



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Tuesday 4 November 2014

Session 4

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**Tuesday 4 November 2014**

**CONTENTS**

	<b>Col.</b>
<b>TIME FOR REFLECTION</b> .....	1
<b>BUSINESS MOTION</b> .....	3
<i>Motion moved—[Joe FitzPatrick]—and agreed to.</i>	
<b>TOPICAL QUESTION TIME</b> .....	4
General Practitioners (Funding).....	4
Justice (European Arrest Warrant).....	7
<b>HISTORIC ENVIRONMENT SCOTLAND BILL: STAGE 3</b> .....	10
<b>HISTORIC ENVIRONMENT SCOTLAND BILL</b> .....	23
<i>Motion moved—[Fiona Hyslop].</i>	
The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop).....	23
Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab).....	26
Liz Smith (Mid Scotland and Fife) (Con).....	28
Clare Adamson (Central Scotland) (SNP).....	30
Liam McArthur (Orkney Islands) (LD).....	31
Liz Smith.....	32
Jayne Baxter (Mid Scotland and Fife) (Lab).....	34
Fiona Hyslop.....	36
<b>GREENHOUSE GAS EMISSIONS (ANNUAL TARGET REPORT)</b> .....	39
<i>Statement—[Paul Wheelhouse].</i>	
The Minister for Environment and Climate Change (Paul Wheelhouse).....	39
<b>TOWN CENTRE ACTION PLAN</b> .....	54
<i>Motion moved—[Derek Mackay].</i>	
<i>Amendment moved—[Gavin Brown].</i>	
The Minister for Local Government and Planning (Derek Mackay).....	54
Gavin Brown (Lothian) (Con).....	58
Sarah Boyack (Lothian) (Lab).....	61
Jamie Hepburn (Cumbernauld and Kilsyth) (SNP).....	63
Margaret McDougall (West Scotland) (Lab).....	64
Willie Coffey (Kilmarnock and Irvine Valley) (SNP).....	66
George Adam (Paisley) (SNP).....	68
Cara Hilton (Dunfermline) (Lab).....	69
Graeme Dey (Angus South) (SNP).....	71
Cameron Buchanan (Lothian) (Con).....	73
Alex Rowley (Cowdenbeath) (Lab).....	74
Derek Mackay.....	77
<b>DEREGULATION BILL</b> .....	81
<i>Motion moved—[Keith Brown].</i>	
<b>SMALL BUSINESS, ENTERPRISE AND EMPLOYMENT BILL</b> .....	82
<i>Motion moved—[John Swinney].</i>	
<b>DECISION TIME</b> .....	83
<b>SCHOOL BUS SAFETY</b> .....	87
<i>Motion debated—[Stewart Stevenson].</i>	
Stewart Stevenson (Banffshire and Buchan Coast) (SNP).....	87
Maureen Watt (Aberdeen South and North Kincardine) (SNP).....	90
Alex Rowley (Cowdenbeath) (Lab).....	91
Mary Scanlon (Highlands and Islands) (Con).....	92
Alison McInnes (North East Scotland) (LD).....	93
Christian Allard (North East Scotland) (SNP).....	95
Lewis Macdonald (North East Scotland) (Lab).....	96
The Minister for Transport and Veterans (Keith Brown).....	97
<b>CORRECTION</b> .....	101

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# Scottish Parliament

*Tuesday 4 November 2014*

*[The Presiding Officer opened the meeting at 14:00]*

## Time for Reflection

**The Presiding Officer (Tricia Marwick):** Good afternoon. The first item of business is time for reflection. Our leader today is the Rev Alastair H Symington, member of the kirk session and minister emeritus of Troon old parish church and a chaplain to the Queen in Scotland.

**The Rev Alastair H Symington MA BD:** I served as a Royal Air Force padre when I was a young adult. I was 25 when I entered the service and the four years that I spent there grew me up in a major way.

Back then we confronted two foes: the Soviet threat and the Irish Republican Army. Each was ever present, but in different ways, and each was certainly very different from the head-on confrontational conflicts that we have faced in more recent times, so there were few headlines and few support groups for servicemen. Ours was a quiet job and we got on with it.

This period, when we come towards our national remembrance acts and services, is always a time for me to look back to those days and remember those who paid the ultimate sacrifice in order to be prepared to meet the foe. I remember a young pilot officer who served with me at Lyneham. We were the same age and both preparing for our respective weddings. He was from up here in Scotland and we had a lot in common. He attended the station church and decided to be confirmed in the Christian faith. So he was, and his family came to Wiltshire from up here and we had the service and a celebration lunch in the mess afterwards.

Four days later he was killed on a training run. He was not a war hero—he was not mentioned in our newspapers or on television—but was killed on exercise to be prepared to do his job for real if required. His parents and fiancée were back in the mess with me, now arranging his funeral, which was held with due military honours. This month I remember him vividly still, even though that happened 40 years ago.

Our servicemen in every generation, whether in times of real conflict or in what euphemistically was called peacetime, have done this nation well in the past and do so now. It is a century since the most terrible of all wars stripped Great Britain of a

generation of young adults, and in between then and now the spirit of service has never wavered.

For me, the memory is of the unsung and the unknown—and especially of a young Scotsman who looked forward to life as I did but was cut short in service. He has not grown old as I have. Age has not wearied him, nor have the years condemned, but at the going down of the sun and in the morning, I will remember him.

## Business Motion

14:03

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of business motion S4M-11400, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, which sets out a timetable for the stage 3 consideration of the Historic Environment Scotland Bill.

*Motion moved,*

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

Groups 1 to 4: 30 minutes.—[*Joe FitzPatrick.*]

*Motion agreed to.*

## Topical Question Time

14:04

### General Practitioners (Funding)

**1. Jim Hume (South Scotland) (LD):** To ask the Scottish Government what its response is to reports that patients are being put at risk by its failure to adequately fund general practitioners. (S4T-00820)

**The Cabinet Secretary for Health and Wellbeing (Alex Neil):** Under the tenure of this Government we have increased the Scottish Government's contribution to primary medical services by 10 per cent. Working with health boards, we are ensuring that more money than ever is being invested in local GP services. Investment in primary care has led to an increase in the number of GPs in Scotland by 5.7 per cent under this Government and this year we have ensured a GP pay increase and agreed a new three-year GP contract that frees up GPs to spend more time with their patients by reducing bureaucracy.

However, we can go further. Today, I have announced a new £40 million primary care development fund, which will allow our GPs and primary care professionals to evolve our health service to meet the changing needs of the people of Scotland. The new fund aims to empower GPs to develop initiatives that address workload challenges, tackle health inequalities in deprived and rural areas and meet the changing needs of the people of Scotland.

**Jim Hume:** I welcome today's announcement that—whether or not it is new money—£40 million is to be made available for GPs in rural and deprived areas. Presiding Officer, that sudden announcement highlights your wisdom and foresight in having weekly topical questions, if the result is a rapid policy alteration.

The reality is that the number of whole-time equivalent GPs in post at the end of January 2013 is just 35 higher than the 2009 survey number. Organisations involved in the sector have warned that boosting services will require much more than a one-off £40 million sum. What is the cabinet secretary's long-term plan to ensure that we have an adequate number of GPs so that the quarter of patients who cannot get appointments within a week can do so?

**The Presiding Officer (Tricia Marwick):** Flattery will get you everywhere, Mr Hume.

**Jim Hume:** Good.

**Alex Neil:** I will disappoint you, Presiding Officer, because I told the Royal College of

General Practitioners last week that I would be making that funding announcement.

This is part of a wider strategy for primary care. We have negotiated a three-year contract with GPs to get stability into the system, and we have substantially reduced the bureaucratic requirements on GPs to free up their time so that they can be with their patients. I have instructed every territorial health board to increase the GP and primary care funding this year and next. I will continue to do that until we have the required level of funding.

There is a national GP shortage, partly because of the feminisation of the workforce, leading to much more part-time working; partly because of the issue of work-life balance, which is making it more difficult to attract people into the GP profession; and partly because of the particular challenges in rural, remote and island communities, where we have extreme recruitment and retention difficulties.

We are working across a wide range of areas on a wide range of initiatives with all the key stakeholders to address all those issues. I recognise the challenges, but we are facing up to them and putting in place the resources to do so successfully.

**Jim Hume:** In addition to the conventional practice nursing role, advanced nurse practitioners can improve access to GP services. Indeed, in many parts of Scotland, nurses with advanced qualifications diagnose patients and prescribe medication for a wide range of long-term conditions. Will the Scottish Government put in place resources and support to develop more such roles, so that the whole team can provide access to healthcare, as part of a long-term approach to workforce planning rather than more stop-gap measures?

**Alex Neil:** Absolutely. I have been impressed by the nuka model in Alaska, where they have completely redesigned GP services. They recognised that only about 30 per cent of the people who saw GPs needed to see them and that the remaining 70 per cent would be better dealt with by a clinical psychologist, a podiatrist, an advanced nurse practitioner or whoever. Therefore, over the past few years, they redesigned their primary care services and, as a result, they have dramatically reduced the number of incidents and the level of hospitalisation and got a much more efficient system than they had before.

We can learn a lot of lessons from the nuka system. We have successfully run a pilot in Fife and a GP practice in Edinburgh will adopt the model. That practice is to be officially opened on

Friday; I will see whether I can get Mr Hume an invitation.

**Aileen McLeod (South Scotland) (SNP):** I welcome the new £40 million primary care development fund. How much has been transferred from the performance-related pay system, the quality and outcomes framework, to core practice funding in the past two years? Has the transfer had a beneficial impact on how much time GPs have when treating their patients?

**Alex Neil:** Over 2013-14 and 2014-15, the QOF, which is the framework for performance-related pay in the GP contract, was reduced by 341 points to 659 points, which moved £47 million of funding of GP income into core funding and out of performance-related pay. The reduction was negotiated with the Scottish general practitioners committee, which agreed that it would help to reduce the bureaucratic burden on GPs and free up GPs to spend more time with patients.

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** I compliment the cabinet secretary on the general direction of travel. I think that he would agree with me that the first step is to recognise the challenges that we face. For example, in the north-east of England—as opposed to the United Kingdom as a whole—there are more full-time equivalent GPs than there are in the whole of Scotland. That is reflected in a Nuffield Trust report. In Lothian, 74 practices have closed to new registration, and the same problem is occurring in other health board areas. *[Dr Simpson has corrected this contribution. See end of report.]* In Millport and in Drymen, to take just two examples, we are unable to recruit GPs, as a consequence of dispensing changes, which I know we are trying to address but which are causing difficulties. Locums are difficult to obtain, which puts pressure on partners in practices.

I accept the cabinet secretary's long-term vision, and I understand the Alaska concept, but that will not change things overnight. How can the current local development plans, which the cabinet secretary has seen but I have not been able to see, affect general practice this year and next?

**Alex Neil:** As I have said, under LDP guidance for this year and next I have instructed boards to put additional resources into GP practices. I think that GPs will buy in particular services that they require. For example, as I said to the Health and Sport Committee at this morning's meeting, the addition of link workers in deep-end practices is making a substantial difference. In practices that are not deep-end practices but have an above-average percentage of patients who are elderly or very elderly, the money will be used differently.

I am happy to let GPs make the decision about how they need to spend the resources, as long as,

in return for putting the resources in, we get an improvement in the ability to service patients, offer appointments more quickly and do all the other things that we all want to see. I do not want to write a blank cheque without getting something in return; I want to ensure that there is improved performance and quality in return for the money that we put in.

**Nanette Milne (North East Scotland) (Con):** Recruitment and retention is a recurring problem in general practice. The main reason why I was happy to support the 2004 contract was that young GPs were not coming into general practice because of night work.

We still face problems recruiting and retaining in general practice. Has the cabinet secretary thought about giving incentives to young medical graduates to enter general practice? Today he told the Health and Sport Committee about the need for more medical graduates. Such graduates need to be guided when they have qualified. Does the cabinet secretary have plans to attract them into general practice?

**Alex Neil:** From the work that we have done, we think that the issue is not a financial incentive but the work-life balance, as I am sure Mrs Milne agrees. There is a cart-and-horse situation. If more GPs worked in each practice, each GP would need to work fewer hours, and if GPs worked fewer hours it would be easier to attract more people into the profession.

It is about putting resources in. Jim Hume was right when he said that, given the shortage of GPs and given that a lot of the people whom GPs see could more appropriately be treated by an allied health professional or advanced nurse practitioner, we need a system in each GP practice—which we should be able to bring in sooner rather than later—whereby patients are triaged, to ensure that they go to the right person, who is not necessarily always a GP. If we did that much more extensively, we would take a lot of pressure off GPs. If we managed to do that, GPs' work-life balance would improve, and the image of the profession and therefore the ability to recruit and retain GPs would improve.

### **Justice (European Arrest Warrant)**

**2. Sandra White (Glasgow Kelvin) (SNP):** To ask the Scottish Government how the decision to hold a vote on the future of the European arrest warrant before 20 November could impact on justice in Scotland. (S4T-00818)

**The Cabinet Secretary for Justice (Kenny MacAskill):** As I have already told the chamber, I very much regret that the United Kingdom Government saw fit, with no pretence of consultation, to put our participation in the

European arrest warrant system at risk. We hope that the UK Government will win the vote and succeed in opting back in. If not, I note the uniform concern across the Crown Office, defence lawyers and Police Scotland at the loss of an instrument that has seen hundreds of individuals, many of whom have been suspected of serious crimes, returned to Scotland from other member states or to other member states from Scotland to face justice.

**Sandra White:** I absolutely agree with the cabinet secretary that it will be very detrimental and dangerous if the UK Government does not opt into the European arrest warrant system, and I wonder whether he can explain exactly what limbo Scotland will be in if the option is thrown out in the vote before 20 November. Does the cabinet secretary agree that holding such a vote on such an important issue just before the Rochester and Strood by-election has more to do with political manoeuvring than it has with what is best for the people of Scotland and, indeed, the rest of the UK?

**Kenny MacAskill:** Yes, and that is the position of not just the Scottish Government but prosecutors, defence lawyers, rights campaigners and the police in Scotland and throughout the UK. The European arrest warrant has served us well and has brought people to justice in this country, some of whom have been charged with the most heinous crimes. I am very grateful to authorities in Slovakia and Poland that have assisted us; as I made clear in my previous response, we have also supported returning to justice people who have been wanted elsewhere. This is political manoeuvring by the coalition Government down south, and it is threatening what has worked well in serving justice not only in Scotland but elsewhere in the European Union.

**Sandra White:** The cabinet secretary has just highlighted one of the points that I wanted to raise in my supplementary question. We know that the rest of Europe supports the European arrest warrant system and, indeed, has been lobbying Westminster to support it. The worry in this Parliament is that, if a decision is not made in November and is left until later, we will be left in limbo. Like the cabinet secretary, I think that this is political posturing coming up to the Rochester and Strood by-election, in which the Conservatives are contending with the UK Independence Party.

**The Presiding Officer:** I think that there was a question there, cabinet secretary.

**Kenny MacAskill:** I think that this is a case of legislating in haste and repenting at leisure. This is one of the matters that the Conservative Administration had initially not given any consideration to; having spoken to numerous ministers over the time, I know that they are going



to considerable difficulty to try to resolve matters of their own volition. I hope not only that we have managed to sort things out but that the UK Government will win the vote but, if that were not to occur, the interests of justice in Scotland as well as the interests of justice throughout the European Union would be the worse for it. As I have said, this is simply political posturing, and it is damaging not only to those who work in the justice system but to all of us in our society who wish to ensure that justice is done.

**Roderick Campbell (North East Fife) (SNP):** I was fortunate to attend the human trafficking summit on 17 October, which was attended by representatives of prosecuting authorities from not only Scotland, England, Wales and Northern Ireland but the Republic of Ireland. At that summit, there was unanimity among the UK prosecutors on the importance of the European arrest warrant with regard to human trafficking. Does the cabinet secretary accept that point?

**Kenny MacAskill:** Absolutely. The member makes a very valid point. Human trafficking is a crime that by its very definition does not know or accept boundaries or jurisdictions. Given that, in Scotland, many people who are being trafficked come from European Union countries—we have been briefed on that very matter by Police Scotland—I fully understand the point that Mr Campbell has made and which was made at the meeting to which he referred, which is that the European arrest warrant has served us well in tackling what is a dreadful crime and a threat. It ensures that justice can be done wherever possible.

## Historic Environment Scotland Bill: Stage 3

14:19

**The Presiding Officer (Tricia Marwick):** The next item of business is stage 3 proceedings on the Historic Environment Scotland Bill.

In dealing with the amendments, members should have the bill as amended at stage 2, which is SP bill 47A, the marshalled list of amendments, which is SP bill 47A-ML, and the groupings of amendments, which is SP bill 47A-G.

The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate.

Members who wish to speak in the debate on any group of amendments should press their request-to-speak buttons as soon as possible after I call the group.

Members should now refer to the marshalled list of amendments.

### Section 2—Functions of Historic Environment Scotland

**The Presiding Officer:** Group 1 is on the functions of historic environment Scotland: promoting the maintenance of the historic environment. Amendment 1, in the name of Liam McArthur, is the only amendment in the group.

**Liam McArthur (Orkney Islands) (LD):** Committee colleagues will recall that, at stage 2, I lodged and moved various amendments reflecting a range of concerns that I had at that time. Many of those concerns were born of the experience of constituents in Orkney, whether they involved a desire to avoid historic environment Scotland taking an overcentralised approach, the need to ensure that it respects and involves local expertise or, working back the other way, a determination that local councils should be able to continue to access advice and guidance from HES to help them to fulfil their own statutory functions. In each instance, the undertakings and assurances that were offered by the cabinet secretary were adequate and helpful.

As for the risks associated with HES achieving charitable status and the potential for conflicts of interest and the concerns that staff and resources may be focused away from current functions towards revenue raising, only time will tell. However, I am not convinced that amending the bill would achieve the desired aim, although the

committee for the duration of the current session of Parliament—and, indeed, successor committees—will want to keep those matters under review.

I do, however, believe that the bill would still benefit from change in relation to the functions of HES. The issue was raised initially by the Law Society of Scotland, to which I am grateful. Subsequently, the Friends of Seafield House group in South Ayrshire has highlighted a specific example of why the issue needs to be revisited and, I hope, addressed in the bill.

**Chic Brodie (South Scotland) (SNP):** Subsections (d) and (e) of section 2 concern

“protecting and managing the historic environment”

and

“conserving and enhancing the historic environment.”

How would amendment 1 add to that?

**Liam McArthur:** I know that Chic Brodie has been in fairly regular contact with Friends of Seafield House and will be aware of its specific concern that “protecting” and “conserving” do not reflect the adequate needs in that particular case. I understand that the local health board has not been prepared to maintain the fabric of a building that Friends of Seafield House is seeking to take over in due course.

One of my amendments at stage 2 sought to separate the “conserving” and “enhancing” functions of HES, recognising that those could be incompatible in some circumstances. This time, in section 2, I am looking to add a requirement on HES for

“promoting the maintenance of the historic environment”.

The Law Society supports that; so does—as Chic Brodie will be aware—Rob Close, the chair of Friends of Seafield House, on the basis of that group’s experience of trying to save a building that is owned by the local health board.

In his letter to me, which was probably also sent to Chic Brodie, Mr Close explains:

“The word ‘maintenance’ has a much more practical meaning: it is a word that talks directly to owners who are not minded to ‘conserve’ or ‘preserve’.”

Mr Close goes on to quote from “Our Place in Time—The Historic Environment Strategy for Scotland”, which refers repeatedly to the need to maintain and to maintenance as well as to the benefits of “a well maintained environment”.

Mr Close argues that

“having the word ‘maintaining’ in addition to ‘protecting’ and ‘conserving’ would cover situations where the public/private owner is not minded to protect or conserve but to bring about the demise of a building for economic reasons”.

He adds that giving HES that function would allow the fabric of a building to be maintained while its fate was being decided, thereby potentially helping local communities—which I know that the cabinet secretary, like me, is keen to see become more directly and actively involved in the historic environment—to save a much-valued building.

Other colleagues who, like Chic Brodie, represent that part of the country will be more familiar with the details of the Seafield house campaign, and I would not presume to judge the actions of either the local health board or the council, which I believe has refused to serve a repair notice. Nevertheless, I think that it offers a specific example of the sort of benefit that amendment 1 could help to deliver.

I know that the cabinet secretary was sceptical at stage 2, but I hope that having had time to reflect further and consider the specific example that I have given—there will undoubtedly be others in other parts of the country—she will support my amendment.

I move amendment 1.

**Liz Smith (Mid Scotland and Fife) (Con):** Mr McArthur makes a good point about an issue that has been debated consistently throughout the bill’s consideration—the need to ensure that the principle of streamlining the care of our historic environment in a single body does not override the importance of local decision making, community responsibility and individual responsibility, as they have an essential role to play in the care of the environment.

That has led to an interesting semantic debate about the meaning of the words “conserve”, “preserve” and “maintain”. On one level, that is a pedantic consideration, but it is hugely significant when it comes to the detail of the bill. Therefore, I support amendment 1.

