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Wednesday 20 June 2018

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Scottish Parliament

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[The Deputy Presiding Officer opened the meeting at 13:30]

Agricultural Support (Post-Brexit Transitional Arrangements)

The Deputy Presiding Officer (Linda Fabiani): The first item of business is a statement by Fergus Ewing on the future of Scottish agricultural support—post-Brexit transitional arrangements. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

13:30

The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing): Scotland did not vote for Brexit, but we will have to deal with its consequences. The Scottish Government's preferred option is for the whole United Kingdom to remain in the European Union. Failing that, our consistent position has been that staying in the European single market and the customs union is essential for Scotland's economy and particularly our rural economy. That would enable us to continue to benefit from the four freedoms—the freedom of movement of goods, services, people and capital—and from a wide range of environmental, animal, plant and food standards, but it would mean that we were outside the common agricultural policy.

In recent months, a wide range of stakeholders have promoted the prospect of change. One of the central conclusions of the agriculture champions was:

"No change is not an option."

That premise also featured strongly in the discussion paper that the national council of rural advisers published last week. It said:

"Now is the time to change the way we think, act and operate to tailor bespoke policy frameworks."

The title of NFU Scotland's discussion document on a new agricultural policy for Scotland post-Brexit is simply "Change".

Change therefore seems inevitable; what we must determine is how far we go and—which is important—how fast. We must navigate our future through a bewildering set of uncertainties. We do not yet know when we might be made to leave the EU—that might be on 29 March next year, at the end of 2020 or at some date that is as yet unknown.

There is little clarity about funding. We have a commitment from the UK Government that it will provide the same cash total in funds for farm support until the end of the current UK Parliament, and that contracts that are entered into before the end of March next year will be honoured. We are said to be leaving the EU on 29 March 2019, but we have no idea what will follow.

That is not all. Time and again, Cabinet colleagues and I have sought additional information about funding guarantees but it has not been forthcoming. Perhaps worst of all is the prospect of being denied control over or access to the powers that were hard won in the devolution settlement. Those powers matter hugely for rural Scotland, as they would enable Scotland to design its own solutions for funding and policy to meet Scottish needs in farming, food production, food standards and the environment.

The clock is ticking. We can no longer wait for Westminster but must get on with determining our future. Scotland's wellbeing might mean nothing to Westminster, but it is our central and overriding concern.

Rural Scotland deserves security and stability in the short term, so I am today launching a consultation on proposals to provide stability and security for rural businesses in the immediate post-Brexit period. It marks the start of the process of developing a new rural support policy for Scotland.

Mike Rumbles (North East Scotland) (LD): Hooray! Well done.

Fergus Ewing: The consultation also forms part of the civic conversation that the national council of rural advisers will lead over the summer to shape a comprehensive new approach to supporting Scotland's rural economy.

The consultation focuses on what might be done to provide stability in the period immediately after Scotland might have to leave the EU in 2019. It sets out ideas for short-term simplifications that could help current claimants of CAP-related support while improving or enhancing the delivery of policy goals. It asks questions about how best to support agriculture and integrate it into the broader rural economy over the transition period and beyond. It also seeks views on how pilot projects might be developed to test different approaches to rural support that might be taken forward. It is not an entirely open-ended consultation, however, as I am clear about what the key proposals should be and that the proposals should aim to deliver stability and security for businesses and communities.

The plan proposes that we have a transition period. The agriculture champions' recommendation and rationale for a three-year to

five-year period is compelling. Such a transition period would provide the space that we need to properly develop and devise a new and different approach for Scotland, which is in stark contrast to the one-year transition period that is currently proposed by the UK.

I propose that, within the five-year window, we have a two-year period of stability in which we continue to adhere to EU rules. I envisage that, during that initial phase, current EU support schemes will remain largely the same and provide security where it is needed most. That security will be enhanced for more than 11,000 farmers and crofters by my decision to also maintain the less favoured area support scheme in 2019 at 80 per cent, ensuring that our most marginalised farmers and crofters continue to receive the support that they need.

I propose to make some amendments to payment schemes in the second phase of the transition period to simplify and improve customer service, to provide enhanced public benefit and to make it clear that we are not standing still during that crucial period.

I want to explore and consider income parameters for farm payments, but I also want to declutter the payment landscape by removing penalties for minor indiscretions. Such an approach signals a key shift in mindset and attitude away from strict compliance towards a relationship that is based on trust and that values and supports delivery that is based on outcomes. I also want to reduce the administrative burden with regard to a range of steps in the payments system and process including inspections, mapping and scheme rules. Further, I propose that we use that time to streamline and synergise some of the myriad pillar 2 schemes.

Those measures will free up resource, in its widest sense, to be invested more in activities that we do now that we will want to continue in the future. For example, we already want to support more new and young entrants into farming and food production, so we will want to continue providing support in that area. However, we will also utilise resources to innovate and to develop and pilot new approaches. As well as encouraging new and young entrants, there are intergenerational challenges that we will need to address.

During the consultation, I want to hear views on the longer-term direction of travel. All ideas and proposals will be explored as part of the wider civic conversation on how best to sustain a vibrant and flourishing rural economy in the future. Key to that will be exploring how best to combine delivery of desirable outcomes for rural Scotland with support in the future. A new rural policy framework should seek to ensure that public investments in

social, economic and environmental capital not only create a stable and secure environment for rural businesses but contribute to a sustainable, productive, diverse and thriving rural economy.

There is no doubt that the next few years will be extremely challenging for rural Scotland. However, unlike the UK Government, which becomes more chaotic and clueless by the day, this Government is focused on its responsibilities to protect and serve the best interests of the people and businesses in our rural communities. Since the EU referendum, almost two years ago, the UK Government has provided little clarity and almost no certainty. With less than a year to go to a Brexit that Scotland neither voted for nor wants, we cannot wait any longer. Rural Scotland needs and deserves as much security and stability as can be provided in the short term, and today I have published a plan to achieve that.

The Deputy Presiding Officer: The cabinet secretary will take questions on the issues that have been raised in his statement. I intend to allow around 20 minutes for that before we move to the next item of business.

