years.

In the context of the need for flexibility in allocation policy, I ask the Parliament and the minister to consider how we can take cognisance of the housing journey and aspirations of tenants in the social rented sector.

In a spirit of flexibility, Presiding Officer, I can give you an extra 10 seconds, because that is me finished.

**The Presiding Officer:** I am grateful.

15:53

**John Lamont (Ettrick, Roxburgh and Berwickshire) (Con):** I welcome the opportunity to speak in the stage 1 debate on this important bill, because housing is probably the single biggest issue about which constituents in my Borders constituency contact me. I am sure that the same is true for many members.

What most concerns my constituents is that local people often cannot secure social housing in their communities, which is frustrating. People are forced to apply for and often take housing in the larger towns across the Borders, which might be several miles from the rest of their family and community and some distance from their place of work. Such an approach does not support local housing associations’ aims to encourage a cohesive community.

A few miles might not sound like a lot, but it is important to recognise that in rural communities such as we have in the Borders the difference between living in Eyemouth and living in Duns, Jedburgh or Earlston can be profound and significant for many people. Members should try asking a family from Hawick to live in Galashiels, or vice versa.

I believe that it is important, therefore, that the bill is amended to give social landlords the ability to include extra priority for applicants with a local connection. I am not saying that that should be an ace card that takes priority over every other factor. Clearly, those applicants who are homeless or who have a particular medical need must still be given the relevant priority. However, where all other things are equal, I believe that a local connection should be taken into account in the allocations process.

It is therefore my intention to lodge amendments at stage 2 to cover the issue. I fully accept that the concept of local will be different in each part of Scotland. What is local in the Borders will be completely different from how local might be defined in Glasgow. I hope that my amendment will ensure that the definition of local is sufficiently

flexible to accommodate the different requirements of Scotland.

In my remaining time, I wish to mention the other concern that constituents have raised with me—the bill's provisions to reform the site licensing system for mobile home sites with permanent residents. I represent several such sites, including Springwood village, near Kelso. I have been in correspondence with the minister about that issue and she is well aware of the concerns of both the site owner and the residents, so I will not repeat them now. However, the key point is that, although the intention may well be to target unscrupulous site owners who have sought to exploit weaknesses in the current licensing regime, the bill could have the opposite effect.

I can cite a couple of important examples, one of which is the proposal to have a three-year licence term for site licences. I know that the Infrastructure and Capital Investment Committee highlighted concerns that financial lenders may withdraw support for sites on the basis of the introduction of fixed-term licences. Many of my constituents have invested large sums of money in their homes, and that should not be undermined by the imposition of that fixed-term licence period. Like the committee, I would encourage the Scottish Government to work with the lending groups to clarify their views on the introduction of a fixed-term three-year licence. Given the concerns that have been raised with me, I will lodge an amendment at stage 2 to increase the fixed term to at least five years.

There are other aspects of the bill intended for site licensing that raise concerns, not least in relation to the fit-and-proper person test. I would be grateful if the minister could clarify in her closing remarks whether the Government looked at experiences in England in drafting those provisions.

There is much in the bill that we can support. There are areas that need significant improvement but, as my colleague Alex Johnstone explained, the fundamental flaw is the abolition of the right to buy. Many of my constituents will be deeply disappointed by the removal of that right, but I fully recognise that that is a minority view in this chamber.

15:57

**Marco Biagi (Edinburgh Central) (SNP):** I rise as the elected representative of 31,000 people whose roof over their head is paid for by a monthly bill to a private landlord. At 39 per cent, Edinburgh Central's rental share has doubled in a decade and is the highest in Scotland.

The private rented sector has long been the choice of students, new migrants and those who

work in transient occupations, but today it is also the only option for the families locked out of social housing by the plummeting council house numbers that were the effect of right to buy, and for the younger generations priced out of buying their own home by two decades of soaring house prices during which any concerns were drowned out by back-slapping from mid-market self-congratulations by those who were lucky enough to buy in less turbocharged times.

The new report that was published this month by Shelter confirms that just one in six people in the private rented sector actually wants to be there. How ironic it is that Thatcher's dream of home ownership was followed by a housing crisis hangover and home ownership falling for the first time in living memory.

With little security of tenure, city centre communities have become more transient, and services long cherished by long-term residents have had to be changed—in the face of understandably deep sentiment—to reflect the replacement of families with children with houses in multiple occupation. I say that not as a criticism but as a recognition. Cities change and living patterns change; they always have and they always will. The question is how we adapt and manage.

We now have landlord registration, independent tenancy deposit protection and tenancy information packs, and the illegal premiums that were formerly charged by 59 out of 60 Edinburgh letting agents surveyed—charges to get on a waiting list or to even be considered for a flat—have been ended.

In a market failure, when supply is quite literally fixed and unmoving and demand is ever increasing, it is not just right but vital that we intervene to deal with the inevitable unfairness that the imbalance creates.

The private rented sector tribunal will speed up adjudication as well as, crucially, providing a specialist space and avoiding the need for tenants and landlords to go to the sheriff court for enforcement.

The landlord-tenant relationship is an intrinsically precarious one, which the landlord can end at any point with little warning. No wonder it is so easy for tenants to feel that they are living in someone else's asset rather than their own home. No wonder, either, that private rented homes are often of the lowest quality and have the poorest maintenance, which has implications not least for neighbours.