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** I, too, support Liam McArthur’s amendment 1, which is eminently sensible in the circumstances that we face. I am sure that we all know of historic and important buildings in our areas that, through a lack of maintenance, it has been impossible to conserve. I think that it is entirely sensible for us to look to make the definitions as clear as we can and to understand what we are trying to do.

I repeat that, if buildings of a historic or important nature are not maintained, the opportunity to conserve them for the good of communities can well be lost. It is important that the word “maintenance” is included in the bill.

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** Amendment 1

seeks to give historic environment Scotland the particular function of

“promoting the maintenance of the historic environment”.

From what members have said, I think that the emphasis is on the word “promoting” rather than on delivery of the maintenance.

There has been detailed consultation and deliberation on the functions of HES. There is widespread agreement among stakeholders that the functions should be defined at a high level. A great deal of deliberation delivered the functions that are listed in the bill, and amendment 1 would undermine the consensus that was achieved as the bill was developed on what the functions of the new organisation should be.

There is agreement that HES needs freedom within its operating remit to decide how best to deliver and that there needs to be space for its approach to develop over time. I believe that those positions are correct, and I do not wish to disrupt them. The bill should set out the overall task for HES in broad terms; it should not offer a detailed catalogue of the contents of the toolkit that it will deploy.

Promoting maintenance is already fully covered by HES’s general function of

“investigating, caring for and promoting Scotland’s historic environment”

and its particular functions of “managing” and “conserving” the historic environment.

Historic Scotland already does a broad range of work in this area. It is active in promoting maintenance, for example through the development of the traditional building skills strategy and the traditional building health check initiative. I launched the pilot for the health check scheme in Stirling two years ago. It aims to promote proactive building repair and maintenance and to stimulate demand for skilled tradespeople, and it is being led in collaboration with Stirling Council and the Construction Industry Training Board. HES will continue that work.

In short, I do not for a moment dispute that, as Patricia Ferguson said, maintenance is a crucial means of ensuring the long-term preservation of our historic environment. That fact is not in doubt anywhere in the sector. However, I believe that amendment 1 could pose problems for HES and more widely. Because it is so specific about promoting maintenance, it could unbalance HES’s functions, which have been deliberated on and which we have achieved consensus on. For example, it might lead to the impression that promoting maintenance is more important than demonstrating maintenance on the properties that HES will manage on ministers’ behalf or

supporting maintenance through its grants programmes.

I note that local authorities already have strong powers to take action in respect of listed buildings that are being neglected by their owners. Those powers include the ability to issue repair notices, compulsory purchase, and the power to make repairs to unoccupied buildings and recover the costs. Giving HES a function of promoting maintenance would not strengthen those powers; worse, it might create confusion by implying that HES is in some way directly responsible for the maintenance of listed buildings in private ownership.

I do not believe that inserting the specific function for historic environment Scotland of

“promoting the maintenance of the historic environment”

would improve the bill. Therefore, I do not support amendment 1.

**The Deputy Presiding Officer (John Scott):** I call on Liam McArthur to wind up and to press or withdraw his amendment.

**Liam McArthur:** I thank Liz Smith for her support for my amendment. Indeed, at stage 2 she supported a similar amendment. I also thank Patricia Ferguson for her comments. I think that she was right to point to the fact that maintenance is an issue that will probably affect communities in instances across the country and that without maintenance the option of preserving is really rather difficult to achieve.

The cabinet secretary talked about the consultation deliberations—I do not doubt those for a second—but she also talked about the potential for creating confusion and undermining a consensus. I have not been contacted by anybody who has suggested to me that the amendment that I have lodged and moved risks unravelling a consensus. On the contrary, the Law Society of Scotland, for example, has been in touch with me to express its continued support for the amendment. In addition, Friends of Seafield House has provided a very helpful example of why this particular loophole in the functions of HES could and should be addressed at this stage.

Therefore, on the basis of what I have heard and the representations that I have received, I am convinced that amendment 1 is necessary to the bill, and I will therefore press it.

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

**Members:** No.

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

As this is the first division, there will be a five-minute suspension until we vote.

14:30

*Meeting suspended.*

14:35

*On resuming—*

**The Deputy Presiding Officer:** We will now proceed with the division on amendment 1.

**For**

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)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 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)  
 Hilton, Cara (Dunfermline) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rowley, Alex (Cowdenbeath) (Lab)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Wilson, John (Central Scotland) (Ind)

**Against**

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

Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Finnie, John (Highlands and Islands) (Ind)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 45, Against 62, Abstentions 0.

*Amendment 1 disagreed to.*

**Section 12—Directions and guidance**

**The Deputy Presiding Officer:** We move on to group 2. Amendment 2, in the name of Liz Smith, is grouped with amendment 3.

**Liz Smith:** The cabinet secretary said in her opening comments at both stage 1 and stage 2

that the Scottish Government's policy position from the start has been that the new body should be regulated, fully transparent and subject to the highest quality of external scrutiny that the Commissioner for Ethical Standards in Public Life in Scotland can provide.

The cabinet secretary has herself been fully transparent in her approach, and I think that we all commend her for that. However, there are some remaining issues, most especially those that relate to accountability and the possible conflict of interest between HES's regulatory function and its ability to seek grants and carry out some of the work related to them.

The cabinet secretary will know that, between stages 2 and 3, the Law Society of Scotland reiterated its concerns about the possible conflicts of interest, specifically those that could arise if HES awards grants at the same time as seeking others in its role as a charity. The Law Society questions whether some aspects of the regulatory role can sit comfortably with charitable status.

At stage 2, the cabinet secretary seemed to intimate that the bill will not create such tensions, but I believe that a bit of an issue remains about the final accountability, and that is the reason for amendments 2 and 3. They are specific to the concerns about accountability in situations—albeit that they are likely to be rare—in which HES board members might express disquiet about some aspects of Scottish Government strategy in general terms. The issue has not gone away, and we could have had a little more engagement from the Government with stakeholders on the issue.

In the letter that the cabinet secretary sent to the convener of the Education and Culture Committee on 28 May, she was clear that, if the Scottish ministers did not think that HES was playing a sufficiently strong role in addressing matters of concern to the wider cultural sector as captured in that strategy, they would direct the board. That confirms that there is ministerial direction. As the cabinet secretary has said many times, that is quite separate from the operational independence of the body, but it naturally draws into question what could happen. The cabinet secretary was clear that there could be situations in which there might be a disagreement.

There are still some issues here and we could do with some extra safeguards. That is why I move amendment 2.

**Fiona Hyslop:** As I confirmed at stage 2, the corporate plan is a vital document and Liz Smith is right to recognise its primacy. I share her sentiment that the corporate plan must have the highest status and must offer certainty for HES in planning its work. That is precisely why the bill

explicitly provides for HES to create such a plan and for its approval by ministers.

That explicit provision goes a step beyond the establishing legislation for analogous bodies such as the National Library of Scotland and Scottish Natural Heritage, in which we do not have that provision. The corporate plan is the foundation of the corporate performance framework for HES. Ministers will approve it, which means that we will share ownership and accountability for it with HES. The plan and any revisions will be public documents. The performance report for the organisation will be published at least annually. Any failure to deliver, therefore, will be transparent as will the reasons given for failure.

The ministerial power for direction is there for good reasons. It can be used in a positive way to support HES by, for example, clarifying procedural matters such as routine sponsorship arrangements and how they will work. As I remarked during stage 2 about a similar amendment, there seems to be an assumption that ministers will regularly issue directions to HES to do things that HES feels are not wise. I repeat that ministers in this Government will not act in that way. In seven years as a minister, I cannot recall ever issuing a direction in opposition to the advice of a sponsored body.

Such an action is rare across the whole of Government. A formal direction, especially one that goes against the advice of a sponsored body, is the end of a long process of discussion and never the starting point. In any case, the chair and the board of a non-departmental public body do not require a specific provision to raise a challenge to any proposals that would significantly compromise the delivery of agreed outcomes. Indeed, they could engage the Parliament, committees and MSPs if that was the case.

It is in the nature of the role of a sponsored body and the normal sponsorship relationship between Government and NDPBs that such matters are explored and resolved long before any formal communication or direction takes place. For those reasons, I believe that amendments 2 and 3 would simply introduce unnecessary complications and bring legislative micromanagement into the clear and straightforward relationship that is centred on the corporate plan.

I understand the sentiments behind Liz Smith's amendments, but they are not necessary for good governance and to how good government works. I continue to oppose the amendments as I did at stage 2.

**Liz Smith:** I will press amendment 2. I hear what the cabinet secretary says and I began by complimenting her on her own transparency during this process, so I am very conscious of the

fact that this kind of problem has not arisen. However, I refer her back to the *Official Report* of stage 2, when she admitted that there could be a situation in which there was a disagreement.

While I am well aware that there is public scrutiny of the corporate plan and that the cabinet secretary could be brought before a parliamentary committee, such scrutiny would come after a problem was identified. I am trying to prevent the problem from happening in the first place, and we need that extra dimension of scrutiny.

**The Deputy Presiding Officer:** The question is, that amendment 2 be agreed to. Are we agreed?

**Members:** No.

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

**For**

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)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Buchanan, Cameron (Lothian) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rowley, Alex (Cowdenbeath) (Lab)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**Against**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)

Allard, Christian (North East Scotland) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Finnie, John (Highlands and Islands) (Ind)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 44, Against 65, Abstentions 0.

*Amendment 2 disagreed to.*

*Amendment 3 not moved.*

### Section 24—Subordinate legislation

**The Deputy Presiding Officer:** We move on to group 3. Amendment 4, in the name of Fiona Hyslop, is grouped with amendment 5.

14:45

**Fiona Hyslop:** These technical amendments relate to the prescribing, by order, of persons who can manage properties in care or collections on behalf of ministers.

The bill as introduced included powers to delegate the care and management of the properties in care and associated collections to HES and also to delegate those functions to other persons. That was to allow for future flexibility in arrangements to ensure the long-term preservation of the properties in care.

In its stage 1 report, the Delegated Powers and Law Reform Committee recommended that, when ministers are delegating their powers to persons other than HES, that should be subject to parliamentary scrutiny. The job of looking after these properties for the nation is a very important one, and I was happy to agree that any persons who would take it on should be subject to appropriate scrutiny.

At stage 2, I proposed amendments requiring that ministers prescribe, by order, any persons to whom functions could be delegated, in line with the committee's recommendations. Amendments 4 and 5 are needed to complete that intention by ensuring that the affirmative procedure is required for such orders, as the committee and I are agreed that it should be.

I move amendment 4.

*Amendment 4 agreed to.*

*Amendment 5 moved—[Fiona Hyslop]—and agreed to.*

### Schedule 2—Functions of Historic Environment Scotland in relation to scheduled monuments

**The Deputy Presiding Officer:** We move on to group 4. Amendment 6, in the name of Fiona Hyslop, is grouped with amendments 7 to 11.

**Fiona Hyslop:** This group of six amendments relates to the powers that are available to ministers to ensure that the outcome of a successful appeal is given effect to by HES.

The amendments relate to appeals under new section 1C of the Ancient Monuments and Archaeological Areas Act 1979 challenging a decision of HES to include a monument on the schedule of ancient monuments; new section 5B of the Planning (Listed Buildings and Conservation

Areas) (Scotland) Act 1997 challenging a decision of HES to include a building on the list of listed buildings; and section 19 of the 1997 act challenging a decision of a planning authority to refuse consent. A ground of appeal may be that the building ought not to be included on the list.

Those appeals all enable a challenge to be made against inclusion on the schedule or on the list. The provisions in the bill as it stands do not enable ministers to direct HES to remove a property from the schedule or list following a successful appeal. The amendments ensure that that is the case and that the powers that are available to ministers following determination of appeals are consistent with the powers that are available in relation to other appeal procedures.

It is, of course, important that ministers have full powers to ensure that effect is given to a successful appeal. I should say that the power of direction is a safeguard, since HES will naturally be expected to do whatever is required after an appeal, without a direction from ministers.

I move amendment 6.

*Amendment 6 agreed to.*

*Amendments 7 to 11 moved—[Fiona Hyslop]—and agreed to.*

**The Deputy Presiding Officer:** That ends consideration of amendments.

## Historic Environment Scotland Bill

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

The next item of business is a debate on motion S4M-11378, in the name of Fiona Hyslop, on the Historic Environment Scotland Bill.

14:49

### **The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):**

For the purposes of rule 9.11 of the standing orders, I advise the Parliament that Her Majesty, having been informed of the purport of the Historic Environment Scotland Bill, has consented to place her prerogative and interests, so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

As we begin the last stage in Parliament's consideration of the bill to establish a new lead body for the historic environment, I thank the many people who have contributed to a very positive process.

We have seen constructive engagement from MSPs and from many stakeholders, who have all recognised the importance and potential of Scotland's historic environment and the need to work together to protect it and to develop its potential.

I express my particular appreciation of the patience and professionalism of the staff of Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland in dealing with the process of transition. I met their joint senior management team earlier today and was impressed by the commitment and expertise that both bodies are bringing in the process of preparing for their rebirth as historic environment Scotland. There is a rewarding future ahead for all staff, and I know that they are ready to get on with the job.

I also recognise the hard work and dedication of the Scottish Government officials who have been central to translating our ambitions into the bill that we are considering, and the Education and Culture Committee's scrutiny.

The historic environment lies at the heart of our cultural identity. It plays a key role in defining who we are and our place in the world. It tells Scotland's story and has intrinsic and instrumental value over and above any economic considerations. It merits our most careful stewardship for those reasons alone.

The heritage sector's contribution to economic life is certainly important but, for me, that is a secondary benefit. Heritage already makes a

major contribution. A cautious estimate has suggested that Scotland's historic environment contributes well over £2 billion annually to our economy and supports more than 40,000 jobs in the tourism and building sectors. There is no reason why it cannot offer much more in respect of its social value as well as in monetary terms.

To deliver that potential requires all partners to work together in a collaborative way and within a strategic framework. I have spoken before about Scotland's first-ever historic environment strategy, which was published as "Our Place in Time—The Historic Environment Strategy for Scotland". That document provides a shared vision and a strategic framework for all parts of the historic environment sector to work collaboratively to achieve the sector's full potential.

Collaboration is not new to the sector; what is new is an explicit and widely shared framework for the long term. That new way of working will drive more effective partnership working and deliver real and increasing benefits to the people of Scotland.

I can report that the strategy is moving forward well. The initial working groups have been established and have confirmed their remits. Several have already met. I can also report that all but one of the groups are led by senior stakeholders from beyond Historic Scotland and RCAHMS. A genuinely shared endeavour is being demonstrated.

The Scottish Government's contribution to that shared enterprise will be taken forward by historic environment Scotland, which the bill will establish. We are bringing resources, skills and experience together into a new lead body, simplifying the processes by which our most important historic environment assets are protected and managed, and providing more transparency to legislation that can seem complex and confusing.

Both Historic Scotland and RCAHMS have been with us for many years and have driven forward many fantastic projects. If anyone doubts that, they should look in the RCAHMS archives at the before and after photographs of the great hall of Stirling castle and see how much Historic Scotland has done there. It should be remembered that RCAHMS has made those images accessible online far more widely than can be imagined, to anywhere in the world.

I particularly like the fact that, as the bodies protect and record our past, they are pioneering innovative uses of new technology in their everyday work. They do that in headline projects such as the Scottish ten, which continues to receive plaudits from around the world for its innovative approach. The Nagasaki giant cantilever crane will be the last of 10 iconic landmarks to be digitally scanned by the Scottish



ten team. The crane, which was designed and built in Scotland, is a major landmark in Nagasaki harbour and is still in use. The first pictures went online yesterday, if members want to have a look at them.

New technology is also central to the on-going work to address energy efficiency in traditional buildings, which is vital to ensuring that our historic environment contributes to our ambitious climate change commitments. That is exactly the kind of approach that we need to realise the determination that our historic environment must become part of the solution and not part of the problem across the widest possible range of policy areas.

The complementary nature of the two bodies has long been recognised. They both work well, and they often work well together. Formally bringing them together is the logical step, and I am delighted that members have agreed with me on that.

The Government's vision is not just about merging staff and functions; it is about far more than that. The bill is part of a fundamental transformation across the whole sector. The new approach requires a single lead body that will work collaboratively with other bodies in the sector to ensure that the historic environment contributes more effectively to a range of other policy areas, including placemaking, tourism and regeneration, which all contribute to the wellbeing of our nation and our people.

HES will lead our efforts to achieve a step change in recognition of our historic environment and its potential. I am also very clear that the bill is to create a lead body, not a command body. There are areas in which it is right that a national body has lead responsibility—for example, in protecting our most important sites and buildings by statutory designation. Even here, HES will continue to work with local authorities to ensure that change is managed appropriately and sensitively. Likewise, it is right that HES will act as a consultation authority in planning and environmental regulation to ensure that our historic environment is not needlessly damaged by the pursuit of objectives.

The Scottish Government has already made real progress in mainstreaming the historic environment into wider policy development at a national level. HES has a larger task of taking the case for mainstreaming out into society. It will need to persuade and educate—perhaps even cajole or contest—but the mission of its staff will be to convince everyone that the historic environment matters and deserves respect and attention.

That mission, of course, is underpinned by wider principles that are set out in international charters

and conventions and in Scotland's historic environment policy. HES will proceed on the basis of agreed principles, such as recognising the value of maintenance and the desirability of the sustainable reuse of historic buildings where appropriate; seeking to understand the full cultural significance of heritage assets before we decide on their future care and use; and sharing knowledge.

The bill sets out HES's functions in broad terms. We have chosen not to offer a detailed catalogue of the methods that HES will bring to bear, not least because new methods are constantly emerging. I will expect HES to play a role in developing new approaches, as Historic Scotland and RCAHMS have done successfully to date.

The bill places crystal-clear responsibilities on HES to exercise all of its functions, and to deploy all of its resources, to one end: to support our historic environment and to work with everyone who wants to contribute to that task.

Historic environment Scotland can and will lead and contribute in full measure to our national strategic vision. The bill puts in place appropriate functions and powers for HES, which will allow the new body to flourish, but retains proper oversight by ministers and Parliament. The staff who will go forward to form HES are ready and eager for the challenge, and the sector as a whole welcomes those changes.

Therefore, with confidence, I move,

That the Parliament agrees that the Historic Environment Scotland Bill be passed.

14:57

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** I thank the Education and Culture Committee for its work on the bill, which is soon to become an act of Parliament, and for its thorough scrutiny of it. I am not a member of that committee, but I watched its deliberations with great interest. I also extend my thanks to the committee clerks, who have been professional in their support of the committee.

The cabinet secretary was correct to say that our historic environment tells Scotland's story. However, it also tells the story of every community in every part of Scotland and is valuable to us for that and for the sense of place that that gives us. Its value is also that it is perhaps our most green resource, because it can be recycled over time, changing function or retaining a function over many decades or, perhaps, centuries. Therefore, its importance to us cannot be overestimated.

The cabinet secretary has responded constructively to many of the committee's concerns about the bill, which is very welcome.

When we talk about local interest, we must remember that our local authorities have an important role to play. I hope that the new body will help to support them. Heritage and the historic environment are rarely at the top of the agenda. Perhaps that is understandable in this time of shrinking budgets, but local authorities need to be encouraged and supported in playing their vital part in this important jigsaw.

The bill would have benefited from Liam McArthur's amendment 1. We often rush to conserve buildings that are already neglected but so important to us that we must not allow them to disappear, and we forget that they have been allowed to drop out of a maintenance cycle over five years, 10 years or decades and have suffered as a consequence. Our actions at the last minute, if they are successful, are often costly and, of course, there are occasions when a building might be too far gone to be saved. Fortunately, with the technology that we have nowadays and the resurgence of the traditional skills that are needed for such buildings, that will perhaps be less the case in future.

On ministerial direction, I am pleased that ministers have not taken the power of direction to mean that they can give direction regarding any particular historic property, collection or object, other than properties in care, of course, because doing so would have been a step too far.

If I have a problem with the bill, it concerns the future of the Historic Scotland Foundation and the SCRAN Trust. I am not clear how they are expected to operate beyond the point of merger. It seems to me that those organisations might be left in limbo, as I could find no specific reference to the future that the Scottish Government envisages for them. It would be helpful to have a little bit of information about that. It is perhaps not the most pressing matter in connection with the bill, but it needs to be tidied up.

Talking of tidying up, I am pleased that the Scottish Government has taken the opportunity to use the bill to tidy up some of the existing legislation. I mention, specifically, the provision that allows there to be an exclusion to the listing of a building. That will help us to focus on what is important about a building and on which elements of a structure are valuable to us and which ones are, for example, later additions that do not have to be considered in quite the same way or accorded quite the same level of protection. It will also help those who are tasked with managing those buildings to ensure that their efforts are directed where they are most needed and are not dissipated over too many issues. Of course, as I understand it, that provision will apply only to listings in the future and not to those buildings that

were previously listed. However, there are understandable reasons for that.

I mentioned that our historic environment gives us a sense of place but it does more than that because, for many, our historic environment includes their home, their place of worship or a community facility that is of great importance to them. I very much hope—and sense—that this bill will help us to ensure that those structures are maintained, enhanced and conserved.