Donald Cameron (Highlands and Islands) (Con): I thank the cabinet secretary for advance sight of his statement, and I refer to my declarations on crofting and farming in the register of members' interests.

It was with a sense of irony that I heard the cabinet secretary say that the Scottish Government feels that it can no longer wait and that we must get on with determining our own future, given that every Opposition party in the chamber has been urging the Government to stop dithering and get on with outlining its plans since the Brexit vote almost two years ago.

This is the third ministerial statement in as many weeks, and until now it is the Scottish Government that has provided little clarity and almost no certainty. It is only after pressure from the Scottish Conservatives, a day before the Royal Highland Show, that the cabinet secretary has finally been forced to make a statement to Parliament.

That said, we welcome this consultation about transition. We will take time to digest the proposals. Where there is common ground, we will seek to find it. Our priorities for support are that the UK internal market is protected and that the support concentrates on production from active farming, protects our environment and recognises that 85 per cent of farmland in Scotland is in less-favoured areas.

My questions to the cabinet secretary are these. First, in the light of the documentation of the last three weeks, will he commit to holding a proper debate on this subject, in this chamber, as soon as possible after recess? Secondly, given the

concerns that NFU Scotland expressed yesterday about the European Commission's approach to LFAS, does he recognise that caps on LFAS of 80 per cent in 2019 and of potentially 20 per cent in 2020 will be a significant blow to many of Scotland's livestock farmers?

Fergus Ewing: In response to the questions that Mr Cameron asks, I am happy to debate those matters—that is right. There is a question about the timing of a debate, as it would benefit us to have the responses to the consultation document—the document that I have here, which will be consulted upon. I propose, however, subject to the parliamentary authorities, that a debate be had. That is a positive suggestion and I entirely agree; it is something that we would do anyway.

I am sorry to disabuse Mr Cameron of his notion of the efficacy of the Scottish Conservatives, but we have in fact been working on this for several months, as I hinted when I gave evidence to the Rural Economy and Connectivity Committee, and as I think that any member would expect.

As far as LFAS is concerned, the European Parliament happily postponed the operation of the 80 per cent limit, and therefore we maintained LFAS at 100 per cent this year in Scotland. It will go down to 80 per cent, but it is completely unacceptable that it go down to 20 per cent the year after. The consultation paper sets out proposals and asks how we avoid that coming to pass. It is essential that we support our hill farmers. I am pleased that Mr Cameron has raised this matter, and I intend to press the point with Mr Gove when I see him at the Royal Highland Show tomorrow.

I am pleased that the Conservatives have recognised that this is a serious document. I think that it will be broadly welcomed by many farmers precisely because it offers stability of continued income. It is, of course, dependent on the UK Government playing its part and delivering on its promises that, post Brexit, it will deliver—and at least match—the EU funding that we came to acknowledge as necessary.

Colin Smyth (South Scotland) (Lab): I thank the cabinet secretary for advance sight of his statement. Today's statement is long overdue but it is also welcome.

I agree with the cabinet secretary that, in the current constitutional chaos, there remains a lack of clarity from the UK Government on areas such as policy funding, devolution, access to EU labour and trading conditions.

The reality is that, for months, organisations such as the NFU and Scottish Environment LINK and Governments such as the Welsh Government have been leading the way by setting out what

they see as the key principles for rural and agriculture support post-Brexit, but the Scottish Government has been left standing.

There is much in the statement that I welcome and agree with, such as a stability period of two years and a commitment to declutter the payment landscape, but, as the cabinet secretary said, the clock is ticking. Will he give a clear commitment that the consultation will be carried out on a timely basis and that firm, detailed proposals will be set out as soon as possible? Rural businesses and communities need to start to plan now, and the lack of clarity is already damaging our rural economy.

Fergus Ewing: Being an optimist, I will interpret that broadly as a welcome. To be serious, I will say that the plan sets out a very clear set of proposals. It sets out that farmers, in a stability period for the next two years, would, broadly speaking, continue to receive the payments that they have received under pillar 1—the basic payment and the other payments.

It then suggests that there should be a further three years in which we should proceed along those lines but then seek to introduce improvements and changes. I think that that mix of stability, certainty and simplicity will be broadly welcomed by farmers in Scotland.

Having read the other documents that have been published by the UK Government and other bodies throughout the UK, I have to say that our document is—as far as I am aware—the most detailed plan that exists on Brexit, and that is because we have spent several months working on the need to replace the uncertainty of the current time with certainty over a period of not one year, as Mr Gove proposes, but five years. If I am right, farmers will think that the five-year transition will give us the time to prepare for the change that I think that most commentators regard as necessary.

The Deputy Presiding Officer: A lot of members want to ask questions, so I ask people to get straight to their question and I ask the minister to give short answers, where possible.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): As, I know, my constituents will, I welcome the cabinet secretary's commitment to more than 11,000 farmers and crofters with his decision to maintain LFAS at 80 per cent next year.

Does the cabinet secretary agree that any move to pay LFAS at 20 per cent for 2020 would be severely detrimental to crofters and farmers, many of whom have made that clear to me? Further, will he commit to exploring options to ensure that our most marginalised farmers and crofters, many of whom are in my constituency, continue to receive the support that they need?

Fergus Ewing: Kate Forbes represents much of Inverness-shire and Ross-shire. Many hill farmers in those areas, in my constituency and, indeed, throughout the 85 per cent of Scotland that is covered by LFAS rely on those payments. As I said, LFAS going to 20 per cent is completely unacceptable.

I remind members that Scotland is the only part of the UK that has continued with LFAS—I think that that has been the case for around seven years.

Page 13 of the consultation paper says:

“The Scottish Government’s main priority is to explore options for protecting affected farmers and crofters in this period and maintaining levels of income support as far as possible, taking into account legislative, state aid and budgetary factors.”

We are wholly committed to doing precisely what Kate Forbes has asked us to do for her constituents.

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

I am delighted that the cabinet secretary has come forward with some ideas in answer to our calls and the calls of industry. It is sad that it has taken so long, but I welcome that he has accepted the need for a two-year stability period. However, as he says, the clock is ticking.