Tenants have told me time and time again of their fears about trying to press their rights and struggling to find a lawyer willing to take on their case and of their apprehension at possibly being

blacklisted as a troublemaker by other letting agents. For new arrivals to Scotland, it is especially hard. Giving local authorities the power to inspect and report on the repairing standard will help to address that. Giving the power to neighbours could help even more. I would be interested to hear the minister's response to that suggestion from Edinburgh.

Regulation of letting agents means that good practice may become standard practice. If that is implemented well, the new tribunal will be out of a job and we can look forward to empty rooms and bored lawyers because the disputes will not emerge. Maybe that is too much to hope for, but we should all welcome the fact that letting agents, too, support that move because they also realise the importance of the industry being of high repute.

The bill's provisions will help this country govern a private rented sector that is groaning under the weight of a massive expansion, but I believe that we must also look at the horizon and consider what we want the mix of housing ownership and tenure to look like in another decade's time.

Yesterday, the Economy, Energy and Tourism Committee heard accounts of inequality in Scotland and the UK and was given a crucial reminder to consider both inequality of income and inequality of wealth. The implication in private renting is fairly straightforward: a private tenant has fewer assets than their landlord and the gap between them grows with every monthly rental payment.

In the short term, we must ensure that rights and responsibilities on both sides are enforced and continue the commendable progress in increasing the supply of social housing. However, let us all take a moment to imagine a society where the proportion of people renting the roof over their head has doubled again. Is that a future where equality is lower or higher and where communities are more cohesive or more atomised? Above all, is that the Scotland that, in another 10 years, we all want to live in?

**The Presiding Officer:** Thank you, Mr Biagi. We have a few seconds in hand, so if members want to take an intervention, we can give them a wee bit back.

16:03

**Alex Rowley (Cowdenbeath) (Lab):** As a councillor, the biggest case load that I ran always related to housing issues. As an MSP since January, I have found that the biggest case load that I have now, in dealing with constituents' issues, also relates to housing. The fact is that we have a major housing crisis out there, which needs to be tackled. I will come back to that.

I welcome what is proposed in the bill. I congratulate Maureen Watt and the Infrastructure and Capital Investment Committee on the work that they have done, because the recommendations that they have made look to bring about improvement.

I was pleased to hear Jim Eadie talk about the Shelter Scotland proposals on removing from the bill the possibility of social landlords discriminating against future tenants based on age. In Fife, there are local letting policies and local area committees are able to determine them locally, which seems most appropriate. I would certainly support Jim Eadie in bringing forward that proposal.

On temporary accommodation and strengthening the existing protection for families with children, two Decembers ago, I heard from a family—a young mum and three kids—who were stuck in temporary accommodation above a pub for two months coming up to Christmas, which was totally unacceptable. I am told that that would not happen again in Fife, but we should ensure that it does not happen and that young families have the opportunity to question such things.

Picking up on Bob Doris's point, we need ambition for housing. Rather than simply telling people that they are adequately housed when they are stuck in a flat, we need some flexibility. I hope that the minister will take on board Bob Doris's valid points. I was born and brought up in a council house. For years, it was my mum's ambition that we would move further down the street into a cottage in Kelty, and eventually we did. That was the reality then. There should be choice for council tenants, and not simply a position of last resort.

I welcome the proposals in the bill and the debate that has taken place today. With regard to the private sector, it is not enough for local authorities to have discretionary powers to intervene. I have dealt with many cases over the years involving private landlords. Although I have no doubt that there are good private landlords out there, many landlords leave their houses in an unacceptable state. I meet families who have to live in such conditions. Local authorities need the powers to act, and to recover any moneys from private landlords if they are forced to get the necessary work done on those houses. I appeal to the minister on that point.

Having said all that, the bottom line is that, when people come into my surgeries with housing issues, as they will tomorrow, I know that there is not enough housing to go around. That is why I support Shelter's campaign for an additional 10,000 social rented houses to be built each year. It is important that we build houses—in Fife, the authority was able to work with tenants and raise the funds, and it now has a plan in place for 2,700 houses to be built in Fife over the next five years.

We need partnership with local authorities to build more houses. At the end of March 2013, there were 151,000 people on the waiting list in Scotland. Almost 32,000 households were accepted by the local authorities as homeless, and there were more than 18,000 children in households accepted as homeless. That is the crisis that we face in Scotland.

I know that the Scottish Government has set a target in its manifesto for 6,000 affordable homes, but it was originally talking about 6,000 social rented homes. That is a fundamental issue. We welcome the bill and some of its provisions, but we should imagine what could happen if we could build party unity and real ambition across Scotland to tackle the housing problems that exist. If we build new houses, it will create a chain and free up housing so that people can have their specific housing needs met.

We need to have an ambitious national housing programme for Scotland, sign up to Shelter's campaign for 10,000 social rented houses per year and put in the resources to do that. We need to start moving forward and tackle housing needs in Scotland.

16:08

**Sandra White (Glasgow Kelvin) (SNP):** I thank the Infrastructure and Capital Investment Committee for its scrutiny of the bill. Although I am not a member of that committee, I know that social and private rented housing make up the largest part of my and other MSPs' constituency work, as members have said.

I will touch on a couple of areas. The debate so far has been very good, and there has not been a great deal of controversy. Unfortunately, however, Mary Fee set off on the wrong foot in her opening remarks, so I hope that I can correct her in my speech.

First, there is the ending of the right to buy. It is vital that we increase the supply of social housing, not only to safeguard the stock for future generations but to allow communities to stay together and flourish, which is what we all want. In my constituency, social housing is at a real premium. When pressured area status was introduced by Parliament, part of my Glasgow Kelvin constituency benefited greatly from that legislation.