In closing, as I must only too quickly do, I pay particular tribute to Diana Murray of RCAHMS and Ian Walford of Historic Scotland. Mergers such as the one that we are discussing are never easy, but they have gone about their task with professionalism and in a way that has been successful in retaining the confidence of their staff and their boards through what could have been a difficult process.

Speaking of their boards, I want to mention Professor John Hume in particular, not just because of his professional reputation prior to joining RCAHMS, but because he has literally gone out and photographed and recorded places of interest over a long period of time. He has contributed hugely to the work of the organisation. Of course, the staff of the two organisations are also to be congratulated.

I wish the new organisation and all its stakeholders the best for their future.

15:03

**Liz Smith (Mid Scotland and Fife) (Con):** Like others, I thank the committee and the clerks, and reiterate Patricia Ferguson's comments about the staff, particularly the senior staff, of the two organisations.

The Scottish Conservatives warmly welcome this bill because the logic behind it is fundamentally sound. Merging Historic Scotland and RCAHMS will create an agency that is better equipped to conserve, preserve, enhance and, hopefully, maintain—even if that is not formally in the legislation—Scotland's historic environment at a time that is particularly challenging from not just a financial perspective but a curatorial one. That is not to say that either of the separate bodies has failed in its current duties—far from it. The cabinet secretary spoke eloquently about the remarkable job that they have done. Indeed, Scotland can be extremely proud of its heritage and how it is managed, but there is clearly a consensus that a more strategic and streamlined approach will further strengthen our historic environment sector.

This year of all years has exposed the extraordinary interest in Scotland's rich cultural heritage, which we all perhaps take a bit too much

for granted at times. While it is a difficult time economically, it is a hugely rewarding time for the new cultural initiatives that the cabinet secretary spoke about.

That is not to say that there have not been some issues along the way, particularly relating to accountability and strategic direction. Patricia Ferguson raised an interesting point about how that direction relates to some of the other bodies, particularly when it comes to a national and local body interface. At times, there has been a little lack of clarity on each of those issues, and it has been helpful to go through a process, particularly when there is the important issue of charitable status to be considered in future.

There were questions about who will ultimately be responsible for the direction of the corporate plan. I totally accept what the cabinet secretary is saying about the way in which that has been delivered and debated so far. While I will not rehearse the arguments that we have just had about amendments 2 and 3, there remains a bit of an issue about that. I hope that the cabinet secretary will use her good offices to ensure that we do not enter any other difficulties from that.

As we know, several stakeholders have raised issues about charitable status, its application and how any future award of charitable status will exist at the same time as the regulatory role of HES and its need to raise funds. Obviously, this is happening at a time when, for other reasons, people are questioning whether the strict charity test is applied in all areas. That was agreed firmly by MSPs in 2005 but there are question marks about that.

No doubt, issues about funding will remain even if that is not the primary function of the bill. During committee evidence sessions, we heard a lot about finance, not just about raising sufficient funds but about the need for a coherent financial structure that would not disadvantage any one body. The National Trust for Scotland continues to raise the point that, in future, it will be competing for funds with an organisation that it believes will enjoy a close working relationship with the Scottish Government.

Given the maintenance backlog and other associated pressures, it is inevitable that historic environment Scotland will have financial issues. I hope that the new strategic direction will provide greater coherence to decision making when it comes to essential finance.

Despite significant areas of concern, the bill's intentions have always been sound. On that basis, we are happy to support it.

**The Deputy Presiding Officer:** We move to the open debate. Speeches of up to four minutes, please.

15:07

**Clare Adamson (Central Scotland) (SNP):** It is 10,000 years since Scotland's first encampment at Cramond. In 8,000 BC, a house at Barns Ness became our first built environment. I will endeavour to cover those 10,000 years in four minutes, which might be a difficult task.

As a member of the Education and Culture Committee, I have found it an absolute pleasure to participate in the passage of this bill. It has given me an opportunity to engage with some of the most knowledgeable, enthusiastic and passionate people and organisations that work in this fascinating sector. I pay tribute again to the stakeholders, Historic Scotland and RCAHMS, which showed us their work and their hopes for HES. I pay tribute also to our clerks, the Government officials, the convener and the other members of the committee for their deliberations on the bill.

I, too, highlight the very informative committee visit to Orkney, where participants from Historic Scotland and Scottish Natural Heritage, and local authority archaeologists, came together to help the committee to understand their working practices. It was an excellent visit and provided a great example of partnership and collaboration, which, as the cabinet secretary has mentioned, is the ambition for moving forward with HES.

Our environment is precious. Our historic environment and buildings are important to who we are as a nation and our journey to this point. A poignant and sad example of how precarious that heritage can be and how devastating it can be when we lose it arose during the committee's deliberations on the bill, when Glasgow School of Art caught fire and we all mourned the loss of the Mackintosh library.

I believe that the bill and the supporting strategy are the way forward for us to protect and preserve our historical environment and buildings as best we can for future generations. Scotland's historic environment is a vital cultural, social and economic resource. The bill proposes the merger of Historic Scotland and RCAHMS to allow that to continue. It should deliver great benefits for our communities.

There was a strong consensus among committee members during the committee process. I am glad to see that that continued today, albeit that some amendments were not passed today. I believe that the consensus that has been shown across the chamber is a great tribute to the committee's deliberations.

The creation of a new national body for the historic environment will ensure long-term effectiveness in the face of current and future challenges. It will sustain the functions of both

Historic Scotland and RCAHMS, ensuring that both organisations can deliver maximum public benefit and be resilient for the future. It will provide clarity of governance, striking the right balance between professional, operational, independent and public accountability. It will improve and simplify the delivery of public services and capitalise on the strengths of both organisations and the synergies between them.

I have very little time, but I want to highlight how glad I was to hear the cabinet secretary talk about the skills required to maintain the future of our historic environment. I trust that HES will continue to run a modern apprenticeship programme in skills such as stonemasonry and joinery in these specialist areas.

HES will act as a key partner in the delivery of the new strategy, "Our Place in Time". I would love to be able to talk about the key points of that, but I have run out of time.

Thank you very much for the opportunity to speak this afternoon, Presiding Officer. I look forward to voting for this important bill this evening.

15:11

**Liam McArthur (Orkney Islands) (LD):** Like others, I pay tribute to my committee colleagues, the witnesses who gave evidence, the cabinet secretary and her officials, and the staff of Historic Scotland and RCAHMS.

I am particularly grateful to my constituents in Orkney for hosting an excellent committee visit back in May. That visit demonstrated how the historic environment can shape the identity of a community and enrich the quality of life while also delivering real economic value, as the cabinet secretary suggested. It also demonstrated that a collaborative approach is the best way, and possibly the only effective way, to maintain, enhance and promote the historic environment.

The visit also illustrated why we must guard against centralisation and why the merger must not result in the entrenching of functions, people and decisions in the centre. People in communities across Scotland, whether in a professional or a voluntary capacity, are doing great things day and daily to protect, enhance and make accessible the historic environment in their area. They need to be supported to continue doing so in ways that are inclusive and are not seen as top down.

By the same token, HES will be home to experts in highly technical and specialised subject areas. Access to that expertise is also vital, particularly for local authorities, which are already under tremendous budgetary pressure and cannot

replicate that expertise in house. The Built Environment Forum Scotland makes that point strongly in its briefing.

Although this point is not for this bill, the Parliament and ministers will need to guard against any moves to shift resources within HES away from core functions to ones aimed more at revenue raising, for example. Important though that is, it cannot come at the expense of some of the more technical and inevitably costly roles for which Historic Scotland and RCAHMS currently have responsibility.

Similarly, although I am supportive of efforts to ensure that all parts of the country begin to value their historic environment, I caution against any move by HES to retreat from areas such as Orkney, where excellent work already takes place but where many other opportunities go unexplored due to limited resources. Scotland will not, to coin the cabinet secretary's expression, punch its weight in terms of the historic environment by hobbling those parts of the country that are currently already doing so.

It is regrettable that my amendment 1 was rejected, as HES will not have as a function

"promoting the maintenance of the historic environment".

I think that that regret may be shared by individuals and groups involved in campaigns across the country, as Patricia Ferguson said. Nevertheless, the process has been consensual, as Clare Adamson suggested.

Witnesses raised with us concerns about the potential impact, as well as possible conflicts of interest, should HES achieve charitable status. Some, notably the National Trust for Scotland, fear that charitable funding may be diverted away from others in the sector. Again, that is something that Parliament and ministers will need to keep a close eye on in the years ahead.

I conclude by thanking again those who helped the committee in our scrutinising role. I thank the staff of Historic Scotland and RCAHMS for the work that they do. I pay tribute to what they and others involved in the field achieve collectively in conserving, enhancing and promoting our wonderful historic environment, which delivers so much for communities across Scotland and our country as a whole. I look forward to voting on the bill, and I wish all those involved in the new body well in their future endeavours.

15:15

**Liz Smith:** The cabinet secretary quite rightly spoke about the fact that our cultural heritage tells Scotland's story. Clare Adamson said in her speech just how much that means in an educational framework. Those of us who were

able to take part in some of the visits that Historic Scotland and RCAHMS organised were extremely impressed by not just their work but their outreach through educational activities.

One of the things that struck me most was just how much was happening with younger people. The cabinet secretary said some very wise words about the fact that there is a need to encourage responsibility about the future—we need to understand the responsibility that we all have, whether we are young or a little older, to preserve and enhance what cultural heritage means to all of us.

Liam McArthur made a very good point about how different cultural aspects can define the identity of a whole community. I was very sorry that the Orkney visit took place when I was changing places on the committee with Mary Scanlon, so she had the great benefit of visiting Orkney. However, I have been to Orkney before and I pay tribute to all that people there have been doing. Liam McArthur is absolutely right to say that such activity is happening day in, day out on so many different sites around Scotland. It is absolutely essential that we remember that. The overall strategic vision, which we all hope will be better than what was in place before, must acknowledge that. The point is a very good one.

Patricia Ferguson said that there is a need to ensure that the new body is able to deliberate with all the other elements of cultural interest. She made a good point when she said that we could do with a little clarity on that. I know that it is not something that must be put in legislation, but guidance will be required. Perhaps the cabinet secretary will refer to that in her closing remarks.

The cabinet secretary spoke about the fact that the national strategic vision is a comprehensive vision. Although collaborating is not new, the strategic vision gives a better perspective of how that collaboration will come together, which is hugely important. It is absolutely crucial that all stakeholders in that vision really buy into the overall direction. It is inevitable that there will be some constraints, many of which will be financial, when the bodies decide how to deliver what they are being asked to do. That is where ministerial oversight will be critical. I heard what the cabinet secretary said about the safeguards that are in place, but it would be helpful if we did not get to the stage at which they were needed in the first place. We do not want problems to arise—that has to be clear.

We should not underestimate the specialist skills that will be involved in taking cultural heritage forward. Some of the technology that was on display on some of our visits was phenomenal. We must accept that specialist training in those skills is required. When it comes to all the arts and

crafts that go into the cultural environment, it is absolutely essential that we train the right individuals with the appropriate skills—skills that I am not sure that previous generations had or knew anything about. That is a big challenge to the new body.

Overall, the bill is good and sound, so we will be very happy to support it at decision time.

15:19

**Jayne Baxter (Mid Scotland and Fife) (Lab):** I need to be careful in how I frame this point, but I am pleased by the short nature of the debate. I balance that comment by saying that that goes some way to demonstrate the careful consideration that has been given by the committee and the cabinet secretary to the points raised at earlier stages of the bill process.

The committee received some detailed and thoughtful submissions in response to its call for evidence. Once again, I add my thanks to those organisations and individuals who took the time to engage so positively as the bill made its way through the Parliament.

I echo the tributes that have been paid across the chamber, during this and other debates, to the expertise and professionalism of the staff of both Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland. The cabinet secretary referred to that at stage 1—Clare Adamson repeated it today—as the “skills and passion” of those who are employed to protect and preserve our historic environment. It is to be hoped that neither the skills nor the passion will be lost by those working under the banner of the new organisation that is to be created.

When we gathered in the chamber to consider the bill at stage 1, the cabinet secretary indicated that she would respond in detail to the committee’s stage 1 report, and many of her responses were extremely helpful in clarifying the Scottish Government’s position. Given my previous comments on the role of communities in caring for their historic environment, I was delighted to see that the Scottish Government accepts in principle that responsibility and that it will consider how historic environment Scotland can engage in community planning partnerships.

Skills and passion for Scotland’s history, landscape and buildings run deep among professionals and amateur enthusiasts alike. It is vital not only that we are able to capture that enthusiasm and make good use of it through effective community planning, but that the rich cultural, industrial and environmental heritage that is preserved through our historic monuments and places remains open to everyone, no matter where they come from.

I grew up and still live in the city and royal burgh of Dunfermline—the fort by the crooked rivulet. People who know me refer often to what they call my tour guide mode, which kicks in whenever someone who does not know the town is unlucky enough to get a lift in my car. They get the whole potted history: coal mining, Saint Margaret, Robert the Bruce and Andrew Carnegie.

As with many towns, the history of Dunfermline is not just in its famous people, its public buildings or its historic monuments. I remember well that, when I studied history at Queen Anne high school, the teacher—whose name I do not remember—would take us out to discover the history of the town through its infrastructure, whether that was buildings, water courses or street names, such as Monastery Street, Foundry Street, East Port and Coal Road. That helped to give us a sense of where we lived and how it came to be that way.

Even all these years later, many of those buildings and features are still in evidence. What were formerly foundries and linen mills are being developed for housing, and the old fire station, which dates from 1936, is to be a community arts centre. The town is evolving and, with careful management by the council, the Carnegie Trust and a host of local organisations, it is possible to recognise echoes of the traditions on which it was built, while catering for the social, leisure and business needs of visitors and residents alike.

We must also preserve our historic environment for future generations, and it is important that the new body is fit for purpose if it is to meet the present challenges and those of the future. On the challenges, concerns remain in the sector about the proposals that are before us. I note that the Built Environment Forum Scotland briefing highlighted a concern about the budget challenges faced by local authorities and the impact that that will have on the services that are tasked with managing the historic environment.

The cabinet secretary was clear at stage 1 that the new body will be empowered to support local authorities more effectively in their role as guardians of our historic environment. I hope that that will be the case, and I would welcome some assurances from the cabinet secretary on that point.

I would be keen to see close monitoring of the new body in its early years, and to listen to stakeholders and the bodies that it will work in partnership with to make sure that it is fit for purpose. I hope that we can have a debate in future not just on the challenges facing historic environment Scotland, but on its successes and achievements.

15:24

**Fiona Hyslop:** Jayne Baxter referred to the shortness of stage 3 reflecting the thorough process that has taken place at all stages of the bill. There was investment up front in thinking through the issues and how to address them, at stage 1 and before, and the committee really got into its role.

We all recognise the importance of Scotland's rich historic environment and the need to protect it and develop its potential. We are simply stewards in the story that is Scotland. Our stories about different parts of Scotland, whether they are stories from 8,000 BC or from our industrial heritage, are all part and parcel of that.

It is clear that we have all taken to heart the core message of "Our Place in Time—The Historic Environment Strategy for Scotland", which is that making the most of what we have inherited must be a collective effort. There is huge ambition and enthusiasm across Scotland—I have heard it expressed in debates in the Parliament, whether the speaker has been Liam McArthur talking about Orkney or another member talking about somewhere else in Scotland. I expect historic environment Scotland to play a major role in unlocking and promoting that potential throughout Scotland, as it works within the strategy framework.

On Patricia Ferguson's point, I am confident that the Historic Scotland Foundation can and will work alongside historic environment Scotland. The SCRAN Trust is committed to working with HES while it develops its new relationships, and we expect SCRAN to be part of HES. Of course it is ultimately for the trustees of both charities to decide the way forward. We were mindful of both organisations when we developed the bill and I am confident that they will have a strong future as they continue their great work.

Liz Smith talked about the importance of people working together. At the first meeting of the strategic historic environment forum, which brought all the different sectors round the table, people were pleasantly surprised by the refreshing approach.

Liz Smith also talked about the importance of learning and skills. I talked about continuing professional development of staff with the joint management team this morning. Jayne Baxter will be pleased to know that we also talked about community engagement, which will be a key focus.

At stage 1, Stewart Maxwell challenged all members to consider what they can do to champion the historic environment in their constituencies. Members are increasingly taking the opportunity to do that and to act as facilitators, bringing together agencies in their areas.

It is our individual links that matter, in the context of the ordinary as well as the outstanding. We have many iconic monuments, but we all love and are proud of our local heritage. There are many thousands of historic buildings in communities throughout the land, each one loved by someone who wants to see it cared for and used sustainably. Heritage derives life and value from the way in which we use it and pass it on to succeeding generations, enriching our own lives in the process.

Communities and individuals are ready and willing to play their part. Projects by RCAHMS, such as Scotland's rural past, tap into a rich resource of knowledge and commitment. I am delighted that the approach is being reborn in the Scotland's urban past project, with the support of the Heritage Lottery Fund and Historic Scotland. HES will take the project forward.

As several members emphasised during the bill's progress, it is vital that local as well as national expertise is developed and maintained. There cannot be an either/or choice in that regard. National and local skills and knowledge are needed and must be deployed in harmony, rather than in opposition. That is why I have been pleased to hear members recognise the vital work that our local authorities carry out in protecting and valuing our historic environment. Such joint working will be critical in taking forward the town centre first principle, on which Derek Mackay will lead a debate later this afternoon.

Joint working in the context of the historic environment is the focus of the strategy working groups. The bill makes key improvements. Further improvement will be possible, but I want us to agree on what will work best before I consider more radical changes.

**Liam McArthur:** The cabinet secretary will recall our exchanges at stage 2 about councils gaining access to the expertise in the new body. At the time, perhaps for understandable reasons, she was reluctant to accept an amendment that would have placed a duty on HES in that regard. What reassurance can she give councils that, except in exceptional circumstances, access to guidance and expertise will continue?

**Fiona Hyslop:** I give the member that important reassurance. I have worked well with Councillor Hagan, who has responsibility for that area in the Convention of Scottish Local Authorities. Our relationship with COSLA is now on a far better footing with regard to how we share responsibility, but individual relationships in individual council areas will continue.

The bill proposes statutory changes to simplify protection and management, much of which is handled by local authorities. That is one example

of the work that will continue. We must aim to use our limited resources of time, money and expertise to best effect. I want less time to be spent on bureaucracy by all parties, and more co-operation, whether that involves owners of listed buildings or monuments, applicants for consents, local authority conservation staff or other partners.

HES will work with major and minor charities throughout Scotland. I have had a very positive relationship with the National Trust for Scotland, which has been mentioned a number of times during the debate, on looking at the best way forward. We will also work with the smallest local charities.

It is important that organisations collaborate on winning additional resources, rather than just competing for existing ones. I have reassured the Education and Culture Committee on a number of occasions that I will be specific, given HES's grant-making powers, about what the body itself will receive. It will not be able to grant itself funding: that will be a separate matter. That will address concerns that have been raised in that respect.

I emphasise that, despite reductions in overall funding, we have managed to maintain grants. The debate that we had about maintenance could not have happened if we were not maintaining the grant element. That has been a major achievement.

I recognise the role that is played by other organisations such as the HLF, which is funding community-led projects. We must all work together.

I said at the start of the process that this is not a cost-saving exercise—it is about ensuring that we deliver a strategic new body. We are on a journey in which we recognise the full potential of our historic environment. We will move from asking what the Government will do for our heritage to asking what we want to do for our heritage, and how Government can help us. That journey is part of the Government's wider vision for communities and individuals, as heritage is very much part of all our lives.

The creation of HES will put in place one of the key foundations, along with the wider strategy, for a future in which our historic environment will flourish and—as we heard from a number of members—we will realise Scotland's potential.

I thank members for supporting the bill.

## Greenhouse Gas Emissions (Annual Target Report)

**The Presiding Officer (Tricia Marwick):** The next item of business is a statement by the Minister for Environment and Climate Change, Paul Wheelhouse, on “The Scottish Greenhouse Gas Emissions Annual Target 2012” report. The minister will take questions at the end of his statement, and there should be no interventions or interruptions.

15:32

**The Minister for Environment and Climate Change (Paul Wheelhouse):** Climate change is the biggest challenge facing global society today. It poses threats to our way of life and to the ecosystems on which we depend.

The clarity of the case for the global community to step up its action to contain worldwide temperature increases to 2°C was strengthened with the publication this weekend of the Intergovernmental Panel on Climate Change’s “Climate Change 2014—Synthesis Report”, which makes clear that, if the world fails to act decisively, the economic and social costs will be severe. The Scottish Government will play its full part in international efforts to bring down global emissions to a level that is consistent with containing increases in global average temperatures to 2°C or less. However, I state clearly that the targets that have been set for Scotland to help to achieve that outcome are not only the Scottish Government’s targets, but Scotland’s targets.

When the world-leading Climate Change (Scotland) Act 2009 was passed unanimously by the Parliament, all MSPs took on the responsibility to deliver Scotland’s targets. In that context, it is disappointing that, to date during the budget negotiations, the three largest Opposition parties have not come forward with any low-carbon suggestions as part of their budget asks. I cite that not to be accusatory, but rather to encourage members and parties in their future actions.