In most cases, farming businesses are already working to a five to 10-year plan. Will the Scottish Government publish before the end of this year its vision for agriculture for the period following on from the two-year stability period?

Fergus Ewing: The document sets out clearly our vision for agriculture, and I have done so many previous occasions. I am pleased that there is a broad welcome for the plan. It sets out a transition period lasting five years, the first two of which would, broadly, be affected by EU rules and the further three of which would give us an opportunity to provide something that every farmer to whom I have ever spoken has wished for, which is a simpler system. The paper sets out a number of ways in which, in relation to mapping, inspections and administration, that simpler system could be achieved. To be fair to him, Commissioner Hogan has also expressed similar desires and objectives in the current CAP proposals that were considered by the Council of Ministers in Luxembourg, during a session that I attended part of.

We have published what is, as far as I am aware, the most detailed Brexit plan in the whole of the UK. I expect that, during the course of the Royal Highland Show, which many of us will be attending, I will engage with many farmers and discuss with them the proposals, and I hope that I

will get their views on the consultation document over the summer months.

John Mason (Glasgow Shettleston) (SNP): The cabinet secretary mentioned a number of bodies, including the agriculture champions, the national council of rural advisers and the NFUS—others would, I think, include the CAP greening group—that have done quite a lot of work on this area and have submitted comments on it already. Does he feel that a further consultation is necessary and that there is more to be gained from that?

Fergus Ewing: I think that it is necessary because, looking at this analytically, there are really two periods. There is a period where we prepare for change, and then there is the period of major change after that. In my view, it is essential that the first period is long enough to have the national debate that all members recognise is necessary, to formulate the policy, and then to ensure that we are capable of delivering and administering it perfectly. That takes time. It is somewhat comical that the UK Government thinks that that can be achieved in one year. It cannot. I suspect that the UK will renege on that at some distant time. However, I do not think that there is any overlap or duplication between the various reports that have been issued. They are all intended to do different things, and I am proud that the Scottish Government has already reached out, through the national council of rural advisers and through our four agriculture champions, to set out clearly a vision of what the longer-term change will be after the end of the transition period.

Claudia Beamish (South Scotland) (Lab): I welcome the long-overdue consultation. In the section on simplification and piloting new approaches, what is there to inspire the necessary shift to a fusion of production and environmental ways of working towards agro-ecology, and what is there on support that farmers will need for that?

Fergus Ewing: Many farmers are already grasping that challenge and are doing so with vigour and success. We want to continue the work to focus on the environment—for example, in carbon testing, improvement of soil quality and concentrating on effective drainage techniques that are centuries old and are fundamental to farming. The consultation paper sets out certain matters relating to the environmental schemes in pillar 2, although more work needs to be done on that because they are largely not recurrent payments; in many cases, the schemes are individual projects. I look forward to working with Claudia Beamish on developing a simpler system that meets the needs of farmers and of the environment.

Emma Harper (South Scotland) (SNP): I remind Parliament that I am the parliamentary

liaison officer to the cabinet secretary. He has mentioned that he and his colleagues have pressed for certainty—on funding, for example. Can he provide us with examples of matters on which we do not have certainty?

Fergus Ewing: There are three or four areas on which we do not have certainty. First, we do not know what the position is in relation to pillar 2 projects that are signed for after 2019, which is less than a year away. Most of those projects are very long term. Secondly, we have no idea what the funding position will be after we fully leave the EU. Thirdly, we do not know whether the UK will deliver and implement the promise that it made that the funding that we have been receiving from Europe will be at least matched.

Finally, there is a matter that I will be pressing Mr Gove on when I meet him at the Royal Highland Show, which is that we still have no action on implementing the convergence funding pledge that he made to proceed with an independent review. I can only assume that he will, when he comes to Scotland tomorrow, announce that the delay is over, that the dithering is at an end and that the review will, as he promised last November, finally go ahead after years of delay.

Mark Ruskell (Mid Scotland and Fife) (Green): I quote:

“We will incentivise methods of farming that create new habitats for wildlife, increase biodiversity, reduce flood risk, better mitigate climate change and improve air quality”.

Sadly, that is not the Scottish Government’s vision, but the vision of the Department for Environment, Food and Rural Affairs, which has been out for consultation since February. We still await the Scottish Government’s vision for what it is trying to achieve with its food and agriculture policies. How will the status quo measures that have been announced today get Scotland’s biodiversity targets back on track? We are failing to hit our biodiversity targets. We have the news that one in five British mammal—

The Deputy Presiding Officer: Mr Ruskell, you have asked your question.

Mark Ruskell: They are facing extinction. What is the cabinet secretary—

The Deputy Presiding Officer: You may answer the question now.

Fergus Ewing: I refer Mark Ruskell to question 25 on page 22 of the consultation paper, regarding agri-environment climate scheme matters, and to the section on climate change on page 18. It seems that he has not read them.

Mike Rumbles (North East Scotland) (LD): The cabinet secretary said in his statement that the consultation

“marks the start of the process of developing a new rural support policy for Scotland.”

I said, “Hooray!” However, 18 months ago Parliament unanimously told him, through a Liberal Democrat amendment, to start the process. We have lost a year and a half. Why has it taken him so long?

Fergus Ewing: I was pleased to hear the hurrah, but I expected it to be caveated, so I am not surprised that it was.

We have worked on the proposals for some time. We hoped that we would have had greater clarity by now on the big Brexit questions, including whether there will be tariffs of as much as 70 per cent on some of our food produce, whether people who come here to work from EU countries will be able to continue to do that, and whether we will be flooded by cheap meat imports from countries that do not respect our high environment and welfare standards, but no answers have been forthcoming.

We have been preparing the consultation for several months. As I said in my statement, we decided that the time for waiting for Westminster to act was over. I hope that the most detailed plan in the UK will alleviate the concerns of farmers. It is now over to the UK Government to confirm that it will provide the necessary funding to enable stability, certainty and simplicity to be guaranteed over the five years ahead.

Joan McAlpine (South Scotland) (SNP): Scottish farmers have been in the single market for all 25 years of its existence. As the cabinet secretary has outlined, without membership of the single market and the customs union, they will face tariffs and labour shortages. Does the cabinet secretary share my concern that no amount of subsidy could mitigate the damage that would be done to farmers and rural communities by a Tory hard Brexit?