I congratulate the Scottish Government on building—I hope that Mary Fee is listening to this—4,432 new council houses in the past six years. That can be compared with the six council houses—yes; six—that were built under the previous Labour-Liberal coalition. We have to be clear about that. In addition, 26,242 housing association houses have been built in the past six

years under this Scottish Government. I think that there is a case for giving credit where credit is due, in that regard.

**Mary Fee:** Does Sandra White acknowledge that the 29 per cent cut in real terms in the housing budget in four years by this Government has had a massive detrimental impact on housing in this country?

**Sandra White:** I remind Mary Fee that I said that we should be honest and give credit where credit is due. *[Interruption.]* I think that Mary Fee should be honest about the fact that only six council houses were built in four years under the previous Labour-Liberal coalition.

**Mary Fee:** What about the 29 per cent cut in the housing budget over four years?

**The Deputy Presiding Officer (John Scott):** Can we have a little bit of courtesy, ladies?

**Sandra White:** I echo John Mason's comments on local connections and housing policy. I assure John Lamont that areas in my Glasgow constituency, although they do not have countryside all around them, are not that different from the area that John Lamont represents. People from Partick and elsewhere in the constituency ask me about local connections because the communities want to stay together. As I have said before, continuity helps communities to flourish.

One of the biggest issues in my area is the private rented sector. Like the constituencies of Gordon MacDonald and Marco Biagi, my constituency, which is Glasgow Kelvin, contains many private sector landlords. I particularly welcome the proposal in the bill to transfer private housing cases from the sheriff court to first-tier tribunals. That proposal is also welcomed by the Scottish Association of Landlords, which has highlighted the problems in using courts for housing disputes.

I welcome the minister's comments on local authorities being given more powers in respect of poor housing conditions in the private rented sector. There are many tenemental properties in my constituency, some of which are over 100 years old, and many have absentee landlords and are operating as HMOs, so it is really important that poor conditions are tackled. I welcome the minister's comments about lodging amendments about electrical checks and carbon monoxide detectors.

With regard to areas in my constituency, I would echo what Marco Biagi said about city centre areas and other areas having to change through time. However, a certain amount of private sector housing belongs to people who speculated in property and bought during the property boom, but

now cannot sell. They are operating as private landlords; many are absentee landlords. It is very difficult for people to get hold of them when a repair is needed, or for a meeting. It is good that we are looking at legislating on that, as well.

An area that the committee report did not mention, although I hope that we will look at it as the bill progresses, is the link between planning and HMOs. I know that that is a council issue, but it is brought up daily to me by many of my constituents. Further, an issue that might be thought of as quite small, but which is not regarded as that by people who live in tenements with HMO flats, is how the rooms in such properties are used—for example, a bedroom can become a living room or a kitchen. People whose bedrooms are below what was previously a bedroom in an HMO flat but which is now being used as a living room by four or five people can have horrendous experiences. That is not always the case, but it happens a lot.

I know that the two final issues that I have raised are not mentioned in the report, but I hope that they can be addressed as the bill goes through its stages. As I said, I am not a member of the Infrastructure and Capital Investment Committee, but I will certainly be keeping an eye on the bill and I hope that I can speak in the stage 2 and stage 3 debates.

16:14

**Patrick Harvie (Glasgow) (Green):** As other members have said, there is not in the bill a great deal to which people object, but there are two broad exceptions to that, the first of which is the criteria around social housing provision, age and other factors. I hope to see those matters debated at stage 2, and to see some willingness from the Government to at least consider with an open mind any proposed amendments.

The second exception is, of course, about the right to buy. Notwithstanding the anguished cry of the thwarted libertarian on the Tory front bench, who seemed at times to be doing a passable parody of Alex Johnstone, I think that most of us are pretty happy to wave bye-bye to the right to buy. We know that its abolition is long overdue. We also know that abolition will not transform things overnight. The damage that has been done by the right to buy is long-term damage—it has caused long-term erosion of the social rented sector. The benefit that will come from abolishing it will be long-term benefit, but it will not come about overnight. That benefit will be maximised if, at the same time as we abolish the right to buy, we take heed of the call from several parts of the chamber to begin real investment in increasing the supply of social rented housing. If we are to arrest the erosion of social rented housing, we need to invest

in increased supply. That is the way to get real, long-term benefit.

John Lamont might want to have a word with his colleague about why so many of his constituents—why so many of all our constituents—do not have access to social housing. Why did we flog the stuff off in the first place, in Mr Lamont's part of the country or any other, given the concerns that we have today?

Most of my concerns are about the private rented sector. As Marco Biagi rightly pinpointed, private rented sector tenants are often stuck between the unavailability of social housing and the unaffordability of owner-occupation. Very many people in the private rented sector no longer have a free choice, and I do not think that we can afford to treat rental contracts in that sector as contracts between free individual private citizens. For very many people in Scotland, private rented sector housing is the only form of housing that our society provides for them. We have a responsibility to ensure that that housing is affordable and high quality; we should, in effect, regulate it as social housing because it is the only housing that some people have available to them.

If that were the approach that the Government were taking, it would not have ruled out including in the bill security of tenure. I know that it is doing longer-term work on that, and I hope that the minister can commit to legislating on it during this parliamentary session, because insecure tenure is one of the factors that underpin the imbalance of power between landlords and tenants, which is at the core of the problem that we are trying to address.