I therefore ask colleagues on all sides of the chamber today to rekindle the same unanimity that was shown in passing the 2009 act, and to strive to work in concert on this most important challenge. I believe that we can deliver a consensus on the way forward, and in doing so send the strongest possible signal to Scotland’s people about the necessity for change and the hope that change can be achieved.

Last week, I laid before Parliament the annual report for 2012 on Scotland’s greenhouse gas emissions. To be clear, Scotland is making good progress, with a substantial net emissions

reduction of 26.4 per cent from the 1990 baseline. That compares with the 24.2 per cent reduction that was assumed when the 2012 target was set, based on the 1990 to 2008 greenhouse gas inventory. In other words, we were ahead of our target in percentage terms.

Indeed, our actual, unadjusted source emissions fell even further, by 29.9 per cent over the period. Those percentage reductions demonstrate that we are over halfway to achieving the Climate Change (Scotland) Act 2009 interim target of reducing emissions by 42 per cent by 2020. However, as I told Parliament in June, that percentage decrease does not correspond to Scotland’s statutory annual target, which is set in carbon tonnage terms.

Achievement of Scotland’s targets is formally measured against the level of the net Scottish emissions account. That accounts for the greenhouse gas emissions from sources in Scotland, Scotland’s share of emissions from international aviation and shipping, the effect of any relevant emissions removals and the effect of the sale and purchase of relevant carbon units or tradeable emissions allowances. In 2012, the NSEA figure, after adjustment for the European Union emissions trading scheme tradeable allowances, was 55,665,180 tCO<sub>2</sub>e. That was 2,439,180 tCO<sub>2</sub>e more than the statutory 2012 target. However, crucially, Scotland’s actual or source emissions recorded in the same year were 52,895,245 tCO<sub>2</sub>e, which is 0.33 MtCO<sub>2</sub>e better than the target. In 2011, similarly, the level of source emissions was again lower than the statutory NSEA target.

My statement today sets out the actions that we are taking to redress the shortfall in abatement relative to the NSEA statutory targets and to keep Scotland on track to achieve the ambitions of the Climate Change (Scotland) Act 2009. In June, in addition to further measures that we took, I announced that the Cabinet had agreed to the creation of the Scottish Government’s Cabinet sub-committee on climate change. At our first meeting last week, we discussed actions that Scotland is already taking to tackle climate change and how we can drive forward efforts to ensure that Scotland remains on track to meet the Parliament’s world-leading climate change ambitions.

We have made significant progress against the low-carbon vision that is outlined in our second report on proposals and policies, as is demonstrated in the RPP2 monitoring framework that was published earlier this year. We continue to lead the United Kingdom on renewable power, with more than 46 per cent of Scotland’s gross electricity consumption generated from renewables in 2013. Scotland is on track to reach



its interim target of 50 per cent by 2015. We are also on track to meet the Scotland-wide target of reducing energy consumption by at least 12 per cent by 2020. Energy consumption in 2012 was 2.2 per cent lower than in 2011 and 11 per cent lower than the relevant baseline. In 2012, renewable heat generation equated to 3 per cent of Scotland's non-electrical heat demand, up from 2.7 per cent in 2011. In 2013, renewable heat capacity increased by 18 per cent and heat generated from renewable sources increased by 17 per cent compared with 2012, so we are making progress towards achieving our 2020 renewable heat target of 11 per cent, albeit that challenges remain.

Forestry planting rates have increased, with some 8,300 hectares planted in 2013-14, which equates to around 16 million trees. We aim to raise the planting rate to 20 million trees per year from 2015. We are also phasing out biodegradable municipal waste going to landfill by 2020—the first ban of any Administration in the UK. By 2015, 64,000 tonnes of food waste per year will be diverted to anaerobic digestion or composting.

On the home energy efficiency programme for Scotland—HEEPS—we have gone beyond our original commitments. We estimate that almost 20,000 private sector households will benefit from energy efficiency measures through HEEPS in 2013-14, and between 2013-14 and 2015-16 we will spend around a quarter of a billion pounds on fuel poverty and energy efficiency.

**Duncan McNeil (Greenock and Inverclyde (Lab)):** Will the minister take an intervention?

**The Presiding Officer:** I am sorry, Mr McNeil, but this is a statement. There will be no interventions. Minister, continue.

**Paul Wheelhouse:** It is disappointing that the UK Government's flagship green deal policy has had limited take-up; however, Scotland accounts for a very large proportion of Great Britain-wide delivery. The UK Government's changes to the energy companies obligation, which were announced last December and confirmed only after consultation this autumn, created great uncertainty. The removal of part of ECO from bills has not resulted in the UK Government fully back-funding energy efficiency measures. In contrast, the Scottish Government has a centrally funded energy efficiency programme that is enabling us to secure more than our pro-rata share of ECO to date.

The Cabinet sub-committee committed to work with officials on the climate change delivery board to monitor progress on implementing RPP2 and, where necessary, to identify new abatement opportunities and to address excess cumulative emissions over the 2010 to 2012 period. It is our

intention that RPP2 will be delivered in full and, where policies and proposals are not delivered, we agreed to look to bring forward new policies that would have the same, if not a greater, level of emissions abatement.

We will work collectively to scrutinise each portfolio for opportunities to support them in delivering their best contribution to tackling climate change and to ensure that Scotland's example is as positive a one for others to emulate as possible. We would welcome—indeed, we would encourage—other parties in the Parliament coming forward with constructive and positive suggestions that we can all support to keep Scotland on track and to accelerate our transition to a successful low-carbon economy.

The Cabinet sub-committee is clear that we must significantly accelerate and focus our domestic efforts if we are to avoid dangerous climate change, but RPP2 takes us only to 2027. Last week, I was able to set out for the Cabinet sub-committee the steps that we intend to take to deliver the next report on proposals and policies—RPP3. Preparatory work has already commenced on the production of the next RPP, which is due for publication in 2016, and we aim to lay it as soon as is reasonably practicable. It is necessary for that project to be complex and wide ranging to ensure that the final report is sufficiently robust to remain relevant for at least five years. The Cabinet Secretary for Finance, Employment and Sustainable Growth has agreed to fund a new macroeconomic modelling capability to help with the preparation of RPP3, and we anticipate that that model will be available for use by early autumn next year.

Earlier this year, our independent adviser, the Committee on Climate Change, advised that

“underlying progress remains on track in most sectors”.

As I have mentioned, upward revisions to the baseline against which our targets are measured are the key factor that is impacting on Scotland's ability to meet the annual targets, although the EU's failure to agree greater pre-2020 ambition is also a concern. By summer 2014, the baseline had been revised up by 5.4 million tonnes of carbon dioxide equivalent compared with the data that was available when the annual targets were first set. The revisions are the result of improvements in methodology, as there is more accurate monitoring of emissions, and understanding of the impact of greenhouse gases improves over time. As a result of those revisions, the fixed annual targets are now considerably more challenging than they were when they were set, and they may yet get harder still.

We remain committed to delivering a 42 per cent reduction by 2020 and a minimum of an 80

per cent reduction by 2050, but overcoming the methodological issues that arise from improvements in data and estimation techniques rather than material changes in emissions remains challenging, not least because the changes are not notified until after the year that is being measured.

At the end of this month, I will meet the new chief executive officer of the Committee on Climate Change, Matthew Bell, when he visits Scotland. I will ask Mr Bell how the independent CCC can best help us to address the challenges that Scotland faces in delivering on our annual as well as our longer-term targets.

I know that the Rural Affairs, Climate Change and Environment Committee has been looking to help on this matter. Several independent experts and I gave evidence to that committee earlier this month, and I very much look forward to receiving its report on its inquiry into RPP2.

Climate change is a reality; it is happening now. The Scottish Government is committed to working with the Parliament, civil society, the business community and the people of Scotland to deliver Scotland's world-leading greenhouse gas emission targets. Scotland is making good progress, but I agree that more needs to be done. Perhaps the greatest leverage that Scotland can have on tackling global climate change is by acting as an international exemplar of ambition and delivery, even when it is tough to do so.

I call on all in this Parliament to acknowledge Scotland's progress, to recognise the scale of the challenge that Scotland faces and to join us in showing the leadership and the teamwork that Scotland expects and needs in facing up to the climate challenge. Let us be a true example to the world.

**The Presiding Officer:** The minister will take questions on the issues raised in his statement. I intend to allow around 20 minutes for questions, after which we will move to the next item of business.

**Claire Baker (Mid Scotland and Fife) (Lab):** I thank the minister for an advance copy of his statement.

We can all spin the statistics one way or another, but we cannot get away from the fact that this is the third year in a row that we have had to analyse why we are missing the statutory annual targets, and that is hugely disappointing. In fact, actual emissions increased between 2011 and 2012. We knew that the first three targets were the easiest to hit and that the next one was always going to be very challenging. The drop in emissions that will need to be achieved for us to meet the next target is greater than the total

reduction in emissions that was needed for the first three, so we are in a difficult place.

However, as was the case last year, it is clear that we have the potential to meet the targets if the Government would use the levers that it has to make a difference. Every year that the target is missed, it becomes more difficult to achieve the low-carbon economy that we all want to see. To use the minister's phrase, not to be accusatory, but this session Labour has asked for more than £300 million to be allocated in the budget process to housing and retrofitting. I know that the Government is in trouble when it asks for consensus, but if it were to make the step change that is needed, we would of course be willing to work with it.

The Cabinet sub-committee must be more than just a talking shop. Concrete policies must emerge from it.

One thing that was missing from the statement was mention of new proposals, particularly in housing and transport, which were identified as the weak points. Does the minister have any confidence in the Government's ability to meet the 2013 target or any yearly targets up to 2020?

**Paul Wheelhouse:** I am afraid that I am disappointed by Claire Baker's response to the statement. We put down a pretty open goal there for consensus to be built around this issue, but once again Claire Baker has displayed a misunderstanding of the nature of the statistics. I have made very clear that we have had a 7.7 per cent increase in the business-as-usual projection for the Scottish economy in terms of climate change targets. If Ms Baker is unable to understand the basis on which that impacts on our performance to hit fixed statutory targets, I am afraid that that is a matter for her to resolve. [*Interruption.*]

If Ms Baker wants to ask further questions she can do so, but when she interrupts from a sedentary position it is difficult for me to answer her original questions.

Ms Baker made a point about new proposals. I welcome her comment about being willing to seek consensus, which I think was a strength for the Climate Change (Scotland) Act 2009. I have used that as an example in international fora when discussing Scotland's performance and legislative framework with colleagues around the world, who genuinely admire Scotland for the fact that we had political consensus in 2009. I do not think that it is too late to recreate that.

I hope that this is a one-off blip and that Claire Baker wants to get her punches in early, because I hope that we will have the chance to work together to deliver on very stretching targets. If the Labour Party is sincere about wishing to be an alternative

Government in Scotland, it will face exactly the same challenges as the Scottish Government does today with the methodological issues that I outlined in my statement. It is therefore important that we work together to try to get round that and work in a way that will enable us to develop a strategy together to achieve our targets—that is in everyone's interests.

I welcome Claire Baker's comment about being willing to be part of a consensus, if we can achieve that. I hope that we can do that after today.

**Jamie McGrigor (Highlands and Islands) (Con):** Recent figures show that the poorest one fifth of the UK population spend 11 per cent of their income on energy; the figure is probably higher than that in Scotland. Reducing emissions from the residential sector, which is so influenced by cold snaps, especially here in Scotland, must continue to be a priority. Is the minister happy that enough is being done to improve the energy efficiency of Scotland's existing housing stock and that adequate funding is in place to achieve that? What progress is being made in helping elderly and vulnerable residents in the most remote and rural areas to access support for energy efficiency schemes? Is the minister aware of WWF's concern that the Scottish Government is not doing enough to support district heating and combined heat and power projects? Does he have any plans to do more in that area? Finally, can the minister give us any update on progress in the carbon capture and storage sector?

**The Presiding Officer:** I hope that Mr McGrigor has left some questions for other members.

**Paul Wheelhouse:** I will do my best to answer the questions as quickly as possible, Presiding Officer.

I recognise the point that Mr McGrigor makes about the importance of tackling residential emissions. They are a very large share of Scotland's emissions and are proving quite persistent in terms of the level of emissions that we have per capita in Scotland. It is therefore an important area for us to target for action, not least because of the fuel poverty issue that Mr McGrigor quite rightly highlighted as a key consideration.

However, it is encouraging that we know from the Scottish house condition survey that by the end of 2011, 88 per cent of lofts had at least 100mm of insulation and that 54 per cent had 200mm or more; and that two thirds of properties with a cavity wall, including my house, had been fitted with cavity wall insulation. There are good signs and we are making a lot of progress. Housing colleagues are working very hard and, indeed, are trying to look at how we get to the harder-to-treat properties in rural and island communities; there are serious challenges there,

as I am sure the member recognises, because of solid-wall construction and non-conventional construction techniques.

In that respect HEEPS, which has a large component of £60 million of the £79 million in the coming year, is being allocated to area-based schemes. Within that, in discussion with non-governmental organisations, we have allocated money to target the harder-to-treat properties in rural and island communities. I assure the member that we take the issue very seriously.

My colleague Fergus Ewing is working hard to develop heat mapping in Scotland and to take forward a potential framework for a more rapid roll-out of district heating. I am sure that we can keep in contact with the member on that.

**Angus MacDonald (Falkirk East) (SNP):** Will the minister join me in welcoming what seems to be EU agreement to reduce EU domestic greenhouse gas emissions to at least 40 per cent below the 1990 level by 2030? Can he provide assurances that the Scottish Government will continue to work with other ambitious countries in making the transition towards a low-carbon economy?

**Paul Wheelhouse:** Absolutely. I agree with Angus MacDonald that we should welcome the package that has been announced. Perhaps it does not go as far as many of us would have liked it to go, but we have an offer of 40 per cent on the table from the EU, as the member stated, with the potential, open opportunity to perhaps go beyond that if there is a global deal.

The Scottish Government and the UK Government together have taken a consistent view that up to 50 per cent should be offered in the event of a global deal for 2030. As the member probably knows, Scotland already has a target of 58 per cent by 2027, so we have put our cards on the table and we hope that others will follow our ambitious lead.

The EU has made that move. I pay tribute to Connie Hedegaard, the commissioner, who worked extremely hard to strike the deal. It probably does not go as far as she would have liked it to go either, but it is progress nonetheless.

I hope that we can not only see genuine progress on the mitigation target but go further on the energy efficiency and renewables targets, which are perhaps more modest than the Scottish Government would have liked.

**Claudia Beamish (South Scotland) (Lab):** I am concerned that the minister seems to think that the annual targets are no longer important—perhaps because they are difficult and a challenge to achieve. Yes, the changes to the 1990 baseline mean that the 42 per cent reduction figure is more

achievable in 2020, but does the minister agree that the yearly targets are still important and that they send a significant message beyond Scotland?

**Paul Wheelhouse:** Absolutely. I am delighted to correct the impression that I may have given in my earlier response to Claire Baker on that point. I entirely agree with Claudia Beamish. Although the targets are difficult because of the methodological changes, we are still trying to hit them. It is important that we strive to achieve them, because that was the clear intention when Parliament set them. We said that they were important targets to meet. Like the targets on fuel poverty, they are a rare beast, being statutory annual targets, and we have to try to achieve them.

What I was trying to set out in my earlier response was that it is becoming more challenging in a practical sense to achieve those targets as they were expressed. Parliament's intention when the act was passed was to achieve 42 per cent by 2020 and at least 80 per cent by 2050. We are absolutely and unequivocally sticking to those targets and we will do what we can to meet the annual targets between now and 2020. I recognise the point that Ms Baker made about the difficulty between 2013 and 2020 in achieving the targets, but the purpose of the Cabinet sub-committee is to try to get us back on track to achieve even those targets if we can.

**Rob Gibson (Caithness, Sutherland and Ross) (SNP):** The greenhouse gas emissions report for 2012 says that residential emissions in 2012 were increased by cooler temperatures and changes in the fuel mix for electricity production. Could Scotland's emissions tumble if UK energy policy allowed more speedy renewable electricity development instead of the Tory fixation with the dash for unconventional gas?

**Paul Wheelhouse:** I certainly agree with Rob Gibson that Scotland has a huge opportunity in renewables. We have a great opportunity to deliver sustainable energy for the future. It is a pity that, even though we achieved an impressive 46.4 per cent of our electricity demand being met from renewables in 2013, we are not achieving as much as we could if we had at UK level a more supportive environment for investment in renewables. Again, I do not say that to be accusatory, but it would be helpful if we had a more supportive regime for transmission charges. The hydro industry has particular concerns about degression rates in relation to support from the UK Government, and Fergus Ewing has raised that with UK ministers.

We deeply regret the dash for £35 billion of support for a nuclear power station at Hinkley Point. We believe that it is the wrong decision and

that it will lock in higher energy prices for the future.

We are also concerned that the House of Lords has removed Scotland's ability to vary renewable obligation certificates at an important time for the industry. That breaches the spirit of respect for Scotland and flies in the face of statements that were made about giving Scotland more powers, in the wake of the referendum.

**Tavish Scott (Shetland Islands) (LD):** The minister has clarified that the targets are indeed important. Will he therefore clarify why the Cabinet sub-committee that he mentions has met only once since June—as he said, just last week? How many times does it plan to meet in the forthcoming months and how important is its role?

Will the minister also clarify for Parliament what is, I accept, a conundrum for him? Will he replace the existing policy mechanisms that he has—I grant, under the existing devolution settlement—or is he looking at new initiatives? If so, I am not clear from his statement exactly what they might be.

**Paul Wheelhouse:** We are taking the Cabinet sub-committee seriously. It is taking a while to set up and to define the initial papers. We agreed that the sub-committee would try to meet before the end of the year because of the urgency of the issue, so although normal practice might mean three or four meetings a year, we are going to try to have a shorter gap before the next one because we have a lot of work to get on with, as I am sure Tavish Scott appreciates.

On targets and the approach that we might take to them, we need to have a conversation with the incoming chief executive of the Committee on Climate Change, which is our independent adviser, about what it recommends about increased domestic effort. That is one of the two things that it highlighted in its early report in March. The other is technical measures, if any, that it might suggest to attack the issue that we have raised about methodological changes. It is important to recognise those because they improve the quality of the information that we have available to us. I am not denying that the changes have to be made; it is important that we have as accurate an understanding as possible of our emissions and any progress that we are making. However, those changes present us with some difficulties with the act as it is currently constituted, so we will look to get advice from the Committee on Climate Change and report the messages back to Parliament when we have received them.

I take Tavish Scott's point about the Cabinet sub-committee. It is a large sub-committee; I believe it is one of the largest that the Scottish Government has constituted. There is a cross-

disciplinary feel to it and there was good engagement from colleagues who were at the meeting, including Mr Mackay who has joined us for this item today. I look forward to the next meeting in December.

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** To follow on from Jamie McGrigor's point about emissions from our housing stock and the need to improve insulation and to fit renewable energy alternatives in homes, what steps is the Scottish Government taking to help people to understand how changing their behaviours can also help to tackle climate change?

**Paul Wheelhouse:** Maureen Watt raises an important point. We know that roughly half the change that we have to achieve as a nation is behavioural change. That puts great emphasis on the efforts that we are making under the greener together campaign, which since January 2012 has highlighted the actions that people can take themselves to help us to deliver on our climate change targets.

We are also doing really important work through the climate challenge fund. This week, I was delighted to be able to announce the 500th community to receive funding, which happened to be in Falkirk—Angus MacDonald's constituency—which is close to the central belt. Five hundred and twelve communities have now taken positive action to deliver on climate change at community level.

We can do a number of things. We are working with the business community through the 2020 climate group, which includes important high-profile businesses that are major listed companies in Scotland that are showing leadership and coming forward with their own ideas about how we can tackle climate change. There is good room for optimism on that front. With the political consensus that I hope we have in Parliament, we can maintain that unity and sense of purpose across civic Scotland, the business community, individuals and communities in order to reach our targets. However, Maureen Watt's point is well made and I thank her for her question.

**Ken Macintosh (Eastwood) (Lab):** The minister will be aware, and probably shares members' disappointment, that carbon emissions from business and industry have been on the increase since 2009. That suggests that any initial progress had less to do with any embedded commitment to change than with the economic downturn and, perhaps more worryingly, that any future economic growth might mean additional pressures. Why has the Scottish Government had such little success in reducing emissions from business and industry?

**Paul Wheelhouse:** Ken Macintosh makes an important point. We see a close link between economic activity and emissions, and we have never denied that. On emissions since the recession kicked in in 2008-09, we were well aware that economic issues might have underlain the drop in emissions in transport and the wider business sector. In the longer term, since the 1990s, there have been huge structural changes in the Scottish economy, as there have been across western Europe, and they have played their part in our achieving the relatively high percentage drop in emissions to date.

Important measures have also been taken at local level, at Government level, and across other sectors and we should not deny that good work has also been done by the business community. That is why programmes such as resource efficient Scotland and organisations such as Zero Waste Scotland are very important, as is the Scottish Environment Protection Agency, in guiding businesses on what they can do to become more resource efficient, to reduce their carbon footprint, and to set an example. SEPA and other organisations in the Scottish Government family have done that through their own reporting on emissions and through acting as exemplars and showing the business community how it could achieve more.