Fergus Ewing: That is a very serious point with which I entirely agree. I noticed that, just this morning, the director of the Fraser of Allander institute said of the UK Government:

“With just nine months to go until the UK leaves the EU, the lack of a coherent plan from within Whitehall about the UK’s long-term economic relationship with our most important trading partner risks holding back Scotland’s recovery.”

At least the Scottish Government has today published a plan that will address some of the problems. However, it cannot address the bigger problems that Joan McAlpine mentioned relating to the freedom of movement of people, application of tariffs and withdrawal of access to the single

market, which has been very important to our farmers in Scotland.

John Scott (Ayr) (Con): I declare an interest as a hill farmer.

Another day, another consultation. In the real world, concerns are growing. The cabinet secretary is well aware of the concerns of the sheep industry and Quality Meat Scotland about the future viability of sheep farming in Scotland's LFAs post-Brexit, given the massive cuts to LFASS that the cabinet secretary is proposing. Given the lack of alternatives to sheep farming in much of Scotland's LFAs, what additional special measures does the Scottish Government consider will likely be required to keep farmers, as food producers and custodians of our landscape, in business in Scotland's LFAs post-Brexit, as LFASS payments reduce from £65 million to £13 million in 2020?

Fergus Ewing: As I have said, I ensured that this year LFASS payments were paid at 100 per cent, after the European Parliament secured that concession from the previous proposals—the previous proposal was that payments must be at 80 per cent. We took action to deal with that. We have announced that we will continue to pay LFASS at the maximum possible rate at which we can pay it.

I referred to page 13 of the consultation paper in responding to Kate Forbes's question. I think that Mr Scott envisaged LFASS going down to 20 per cent in the figures that he quoted. That is not acceptable. Therefore, we want views from all concerned about alternative means of providing the necessary support. I am pleased that there seems to be consensus across the chamber that that is the correct approach.

The Deputy Presiding Officer: If Angus MacDonald's question is very quick, I can squeeze it in.

Angus MacDonald (Falkirk East) (SNP): Has the UK Government bothered to share its draft agriculture bill? Will it contain measures that will impact on farming and food production in Scotland?

The Deputy Presiding Officer: Mr Ewing should give a very quick answer, please.

Fergus Ewing: No, it has not.

Portfolio Question Time

Health and Sport

14:00

NHS Lothian (Musselburgh General Practitioner Services)

1. **Kezia Dugdale (Lothian) (Lab):** To ask the Scottish Government what discussions it has had with NHS Lothian regarding general practitioner services in Musselburgh. (S5O-02239)

The Cabinet Secretary for Health and Sport (Shona Robison): NHS 24 is delivering a pilot at the Riverside GP practice in Musselburgh whereby it is triaging patients who have requested same-day GP appointments. Where appropriate, NHS 24 will signpost patients to areas of the primary care system that are better placed to meet their needs, often more swiftly. Indications are that the pilot is working well, with a number of patients signposted to more appropriate support, freeing up GPs to deal with patients with more complex needs. A full evaluation is under way with a report due in the coming weeks, which will be shared with health boards and integration authorities.

Kezia Dugdale: Earlier this month, 200 angry Musselburgh residents turned out at a public meeting because they have had real and persistent difficulties in accessing GPs locally. They do not think that the pilot is working that well. Many of the problems are caused by a GP shortage—a point that the practice and the British Medical Association have acknowledged. Can the cabinet secretary explain to my constituents why they have to phone NHS 24 to see their GP and when she expects Scotland's GP shortage to be resolved?

Shona Robison: The pilot that NHS 24 is running is a system that has worked well elsewhere and that has had strong evaluation, so I urge Kezia Dugdale to wait for the formal evaluation of the pilot. I am happy for her to be furnished with the evaluation if she would be interested in that.

With regard to the way forward for general practice, she will be aware of the new contract that has been put in place with substantial resources to back it up. In this financial year, we will invest £100 million to support the new contract, and we also have the ambition to increase the number of GPs by at least 800 over the next 10 years. In addition, the multidisciplinary team will make sure that we can reduce the workload of GPs.

Miles Briggs (Lothian) (Con): As Kezia Dugdale has outlined, Musselburgh residents are complaining of long waits—often of half an hour—

just to get through on the phone and then waits of around three weeks before they are seen by a GP. Does the cabinet secretary think that that is acceptable?

Shona Robison: No, I do not think that that is acceptable. However, it is important that we try new ways of working. The NHS 24 system has worked well in other areas and has been well received by patients. If there are issues with the way in which the pilot is working in Musselburgh, that will need to be picked up by the evaluation.

More generally, Miles Briggs will know that the work around the expansion of the primary care team, the new GP contract and the increase in the number of GPs over the next 10 years are all about reducing the workload of GPs so that they can spend more time with patients when they need to. That requires a multidisciplinary team, which it will take a bit of time to put in place.

Attention Deficit Hyperactivity Disorder Diagnosis (Adults)

2. Daniel Johnson (Edinburgh Southern) (Lab): To ask the Scottish Government what the average waiting time has been in the past year for adults seeking diagnosis for attention deficit hyperactivity disorder and how many rejected referrals for diagnosis there have been. (S50-02240)

The Minister for Mental Health (Maureen Watt): The data on waiting times for psychological therapies is collected by Information Services Division Scotland. The data is gathered in an aggregate form from NHS boards and does not allow waiting times and rejected referrals for adults with an ADHD diagnosis to be analysed separately.

Daniel Johnson: It is dreadful that we do not capture that data, because it is critical in enabling people to be directed to the right specialists. It is a bit like not knowing whether people are being referred to oncology or to orthopaedics for physical health conditions. Anecdotal evidence—

The Deputy Presiding Officer (Christine Grahame): No—I want your question, please.

Daniel Johnson: What will the Government do to catch that information so that people can be directed more effectively in mental health services?

Maureen Watt: As I said in my previous answer, that information is not collected at the moment but we are looking into the matter and are in discussion with ISD Scotland on how we can move it forward.