Similarly, if the Government were to regulate the private rented sector as it does social housing, it would not have ruled out dealing on some level with rent prices. In some parts of the country, rents are extremely high—we are talking about silly money. We do not need a sledgehammer to crack that nut. In areas where there is a demonstrable problem, an approach that involves controlling rents is justified, especially while interest rates remain low. People who are privileged to own more property than they need to house themselves and their families can hardly justify charging the steadily increasing rent levels that many private tenants who have no choice other than to stay in the private rented sector are forced to pay.

There are other respects in which the bill could go further. We have talked about the code of practice. Regulation of letting agents is a good and welcome step and I am happy that the Government is taking it, but we must ensure that it achieves more than registration of landlords achieved. The idea to register landlords was a good one, but it did not deliver everything that was

promised of it. That has been partly because of lack of resourcing and enforcement, but in many cases it has been because tenants did not know what benefits landlord registration could give them—they did not necessarily know their rights. We must not repeat those mistakes with regulation of letting agents, so at stage 2 let us have amendments that provide clarity about what the code of practice can deliver.

I would also like the bill to address the discrimination against benefits recipients that we know is widespread, and I would like it to deal with the on-going problem whereby even reputable professional letting agents find ways of getting around the deposit protection scheme provisions. We know that practices such as pretending that a deposit is not being charged by calling it “increased advance rent” are widespread. The code of practice needs to close the loopholes that many letting agents are exploiting.

Even if we get the best possible code of practice, everything that I have said begs one final question: why on earth should tenants who rent from a landlord instead of a letting agent have to accept lower standards of service? If we are to achieve a high standard of service for tenants of letting agents, why should we not seek to achieve the same high standard of service for tenants of landlords? That way, we would ensure that private sector provision is what it needs to be for all the people in Scotland who depend on it.

16:20

**Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP):** As deputy convener of the Infrastructure and Capital Investment Committee, I am pleased to contribute to today’s debate, albeit as a tail-end Charlie whose points have already been covered to a considerable extent by others.

The main headline measure in the bill is the abolition of the right to buy for social housing tenants, which has been warmly welcomed—so much so that we are asking the Government to reduce the lead-in period to abolition—by everyone except the Tories. I am pleased that the minister responded positively on that issue and I hope that we can encourage her to move even faster.

As the Law Society of Scotland points out in its briefing for the debate, over the years since 1980 the exercise of the right to buy has reduced the availability of good-quality affordable housing in the public sector. Some 455,000 properties have been taken out of the sector in that period and 500,000 tenants still have a right to buy. More than 185,000 people are on local authority waiting lists, and continuing depletion of the social housing

stock is unsustainable in the face of that level of need.

Of course, abolition of the right to buy is not just about retaining what is left of social housing. It will also remove one of the main constraints on social landlords who seek to expand supply.

Thanks to this Scottish Government, nearly 31,000 social houses have been completed in the six years to 2013, despite the cuts and austerity imposed by Westminster. I appreciate what Alex Rowley said about the need to go even further, but we need to have the resources available for that purpose. I point out to others that the Scottish Government’s performance is significantly better than that of its Labour-led predecessor in the previous six years, when the Scottish budget grew in real terms year on year. The contrast is particularly remarkable when it comes to council house building: 4,400 new council houses were built by the Scottish National Party whereas, as Sandra White mentioned, just six were built under the last four years of the Labour-Lib Dem Administration.

**James Kelly:** I know that Adam Ingram wants to support his Government’s record, but we can do without such disingenuous claptrap. He ignores the fact that the Labour-Lib Dem Administration built thousands of housing association houses. If he compares the figures over the six-year periods, he will see that 144,000 houses were completed in Scotland between 2001 and 2006, compared with 112,000 in the past six years. Let us get the facts right.

**Adam Ingram:** As the First Minister is fond of saying, facts are chieftains that winna ding. I suggest that Mr Kelly looks at completions of housing association houses. He will find that there have been more under an SNP Government than under Labour Administrations in previous years. Under independence and freedom from UK Treasury rules, we will be able to do much more.

The bill covers other important issues. Given the time that I have, I want to concentrate on just one, which is a change in the factors that may be considered when allocating social housing: specifically, the removal of the prohibition on taking age into account.

The measure was requested by the Chartered Institute of Housing Scotland to allow landlords to deal with specific circumstances by being able to discriminate appropriately. Examples included excluding young people from multistorey tower blocks that have a large proportion of older tenants with associated support groups and social activities specifically suited to older residents, or limiting allocations to younger age groups in particular areas where there is already a preponderance of young or vulnerable people in

order to create a more balanced community. The measure is supported by the Scottish Federation of Housing Associations, which has emphasised that age and lifestyle are critical in developing sustainable communities.

On the other hand, there is significant opposition to such a change.

**Jim Hume:** Will the member give way?

**Adam Ingram:** Not at the moment.

Scotland's Commissioner for Children and Young People believes that a number of vulnerable groups, including young disabled people, care leavers and young single parents, are likely to be disproportionately affected. According to research, housing allocated to young people on leaving care has often been unsuitable and in deprived areas, where the young people have been surrounded by adverse social conditions caused by, among other things, drugs, alcohol and violence. Moreover, although overt discrimination based on age is unlawful under the Equality Act 2010, that more subtle form of discrimination can and does operate against housing allocation that is entirely fair and based purely on need.

The committee has identified this as a key issue and has called on the Scottish Government to monitor the application of this provision in practice. Personally, I want stronger safeguards to be built into the bill and I encourage the minister to work with the commissioner and bodies such as Shelter to achieve that objective through appropriate amendments to the bill at future stages.