However, I do not deny that we need to do more with the business community. That is why it is so encouraging that the 2020 climate group is supporting Parliament's aspiration to lower emissions and is playing a very positive role in coming up with its own ideas as to how it can achieve more.

Let us not forget that one very big business sector is the power sector. I believe that it has dropped emissions by more than 5 megatonnes in the period since 2007. That is one of the biggest single contributions to our improved performance.

**Graeme Dey (Angus South) (SNP):** Can the minister advise whether revision of the baseline is to be an on-going process? That would mean that this "chasing" of "a moving target", as Dr Ute Collier of the Committee on Climate Change described the situation to the Rural Affairs, Climate Change and Environment Committee, would continue. If that is the case, is there not an argument for adjusting the short-term targets post-2015 and for looking again at the trajectory through to 2032, while retaining our long-term ambitions?

**Paul Wheelhouse:** Mr Dey is absolutely right. We already know that in June 2015, regardless of the outcome in relation to Scotland's own emission figures, the inventory will be updated to increase the potency of methane gas through conversion to CO<sub>2</sub> equivalent. It will go from roughly 21 times the

potency of CO<sub>2</sub> to 25 times the potency. That will have an impact on emissions, perhaps in the agriculture sector and in the waste sector as well. It will have an impact on baseline emissions and on the adjusted emissions. In some cases, the figures might be lower because of the changes, and in others they might be higher. We will have to see what impact that change has.

There will be on-going adjustments. We hope to see one positive adjustment in the future: more accurate information on peatlands, which may well help Scotland in coming up with a more strategic tool to address our climate change emissions. There are positives as well as negatives. We have been very unlucky as a country in that, in the past three years, we have had successive increases, whereas the UK has seen some decreases and some increases. We have had increases in emissions figures pretty much across the board. We have to discuss that issue with the Committee on Climate Change, including the impact that it has on RPP2, which is clearly something that has not taken into account those most recent revisions, and on our strategy to address climate change in Scotland. That is something that we are taking very seriously and we will of course keep the CCC informed of the measures that we take in that regard.

**Patrick Harvie (Glasgow) (Green):** Since before the climate change legislation was passed, I have been concerned about this myth about Scotland's consensus on climate change. Yes—we all voted for the targets, but there was never consensus on how to reach them or on their priority relative to other economic priorities.

Can the minister tell us what he means when he tells us today that

“RPP2 will be delivered in full”?

Does he mean that everything that is presented in RPP2 as a policy or as a proposal will in fact happen? In particular, will he heed the call to ensure that energy efficiency of the housing stock is designated as a national infrastructure priority project?

**Paul Wheelhouse:** Patrick Harvie raises an important point. I apologise if I gave any cause for confusion in my statement. What we are trying to say is that we appreciate that we have to strive to achieve the policies and proposals that are set out in RPP2. If, for some reason, one proposal cannot be converted to a policy or if there is a problem implementing a particular policy that we have already adopted, we need as a Government to find a way to make up that shortfall on emissions. The responsibility is on us all within Government to try to share that burden and to find a way through that.

When I talk about delivering RPP2 in full, I mean that we need to deliver the abatement that we have set out, regardless of how we do it. We also need to try to ensure that we come up with compensatory measures if something is prevented from happening or, as we have discovered—to be fair to Patrick Harvie, he may have made this point during the passage of RPP2—in relation to the assumption about the EU target pre-2020. We need to try to adjust for these changes in the external environment, make sure that our strategy is fit for purpose and work together as a Government team to try to come up with alternative proposals, where necessary. I certainly give the member a commitment that that is what we will strive to do.

**Cara Hilton (Dunfermline) (Lab):** Given that emissions from transport are still at 1990 levels and account for a quarter of Scotland's overall emissions, what action does the Scottish Government plan to take to have a strategic national plan for reducing car use and, in particular, to encourage car sharing schemes and other ways of easing traffic congestion during peak travel to work periods?

**Paul Wheelhouse:** Cara Hilton is right that transport has certainly been one of the most difficult areas to address. That probably ties in with Mr Macintosh's point. Where we have had a decline in economic activity, we also have a fall-off in transport emissions. However, we can probably expect, as the economy picks up and as people feel more wealthy and feel more able to afford to drive, that transport emissions may well increase again.

Part of the challenge that we have had—indeed, it is a Europe-wide challenge—is that vehicle emissions standards have improved greatly. That was expected to be the major strategy to tackle transport emissions, but it has failed to deliver in practice because people's behaviour has changed in response to it. Perhaps they are able to drive more miles on the same budget, or perhaps they are using more efficient engines, but are still pumping out the same amount of CO<sub>2</sub> that they pumped out previously with a lower mileage.

We have not quite crossed this Rubicon yet, but we are investing heavily in electric vehicles as one method by which we can try to decarbonise our transport. The transport minister, Mr Brown, has worked closely with people who are involved with sustainable active travel to try to set out what the vision of sustainable active travel in Scotland might be in 2030, and to work back from that for the steps that are required and the funding that needs to go with that to achieve the goals. I am confident that we are getting good buy-in from our stakeholders now on achieving that.

I hope that, by the end of this financial year, we will have up to 1,200 vehicle charging points across Scotland through combining Scottish and UK Government funding, and I hope that that will help to make it easier for people to use electric vehicles and to make a more rapid transition to low-carbon vehicles.

**The Presiding Officer:** That ends questions to the minister on his statement. I apologise to the two members whom I could not call, but we have to move on to a short debate.

## Town Centre Action Plan

**The Presiding Officer (Tricia Marwick):** The next item of business is a debate on motion S4M-11386, in the name of Derek Mackay, on the “Town Centre Action Plan—One Year On” report.

16:06

**The Minister for Local Government and Planning (Derek Mackay):** It is apt that I am here hot on the heels of the Historic Environment Scotland Bill debate, given the important role of historic buildings and conservation areas in many of our town centres. There is huge crossover between the two items, and I have no doubt that the proposed new body will be well positioned alongside key partners to help to make the most of the opportunities to promote both.

It is already a year since I launched the town centre action plan in Kilmarnock. Yesterday, we uploaded on to our website a one-year-on report, which provides a useful snapshot of progress against each of the key themes in the plan. One year on, that report is evidence of the significant activity that is being undertaken across the Government and with wider partners on a consensual basis. I am pleased to witness evidence of growing engagement from councils, communities and businesses across Scotland, which are working towards revitalising our town centres.

The action plan sets out our strategic response to the key themes that were identified by the external advisory group that undertook the town centre review. It clearly shows where we need to align our main functions and policies in order to create the necessary conditions to support local vision and delivery.

Since last November, I have had a direct hand in ensuring that colleagues and senior officials across the Government have been kept informed on and fully engaged in the delivery of the action plan. I have met local authorities, community groups and business representatives, and I am encouraged by what I have seen is under way.

There is, of course, still much to do. I am here today for two reasons: to set out what we have achieved and to hear members’ views on where we need to go next in the on-going action plan delivery.

I responded to the call from members to address the proliferation of payday lending shops in our town centres by hosting a summit in April, which led to the publication of a 12-point plan. That includes measures to improve the availability of financial education and money advice through working with industry and local authorities, as well

as test-case planning pilots in authority areas that are most impacted by clustering issues.

I am pleased that the Competition and Markets Authority has concluded its investigation into the payday loan market. We welcome its final report, which announces measures that include the introduction of a comparison website and greater transparency on fees and charges.

The town centre first principle was agreed by the Cabinet on 24 June and announced jointly with the Convention of Scottish Local Authorities on 9 July. It was the main ask from the national review, and it calls on central Government, local authorities, communities and the wider public sector to put town centres at the heart of proportionate and best-value decision making. Agreement to that principle marks a significant shift in public policy and is further testament to the raised profile of town centres across all sectors.

The Scottish public finance manual, which is less high profile but is vital in practice, guides public bodies on the acquisition and disposal of their assets. It has been revised.

**Gavin Brown (Lothian) (Con):** We welcome the town centre first principle, but what impact would it have had if it had been in place when the court closure programme was considered?

**Derek Mackay:** It is hard to say, but it would certainly have been a consideration in that programme, perhaps in a way that town centres were not, because the principle requires as a matter of policy and guidance that town centres be considered in any asset and service decision. That is one of many material considerations that could be taken into account. I understand Gavin Brown's concerns about the buildings, but there are opportunities to use them in the future for community and other groups in ways that can generate footfall.

The manual puts in place guidance on the acquisition and disposal of assets and makes the principle a consideration when such decisions are made in the future. The equivalent policy in the national health service will also be updated in due course. As well as those revisions, in the new Scottish planning policy, which was published in June, we reflect the principle of the town centre first approach and broaden it out to plan for a broader range of uses that will attract significant numbers of people to their towns.

In practice, local authorities and public sector bodies are encouraged to demonstrate their commitment to their town centres by acknowledging the principle and applying it when making decisions about investment in town centres. I namecheck East Ayrshire Council, East Renfrewshire Council, Clackmannanshire Council

and West Dunbartonshire Council for different but related reasons.

On town centre living, not only will the town centre housing fund bring empty town centre properties back into use in seven local authority areas, but significant funding from the affordable housing supply programme is helping to provide more affordable homes in town centres throughout Scotland. On 18 November, we will host a one-day Scottish housing event that will bring together more than 300 stakeholders to help shape a five-year collaborative housing action plan for Scotland that focuses on the delivery of current housing strategies. As part of that, town centres will be a priority.

We are absolutely committed to supporting the right conditions for businesses and entrepreneurs to flourish in Scotland and I am delighted that, last Friday, we published new official statistics that show that the number of recipients of our small business bonus scheme is at a record high, with more than 96,000 properties benefiting. That is an increase of 50 per cent since we introduced the scheme back in 2008. It provides many thousands of business premises in Scotland's towns with a real and enduring benefit.

We are using the levers available to encourage long-term vacant premises to be brought back into use. One such example is the expansion of fresh start rates relief to apply to pubs, hotels and restaurants from April this year.

**Chic Brodie (South Scotland) (SNP):** There are many good points in the principle and in talking about how we develop town centres. The infrastructure of our town centres depends on transport infrastructure. There are many and diverse issues to that, particularly in relation to car parking. We have had the bus investment fund, but what guidance is being given to local authorities, and what work is being done with them, on transport?

**Derek Mackay:** I will return to transport and investment, but the revised Scottish planning policy makes it perfectly clear that the place-based strategy and accessibility are incredibly important. We will not have a national policy on parking, but it is an issue that comes up constantly and on which local authorities should certainly reflect when they make decisions about their town centres.

Local authorities have new powers, on which we have all agreed, to carry out enforcement action in town centres in relation to dangerous and defective buildings. I worked closely with the Labour Party on that.

We want to unlock the potential that exists locally, in the knowledge that great things can happen when we empower people to achieve their goals.



**Sarah Boyack (Lothian) (Lab):** What analysis has been carried out on the impact of the legislation on empty properties? What pre and post-legislative analysis does the minister have in place to show what difference it will make?

**Derek Mackay:** As it happens, the wholesale review into the changes to empty property rates relief will be undertaken next year. Just today, I asked our adviser, Professor Leigh Sparks, how he felt that property vacancy rates were. A report is coming out in early December that should inform us on the current and live position. The wider analysis of the impact of the rates relief changes will be fully known in 2015 and we will respond accordingly then.

I look forward to progressing the Community Empowerment (Scotland) Bill through the Parliament. It will break down further barriers and help to create the conditions for community-led regeneration, which we support, not least because it will extend the community right to buy to urban areas as well as rural areas. That could be transformational.

As well as that, earlier this year, I launched the stalled spaces programme, which unlocks local potential to fill empty and stalled spaces in a temporary or permanent fashion with community-led initiatives. I also support, and encourage all members to support, the Community Empowerment (Scotland) Bill's extension of powers to local authorities to create local relief schemes that are right for them in dealing with the rates pressure that local businesses face, while remaining mindful that a majority of business premises in our town centres benefit from the small business bonus, as I have mentioned.

With the action plan, place-based reviews and the principle in practice, I am convinced that the longer-term outlook for our town centres is good. In reviewing the national planning framework 3, I have ensured that transport and accessibility connections through policy are to be considered when planning decisions are made. I have also given Sustrans new funding to support travel networks, including those for cycling and walking.

I have heard particular complaints about digital towns. That is why I have extended permitted development to renew the telecommunications infrastructure in our towns, so that they can be part of the digital revolution, too. We will carry out a demonstration project to support digital proactivity in our towns. Only today, I announced extra financial support of £119,000 towards a programme of town centre planning pilots, in collaboration with nine planning authorities, and we will expand on town centre charrettes so that local people are engaged with solutions.

I have given the Scotland's Towns Partnership new resources to enable it to be the go-to organisation to bring together external partners, work with others and provide much-needed support to communities across the country. The partnership is also responsible for Scotland's towns week, which runs from 17 until 23 November. I have also today announced new funding for business hubs in the community to deliver a cluster approach to support for innovation.

I will continue my work with the external advisory group, because its perspective is invaluable to the Government's decisions. I repeat my message about partnership with all, because it is only by working in partnership that we will be able to deliver for towns across Scotland. I look forward to hearing members' views this afternoon.

I move,

That the Parliament acknowledges the publication of the report, *Town Centre Action Plan – One Year On*, and notes cross-government delivery against each of the key themes; welcomes the partnership with COSLA and local government in the agreement and adoption of the Town Centre First Principle; is encouraged by the progress being made during the demonstration phase; agrees that local decision-making and delivery, good place-making and a renewed spirit of entrepreneurialism in town centres are key to their social and economic success; acknowledges the growing engagement and wider work underway by councils, communities and business across Scotland; encourages all parties to share and promote details about their activities through Scotland's Towns Partnership; looks forward to following the progress under the second year of the plan, and reiterates its call for elected representatives at all levels, local communities and wider public and private sector partners to continue to work together to revitalise Scotland's town centres.

16:17

**Gavin Brown (Lothian) (Con):** There is nothing in the motion with which we disagree. The motion is fine, as far as it goes. It notes the publication of the report, welcomes the engagement, notes the demonstration phase and so on. We will support it at decision time, regardless of the result of the vote on our amendment.

We welcome in particular the announcements about the small business bonus, which is a policy that the Conservatives have pushed for many years. There is welcome news on the sheer number of businesses that are benefiting from the scheme and on the value of the measure to businesses across Scotland.

I also welcome the town centre first principle. However, it has to be effective on the ground if it is to make any impact. That point was behind my intervention on the minister because, a year ago, when we debated town centres, the Government talked a good game about the town centre first principle but was busy closing down courts in high

streets and closing down counters in police stations across Scotland. We felt that there was a contradiction between what the Government was saying at the top level and what was happening on the ground. We welcome the commitment and hope that it signals a new approach—a genuine town centre first principle.

We do not disagree with anything in the motion, but we have captured in our amendment a number of issues that are not in the motion. The yardstick that the Scottish Government should be judged by is the statement that Nicola Sturgeon made in 2012, when the external advisory group was set up to look at town centres. She said:

“we want to take every measure possible to ensure that our town centres are vibrant places.”

The Scottish Government says that it wants to “take every measure possible”. That is why we need to look a bit deeper at whether it is doing that or whether more could be done.

One of my biggest criticisms of the Scottish Government relates to the business rates incentivisation scheme—a policy with which the Scottish Conservatives agree 100 per cent; in fact, we would go further than the Scottish National Party did in its 2012 manifesto. In theory, it is a great policy that incentivises businesses and councils and leads to more funds being spent on economic development and town centres. It was a flagship policy in the local government elections in 2012. However, in year 1 of operation, the goalposts were moved very late in the day. The thresholds that councils had been given were increased quite dramatically so that councils did not benefit to the tune of the numbers that they expected and merited.

In 2013-14, the Scottish Government did not even put up the goalposts; it did not even give councils targets or incentives under the scheme. The scheme was simply ignored. We are seven months into the 2014-15 financial year and, as far as I am aware—I stand to be corrected—we have no thresholds yet for what councils are expected to achieve under the scheme. Early next year, we will move into the formal part of the budget process for 2015-16, and who knows what thresholds will be set then?

This is a Government that said that it could set up the entire apparatus of a new state in 18 months but, as we approach the fourth financial year of the business rates incentivisation scheme, the scheme remains in cold storage. It has had no impact on the ground. A year ago, we were highly critical of the Scottish Government for a lack of progress; 12 months on, it is difficult to see what progress has been made.

The scheme could make a genuine difference to councils. The sums involved could be far larger

than many of the sums announced by the minister today and in the report. It is good for councils and it is good for business. The funds could flow towards innovation and regeneration, to town centres more widely and to entrepreneurship. I ask the Government to give us a full update on the position of the scheme and to ensure that the scheme gets going. As we know, the external advisory group did not recommend just that the scheme should continue; it recommended BRIS-plus—an enhanced scheme.

**Mike MacKenzie (Highlands and Islands) (SNP):** I agree with the member about the importance of some kind of financial incentive for councils to do the right thing. Is it therefore not also important that the Scottish Government should have sufficient powers and financial incentives to allow it to do the right thing?

**Gavin Brown:** I am glad that the member agrees with me, because the scheme is his party's policy and has been pretty much ever since the day he was elected. I remind him of the Scotland Act 2012. He might have missed the draft budget that was published four or five weeks ago, which had powers being transferred and some of the very incentives on which he is so keen. If the member is so keen on the policy, why has he not put any pressure on his party's front bench about it? Why has he said nothing on the policy over the past couple of years, despite apparently being in favour of it?

In other areas, some of the general progress has been slow. The document that was produced yesterday had two columns to cover the action that was meant to have been taken and what has been achieved. However, the Government deleted the column that was in the initial document for the timescales in which some of the actions were to take place. Without comparing the two documents, some would think that more has been achieved than has been achieved.

I will give one example. The original document talked about energy performance certificates. The Government said that it would strengthen the guidance to make sure that there is support for commercial premises to comply with the ratings

“at point of sale and new lease in January 2014”.

When it was set a year ago, that was a short-term six-month target for something to be done. However, yesterday's document says:

“A public consultation will be published on energy efficiency before the end of 2014.”

I pick that out as one of quite a number of examples in the document where progress has not been made.

While the Government has made some progress, and while we will support the motion

today, there are a number of areas where the Government needs to do far more—in particular, on the business rates incentivisation scheme.

I move amendment S4M-11386.1, to insert at end:

“; however, in so doing, believes that the Scottish Government generally needs to improve its rate of progress, in particular with regard to the Business Rates Incentivisation Scheme, which has been a disappointment so far, and calls on the Scottish Government to give serious consideration to an updated Town Centre Regeneration Fund and to implement a relief scheme for retail properties that have a rateable value of up to £50,000”.

16:24

**Sarah Boyack (Lothian) (Lab):** We, too, welcome the chance to hear the update from the minister on progress. We are absolutely clear that we support the principles underpinning the town centre first policy, but the key for us is implementation. There is a role for a critique of the fiscal mechanisms that the Scottish Government has used thus far. I would also argue that local authorities have to have more financial tools and more financial capability to make the cultural and infrastructure changes that are needed.

Our local authorities have a key role in civic leadership. Business improvement districts have been incredibly important in enabling town centre businesses and retailers to come together, especially in relation to management and marketing. The civic role of councils in pulling together businesses and local communities to regenerate, revitalise and support town centres to make them places that people want to visit is crucial.

Over the past two summers I have visited a range of town centres to see best practice at first hand and to hear about the challenges. I have held a series of meetings with key stakeholders, community activists and town centre management specialists to draw on their expertise. There is a lot of best practice out there and some really good work is happening, such as Glasgow City Council's support for cultural enterprises; the work that the minister referred to on payday loan shops and controls on gambling shops; the work that Renfrew has done on town centre management and public realm investment; and Falkirk's business hub and support for training opportunities. However, I heard concerns in Lanark about how to get housing above shops to repopulate our high streets; indeed, I heard that key message in several local authority areas.

I was particularly impressed when I visited Dunfermline this summer to look at its town centre improvements in the High Street, such as its work on signage, which links to tourism opportunities. A clear leadership decision had been taken to bring

about that investment. Given that there are 32 towns in Fife, the focus on Dunfermline means that other towns have to wait. We can see that challenge across Scotland. Our big local authorities have many town centres and some staffing resource, but they do not have the cash resources, and the smaller authorities have neither the staff nor the cash. There is a real challenge there. Alex Rowley will close the debate for Labour. It was really interesting to see that the strategic decision to invest money to prioritise that investment made a real difference.

The Scottish Government can do a lot more. The policy has been in place, but the Scottish Government has been exposed as not always implementing it. In East Kilbride, the major issue was that the opportunity to bring new NHS investment to the town centre—and to bring thousands of trips to the town centre by NHS staff—had been missed.

Compulsory purchase orders are still mentioned by authority after authority as an issue. Local authorities are prevented from getting to grips with properties that are owned by private landowners who sit on them for years without making any investment, sometimes because they, too, do not have the investment capital available.