Ageing Population (Oral Health)

3. Stewart Stevenson (Banffshire and Buchan Coast) (SNP): To ask the Scottish Government what action it is taking to meet the oral health needs of an ageing population. (S50-02241)

The Cabinet Secretary for Health and Sport (Shona Robison): In January, we published Scotland's "Oral Health Improvement Plan", which includes actions to ensure that older people receive appropriate oral health care. One of our priorities is to introduce a new domiciliary care service. For adults, including older patients, the plan also introduces an oral health risk assessment, which will ensure that dentists can offer tailored advice to older people on how to look after their oral health and minimise any risk of dental disease, including oral cancer.

Stewart Stevenson: What discussions has the Scottish Government had with the United Kingdom Government on including dentists in the proposed visa cap scheme, particularly given the large number of European Union nationals who operate as dentists in the north-east of Scotland, whose future in the service might be at threat?

Shona Robison: The member is right to point to the number of EU nationals who are working as dentists in the north-east of Scotland—that is also the case in Dumfries and Galloway—as a result of previous successful recruitment campaigns. I would be very concerned to lose any of them from Scotland.

An announcement last week confirmed that, from 6 July, doctors and nurses are to be excluded from the cap on skilled worker visas under tier 2 of the immigration rules. Although that is welcome, we need to see the detail of the policy, which may increase capacity for other applications from outside the health professions. Obviously, dentists are not directly covered, so we want to take the matter up with the UK Government, and we will seek further detail on that in the coming weeks.

Anas Sarwar (Glasgow) (Lab): I refer to my entry in the register of members' interests, which shows that I am a former practising dentist and that my wife is still a practising dentist.

The health secretary will be aware that the British Dental Association has raised concerns about the risk, which the new oral health action plan poses, that more patients will turn to private plans such as Denplan. What assessment has been made of the number of patients who are turning to Denplan? Will the cabinet secretary agree to meet me and a delegation from the BDA as well as practising dentists to discuss the issue further?

Shona Robison: I have discussed the issue with the BDA and with dentists when I have had opportunities to engage with them. They have raised positive issues about the new plan as well as some of the concerns that Anas Sarwar has raised. He will understand that the issue is about making an appropriate risk assessment and that the whole idea is to ensure that dentists can spend more time with those who have the poorest oral health. That means that the appropriateness of the plan is dependent on the person's oral health. I would hope that we can all agree on that.

On the implementation of the plan, it is important that the chief dental officer and others continue to engage with the BDA and others—as I will do—to reassure them on the issues that they have raised.

NHS Fife Primary Care Emergency Services (St Andrews)

4. Willie Rennie (North East Fife) (LD): To ask the Scottish Government what discussions it has had with NHS Fife regarding the withdrawal of primary care emergency services from St Andrews, and what action it will take to ensure that the town is considered an option for future service provision. (S5O-02242)

The Cabinet Secretary for Health and Sport (Shona Robison): My officials have been in regular contact with Fife health and social care partnership during the contingency period for the primary care out-of-hours service in Fife. The provision of a safe and sustainable out-of-hours service is the responsibility of NHS Fife in collaboration with the health and social care partnership. I understand that the partnership will shortly consult on the future of the out-of-hours service across Fife. The review, including an options appraisal, has been in development for some time in response to the recommendations from Sir Lewis Ritchie's report on out-of-hours services in Scotland, which was published at the end of 2015.

Willie Rennie: Does the health secretary understand the level of anger and frustration that exists in the whole of North East Fife? St Andrews community hospital is not even an option in the consultation that she just talked about for primary care emergency services, even though local general practitioners have offered to support a local solution in North East Fife. Will the health secretary intervene to ensure that that is considered as an option, so that the whole of Fife can get the service that it deserves?

Shona Robison: As I said, my officials are in regular contact with the partnership. I understand that the partnership is continuing its discussions with GP colleagues in North East Fife on the future of the out-of-hours service and their potential

contribution. I have asked to be kept informed of those discussions as they progress.

Liz Smith (Mid Scotland and Fife) (Con): Does the cabinet secretary agree with Professor Sally Mapstone, who is the principal of the University of St Andrews, and her senior officers? At the recent public meeting to which Mr Rennie has just referred, they argued that the large percentage share of students in the town creates a unique demography that, in itself, is reason to treat St Andrews as a special case when it comes to the provision of medical services.

Shona Robison: In implementing the proposals, the partnership will have to look at the provision in the whole area, including St Andrews. I would expect it to take into account the demographics of the population, including the student population to which Liz Smith has referred. All of that should be looked at, and I will make the point that Liz Smith has raised to officials to pass on to the partnership.

NHS Dumfries and Galloway (Vacancies)

5. Colin Smyth (South Scotland) (Lab): To ask the Scottish Government what action it is taking to fill vacancies at NHS Dumfries and Galloway. (S5O-02243)

The Cabinet Secretary for Health and Sport (Shona Robison): NHS Scotland boards are required to have the correct staff in place to meet the needs of the service and ensure high-quality patient care. The Scottish Government works closely with boards to support their efforts in staff recruitment. The Scottish Government remains fully committed to a sustainable NHS and its workforce, who continue to deliver consistently high-quality healthcare services to the people of Scotland, including those in NHS Dumfries and Galloway.

NHS Dumfries and Galloway is currently exploring a number of options to meet its continuing recruitment challenges, particularly in relation to medical staffing. The board has reported that it has recently made a number of offers of appointment and that further targeted recruitment activity is planned.

Colin Smyth: Does the cabinet secretary realise that, in NHS Dumfries and Galloway, the vacancy rate for pharmacists is 28.4 per cent and the vacancy rate for consultants is 22.1 per cent? The bill for locums is an eye-watering £12.6 million per year because it cannot fill vacancies. Newton Stewart and Moffat hospitals have just had to cut their numbers of beds by a third because there is a shortage of nurses. The health board has reported that it—

The Deputy Presiding Officer: No—I need a question now, please, Mr Smyth.

Colin Smyth: I ask the cabinet secretary whether she is aware of all those matters.

The Deputy Presiding Officer: Thank you. I call the cabinet secretary.

Colin Smyth: Is she aware or—

The Deputy Presiding Officer: No—thank you. Cabinet secretary.