16:27

**Sarah Boyack (Lothian) (Lab):** I very much welcome the debate on this bill and in particular look forward to the raft of amendments that have been suggested by members from across the chamber. I particularly welcome the practical suggestions that committee members who have scrutinised the bill in detail have made. Such amendments will go a long way towards strengthening the bill.

The challenge, however, is that the bill might not be enough. Having reflected on members' comments about housing allocation policies and sufficient housing for young people, people with disabilities and—crucially—the older people who are going to comprise more and more of our population and who have every right to live in safe, sustainable communities, I think that the key problem is the lack of housing choice, the lack of appropriate and affordable properties and the lack of community access. A lot of the comments that have been made this afternoon about local access, age and antisocial behaviour come down to a lack of decent housing for people.

As a result, I believe that various parts of the bill need to be strengthened. We need not just to build more houses but to ensure that we support the management of the housing sector. At the heart of this issue is the affordability of housing and a lack of choice of housing type, and that is why, as members across the chamber have pointed out, lack of supply and affordability are such crucial issues. The bill has to be seen in the context of the need for more housing.

Although there is a crucial need for affordable housing, we also need private housing that is for sale; indeed, Marco Biagi mentioned the lack of choice in that respect. A lot of people in Edinburgh live in the private rented sector simply because there is no affordable housing to buy or rent, and the city itself needs properly designated social housing provision.

On James Kelly's intervention on Adam Ingram, which I believe he was quite right to make, I point out that in the first eight years of the Scottish Parliament a huge amount of time was put into improving the quality of social and council housing as well as building social housing; indeed, the best part of £1 billion was invested in bringing Glasgow's council housing stock up to quality. Such moves were crucial and were deliberate priorities in the Parliament's first eight years.

I want to focus on a couple of the sections of the bill that contain some helpful suggestions that need to be strengthened.

Like all MSPs from Edinburgh and the Lothians, I want to focus on improving the private rented sector. I have campaigned for that for years, and I am delighted that there are now provisions in the bill to deal with the issue. However, I just want to ensure that they go far enough.

I particularly want to focus on the comments that others have made about flexibility for councils with regard to paybacks in situations in which the council has taken up the missing share when residents have got together and come up with a proper plan for investment in their tenement or communally owned building, using the law of the tenement, but some people have opted out. We need to ensure that we are able to chase absent owners effectively. A little bit more work needs to be done to ensure that that part of the bill is effective.

The flexibility issue is crucial. For people who live in commonly owned property, the point is not to invest every 30 years; people in such properties probably need to invest every five, 10, 15 and 20 years. It is about regular repairs and maintenance. Edinburgh has had huge problems due to a lack of maintenance, and who happens to own a property when repairs are required is a lottery. We need to give all owners the capacity to improve their

properties and we need to make the situation fair. Councils are crucial in that regard. The point that Malcolm Chisholm made about providing local authorities with a pot of money to get things going was good. That would certainly get things moving and would tackle the backlog that exists in key parts of Scotland.

Quality is an issue in the private rented sector, and several members talked about that. Energy efficiency is another real issue. In yesterday's Labour Party debate on fuel poverty, the private rented sector was identified as a key issue. We passed the Climate Change (Scotland) Act 2009 unanimously five years ago. New housing is of good quality in terms of environmental efficiency. The social rented sector is leading the way in terms of energy efficiency in its new and its existing stock. However, the private sector is missing out, and that is not right. That means that people who are saving up to buy a house or are waiting for social housing to become available are penalised. Given the rises in energy costs, those people are not getting a good deal. We need to focus on that key issue, which needs to be tackled. It is not currently in the bill, and I would be keen to hear from the minister about whether she is prepared to work with us on amendments to improve the situation in that regard.

We need to ensure that we get the right amount of housing stock and we need to get stable, mixed communities.

On the point about council house sales, I note that housing associations are now looking at staircasing and enabling people to take part ownership. Opportunities around co-operative housing are not being fully explored at the moment, and I would be keen to see more of that. However, the delivery of access to ownership of houses was not brought about by giving people the right to buy their council houses. We can see that in those communities where, although the first generation benefited from buying their properties, many houses have been sold off and are now run by private landlords. That gets us back to the point about improving the quality of housing, with a particular focus on the private rented sector. That is something that we could do in this Parliament. If we can work together to get the detail right in that regard at stage 2, that would greatly strengthen the bill and mean that it is the bill that it needs to be, rather than the bill that it currently is.

16:33

**Alex Johnstone:** This has been a constructive debate. It will be remembered for a number of good reasons, not the least of which is the fact that it included a mention of Margaret Thatcher, which is increasingly rare in this chamber. That

mention was not even made by me; it is always nice to have a little support.

When I spoke earlier, I, as did the others who opened for their parties, talked largely about the bill itself. However, as the debate has progressed, we have moved slightly to talk about the backdrop against which the bill appears. That is not always the right thing to do in a debate, but I think that the debate has been constructive and has taken us forward in a positive way. I will comment on a number of the speeches that have been made as I develop my ideas against the criteria that have been set out.

Marco Biagi, whose speech was a sound argument for private ownership if ever there was one, talked about the shape of the private rented market. Too often, we have concentrated exclusively on the social rented sector and the contribution of the public and private sectors to that. There is more to the rental sector in Scotland. In cities like Edinburgh and Aberdeen—closer to home, for me—there is a high-end rental market of extremely high-quality properties that are rented at extremely high prices. There is an interesting shape to the rental market that we should take into account when we think about what is going on in some of our cities.