We need to have a rethink on planning capacity. Most planning authorities do not have the scope, and authorities certainly do not have the financial capacity, to carry out the big planning projects that we might have seen 10 or 20 years ago. That is a real challenge. At the moment, planning is more about regulating and looking at proposals that have come in. There are many town centres where, with more scope and more staff resource, it would be easier to bring forward major projects such as those that we see in Edinburgh and Glasgow, where transformative investment is taking place. That investment is not available for our out-of-town authorities and it is certainly not available for our smaller authorities.

The work of pulling together with housing associations, taking on land assembly, buying up properties and investing in refurbishing ground-floor properties for retail use and looking at compatible use, such as housing, on the upper floors is simply not possible within the current framework. The Scottish Government needs to look at that. We need to make sure that local authorities can use their democratic civic leadership role. They need to work to support businesses, but there are also times when market failure means that they have to take a lead, set out a vision and a plan, resource it and bring the business community and local communities with them.

There needs to be more capacity to borrow on the strength of new housing in our town centres

and more scope to use CPO powers to enable much-needed investment to take place. The powers that we identified in our devolution commission document, "Powers for a purpose—Strengthening Accountability and Empowering People", would give authorities the chance to take the lead that is so clearly needed. Local authorities need the capacity to develop a vision, they need the finance and they need the staff resources.

Although we welcome the report, much more needs to be done.

16:30

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** I welcome the debate and the Government's report on its town centre action plan.

Members may be aware of something called the carbuncle awards, which are awarded by *Urban Realm* magazine. One of them is the plook on the plinth award, which is for the most dismal town in Scotland. I consider that award to be very unhelpful, not least because the town that I live in and represent, Cumbernauld, has won it and is regularly nominated for it. Predictably, it has been nominated again this year.

I consider the award to be very unhelpful because I think that Cumbernauld is one of the best towns in the country to live in. It has good schools, good transport links and an abundance of green space in and around it, and the award certainly does not recognise the strong sense of civic pride in the town of many individuals and organisations.

The primary reason why Cumbernauld keeps getting nominated for the award—you will be glad to hear that I am bringing my speech to the point of the debate, Presiding Officer—is its town centre. Cumbernauld town centre is largely composed of what was built as the United Kingdom's first indoor shopping centre—I suppose that that befits the innovation of the time. It has its defenders—many architects praise its vision and design—but even those who resolutely defend its architectural merit must recognise its modern failings.

Much of the town centre is now very dilapidated and many of the units are vacant. I am certain that it would not be described as an overly welcoming place, aesthetically. Any action plan that can assist with the revitalisation of Cumbernauld town centre would be very welcome.

Cumbernauld town centre is primarily thought of as a retail space, so people might not expect us to encourage them to see it as a place in which to live as well as shop. Some apartments there have been vacant for some time. The action plan

included a town centre housing fund, which I brought to the attention of the town centre managers, although I am unaware of whether they sought to benefit from that fund. I saw other places benefit from it and it would be interesting to know how successful those experiences have been. The Government is considering the fund's future and I will be looking to see what happens to it and whether there are any possibilities for my town centre.

I mention the town centre owners. Unlike most town centres in Scotland, Cumbernauld town centre is privately owned, which is part of the problem when we try to take forward a strategy for its regeneration. Not only is it privately owned, but it is privately owned by multiple owners with competing commercial interests. The local authority has a role to play in revitalising Cumbernauld town centre, but it can do only so much given that private ownership. It will be good to hear from the minister how any town centre action plan can involve the private sector and private owners, to encourage redevelopment.

I welcome the town centre first principle and, in particular, the way in which it encourages the public sector to look at town centres first when locating services. However, I caution against using it as a bar to development elsewhere in our towns, particularly our larger towns. Cumbernauld has a population of 50,000 and is growing. Recently an application was made for a new retail unit at a location in the town that needs investment. Planners recommended against granting approval, despite recognising that there is nowhere in the town centre for such a development. I am thankful that elected councillors disagreed and granted approval. That serves as a reminder that some planning officials might look to apply a town centre first principle as a town centre only principle, and we must ensure that that does not happen.

Overall the action plan report is very welcome. I welcome the progress made, and I hope that it bears fruit in my constituency.

16:34

**Margaret McDougall (West Scotland) (Lab):** As a member of the cross-party group on towns and town centres, I appreciate the opportunity to reflect on the town centre action plan. I am aware that the minister has engaged with the stakeholders represented on the group on several occasions, and I thank him for that.

With the change in leadership that will take place later this month, a Scottish Government ministerial reshuffle is likely. Many of the cross-party group's members consider it important that there continues to be a minister with specific responsibilities for town centres. We need to know

that someone in the Government is responsible for driving forward the action plan and remains accountable to the Parliament for its implementation. I am sure that the cross-party group will work constructively with whoever that person is to keep town centres and regeneration firmly on the political agenda.

There is no one-size-fits-all solution to town centre regeneration. Many of our communities face common challenges, but that does not mean that there are uniform solutions. In North Ayrshire, which is in my region, I see how the Irvine Bay Regeneration Company and its partners are transforming Irvine by breathing new life into the town centre, as it did in Kilwinning before that, although car parking remains an issue in both towns. I see also how Largs, only a few miles away, came up with a different solution, adopting the BID model after a rigorous and sometimes animated debate in the business community.

We cannot regenerate our towns from the political centre, but we can do our bit by implementing the town centre first principle and providing funding, guidance and support. The Scottish Government has to give our councils and our communities the tools that they need to make our town centres more vibrant, accessible, inviting and economically resilient.

Retail is changing, how we access services and purchase goods is changing, and the constant growth of new technology means that our lifestyles are changing, too, but let us be clear: there is still a place—indeed, there must always be a place—for community, for a safe and modern public realm and for our town centres.

We know that we need to understand town centres better. We need to collate and disseminate more data and information about them; we also need to map changes in our economies and help local leaders to identify opportunities for growth, investment and job creation. Therefore, I welcome the work of the understanding Scottish places consortium to develop typologies, benchmarks and a toolkit to help practitioners understand their towns. How and when does the Government intend to roll out the toolkit across the country?

On housing, there is a recognition that we have to repopulate and revive town centres as living communities as well as places where we go to shop, to socialise and to use services. To that end, I welcome the town centre housing fund. However, according to the Government's website, awards from the fund totalled £2.7 million, yet delivered fewer than 100 new affordable homes across the country. We cannot argue that the fund is transformational, but it has shown councils and housing associations what is possible with investment and imagination.

In its report, "Town Centre Action Plan—One Year On", the Government also commits to "identify best practice and models of engagement"

to encourage owners to turn empty units into affordable homes. It would be helpful if the Government could elaborate on some of those practices and engagement models, as I expect that we all know of vacant properties in our constituencies and regions that could be put to better use.

I am just finishing, Presiding Officer.

**The Deputy Presiding Officer (John Scott):** You are indeed.

**Margaret McDougall:** It is impossible to say everything that needs to be said about our town centres in one short debate. However, the Parliament can be assured that—

**The Deputy Presiding Officer:** You really must close.

**Margaret McDougall:** —because of the issue's importance, there will be plenty of opportunities to continue the discussion beyond the chamber in the communities where the success of the action plan will ultimately be judged.

**The Deputy Presiding Officer:** That was too much.

16:39

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** Our town centres are like our people: they have a past, a present and a future, and they will never stop changing. All are different and all have their own character. Our task in government is to recognise the issues that they face through the years, help where we can and set up the conditions that allow them to adapt and flourish. Everybody has a stake in that, including Government, the public and the companies and property owners who own many of our town centre buildings.

Many people—mainly older people—look back and wish that their towns were the way they were in the past. They remember fine old buildings and streets filled with local traders and department stores, with no pound shops or payday loan shops. Many younger people look forward and wish for the modern shops that they see in our bigger cities and modern out-of-town malls. They want cafes and meeting places where they can enjoy spending time with friends.

Who is right? Both groups are right, of course, which is why town centre planning is a difficult task for any minister and Government. The aim is to preserve the best of our town centre history and heritage and plan ahead with sensitivity, while

opening the door to aspirations and new possibilities. That is a tall order and it should not be a matter just for the minister; we must work in partnership with everyone who has a stake in our towns.

The review of our town centres and the resulting action plan are making an impact. The small business bonus scheme is helping nearly 100,000 small businesses this year, as the minister said. Fresh start is offering further help to bring back into use empty shops that have been vacant for a year or more. The town centre housing fund is helping to bring life back into our towns, particularly at night. I hope that moves to create more digital towns, with free wi-fi, will attract younger citizens in particular.

In my town, Kilmarnock, there have been spectacular and transformational changes in recent years, which the minister has seen for himself. Historic old buildings such as the Palace theatre, the grand hall, the Opera house and the Johnnie Walker whisky bond building have been modernised and beautifully lit. The magnificent John Finnie Street, which is almost entirely red sandstone—there is nothing like it anywhere else in Scotland—has been fully restored. Our historic viaduct, which takes centre stage and is an iconic symbol of the town, is also beautifully lit at night. New housing, embedded in the heart of the town, will bring a vibrancy that we hope will benefit everyone, including our many quality local traders.

However, problems remain and people are entitled to expect not just local government and national Government but everyone to try to address them. Many of my constituents talk about shops that lie empty and derelict, with no sign of improvement, sometimes for many years. Others highlight their fears about shopping in town centres that are often, sadly, a focal point for people with addiction issues, with all the disruption to shoppers that such gatherings can cause.

We cannot do everything overnight and we do not have unlimited resources. However, we can try. We need to think differently about how best to tackle some of the issues. The public can and should have a direct role in generating new ideas for their town centres at the early stages of planning and not as consultees after the architectural drawings have been finalised. People should be involved from the start in shaping and taking ownership of their towns. The corporates and property owners must make a contribution, too. We must consider whether rent levels are appropriate in the current market conditions.

In government we can do only so much, but we have achieved a lot in a relatively short time. We all have a stake in improving our town centres. I am confident that if we continue the good progress and examine some of the issues that I have

highlighted there will be further positive transformation in our town centres in years to come.

**The Deputy Presiding Officer:** We are now very tight for time.

16:43

**George Adam (Paisley) (SNP):** I am delighted to speak in this debate, because I am the MSP for the largest town in Scotland. Paisley town centre is fantastic. I might be slightly biased in saying so, but the centre has fantastic buildings and there are many exciting events in the town. More important, the people of Paisley are extremely friendly and welcoming.

The decline in our High Street has been documented throughout the past couple of decades and has been mirrored in towns that face similar challenges and problems. The Scottish Government's town centre action plan can make a significant impact and change the fortunes of not just Paisley but town centres across our country.

The minister was right to comment on the appropriateness of the debate coming after the debate on the Historic Environment Scotland Bill. When we walk through towns such as Paisley we walk through the historic environment. In Paisley, we walk past the abbey, the Coats memorial church and various other buildings that have been a constant and important part of our past and are still used.

That brings me to a challenge that many towns such as Paisley are experiencing. Some of the buildings were once used by NHS Greater Glasgow and Clyde and by the local authority, but, as services change, they have ended up no longer in use. One example in Paisley is the Russell institute building, which was used by the health board. Luckily, I managed to get all the relevant individuals together, and the Paisley Development Trust—with investment from the Scottish Government—will now take over the building and ensure that it remains a major part of Paisley's future. That is the sort of issue that we need to look at.

In our town, Scottish Government investment is being used to build new homes in the town centre, right next to the sensational backdrop of Paisley abbey. That development has increased footfall in many of the businesses in Paisley. A small coffee shop that is run by two businessmen is now extremely busy because it is seconds away from the two areas in which the Scottish Government has invested and is therefore benefiting from increased footfall. That shows us how we can get people back into our town centres and ensure that we can create the future for them that we all want.

The small business bonus scheme has made a massive difference to many retailers in Paisley. I know of many small businesses that would not be retailing in Paisley at present if it had not been for the scheme, which is of great assistance. In Renfrewshire, 2,475 small businesses are benefiting, to the tune of £5.1 million in 2014-15. That is the type of investment that is making a difference in town centres throughout Scotland.

The Scottish Government has protected local government funding, in drastic contrast to what we have seen happening down south, where the outcome of the 2011 spending review was a real-terms decrease of 18.6 per cent from 2012 to 2015.

The Scottish Government also came up with the idea of the business improvement district scheme, which is being implemented in Paisley as we speak. In fact, it will come as no surprise to members that I will once again be voting yes in Paisley, in support of the BID idea—my own premises are in the BID area.

All those businesspeople have got together and are working towards taking ownership. The people who work and live in Paisley are the best people to deliver for the town and ensure that we can make a difference. I have supported them, and I commend every single one of the people involved in that group. Ironically, the group is called Paisley first, which brings us full circle to today's debate, which is on the town centre first principle.

So much work has been done, and so many events have been brought to Paisley. The minister and I were part of that work when we were in local government.

We have done so much, and all we have to do now is build on that work and take it to the next level to ensure that we deliver for our town centres.

**The Deputy Presiding Officer:** Excellent—thank you for that unbiased view of Paisley.

16:47

**Cara Hilton (Dunfermline) (Lab):** Regenerating, reviving and renewing our town centres is a challenge in which we are all united. It is certainly one of the biggest issues for my constituents in Dunfermline. I strongly welcome the town centre first approach, which is already delivering real results despite the difficult financial challenges that local authorities face.

That principle is moving us closer to ensuring that our town centres are not just places to shop, but are right at the heart of public, community and social life. The reality is that our town centres will never again be places where we just go to shop. They must embrace leisure, not just retail; they

must be places that people live in, rather than just visit; and they must be vibrant day and night, all year round.

Recently, I was pleased to welcome my colleague Sarah Boyack to meet local stakeholders, businesses, voluntary groups, entrepreneurs and elected members to showcase the fantastic work that Fife Council is doing to regenerate Dunfermline town centre. Already, £1 million has been invested in the town centre in projects such as free wi-fi, floodlighting of iconic buildings, the restoration of Dunfermline city chambers, winter festival lighting, digital signage, floral displays and promotional campaigns. Those are all aimed at making Dunfermline a more attractive place to visit, day and night. They are backed up by a longer-term town centre action plan and other initiatives, such as a £2.2 million investment in Dunfermline cycle network; the Fire Station Creative project; and a £12 million partnership to create a new Dunfermline museum and art gallery right in the centre of town.

It is clear that there is a lot more to do, particularly with regard to empty units and derelict buildings on our high streets. I believe that we could do a lot more with further devolution of power and resources to our local authorities so that they have the power in their own hands to facilitate local economic regeneration even further.

The motion states that

“a renewed spirit of entrepreneurialism in town centres are key to their social and economic success.”

That is key, and I am pleased that we are making good progress in that regard in Dunfermline.

In 2013, Dunfermline hosted the first ever final of the Carnegie test town—an initiative based on matching the oversupply of space in our town centres with the huge supply of talent and ideas in our young people, whereby young people are asked to come up with new and enterprising uses for shops, offices, stalls and other vacant spaces in our towns and cities. Test town is now the UK's biggest town centre business challenge, and I commend the Carnegie UK Trust for that brilliant idea, which has captured the imagination of young people in Scotland and across the UK.

Locally, in Dunfermline, the success of test town has led to Fife Council and local traders rolling out their venture street programme to build a lasting enterprise legacy for our town centre. Venture street will be at the heart of Dunfermline's winter festival and will run right up to Christmas eve. I wish all those who are participating in venture street every success in what some people have called Dunfermline's version of “The Apprentice”. It is something that we will all look forward to.

While some people paint a picture of doom and gloom when talking about our high streets, there is a lot to be excited and enthusiastic about, too. However, that does not mean that there are no challenges. A Carnegie UK Trust report that looked at the test town graduates found significant cost barriers to town centre trading—challenges that could probably be easily avoided by trading online. Business rates are often excessive even for start-ups, and rents are simply too high. Too many landlords continue to seek long-term, highly inflexible agreements with new tenants, which can be a real stumbling block to even the most committed people in getting a business off the ground. Also, the town centre first principle certainly does not seem to extend to many banks, which seem to favour online ventures over town centre ventures in making investment decisions.

Although we are seeing real progress, there is still much more to do. We need more action to break down the barriers to participation in the town centre economy if we are to ensure that our town centres are not just places where we spend a couple of hours on a Saturday, but are places with a purpose—places that people want to visit, spend time in, live in and bring up their families in, and that are right at the hub of social and community life.

16:51

**Graeme Dey (Angus South) (SNP):** It is worth reminding ourselves of what the Scottish Government is doing to assist our town centres. I will do that by focusing specifically on the area of the country that I represent. Across the whole of Angus, in excess of £20 million has gone into the small business bonus scheme since its introduction, with £3.7 million of support being provided in the present financial year alone. That is real help for more and more businesses, and the number of small-scale operations that have had their rates bills either abolished or substantially reduced has risen from 1,854 in 2008 to 2,361 this year. Additionally, in Kirriemuir, thanks partly to a £645,000 grant from Historic Scotland, a conservation area regeneration scheme has been established in partnership with Angus Council. All told, the scheme will offer grants amounting to £1.1 million over five years, aimed at enhancing the look of the town centre.

Additionally, Angus is to be the location of one of the four business hubs that the minister mentioned, and Carnoustie is one of the seven towns across Scotland to benefit from the £2.7 million town centre housing fund. A sum of £200,000 has been secured from the fund to provide up to four houses in the High Street in Carnoustie. Angus Council plans to build those properties on the site of one of two former retail

units that were destroyed in a fire. Locally, there was a view—which I would, ideally, share—that the retail unit in question should have been rebuilt, but it seems that there were no takers for such an opportunity.

Therein lies one of the problems that are at the heart of the challenge that we face in revitalising our high streets. We cannot magic up businesses to fill properties—especially properties that are constrained by being located in long-established buildings. Even in an attractive high street such as Carnoustie's, which contains some niche shops and has, in the past year, been capable of attracting a leading retailer in Boots, there is a surplus of available units. In part, that is down to existing units being of unsuitable size to meet the requirements of potential incomers.

However, high streets are not just about buildings; they are about people as well, and, as we strive for better, there must surely be a role to be played by the public. Like many members who represent constituencies that contain towns of whatever size, I hear many complaints about the state of the high streets and the lack of shops of the kind that people want. Yet, at the same time, I know of shops—in Carnoustie and Arbroath, for example—that are attracting custom from well outwith Angus, such is the product and the accompanying quality of service that they offer. If local consumers do not support local shops, is it any wonder that “For Sale” and “For Rent” signs adorn our high streets? This cannot be only about Government support or locally driven initiatives; there is a need—perhaps even a responsibility—for the public, wherever possible, to seek to spend a proportion of their disposable income in the shops that are located in the hearts of our towns, instead of taking the convenient option of buying everything under one roof in large-scale supermarkets.

I want to pick up on a point that Gavin Brown made about the impact on high streets of court and police counter closures. His observations will, I accept, be valid in many places, but not everywhere. The closure of Arbroath sheriff court met with a mixed response because, owing to the constraints on the building, we had an issue with undesirables loitering on the pavement outside, which impacted on footfall, much to the annoyance of neighbouring businesses. Efforts are being made to bring the building back into use to serve a purpose that could increase footfall in the area and provide a boost for those businesses.

In nearby Carnoustie, the police counter that closed was located a good half a mile from the town centre. Police Scotland and Angus Council are presently in discussions about relocating the police presence to a location at the very heart of the high street. I draw Parliament's attention to



that simply to support the point that was made earlier that no two town centres are the same, and no two town centres will be improved by the same solutions.

**The Deputy Presiding Officer:** Thank you for your brevity.

We move to the closing speeches.

16:55

**Cameron Buchanan (Lothian) (Con):** Members will be relieved to hear that I am not going to speak about my own town.

Today's debate is about Scotland's town centres and their future, and it has highlighted the crucial role that small businesses play in town centres. Unsurprisingly, that is what I wish to focus on. We all want to see flourishing and diverse high streets returning to our town centres, and a combination of entrepreneurial spirit and Government support can go a long way towards achieving that.

Government at all levels can play a crucial role in revitalising our town centres. It can do so chiefly in two ways: by levelling the playing field with larger businesses and by cutting the fixed costs of high street businesses.

It is widely agreed that local businesses are struggling to compete with larger retail outlets in suburban developments and with the rising popularity—and, indeed, novelty—of online shopping. Customers shop online and in many shops in out-of-town developments because of simplicity. In other words, the issue is convenience. That is the essence of the matter—we must make it as easy to shop in our local high streets as it is to shop elsewhere.

First, I would like to say that under no circumstances should we see the need to assist our town centres as a reason to discriminate against out-of-town and online businesses. That would simply not be fair, nor would it be in customers' best interests. Rather, we must level the playing field by making it easier for high street retailers to compete for customers.

Based on what we keep hearing from shoppers, the biggest problem is probably the lack of adequate parking facilities in town centres, especially when compared with large shopping centres. It is simply too much hassle and too expensive to drive into a town centre to shop, not to mention the fact that people frequently struggle to find a spot to park their car for long enough, without facing potential death threats from traffic wardens. All that does high street retailers no favours, and I believe that we could and should turn the situation around in partnership with councils.

I continue to believe that in order to deliver that change, we and the local authorities need to provide resources and the means for extra parking spaces and cheaper parking rates. Furthermore, there is much to be said for making park-and-ride schemes more attractive to use. The balance between those solutions is a matter for debate, but I hope that we can all agree on the need to facilitate easier transport to and from town centres so that it is just as attractive and easy for people to go to their local high street as it is to go to an out-of-town retail park.