Shona Robison: Yes, of course. That is why, in my initial answer, I referred to the recruitment campaign that we support NHS Dumfries and Galloway in undertaking. I hope that the board will be part of our international campaign, which I announced just this week, to help to fill key specialties that are very difficult to fill here.

Emma Harper (South Scotland) (SNP): What action is the Scottish Government taking to grow our NHS workforce across Scotland?

Shona Robison: Under this Government, the workforce has increased by more than 10 per cent, to historically high levels. In the past year alone, it has risen by almost 500, to nearly 140,000. The fact that we have more posts sometimes impacts on the vacancy level, which we are determined to address.

Finlay Carson (Galloway and West Dumfries) (Con): In 2015, we saw a GP recruitment and retention programme recruit, at a cost of £2.5 million, only 18 doctors, none of whom was in Dumfries and Galloway. Only this month, there has been an announcement of yet another similar scheme. This health secretary has been trying such schemes since 2015, and they seem to be failing. Does she not agree that fresh ideas for recruitment in rural areas are needed urgently?

Shona Robison: Well, if Mr Carson has any such ideas, they would be gladly received. However, the ones that we have had have been based on evidence about how to conduct the recruitment of GPs, which has been very difficult everywhere and not just in Scotland. Such incentives are proven to attract GPs, and we want to do more of that. As I have said, the international recruitment campaign that we have launched this week will look at the key specialties, of which I am sure that general practice will be one.

Health and Social Care Hub (Glasgow East End)

6. John Mason (Glasgow Shettleston) (SNP): To ask the Scottish Government what its position is on whether Parkhead should be the location for a new health and social care hub for the east end of Glasgow. (S5O-02244)

The Cabinet Secretary for Health and Sport (Shona Robison): The decision on the location of the new health and social care hub is a matter for

local determination by the Glasgow health and social care partnership in consultation with local stakeholders. I expect the initial agreement to be submitted to the NHS capital investment group for discussion at its next meeting in August. Before any final decision is made, I expect the partnership to carry out a site options appraisal, which will be an open and transparent process as required by the Scottish capital investment manual.

John Mason: I accept that the decision will, and should, be made locally. However, will she at least accept that transport—especially public transport—links to Parkhead are much better than those to other sites such as Lightburn, so that Parkhead is by far the best option?

Shona Robison: Full marks to John Mason for trying. As I have said, I expect the health and social care partnership to engage fully with the local community before coming to a conclusion. All the issues that John Mason has raised, including transport links, deprivation and, of course, an analysis of the best site, will be taken into account. Once a shortlist of options has been agreed to, further engagement will take place.

NHS Ayrshire and Arran (Gender Pay Gap)

7. Jamie Greene (West Scotland) (Con): To ask the Scottish Government what action NHS Ayrshire and Arran is taking to tackle its gender pay gap. (S5O-02245)

The Cabinet Secretary for Health and Sport (Shona Robison): NHS Ayrshire and Arran's latest published gender pay gap information shows a male-to-female pay gap of 2.84 per cent for NHS agenda for change staff overall and 4.63 per cent within the consultant cohort. Each health board has published its own gender pay gap data, which is not collated centrally across NHS Scotland. However, the figures for NHS Ayrshire and Arran compare favourably with the full-time gender pay gap in Scotland, which was 6.6 per cent last year, compared with a United Kingdom-wide gap of 9.1 per cent.

Jamie Greene: In Ayrshire, the reality at University hospital Crosshouse is an average pay gap of £35,000 between male and female consultants, with men earning a staggering 61 per cent more than their female counterparts. Will the cabinet secretary introduce any proposals or strategies to address the huge variations in the gender pay gap in our NHS?

Shona Robison: The Scottish Government has taken clear steps to promote NHS Scotland as a modern, inclusive and diverse employer and is supportive of all measures to promote women in strategic leadership roles and deliver a more equal workforce, including tackling the gender pay gap.

NHS staff receive NHS pay rates and receive the rate for the job. Although the rate is the same for male and female workers, evidence of a gender pay gap is sometimes quoted as average earnings, but that, of course, does not take into account hours worked and any allowances accrued.

The gender pay gap at that grade reflects the fact that, historically, there were few female consultants in NHS Scotland due to childcare commitments and career breaks. The situation is slowly changing, and more specialties report that between 30 and 60 per cent of females are in post in the middle trainee grade. When those doctors finish their training, the percentage of female doctors and consultants will increase across NHS Scotland, which will help to close the gender pay gap.

General Practitioner Appointments

8. **James Kelly (Glasgow) (Lab):** To ask the Scottish Government what action it is taking to ensure that general practitioner appointments are being made available in a timely manner. (S5O-02246)

The Cabinet Secretary for Health and Sport (Shona Robison): The new GP contract, which is backed by investment of £110 million in 2018-19, will ensure that GPs can spend more time with patients when they really need to see them, as well as developing wider multidisciplinary teams to support GPs and to improve patient care. We are also working to increase the number of GPs by at least 800 over 10 years to ensure a sustainable service that meets increasing demand.

James Kelly: The lack of GP appointments is a constant issue across my region. A woman from Blantyre recently told me that it would take more than three weeks for her to be allocated an appointment. I have raised the issue in writing with the cabinet secretary and I am still waiting for a reply 10 weeks down the line. When will she reply to the issue that I raised on behalf of my constituent? What specific—

The Deputy Presiding Officer: Thank you. I call the cabinet secretary.

James Kelly: What specific action—

The Deputy Presiding Officer: I call the cabinet secretary. Please, Mr Kelly.

James Kelly: —is being taken to address the GP crisis?

Shona Robison: As I have outlined, the level of investment that we are making, the new GP contract, the primary care plan and our ambition to increase the number of GPs by at least 800 over the next 10 years show our plans to expand primary care.

I will chase up the reply to James Kelly's letter and make sure that he gets that as quickly as possible.