The notion of social rented housing that we take so seriously today was created, in effect, by the Housing (Scotland) Act 2001. Prior to that, we thought about public housing provision slightly differently. The problem that we have in the marketplace is that there is no middle to the rental market; there is the high end and the social rented sector, but virtually nothing in between. There is a significant lack of mid-market rental opportunity in Scotland today.

Alex Rowley spoke at length about how he would like to see 10,000 social rented houses being built every year in Scotland. I would like to see that kind of housing availability in Scotland, but I would not argue that we need to build 10,000 social rented houses every year. I suspect that, if there was a middle to the rental market, many people who currently occupy houses in the social rented sector would choose to move up into that rental opportunity and pay slightly higher rents for a different type of property. In doing so, they would free up capacity in the social rented sector. It is therefore vital that the Government consider, against the background of the bill, how it might stimulate investment and development in that sector. There is private or institutional money ready to be invested, if local authorities have the confidence to make progress on that.

**Patrick Harvie:** If the issue of security of tenure in the private rented sector had been addressed, there might just be something in what Alex Johnstone says. However, at present, what on

earth would possess people to choose to move from the social rented sector, if that is available to them, to a sector in which they could without reason be given a month's notice to quit?

**Alex Johnstone:** The problem, which is deep-seated, is that there is mistrust of the private rented sector. Scotland is full of positive private landlords who are willing to work closely with their tenants to achieve their objectives. I was hypothesising about how we might get private or institutional investment in public housing in the mid-market sector, and the only way in which such investment can ever be secure is by having good houses with good tenants in them. A good house with a good tenant in it is worth more to an investor than one without a tenant. As a consequence, there is a vested interest in supporting long-term tenancies .

I will move on. We had the usual argument about who in the past 10 years built the most houses. I have acted as referee in that argument before and I am going to do so again, because I do not like to see people taking advantage of each other. The truth is that, even if Labour built only six council houses, Labour and its Liberal Democrat allies were in government in Scotland at a time when there was a flourishing of housing associations. A huge number of houses were built, but they were built by housing associations; it is foolish of us to discount the effort that went into that. So, no—there were not only six social houses built in Scotland in that time; there were many, many more built.

The SNP claims consistently that, in government, it has built thousands of council houses. However, it is more correct to say that the councils built the houses and the Government has, if anything, by cutting the housing budget undermined the councils that would want to build.

**Marco Biagi:** How many council houses would those councils have built without the reforms to the right to buy?

**Alex Johnstone:** How long is a piece of string?

I thank Marco Biagi for bringing me back to the right to buy. During the debate, we have heard time and again the accusation that the right to buy is depleting the number of houses that are available for social rent. I argue against that, and I will cite the figures on which I base that.

**The Deputy Presiding Officer:** You have 45 seconds in which to do so.

**Alex Johnstone:** The truth is that, of the 1,500 houses that were sold in the last full year for which information is available, only 347 were sold under the modernised right-to-buy process. However, 1,173 houses were sold under the pre-2001 preserved right-to-buy process. Those were

people who had been tenants of their existing properties for more than 12 years—many for significantly longer. I maintain that those who exercised the right to buy were long-term tenants who would, had they not decided to buy, have remained long-term tenants. Therefore, houses will not be freed up by ending the right to buy. As a result of the proposed change, we will see instead a rush to buy from people who see a right being taken away from them and, by this Government's criteria, that would be counterproductive.

16:41

**James Kelly (Rutherglen) (Lab):** I welcome the opportunity to close the debate on behalf of the Labour Party. I thank the committee, the witnesses and the clerks for the work that they put into the production of the stage 1 report that we are debating.

There is no doubt that Alex Rowley and Patrick Harvie are absolutely correct: the biggest housing issue is the lack of supply. A housing crisis exists. Members have cited statistics about the lowest number of completions since 1947 and the rising housing waiting lists, but the issue is not just a question of the statistics. All members must have seen a big increase in cases related to housing and a lack of supply coming through in their surgeries. If members do not acknowledge that, they are not facing up to the truth about housing.

The reality is that the SNP Government has cut housing budgets by 30 per cent and cut the HAG levels. I know that those have been restored slightly, but housing associations say that the HAG funding levels are inadequate, and that undermines their ability to build houses in their areas.

**Bob Doris:** I will not trade figures with the member, but he makes the point that additional resources can achieve additional housing so, rather than espousing rhetoric, will he identify the additional resources that Labour would commit to deliver more housing, so that we have something to consider?

**James Kelly:** The member's point is absolutely valid. I have said before that the SNP, rather than spending millions of pounds on supporting the referendum process, should spend the money on purposeful house building in our communities.

My other point is a serious one. The onus is on us all to look at alternative funding mechanisms for councils and housing associations. The funding will not all come from the Scottish Government budget. For example, pension funds in certain sectors have been looked at as an opportunity to provide house-building programmes. The minister should examine that proposal. However, the minister must acknowledge that supply is an issue.

We have said that we will work with the SNP but we must first address that substantive issue.

There is not a lot in the bill with which necessarily to disagree, although I agree with members that it could be strengthened in areas. However, that will not address the housing crisis. Jim Eadie said that abolishing the right to buy was the centrepiece of the bill, and I do not oppose that provision. However, if that will only stop 1,500 houses a year from leaving the social housing sector, it will have a minimal impact on addressing the social housing waiting list, which has 151,000 people on it. There are big issues to be addressed in that regard.