The second approach that we could take to help our high streets would involve the Government stepping back rather than stepping in. I am talking about rates relief. We could learn from the model in certain areas of the United States whereby stand-alone businesses with single outlets are offered a discount on their business rates in order to encourage originality and diversification on the high streets. Too often in Scotland, we hear that all town centres consist of multiple outlets of the same brands. That would chime with the long-awaited and long-delayed business rates incentivisation scheme, as it would give local authorities the chance to drive redevelopment themselves. Many town centres in the United States have distinctive shops in them, which we tend not to have here.

The impact of such policies would, we hope, bring high streets that were filled with varied, competitive, appealing and sustainable businesses, including post offices and libraries. That would increase the choice that is presented to customers, make their shopping experience easier and, in some cases, make it cheaper. Furthermore, the benefits for local jobs and local economies would be far-reaching. That is what we should be aiming for, so I trust that we can all agree to strive for that.

There is a great deal that can be done to support our town centres and there is a clear direction for what could and should be done. We can all agree on the desirability of vibrant and diverse high streets, but to achieve that the Government must take action on business rates and give local authorities the means to make driving into town centres much more appealing.

**The Deputy Presiding Officer:** I call Alex Rowley. You have up to six minutes.

16:59

**Alex Rowley (Cowdenbeath) (Lab):** I tried to follow the minister's speech, but he went fairly quickly and I did not pick up a lot of it. However, he did say that the longer-term outlook is good and strong. I think that progress has been made, but we have a long way to go. Alliance Boots sent

out a briefing in which it pointed out, regarding town centres, that with

“one in nine retail outlets now lying empty ... the challenge is to ensure that they are better equipped to support the economic and social aspirations of our communities.”

Willie Coffey picked up on that point and talked about involving communities and communities taking ownership.

I accept Graeme Dey's point that no two town centres are alike. There might be different solutions for different town centres, but I believe that we would find that most town centres have similar problems. The minister said that he was keen to come here today to listen to ideas about how we can move forward. In that regard, Cara Hilton mentioned the Carnegie UK Trust test town pilot in Dunfermline. One of the issues that came out of the pilot was that the biggest barrier to many of the young entrepreneurs of tomorrow being able to access premises is the inflated costs of rents. That is an issue in most of the town centres that I know in Fife and it has to be addressed. Landlords are asking for unrealistic rents that are way above market value.

I believe that local authorities need to have more powers to use the planning system more innovatively for town centre renewal. For example, licensing committees could play a big part and tourism could be a major factor and key industry in regenerating many of our town centres. However, that means that we need more of a focus. Part of the solution for many of our town centres is to repopulate them. It is certainly the view of Fife Council with regard to Kirkcaldy town centre that getting people back there to live would be a key way to go forward. We need to target specific financial support to local authorities to help them do that.

On putting the local authority in the driving seat, we can look at the Dunfermline example that was mentioned earlier. What I have learned from looking at town centres is that there needs to be strong leadership driving town centre renewal. In Dunfermline there is a BID company, which has new leadership in place. I suggest that it was a decision by Fife Council to put £1 million into Dunfermline town centre, working in partnership with local groups and the BID company, that started to drive forward the town centre renewal. The council also decided to put in an area manager to drive that forward, pull people together and work with the BID company. I suggest that there is evidence to show that we need strong leadership for town centre renewal. More recently, Fife Council took a decision to invest £1 million in Kirkcaldy town centre as well. Again, it is not about money alone, but about strong leadership working with all the key stakeholders.

It all comes back to Willie Coffey's point. I recently asked the director of the Development Trusts Association Scotland whether he would be kind enough to come up to Cowdenbeath and look at what we could do to move forward in Cowdenbeath town centre, which is smaller than Dunfermline and Kirkcaldy town centres but is also suffering from decline. He gave me examples from Haddington and many other places in Scotland where local people have begun to take control of their town centres. They work with retailers and are able to take over some small units and encourage local businesses to come into the town centres. As Willie Coffey suggested, empowering local communities is the way forward.

Margaret McDougall raised a number of important issues around job creation, car parking and the cost of car parking. The evidence in some town centres suggests that if car parking charges were removed, that would create a bigger problem in terms of not having enough car parking. That is not the case in every town centre, though.

The minister talked about the legislation that went through on dangerous and defective buildings, and now we have the Community Empowerment (Scotland) Bill. When I first saw the bill's powers that allow local authorities to come up with local schemes, I found them to be an exciting prospect. The only difficulty—I come back to parking—is that local authorities are under major financial pressures at this time. Some have lifted car parking charges in some areas in the run-up to Christmas and are offering free parking after 3 o'clock, and things like that, but all that costs money. It actually costs millions of pounds. Some local authorities have been using charges to try to get round some of the cuts that they are making.

Alliance Boots put forward an interesting proposition in suggesting that a business rates incentivisation scheme whereby local authorities would be allowed to keep 100 per cent of the rates above an agreed level could be an effective tool to drive forward town centre regeneration if the money was ring fenced.

**The Deputy Presiding Officer:** You must close, please.

**Alex Rowley:** I am not necessarily suggesting that we should pick up on that initiative, but I hope that the minister intends to work with authorities to look at council tax and the future of local government finance. As part of that—

**The Deputy Presiding Officer:** You really must close, please, Mr Rowley.

**Alex Rowley:** —he could perhaps look at how local authorities can be empowered to do more and lead in town centres.

**The Deputy Presiding Officer:** Thank you.

I call on the minister to wind up the debate on behalf of the Government.

17:06

**Derek Mackay:** This has been a positive, constructive and useful debate. I turn to the last speaker first. Alex Rowley helpfully pointed out that I raced through the second half of my opening speech—rather carelessly, as a Government minister, as that was the good bit with the funding announcements. Having taken three interventions, I panicked somewhat when I realised that I was on page 9 of 19 with two minutes to go. For a full explanation of the funding packages that I announced, members should read the detail in the Government's press release. I am sure that they will all be rushing to it after decision time.

There is good news and progress on partnership working. I say to Mr Brown that the omission of timescales was about nothing other than us being helpful in providing the yearly update report that the Parliament did not ask me to provide but which, in my constructive style, I wanted to offer to stakeholders and of course the Parliament. That has helped to engender a lively and useful discussion with suggestions on the way forward and comments on what members think are the weaknesses in our action plan, and I will certainly reflect on all those points.

I will not make any party-political points because that has not been the nature of the debate, but I point out that it is difficult to create new resources when our budget has been cut by Westminster. We have nonetheless identified new funds for town centres, but we expect all public authorities to consider the totality of their resources in making town centres a priority.

I turn to some individual comments that were made. Cameron Buchanan made helpful comments on the importance of accessibility, business rates and the issue of driving into town centres. Driving into a town centre might not always be the wrong thing to do. That is not the accepted wisdom, but accessibility in every form will be different from town centre to town centre.

I return to Alex Rowley's points. Boots has given us helpful suggestions and I have invited it on to the external advisory group. Alex Rowley also touched on rental prices, and I think he is right that far too many landlords are still trying to achieve the rental regimes that they got in better days.

We will have further powers around compulsory transfer, proactive planning and compulsory purchase orders, some of which we will pilot during the next year or two. Expanded powers for local authorities around local rates relief schemes should also help them to have the power, added to

the leadership and resource, to take forward the town centre agenda.

Alex Rowley pointed out that we should put local authorities in the driving seat. I argue that they are already there, as local economic development rests with them. However, we recognise our responsibility as a Government to help to set the conditions to support town centre regeneration to make the difference, and empowered local communities will be able to do even more of that through the Community Empowerment (Scotland) Bill.

On resources, we have regeneration funds, the town centre housing fund, the people and communities fund and other funds that I can identify to support individual communities in taking forward partnership projects.

Sarah Boyack referred to business improvement districts, as did many other members; the Government supports those and has made resources available to expand them. We support the repopulation of our town centres and housing above shops, and there will be an expansion of the planning and financial tools to support our town centres. If appropriate, there will also be greater use of compulsory purchase orders and the acquisition of abandoned and neglected private sector assets through the use of the Community Empowerment (Scotland) Bill. Planning authorities will be more proactive in the future.

Gavin Brown raised BRIS and asked for an update. In the coming weeks, the new regime, as agreed with local authorities and the Scottish Government, will be published, recognising where the system did not work effectively before. There is now a replacement in place, agreed by leaders and Government, and its publication is imminent. That will create the kind of scheme for the future that Gavin Brown and other members will welcome, I am sure.

Many local authorities have shown their ability to adapt to circumstances and support great schemes in local communities. I mentioned four of them earlier out of impartiality and fairness to Labour-led and Scottish National Party-led authorities that are locating and identifying public services in town centres, relocating staff in town centres and supporting private sector investment in town centres.

Jamie Hepburn was right to criticise unhelpful things such as the plook on the plinth, but he showed how we can be positive and reinvigorate civic pride in our communities. For Jamie Hepburn that community is Cumbernauld, and he spoke about private sector and public sector leadership. I commend the work of the Royal Town Planning

Institute Scotland for creating Scotland's best places, which celebrates the positive in Scotland.

Margaret McDougall, who is the chair of the cross-party group on town centres, spoke about partnership working and her experiences in Ayrshire, and the tools that local communities need to do the job. The planning toolkit will be forthcoming and repopulation of town centres is an important issue for engagement.

I am delighted that the Deputy First Minister, Nicola Sturgeon, has just arrived in the chamber because Margaret McDougall also mentioned a reshuffle in her speech. I know that is not good etiquette to mention that in the chamber.

**The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon):** No, it is not.

**Derek Mackay:** My boss informs me that it is not. However, the point was that a dedicated minister for town centres has been appreciated and the position should continue. That was not a pitch for a job, as much as I enjoy my portfolio.

Willie Coffey spoke about the changing nature of town centres, the partnership approach and the wonderful digital opportunities that we support. That is why we amended the permitted development rights to ensure that the infrastructure and investment are in place to expand mobile coverage and community broadband. He also spoke of using the majestic buildings in Ayrshire and Kilmarnock.

Graeme Dey spoke about his community in Angus and how it has benefited from a range of funds that are currently available, not least of which is the housing fund, business hubs and other start-up projects to create that vibrancy and dynamism in our town centres and to create diversification and digital and other opportunities, including employment and local business start-ups.

Cara Hilton gave a very passionate speech about the work that is being done in Fife, particularly in Dunfermline. She talked about town centres being more than just for retail, and the principle that has been established in partnership around town centre first between the Scottish Government and local government being a powerful catalyst for change. She also covered the devolution of power and the leadership role that local authorities can have to create fantastic projects such as venture street and other local innovations, the potential of online and the role that local community groups can have in empowering local communities.

It was rather out of character for him, but George Adam mentioned Paisley's historic environment and gave us an example of how the

fantastic and iconic building that is the Russell institute, supported by Government funding, will create that regeneration. George Adam would be the first to point out that Scotland's Towns Partnership's Scotland's towns week will be in Paisley this year. I am sure that George Adam will seek to be there.

Funding, business rates and Government support all set the right conditions to reinvigorate our town centres. I look forward to continuing to work in partnership with the external advisory group and others to ensure that our town centres have a strong and vibrant future. I thank all members for their constructive approach to today's debate.

**The Presiding Officer (Tricia Marwick):** Thank you, minister. That is the first time I have heard a job application in the chamber. I am sure that many of your colleagues will help you to polish up your CV.

## Deregulation Bill

17:15

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of motion S4M-11380, in the name of Nicola Sturgeon, on the Deregulation Bill, which is United Kingdom legislation. I ask Keith Brown to move the motion.

*Motion moved,*

That the Parliament agrees that the relevant provisions in the Deregulation Bill, introduced in the House of Commons on 23 January 2014, which would enable the investigation of tramway accidents in Scotland by the Rail Accident Investigation Branch and provide the Scottish Ministers with powers relating to races or trials of speed on public roads, in so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.—[*Keith Brown.*]

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

## Small Business, Enterprise and Employment Bill

17:15

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of motion S4M-10756, in the name of John Swinney, on the Small Business, Enterprise and Employment Bill, which is United Kingdom legislation. I ask John Swinney to move the motion.

*Motion moved,*

That the Parliament agrees that the relevant provisions of the Small Business, Enterprise and Employment Bill, introduced in the House of Commons on 25 June 2014, relating to a range of measures on access to finance, data-sharing in education, and insolvency, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.—[*John Swinney.*]

**The Presiding Officer:** The question on the motion will be put at decision time, to which we now come.

## Decision Time

17:15

**The Presiding Officer (Tricia Marwick):** There are five questions to be put as a result of today's business.

The first question is, that motion S4M-11378, in the name of Fiona Hyslop, on the Historic Environment Scotland Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Historic Environment Scotland Bill be passed.

**The Presiding Officer:** The motion is agreed to and the Historic Environment Scotland Bill is passed. [*Applause.*]

The next question is, that amendment S4M-11386.1, in the name of Gavin Brown, which seeks to amend motion S4M-11386, in the name of Derek Mackay, on the town centre action plan, be agreed to. Are we agreed?

**Members:** No.

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

**For**

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

**Against**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Allard, Christian (North East Scotland) (SNP)  
 Baker, 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)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)

Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 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)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hilton, Cara (Dunfermline) (Lab)  
 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)  
 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)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McDougall, Margaret (West Scotland) (Lab)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McMillan, Stuart (West Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 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, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)  
 Yousaf, Humza (Glasgow) (SNP)

#### Abstentions

Hume, Jim (South Scotland) (LD)  
 McArthur, Liam (Orkney Islands) (LD)  
 McInnes, Alison (North East Scotland) (LD)  
 Scott, Tavish (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division is: For 12, Against 96, Abstentions 4.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S4M-11386, in the name of Derek Mackay, on the town centre action plan, be agreed to.

*Motion agreed to,*

That the Parliament acknowledges the publication of the report, *Town Centre Action Plan – One Year On*, and notes cross-government delivery against each of the key themes; welcomes the partnership with COSLA and local government in the agreement and adoption of the Town Centre First Principle; is encouraged by the progress being made during the demonstration phase; agrees that local decision-making and delivery, good place-making and a renewed spirit of entrepreneurialism in town centres are key to their social and economic success; acknowledges the growing engagement and wider work underway by councils, communities and business across Scotland; encourages all parties to share and promote details about their activities through Scotland's Towns Partnership; looks forward to following the progress under the second year of the plan, and reiterates its call for elected representatives at all levels, local communities and wider public and private sector partners to continue to work together to revitalise Scotland's town centres.

**The Presiding Officer:** The next question is, that motion S4M-11380, in the name of Nicola Sturgeon, on the Deregulation Bill, which is United Kingdom legislation, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the relevant provisions in the Deregulation Bill, introduced in the House of Commons on 23 January 2014, which would enable the investigation of tramway accidents in Scotland by the Rail Accident Investigation Branch and provide the Scottish Ministers with powers relating to races or trials of speed on public roads, in so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

**The Presiding Officer:** The next question is, that motion S4M-10756, in the name of John Swinney, on the Small Business, Enterprise and Employment Bill, which is UK legislation, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the relevant provisions of the Small Business, Enterprise and Employment Bill, introduced in the House of Commons on 25 June 2014, relating to a range of measures on access to finance, data-

sharing in education, and insolvency, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

## School Bus Safety

**The Presiding Officer (Tricia Marwick):** The final item of business is a members' business debate on motion S4M-11008, in the name of Stewart Stevenson, on the importance of school bus safety around Scotland. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament notes the importance of school bus safety around Scotland and what it considers the important work of Ron Beaty of Gardenstown, whom it congratulates for his efforts on this issue, specifically in relation to bus safety signs and bus visibility; considers that there is a very real danger of school pupils being injured if the situation at present is allowed to continue as it understands that recommendations from Transport Scotland are not being carried out across the country, and hopes that the need to ensure the safety of children across Scotland is urgently recognised, acknowledging that Mr Beaty first petitioned the Parliament on this matter in 2005.

17:18

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** Tonight, we are joined by my constituent Ron Beaty of Gamrie. He is far from unique in believing that we have a duty to protect our vulnerable and inexperienced young folk, but following the permanent disablement of his granddaughter in an accident in the vicinity of a school bus, he has been a ferocious champion of improving safety in our school transport system.

I have not been alone in supporting Ron. Members of the Public Petitions Committee, of all political parties and of none, have supported his efforts to improve public policy and practice. Today's debate is an opportunity to revisit the issue, look at what has been achieved thus far and discuss what we now expect, which is important.

The issue is one not just for the Beaty family, with the pain that it has suffered, nor just for the north-east of Scotland, where we have seen too many accidents involving school students mounting or leaving school buses; it is an issue for all Scotland—both rural and urban Scotland.

Let us be clear: around two thirds of a million pupils make their way to around 2,700 schools each day, and a goodly number of those pupils use a bus. Youngsters are not naturally born with adequate appreciation of all the risks that they will meet in life. Motorised transport in particular presents challenges. Assessing the speed of approaching traffic and deciding whether it is safe to step on to a road are not skills that we are born with.

Buses add a further complication. They are big and are likely to obstruct one's view of the road. Education authorities and bus operators that work with them to transport school students are acutely

aware of the need to protect passengers, and other road users also have a role to play. This debate and, I hope, the commentary around it will help to remind us all of the need to exercise care near school buses, especially when they are stationary.

What can be done to help to alert drivers? There can be good, clear signage that the bus is a school bus. Crucially, that signage should be removed when the bus is not operating as a school bus. Our brains are alerted by changes in the environment. There is the psychological phenomenon of ennui—we no longer notice what we see all the time—so buses must look different when they are carrying school students, and only then.

There can be flashing lights on the bus to break into drivers' attention, speed limits that can vary throughout the day, and lights to alert drivers to the need for reduced speed. Those exist already outside many schools throughout the country.

In Aberdeenshire, Aberdeen and Moray, a number of steps have been taken to improve safety, and Transport Scotland—Mr Beaty is not its greatest fan—has produced guidance for our 32 local authorities on how they can help to improve road transport safety. SeeMe technology has been trialled in Aberdeenshire. It causes flashing lights to switch on at bus stops as they detect people approaching the stop who are carrying a transponder. After it was established that there was no legal impediment to doing so, much larger school bus signage has been used. Aberdeenshire Council has made it a condition of school bus contracts that the signage must come off when the bus ain't carrying school students.

Progress has therefore been made and lots of good things have been done by people of good heart.

**Liam McArthur (Orkney Islands) (LD):** I am grateful to Stewart Stevenson for bringing this important issue to the chamber. He is right to point to its being an issue across the country. Councillor Andrew Drever, who is one of the most tenacious campaigners on the issue in my constituency, has put forward the suggestion of banning the overtaking of stationary school buses. Has Stewart Stevenson been aware of that as a campaign strategy? What are his views on the efficacy of that?

**Stewart Stevenson:** I was not aware of Councillor Andrew Drever's initiative specifically, although I have heard that suggestion in other places, and it is certainly worth considering. It is not, of course, within our gift in the Parliament to legislate to do that, but I will return to that subject a little later in my remarks with another suggestion that might have that effect.



With a greater focus on school transport safety in the north-east in particular, we have not seen a repeat of the string of very serious injuries that occurred a few years ago. Policy and practice changes may have contributed to that; or the very bad winters that closed down schools and, therefore, school transport and the comparatively mild winters, which reduced weather risks, may have been significant factors.

Either way, the questions are: is there more that we can reasonably do and do we know what to do? The answer to both questions really ought to be yes.

Perhaps the most important thing that the north-east experience tells the rest of Scotland is that the costs of addressing the issue are between nil and trivial. It just takes an increased focus on the issue. Therefore, we can and must do more, but what should we do?

We can put requirements into school bus contracts. I do not necessarily mean the existing contracts—it always costs a lot to change a contract—but certainly the new ones, which tend to be on a three-year cycle. We can make contractors provide better signage—not behind the bus window but outside the bus—and use it responsibly. We can also get drivers to use constant headlights when running and flashers when stopped.

We can do risk assessments and introduce 20mph speed limits where it will help. We can reconsider school travel plans and work with parents on bus routing, perhaps to arrange for pick-up and drop-off points to be at safer locations. They might need to be at different places in the morning and evening for individual kids because the bus might be coming from a different direction.

When I spoke in Alex Neil's debate on school bus safety in November 2006—whatever else we can say about it, the issue is not new—I suggested that we could use bus signage that looked as if it were making a legal statement to other road users. We could have a big sign on the back of a bus saying "Don't break the law" on line 1, "Don't overtake this school bus" on line 3 and, on line 2, the word "please" in incredibly small print. That might give the effect of a legal request without the necessity of legislation. We never know.

Let us try to think of a few tricks that grab attention and make things happen. Let us innovate.

I congratulate Ron Beaty on his tenaciousness in keeping the issue alive. However, let us make sure that the actions of our Government and our councils mean that we keep youngsters alive so that Ron's campaigning does not need to.

17:26

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** I congratulate Stewart Stevenson on securing the debate, which recognises the tireless work that Ron Beaty has done on school bus safety following the tragic accident involving his granddaughter Erin.