Distress Brief Intervention Pilot

9. **Linda Fabiani (East Kilbride) (SNP):** To ask the Scottish Government how it is progressing the distress brief intervention pilot. (S5O-02247)

The Minister for Mental Health (Maureen Watt): The distress brief intervention pilot went live in June 2017, initially in Lanarkshire only, with the other pilot areas in Aberdeen, the Scottish Borders and Inverness going live in October 2017. The pilot is being hosted and led for the Scottish Government by North and South Lanarkshire health and social care partnerships. It is progressing well.

Linda Fabiani: I ask the minister to recognise what a sensible scheme this is, with local public agencies in Lanarkshire being responsible for intervening early if people are seriously distressed, and to recognise how worth while it is to train all staff in public agencies on such early intervention.

Maureen Watt: I thank Linda Fabiani for her interest in the pilot that is under way in her area, and I thank her for hosting the parliamentary reception for members of the international initiative for mental health leadership, who had a worldwide week of collaboration in Scotland to learn about the DBI, which they were very impressed with and hope to replicate in their countries.

Mesh Implants Review

10. **Jackson Carlaw (Eastwood) (Con):** To ask the Scottish Government whether it can provide an update on the inquiry by Professor Alison Britton into the review of mesh implants, and when it expects the findings to be published. (S5O-02248)

The Cabinet Secretary for Health and Sport (Shona Robison): I understand that Professor Britton's review is progressing, but as it is being carried out independently of the Scottish Government, the precise detail, including the publication date of the final report, is a matter for Professor Britton and her team.

Jackson Carlaw: Will the cabinet secretary join me in paying tribute to Michele McDougall, a brave soul who recently died of cancer and was tragically unable to receive chemotherapy because of the debilitating consequences of faulty mesh devices that were implanted in her groin and abdomen years earlier? In view of the national and, indeed, international attention on and importance of Professor Britton's review, will the cabinet secretary agree to hold a full parliamentary debate on the report in the autumn, when it is published, and on the wider developing issues that are now associated with the use of mesh?

Shona Robison: I join Jackson Carlaw in paying tribute to Michele McDougall. When Professor Britton produces her report, I will be happy to bring that back to Parliament in whatever form is appropriate. As I said, I do not know the timescale for the publication of the report, but we must allow Professor Britton to continue her work and to conclude it in due course.

Neil Findlay (Lothian) (Lab): I was at Michele's very moving and quite inspiring funeral. The resolve of the mesh women who attended is greater than ever. I remind Parliament that 101 members of Parliament called for there to be no whitewash of mesh reports. We will be watching very carefully, and I hope that the debate on the report happens very early, in Government time, in the new term.

Shona Robison: As I said, it will be down to Professor Britton to determine when her report is published. Of course, it will be her report but, as I said to Jackson Carlaw, I will be happy to make sure that Parliament is given the time and the opportunity to discuss it.

Respiratory Improvement Task Force

11. Emma Harper (South Scotland) (SNP): To ask the Scottish Government whether it will provide an update on the work of the respiratory improvement task force. (S5O-02249)

I remind Parliament that I am the convener of the cross-party group on lung health.

The Cabinet Secretary for Health and Sport (Shona Robison): Officials are working closely with the recently appointed chair of the respiratory task and finish group and key partners to finalise the group's constitution and to set out the objectives, including the workstreams that are required to develop a plan for respiratory care for Scotland.

Emma Harper: This week is pulmonary rehabilitation week, and PR is one of the most powerful and cost-effective interventions for people who live with chronic obstructive pulmonary disease and other lung diseases, as it allows people to self-manage and stay out of hospital. What action will the Government take to ensure that every person who would benefit from pulmonary rehab gets access to a programme?

Shona Robison: The Scottish Government recognises that pulmonary rehabilitation is an important element of respiratory disease care. There is a well-established evidence base for its benefit in helping to support self-management and reduce exacerbation and hospital admissions. It is the subject of a key recommendation in the national clinical guidelines, which we expect boards to follow.

Access to pulmonary rehabilitation will form an important part of our quality improvement plan for Scotland, and I am pleased to advise that the Scottish Government is funding participation in the national asthma and COPD audit programme, which will collect data on the provision of pulmonary rehabilitation across Scotland. That will be a valuable tool in improving the care of and outcomes for people in Scotland who live with COPD.

Suicide Prevention

12. Clare Adamson (Motherwell and Wishaw) (SNP): To ask the Scottish Government what priority it gives to suicide prevention. (S5O-02250)

The Minister for Mental Health (Maureen Watt): Mental health and suicide prevention are an absolute priority for the Scottish Government. Over the past several years, we have worked with a wide range of partners to tackle suicide, and the suicide rate has fallen by 17 per cent over the past decade. Before recess, we will publish the new suicide prevention action plan, which will be designed to continue that long-term downward trend.

The Deputy Presiding Officer: Emma Harper—oh, I am sorry; Brian Whittle.

Brian Whittle (South Scotland) (Con): Try again.

The Deputy Presiding Officer: I beg your pardon—I am all guddled up. I should have called Clare Adamson. I apologise.

Clare Adamson: The minister will be aware of the particular circumstances in my constituency, where a number of young men have taken their lives leaving their family and friends and the wider community devastated. My staff are undergoing safeTALK training and I undertook an applied suicide intervention skills training—ASIST—course last year. What opportunities are there for young people to access those training services across our communities in Scotland?

Maureen Watt: Every life matters and every death by suicide is a tragedy. Everyone has a role to play in suicide prevention. NHS Health Scotland provides a range of training on suicide prevention. We are committed to continuing support for the mental health first aid and suicide prevention training. The new suicide prevention action plan will be published before recess, as I said, and an extra £3 million over the next three years will support innovative work on suicide prevention.

The Deputy Presiding Officer: Strangely enough, I call Mr Whittle.

Brian Whittle (South Scotland) (Con): Is the minister aware of Kris Boyd's charity, which was formed after the tragic death of his brother, and its

approach, which is to encourage those suffering to come forward and discuss their issues, and to break down the stigma associated with mental ill health? Does she recognise the importance of peer-to-peer work in the prevention of suicide?

Maureen Watt: I am aware of the Kris Boyd Charity. There are a wide range of interventions, and peer support is absolutely crucial. Under the suicide prevention action plan, I am very keen for peer support to give families and relatives who have been bereaved by suicide the support that they need.