Marco Biagi charted the rise of the private rented sector. In recent times, because of the difficulty in accessing mortgages and the lack of proper social housing, many people have had to turn to the private rented sector, whose share of the market has increased from 8 per cent to 12 per cent. As Marco Biagi pointed out, many people in the private rented sector do not want to be there; they have been driven to that position and would rather have the opportunity to own their own home.

There are consequential issues. There is a much bigger role for letting agents. As Bob Doris pointed out, there are responsible letting agents, but many of us come across letting agents who are not quite as scrupulous and responsible. In providing for the regulation of letting agents, the bill could be important, but it must be robust and it must have teeth. There must be a process whereby we can see that letting agents are accredited when they go on to the register. Alex Johnstone acknowledged that it is a good scheme, as it has the support of the industry. I think that the test is whether it has the support of tenants in our communities. The scheme will have the proper support of tenants only if they see it as transparent and if it is possible to take action against rogue letting agents and have them removed from the register.

The other issue around the private rented sector is rent levels. Mary Fee mentioned the fact that, in certain areas, rents in the private sector are double what they are in the social sector, and members mentioned the problem around tenure. The issue for people in the private rented sector is that, if they get into accommodation and feel reasonably secure in the area, but the landlord suddenly puts the rent up, they have very little recourse, and they might not have the option to move elsewhere. There is an issue around rent levels, which we should examine at stage 2.

Mark Griffin mentioned antisocial behaviour, which is a big issue in a lot of communities. There are provisions in the bill to address it, but it remains to be seen whether they are strong

enough for some and fair enough for others. We will need to monitor the issue as the bill progresses through stage 2.

John Mason made some very reasonable points about the Scottish Housing Regulator. Like John Mason, I detect unease from housing associations about the role of the regulator. Not all aspects of that can be dealt with under the bill, but there is unease about the transparency with which the Housing Regulator is operating and some of the interventions that the regulator is making. If there is any ability under the bill to ensure more transparency and to build more confidence in the role of the regulator, we should pursue that.

The proposals around age have proved to be among the most controversial aspects of the bill. Allocation policies are always difficult in sensitive areas. If there are to be blocks of housing, with pensioners together, for instance, where they feel stronger and more secure in their communities—to refer to Malcolm Chisholm's example—there is a case for using an allocation policy. However, there is a fear that the way in which the proposal is used could unfairly discriminate against young people. We should be wary of that.

Last Monday, a family came into my surgery who stay in a one-bedroom flat. There are four adults staying there, so it is clearly an overcrowding situation, and they are struggling to find alternative accommodation. That is not an unusual case for me to deal with in my constituency. Many people struggle to access adequate social housing and cannot afford to purchase a private house. That is the substantial issue in housing that we need to address.

We will support the general principles of the bill at stage 1 and try to strengthen it at stage 2, but we need substantive action to address the housing crisis in Scotland if we are to move the issue forward.

16:50

**Margaret Burgess:** I agree with others that this has been a good debate with many constructive contributions from across the chamber. I listened to all of them and, as I said, I am still looking at how I will take the bill forward at stage 2. It is also encouraging that the lead committee's endorsement of the bill has been reflected in the debate. I will not be able to respond to all the comments and points that were made, but I hope to address them all in great detail at stage 2.

I want to start by looking at the context. When Mary Fee spoke, she suggested that the Scottish Government has no vision for housing. The bill is part of and fits in with our housing vision, which is that all people in Scotland live in a high-quality home that they can afford and which is suitable to

their needs. That is set out in our “Homes Fit for the 21st Century: The Scottish Government’s Strategy and Action Plan for Housing in the Next Decade: 2011-2020”. It is important that I put the matter in that context.

There has also been criticism that we are not building enough homes and that fewer homes are being built now than previously. I really have to nail that one. Since 2007, the Scottish Government has built more council houses than the previous Administration did. It has also built more housing association housing than the previous Administration did, and we continue to do that.

I take the points that James Kelly and Alex Johnstone made—of course we have to look at ways of getting more money into the housing sector, and we are doing that. We are looking at pension funds, and we have already had a local authority announce that it is using them for housing. That work is going on already, and it is important that I say that.

**Sarah Boyack:** The point that I made is that it is not just about building houses. In the first eight years of the Parliament, it was about the quality of houses, particularly in Glasgow. That took up the best part of £1 billion, and it was a clear priority on our part.

**Margaret Burgess:** Yes. Well, I think that standards of housing are higher now.

I will move on to address some points that were made during the debate, but I felt that I had to put that in context, given what was said.

A number of members talked about the mandatory register of letting agents. I have made it clear that my intention is that the system will have teeth and we will enforce it. There is a three-year period for registration, but any problems that arise, even in the first year, can be considered a breach and people can be removed from the list. It is not the case that letting agents will be there for three years and, at the end of that time, a decision will be taken on whether they are acting appropriately or not. I want to be clear on that.

I want to say a bit about mobile home site licensing, as I did not get that into my opening remarks because I was running out of time. John Lamont mentioned the issue and so did Maureen Watt. We will lodge an amendment at stage 2 to change the terms of the licence from three years to five. We have listened to the industry and the arguments that have been made on that and we intend to lodge an amendment at stage 2. We also intend to lodge an amendment to make it clear that permanent residents can stay on a site if the site owner loses or does not renew their licence.

A number of members highlighted the importance of preventing enforcement costs from being passed on to residents, and that was raised by the committee at the meeting that I attended. It is certainly not the Government’s intention for costs to be passed on in that way, so we intend to explore how we can amend the bill at stage 2 to ensure that it cannot happen.