Road safety and accidents involving schoolchildren were a focus of mine even when I was a councillor on Grampian Regional Council. I was proud to have managed to get one rat run that commuters used through my ward blocked off, which definitely reduced road accidents in that and the adjoining roads. Therefore, I was happy to support Ron Beaty's campaign, particularly when there was a school bus accident on the Netherley road, which lies between my home and my work.

When I saw Stewart Stevenson's motion, it rang a bell and I remembered that I had a similar members' business debate on 8 February 2007. That debate was specifically about the provision of seat belts on school buses. Only vehicles that were first used after October 2001 were required to have seat belts fitted, and the legislation still rested with Westminster, which was the main focus of the debate. In fact, the legislation was in the hands of Douglas Alexander, who was then Secretary of State for Transport.

At that time, I rightly got an email from Ron Beaty gently reminding me that there was more to school bus safety than seat belts. It said:

"Yes belts are vital to safety, as are improved bus visibility, modern visible flashing signage, the removal of the sign when children are not aboard ... at present you will see buses on outings with this sign displayed which makes a total nonsense of its use ... dedicated school transport ... extra flashing lights more visible than hazard lights many use when popping into the local shop ... So please don't stop at seat belts ... It is the cheapest option".

That was me told then.

Mr Beaty has kept up his campaign, with petitions being considered by the Public Petitions Committee. I note that progress has been made, albeit slowly, but it has in no way fulfilled Mr Beaty's ambitions.

It seems that we still await the transfer of power over this from Westminster. I look forward to hearing what the minister says, but I hope that it will be transferred before the general election. The time that it has taken to do that is not a good portent for the transfer of many, much more substantial powers.

Much has been done, however, as Stewart Stevenson mentioned. He mentioned that Aberdeenshire Council had conducted various demonstrations and trials, but on top of those it has produced a bus stop education pack and has introduced operators induction training.

As has been mentioned, councils have great opportunities in how they frame school bus contracts and in what they require of operators.

As Mr Stevenson mentioned, the behaviour of schoolchildren and parents should be at the top of the agenda.

I once again congratulate Mr Stevenson on his motion.

17:30

**Alex Rowley (Cowdenbeath) (Lab):** I also congratulate Stewart Stevenson on securing the debate and I acknowledge the role that Ron Beaty has played in keeping the issue high on the agenda. When parents in Kingseat in Fife encountered a major issue with school bus safety, they were able to go to websites to see what was happening in the north-east, and to get advice from and speak to people there. That helped them with the campaign that they ran at that time.

I have some concerns about the pressures on local government at the moment. When I was a council leader, officials would often give me the option of going to the statutory limits in terms of the distances from schools with regard to school bus provision, and I know that some local authorities have done that. If we did that in Fife, a lot of the kids in my home village of Kelty would be expected to walk to Beath high school in Cowdenbeath, because it would be within the statutory limit. That would be a worry, particularly in the winter months. I worry about the pressures on local authority budgets. School transport often seems to be an easy option when officials are looking for ways to save money. I wanted to flag that up tonight.

On a more positive note, I know that there is a lot of good work going on in schools in Fife. I was recently approached by a volunteer driver who pointed out that there was no signage on some of the minibuses that are being used to take kids on trips. I took that up with Fife Council and I have been assured that that has been addressed.

The role of the police in community safety partnerships is also important, particularly with regard to primary school transport. We need continually to highlight the trend that sees parents trying to get their cars as close to schools as possible. That can create a hazard for kids coming off buses, and elsewhere around the school. I often joke that, if some parents could get their cars into the playground they would do so. It is important that Police Scotland, community safety partnerships and the schools continue to examine that issue.

We send our kids and grandkids out to school in the morning and we want to know that they are

safe in the school and getting to the school. That is why I commend Stewart Stevenson for bringing this debate to Parliament. We need to continue to be vigilant and to ensure that the current pressures on local government do not result in any compromise on school transport.

17:33

**Mary Scanlon (Highlands and Islands) (Con):**

Like others, I welcome the opportunity to discuss the motion, and I congratulate Ron Beaty on his campaigning efforts over many years. Often, it takes an impassioned constituent to raise issues in the Public Petitions Committee, and it is a mark of the success of this Parliament that such issues can go from that committee through to the chamber. I also thank Stewart Stevenson for bringing the issue for debate.

It was in October 2005 that petition PE892 was lodged in Parliament by Mr Beaty, who was calling on the then Scottish Executive to set down minimum safety standards for school bus provision. As Stewart Stevenson was speaking, I was reminded of a friend of mine in Hillside primary school in Montrose, many years ago, who ran out from behind a school bus and was killed. The petition moved from the Public Petitions Committee to the then Education Committee, and there have been reports on the issue in 2010 and 2013. However, today, we are still in a position in which, as the motion suggests, more has to be done on school bus safety.

The Transport Scotland report in 2010 identified 10 ways to improve school transport safety, some of which were mentioned by Stewart Stevenson. Those include reducing speeds on school routes and around schools, encouraging motorists to reduce their speeds when passing stationary school buses, setting minimum safety standards in school transport contracts, and risk assessing school drop-off and pick-up areas. In his foreword to the document, the Minister for Transport and Veterans said:

“I believe that this guide will be invaluable for local authorities and operators as a reference point for their responsibilities in terms of school transport and will provide local authorities with a toolkit of measures that they could consider seeking to implement best practice.”

Unfortunately, three years on, when Transport Scotland reviewed the success of the document, its conclusions were disappointing. Some council respondents who were spoken to had never even heard of the 2010 study, let alone its recommendations. Some councils said that because responsibility for school transport could lie with the education, transport or engineering department, there was often confusion within councils about who should take the lead. That is

exacerbated when there is a shared responsibility, which diffuses responsibility even further.

As I said, one of the most critical conclusions was that some local authorities had never even seen the 2010 report. That is not to say that school bus safety is not considered an important issue in those council areas, but surely bus safety should be the same in Shetland, Shettleston, Elgin and Edinburgh. The 2010 report and Mr Beaty's petition both sought a consistent approach throughout Scotland.

There are recommendations of best practice and advice on how to optimise school transport safety, so it is disappointing that so little progress has been made since Ron Beaty began his campaign almost a decade ago. I looked at the transport policies of each of the councils in the Highlands and Islands region. It is quite difficult to decipher whether those councils have implemented all, or even some, of the recommendations of the 2010 report.

I hope that, in summing up, the transport minister can reflect on his comments in the 2010 report, which we welcome, and suggest how the Scottish Government and local councils can work together to improve safety on school buses further in order, as others have said, to ensure the safety of school pupils throughout Scotland.

17:37

**Alison McInnes (North East Scotland) (LD):** I, too, am grateful to Stewart Stevenson for bringing this important issue to the chamber. I am pleased to record my gratitude for the tireless work of my constituent, Ron Beaty. Alongside others who have been touched by similar personal tragedies in my North East Scotland region, he has fought for a decade for safety improvements on school transport. Together, they have determinedly turned traumatic events into a positive and substantive campaign for change. That commitment and contribution of our campaigners must be matched by the relevant authorities. I hope that the minister will explain how the Scottish Government intends to encourage compliance with the 2010 transport guidance, if there are disparate approaches throughout the country.

It is worth highlighting the groundbreaking work of Aberdeenshire Council in proactively developing safety measures. Tragically, it was two fatalities within two weeks of each other in 2008 that, in part, led to the adoption of those safety measures, when 15-year-old Robyn Oldham and 12-year-old Alexander Milne were both knocked down, having just got off a school bus. In consultation with the Department for Transport, the council trialled revised larger school bus signage. That included the words "school bus" and the use of chevrons

and high-visibility materials. The results were overwhelmingly positive. Only 40 per cent of the motorists who were surveyed could correctly identify the existing statutory signage, but 80 per cent understood the enhanced model. Indeed, all the findings indicated that the enhanced model was more effective, comprehensible and visible. The council has since rolled it out across all of its services and has covered the initial costs.

Aberdeenshire Council has two surveyors whose prime purpose is to monitor contract compliance and safety throughout the school transport network—that is some 174 schools and 700 contracts. Non-compliance, such as the failure to appropriately display the signs, results in penalties against the contract. Elsewhere, as Maureen Watt said, it has piloted the interactive school bus stop technology and the "bus stop!" education packs. Crucially, it has required the provision of seat belts in all home-to-school transport services since 2010. Belting up in a car has been second nature since it became law in 1983 and we know that wearing a seat belt can dramatically reduce the risk of serious injury or death. I am surprised that 30 years later it is not yet compulsory on buses.

I welcomed the announcement in March that the UK Government will transfer to us the powers to make it mandatory for buses that are dedicated to taking children to and from school to provide seat belts. I would be grateful if the minister could provide us with an update on the Scottish Government's plans and the reasons why—if the reports are correct—that measure will not be phased in until 2018.

My colleague Sir Malcolm Bruce highlighted further options while seeking to introduce a new road traffic offence to prevent overtaking of school buses when children are boarding or alighting, to which my colleague Liam McArthur referred. Malcolm Bruce told this Parliament's Public Petitions Committee in December 2009 of the benefits of standardising seat belt types, flashing signage and the requirement to remove school bus signs when vehicles are not operating as such.

When parents entrust their children to others each morning, whether at the school gates or the bus stop, they rightly expect them to be safe and secure. There is a duty of care. It must not take further accidents to focus minds on better protecting children during the school run.

There is much more to be done, but as everyone else has said, the initiatives would not require under-pressure local authorities to fund significant investment or new infrastructure. It is often affordable, practicable and primarily cultural changes that are needed, but they are changes that will help save lives.

17:41

**Christian Allard (North East Scotland) (SNP):** I am delighted that Stewart Stevenson, the MSP for Banffshire and Buchan Coast, has received cross-party support for his motion on the importance of school bus safety around Scotland.

Like Mary Scanlon and other colleagues who have spoken, I congratulate Mr Ron Beaty. As Mary Scanlon said, a success of the Scottish Parliament is its petitions system, which is the best way of providing access to democracy and making sure that issues are not always left to politicians, so that people such as Mr Beaty can have an input and can change legislation. Let us remind ourselves that he first petitioned the Parliament on the matter as early as 2005. It is imperative that recommendations from Transport Scotland are implemented across the country. I share his frustration about that.

At the heart of the matter is where the power lies to change legislation on bus safety standards. That power, like many others, is still reserved to Westminster, as Maureen Watt said. If a call could be made today, it is for that power to be devolved.

We all care about improving school transport safety, but where we do it is most important. European directive 2003/20/EC states that buses must be fitted with seat belts, but directives from Europe are only directives—as we know, on this matter it is up to Westminster to make them law.

Another example that we debated this morning at the Justice Committee is the lack of devolved power to tackle drink driving. Most such powers are reserved, which makes it slow and cumbersome for us here to increase road safety. If the Parliament wanted to increase penalties for a school bus driver who was over the drink-driving limit—there might be a new limit next month—it would not be able to do so.

**Maureen Watt:** Does the member agree that the campaign for schoolchildren that is running this week in the Moray Council, Aberdeen City Council and Aberdeenshire Council areas called safe drive stay alive helps immensely?

**Christian Allard:** I thank Maureen Watt very much for that. She will be pleased to know that I signed the motion today to celebrate that initiative. It is a fantastic event, given that youngsters from lots of different academies and primaries go to it. When I saw all the films and testimonies from people from different emergency services telling our youngsters that safety is important, I remembered that, when I came into the Beach ballroom in Aberdeen for the event, there was a line of buses waiting to take the youngsters back to their academy or primary. I thought, “Let’s make sure that all those buses have seat belts,” and now we are happy that they have.

It is very important that safety advice is given to the youngsters as early as possible, because we need to have a culture of safety. A culture of safety is relevant not only for us adults—and certainly not only for us politicians—but for our youngsters, who need to understand its importance from the start. It makes life a lot easier: it makes youngsters better drivers later, when they might not try to pass a school bus that has stopped next to a school. It is very important that we think about that. Safety for our youngsters is important, and a culture of safety must be recognised in this debate.

17:45

**Lewis Macdonald (North East Scotland) (Lab):** I, too, congratulate Stewart Stevenson on securing this important debate. Children’s road safety matters to us all, and road safety in general has particular resonance in north-east Scotland.

Ron Beaty is an outstanding example of an active citizen. He was affected by a tragic accident to a child on our roads and has worked tirelessly to reduce the risk to other children of suffering in the way that his granddaughter has. In that he is not alone, as we have heard. He has put a particular focus on safety around school buses and highlighted the responsibilities of government at every level.

As we have heard, the matter is not for this Parliament alone or uniquely for Scottish ministers; there are responsibilities at both United Kingdom and local government levels. I understand that Mr Beaty has raised petitions with this Parliament and the United Kingdom Department for Transport, and he has lobbied his local council as well as MPs and MSPs in the north-east region.

Mr Beaty has put a particular focus on this place and those who are accountable to it. I read his comments in *The Press and Journal* this morning, in which he said that Transport Scotland should “stop arguing and making excuses”

for not doing more and called on the Scottish Government to use the powers that it has to take the issue forward.

Members have been right to emphasise that this is not just an issue for the north-east, but there is no doubt that our region has a particular issue of danger on its roads. Aberdeenshire has the highest rate of fatal and serious accidents in Scotland, according to Transport Scotland figures for last year, which were published just last month, with more fatal accidents to people of all ages than any other council area. The number of accidents involving children on roads across the north-east is also high, and the need for action is clear.

Local councils are taking the issue seriously. As we heard, just yesterday Aberdeenshire community safety partnership hosted the 10th annual safe drive stay alive event at the Beach ballroom in Aberdeen, supported by the police, fire and ambulance services, NHS Grampian and all three councils in Aberdeen, Aberdeenshire and Moray. As has been described, pupils and guests alike were gripped by the testimony of survivors of accidents and relatives of people affected by their impact. It seems that the consequences of unsafe behaviour on our roads came across loud and clear to all concerned.

The roadshows are aimed at making young people not only safer and better pedestrians but safer and better drivers when they get behind the wheel. In the 10 years that the safe drive stay alive campaign has been running for, the number of fatal accidents in the north-east involving young drivers has fallen significantly, although there is clearly a good deal more to do.

As we have heard, we need an equal emphasis on making the school bus run safer for all concerned. Transport Scotland's guidance on improving bus safety is certainly helpful, but the question is whether more can be done to ensure that its recommendations are implemented in full, across the board.

I hope that the minister can tell us what more he can do in partnership and with the powers that he has, and how he hopes to increase the buy-in of partners across Scotland. Families should not have to worry about whether their child is going to come home safely from school. That is the point of today's debate, and Mr Beaty's impatience for further progress deserves a positive response to make his long journey worth while.

17:49

**The Minister for Transport and Veterans (Keith Brown):** First, I express my gratitude to Stewart Stevenson for bringing this important matter to Parliament and, as all other members have done, to Mr Ron Beaty, whose tireless commitment to improving the safety of our young people as they travel to and from school deserves the utmost praise and, indeed, wider recognition than it has so far had.

There are tragic family circumstances related to his efforts and I can only imagine the pain that that has caused, so his tenacity over so many years is an example to us all. He also speaks and campaigns on behalf of Alexander Milne and Robyn Oldham, who have been mentioned, who died in 2008, at the ages of 12 and 15, after being struck by cars when they stepped off school buses in Aberdeenshire.

There is no greater responsibility than the protection of our young people, and Scottish ministers remain unwavering in our endeavours to keep them safe. Reducing the risks to children as they travel between home and the classroom plays a key role in our efforts.

All parents face a natural apprehension when leaving their children in the care of others. However, as we wave our children off to school in the morning, none of us should have to worry that they will not come home safely at the end of the day. Therefore, the Scottish Government is progressing a range of measures to improve safety on dedicated school transport. I am thankful that the risk of children being seriously injured on bus journeys is small, but there is no room for complacency.

Ensuring that school buses have clear and visible signs to show that they are carrying young people is vital. We have heard reservations from various quarters around the minimum legal requirement on school bus signs. I want to be clear on that matter: the Scottish Government agrees that there is room for improvement, but the powers to legislate in that area rest with Westminster, and the UK Government has refused our request for the devolution of competence, which is extremely disappointing to say the least. Despite that, we will not be sidetracked in our efforts and Transport Scotland has introduced a range of measures to promote best practice in the area, encouraging local authorities to embrace high-visibility signage that builds on the minimum standards.

As members have mentioned, we have published guidance that not only details the legislative requirements, but encourages local authorities to go further. We are often berated in the chamber for insisting that local authorities do things; in this case, we have encouraged them to go further. To supplement the best practice guidance, Transport Scotland also ran workshops, where further encouragement was given to adopt enhanced signage.

Mary Scanlon and Alison McInnes put a challenge to the Scottish Government to do more. I accept that challenge; the request is perfectly legitimate. However, neither of them showed any inclination to support the further devolution of the relevant powers to Scotland from the Westminster Parliament. I am happy to give way to either of the members if they wish to show support for that, because those additional powers would allow us to take further measures. I am not saying that there is not more that we can do, and I am happy to discuss the matter further. In fact, Mr Beaty is in the gallery and I am more than happy to meet him again to discuss what more we can do.

**Mary Scanlon:** I do not have my speech in front of me—I have given it to the official report—but I was quoting the 2010 report's foreword. The devolution settlement is going to the Smith commission, but the promises that Keith Brown made in 2010 in relation to a consistent approach still stand—the devolution settlement, which comes four years later, will make no difference to those promises.

**Keith Brown:** It is unfortunate that Mary Scanlon did not use her intervention to say that she would support devolution of the powers that I mentioned, which are crucial to us taking the matter further. If we had a consensus in the Parliament on that, it would make a stronger case for the UK Government to devolve the powers.

The powers that we have used and the guidance that we have issued, along with the further encouragement to local authorities are, as I say, not the final word: we should look to do more and I accept that. However, we will be building on the effective work in Aberdeenshire, where there has been a successful pilot, which led to the local authority-wide roll-out of enhanced signage.

Despite the UK Government's reluctance to drive forward changes in this area, we are working with local authorities to promote innovative approaches. That is the right approach to take. It is envisaged, for example, that the Glasgow pilot will provide a robust analysis, helping us to further explore how best to promote and support the implementation of enhanced school bus signs more widely across Scotland.

In addition to signage, we are also driving forward improvements more widely, and members will be aware that I have announced our intention to introduce legislation in the next session of Parliament to ensure that seat belts are fitted to all dedicated school transport vehicles in Scotland. Alison McInnes asked why we have to wait until 2018 for those measures. We have made it clear that, as Stewart Stevenson said, it can be extremely expensive for local authorities to vary contracts. Therefore, by giving them the time—which is, in fact, the approach that was taken in Wales, where there was an agreement between local authorities and the Welsh Assembly Government—such changes can be effected when the new contracts come up. Not all councils should have to wait until 2018, but that is the backstop. That is why we have taken that approach.

**Stewart Stevenson:** In a world in which commercial operations are under ever greater scrutiny, does the minister agree that events such as this debate can often lead companies to act ahead of legislation? We should not underestimate the ability of that to happen.

**Keith Brown:** Indeed. Another point is that local authorities have substantial discretion to insist on higher standards. As Alex Rowley said, there are sometimes resource implications in that regard. When I was a council leader, I faced the same challenge to do with reducing the school bus service to the statutory minimum, and I always refused to do so. However, resources are always a question for local authorities.

Enhanced signage is an important measure, which will ensure schoolchildren's safety on home-to-school transport. We have set up a working group of partners, which is taking forward discussions to ensure that everyone involved is ready for the changes that will come into effect. We are aware that there can be issues with bus operators who fail to remove school signs when they undertake journeys without children on board. That is disappointing. The guidance is clear and local authorities should make that a condition of contracts with operators.

We will continue to work with partners to consider what further action we can take. I repeat my offer to meet Mr Beaty again. I have met him on a number of occasions when he has come to meetings of the Parliament's committees and I acknowledge the work that he has done. If he is aware of further suggestions that we can take forward with the powers that we have, I will be more than happy to hear them—indeed, I will be happy to hear suggestions from any of the members who have spoken in the debate.

It is vital that we promote safety for all our pupils as they go to and from school. That is why we are working to reduce traffic speeds on school routes and around schools. Lewis Macdonald, in his very balanced speech, acknowledged that different levels of democracy have different powers in this area. We must try to work together for the common good.

We are also working to promote risk-assessed school transport pick-up and drop-off points, to encourage the regular review of school travel plans and to promote education materials that foster road safety behaviour that can last a lifetime. Through that comprehensive approach, we can continue to reduce the risks to young people who use the roads on their way to school. That is a goal towards which I am sure that all of us in the Parliament and beyond strive.

*Meeting closed at 17:56.*

## Correction

Dr Simpson has identified an error in his contribution and provided the following correction.

**Dr Richard Simpson (Mid Scotland and Fife)  
(Lab):**

*At col 6, paragraph 4—*

*Original text—*

In Lothian, 74 practices have closed to new registration, and the same problem is occurring in other health board areas.

*Corrected text—*

In Edinburgh, of the 74 practices, 16 have closed to new registration, and the same problem is occurring in other health board areas.

[Members' corrections page](#)





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