A number of members talked about antisocial behaviour, which we all recognise is a problem. All MSPs have had issues of antisocial behaviour raised at their surgeries. It can be a sensitive issue because we have to get the right balance between allocating houses to tenants who might need support and ensuring that people can live peacefully in their own homes. As I have said, the bill will not resolve antisocial behaviour problems, but it will give landlords a tool for using the tenancy regime to manage effectively or deal better with those problems. That is what we hope to achieve. We are listening to what is being said; our stakeholders tell us that the provision will be useful to them, which we welcome.

John Mason and James Kelly talked about the regulator. I understand the issues that were raised and I know the feeling in some associations about the regulator. However, we decided in 2010 that the regulator should act independently of ministers. People may wish to raise such issues, but I repeat that they must be taken to the regulator first. It would not be appropriate to address those matters in the bill, because that would require wide consultation and an open discussion. I understand the points that have been made, but the bill is not the place to deal with them.

Malcolm Chisholm and Patrick Harvie said that the landlord registration scheme is not as effective as it should be. I believe that the scheme provides sufficient powers for local authorities to undertake enforcement and tackle landlords who are not operating effectively. That is happening in some areas.

**Patrick Harvie:** Notwithstanding the problems that some local authorities have with the resources that are available to enforce the landlord registration scheme, will the minister give a clear and principled reason why tenants of landlords should accept a lower standard of provision or service than tenants of letting agents get? What is the reason for the disparity?

**Margaret Burgess:** As I said in my opening speech, I have listened to what has been said across the chamber on all the issues, which will be considered before we talk about matters in detail at stage 2. Today’s debate is about the principles, but I understand the point that Patrick Harvie makes. I expect the private sector regime to be targeted and used more effectively.

Patrick Harvie talked about people saying, “No DSS,” and so on. I make it clear that we expect the code of practice to cover all those ethical issues, financial issues and how a letting agent operates. We hope that it will be publicised, so that people know about it, expect letting agents to operate under it and let us know when they do not. The good agents are keen to let us know of agents that are not operating in the way that we expect.

A number of members who represent Edinburgh—Marco Biagi, Jim Eadie, Sarah Boyack and Malcolm Chisholm—have talked about the City of Edinburgh Council’s requests in relation to the repairing standard. Some of the proposals that are being made have not been consulted on. We believe that there are existing powers to tackle some of the issues that have been raised. I am more than happy to discuss that when we get into the detail of the bill.

Today and yesterday, Mary Fee has talked about energy efficiency. We have energy efficiency measures for the social rented sector and it is right for it to lead the way. We do not need to put in the bill anything specific on energy efficiency measures in the private sector, because we can deal with that under the Climate Change (Scotland) Act 2009. Mary Fee is well aware that we have set up a working group to look at the subject, on which we intend to consult in 2015.

**Mary Fee:** Will the minister take an intervention?

**Margaret Burgess:** I will take a brief intervention.

**The Presiding Officer (Tricia Marwick):** No—you will not; you are in your last 30 seconds.

**Margaret Burgess:** I am sorry; I will follow up on the issue later.

If I am in my last few seconds, I will finish by saying that I am heartened by the support that we have had across the chamber for the bill. I look forward to further discussions in more detail as parliamentary scrutiny of the bill continues.

## Housing (Scotland) Bill: Financial Resolution

17:00

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of motion S4M-09578, in the name of John Swinney, on the Housing (Scotland) Bill financial resolution.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Housing (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.—[*John Swinney.*]

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

## Decision Time

17:00

**The Presiding Officer (Tricia Marwick):** There are two questions to be put as a result of today's business. The first question is, that motion S4M-09749, in the name of Margaret Burgess, on the Housing (Scotland) Bill, be agreed to. Are we agreed?

**Members:** No.

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

### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Allard, Christian (North East Scotland) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Baxter, Jayne (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Finnie, John (Highlands and Islands) (Ind)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)

MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McDougall, Margaret (West Scotland) (Lab)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMahan, Siobhan (Central Scotland) (Lab)  
 McMillan, Stuart (West Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Cowdenbeath) (Lab)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

### Abstentions

Brown, Gavin (Lothian) (Con)  
 Buchanan, Cameron (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)

**The Presiding Officer:** The result of the division is: For 97, Against 0, Abstentions 13.

*Motion agreed to,*

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

**The Presiding Officer:** The next question is, that motion S4M-09578, in the name of John

Swinney, on the Housing (Scotland) Bill financial resolution, be agreed to.

*Motion agreed to,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Housing (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.

## Point of Order

17:01

**Graeme Pearson (South Scotland) (Lab):** On a point of order, Presiding Officer. I refer to this afternoon's members' business debate on motion S4M-09191, on local knowledge under fire.

David Stewart's debate on the restructuring of the Scottish Fire and Rescue Service would normally have benefited from a response from the justice portfolio. An explanation of the minister's absence was duly offered, but without further explanation, the Parliament heard solely from the Cabinet Secretary for Training, Youth and Female Employment. Is it within the Presiding Officer's role to seek information from the Cabinet Secretary for Justice on what other duty prevented his attendance at the debate to respond on behalf of the Scottish Government?

**The Presiding Officer (Tricia Marwick):** I thank Mr Pearson for the advance notification of his plan to raise that matter. That is not a point of order for me. It is entirely a matter for the Scottish Government to decide who is appropriate to represent the Scottish ministers during parliamentary debates in the chamber.

*Meeting closed at 17:02.*

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

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