FreeStyle Libre Glucose Monitoring System

13. **David Stewart (Highlands and Islands) (Lab):** To ask the Scottish Government which national health service boards offer the FreeStyle Libre glucose monitoring system. (S5O-02251)

The Minister for Public Health and Sport (Aileen Campbell): Currently, seven NHS boards in Scotland have included FreeStyle Libre sensors in their local formulary. They are NHS Borders, NHS Forth Valley, NHS Lothian, NHS Dumfries and Galloway, NHS Greater Glasgow and Clyde, NHS Lanarkshire and NHS Ayrshire and Arran.

David Stewart: If FreeStyle Libre is good enough for patients in Edinburgh, why is it not good enough for patients in Inverness?

Aileen Campbell: David Stewart knows that it is up to NHS boards to determine what is available, based on the best clinical evidence. There is still a bit of work to be done around the clinical evidence on FreeStyle Libre. Once that is established, local NHS boards will be able to work out how best to support patients with type 1 diabetes. I will keep him updated, as we expect the Scottish health technologies group to publish its advice statement, which will enable health boards to take an informed decision.

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): Can the minister outline when the Scottish health technologies group will report on the long-term clinical evidence on FreeStyle Libre, as I understand that some boards, including Fife, are waiting to make local decisions based on those findings?

Aileen Campbell: Jenny Gilruth is absolutely right, and that is why I said what I said to David Stewart about the evidence that is required for NHS boards to make their own decisions on the matter. We expect the Scottish health technologies group to publish its advice statement in July 2018.

In Vitro Fertilisation (National Health Service Policy)

14. **Richard Lyle (Uddingston and Bellshill) (SNP):** To ask the Scottish Government what the national health service policy is on access to in vitro fertilisation treatment by couples. (S5O-02252)

The Minister for Public Health and Sport (Aileen Campbell): Couples must meet certain eligibility criteria before being referred by either primary or secondary care providers for NHS IVF treatment. The eligibility criteria for and the provision of NHS IVF treatment have changed on a number of occasions over the past few years, following recommendations from the national infertility group, always with a view to improving the service for the majority of patients and improving outcomes for babies born following IVF treatment. I am pleased that Scotland has the most generous provision of NHS IVF treatment in the United Kingdom.

Richard Lyle: My constituents, who have been unsuccessful twice with treatment, were told that they could have a third attempt, but NHS Greater Glasgow and Clyde maintains that they are not entitled to that. Will the minister meet me and my constituents to discuss what can only be described as an outrageous situation for them?

Aileen Campbell: If Mr Lyle's constituents were referred from primary or secondary care for NHS IVF treatment after 1 April 2017, they should have been considered for a third cycle of treatment. If they were referred before 1 April 2017, they are unfortunately not eligible to be considered for a third cycle. I am disappointed to hear that Mr Lyle's constituents were given conflicting advice about whether they were eligible for further treatment, especially when it relates to something as emotional as the longing to start a family. I will ask the health board to investigate this serious issue and meet Mr Lyle and his constituents. As always, I am, of course, happy to meet Mr Lyle to hear his concerns about the case directly.

Health Services (Deprived Areas)

15. **Ivan McKee (Glasgow Provan) (SNP):** To ask the Scottish Government what its position is on the provision of health services in deprived areas. (S5O-02253)

The Cabinet Secretary for Health and Sport (Shona Robison): The Scottish Government is committed to ensuring that there is adequate provision of health and social care services across all areas of Scotland. It is worth noting that the new general practitioner contract is designed to support areas with higher levels of deprivation. Decisions on the level of provision required are a matter for local determination.

Ivan McKee: The east end of Glasgow contains an extremely high proportion of Scotland's most deprived communities, so it is good news that Lightburn hospital was saved and that health services in the area are to be enhanced. I will be conducting my own survey of constituents over the summer to ascertain local views on the scope and shape of local services—

The Deputy Presiding Officer: Get to the question, please, Mr McKee.

Ivan McKee: Does the cabinet secretary agree with me that full public consultation is essential to ensure that the east end gets the services that it deserves in the best locations, including the Lightburn site if appropriate?

Shona Robison: As I said earlier to John Mason, it is important that there is full consultation and full analysis and that there is a full site options appraisal, which is an open and transparent process, as required by the Scottish capital investment manual. That is what should happen in the east end of Glasgow.

NHS Lanarkshire (Meetings)

16. **Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** To ask the Scottish Government when it last met NHS Lanarkshire. (S5O-02254)

The Cabinet Secretary for Health and Sport (Shona Robison): Ministers and Scottish Government officials regularly meet representatives from all the health boards, including NHS Lanarkshire, to discuss matters of importance to local people.

Christina McKelvie: Recently, at a meeting with NHS Lanarkshire, I raised the issue of the withdrawal of phlebotomy services from general practitioner practices in Stonehouse. NHS Lanarkshire had no knowledge of that but ensured that the nurses got access to accommodation to continue this much-needed service in Stonehouse hospital.

Will the cabinet secretary discuss with NHS Lanarkshire at a future meeting the need to improve communication with GP practices, especially when there are significant changes to the services that are available at the practices?

Shona Robison: As part of the development of primary care improvement plans, which needs to happen in every area to implement the new GP contract, integration authorities should liaise with their local GP community on changes to services. My officials are engaging with NHS Lanarkshire in the process and I will be happy to write to Christina McKelvie on the matter in the near future.

HM Prison Edinburgh (Prisoner Health and Wellbeing)

17. **Gordon MacDonald (Edinburgh Pentlands) (SNP):** To ask the Scottish Government how the national health service supports the health and wellbeing of prisoners in HM Prison Edinburgh. (S5O-02255)

The Minister for Public Health and Sport (Aileen Campbell): NHS Lothian is responsible for the delivery of healthcare in HMP Edinburgh. The health centre in HMP Edinburgh has primary care, mental health and addictions trained nurses who provide for the health needs of the patients in the prison environment. There is also access to visiting specialists, including in psychiatry, psychology and dentistry, and patients have access to a full range of secondary services.

Gordon MacDonald: Saughton prison, in my constituency, has had a substantial increase in the number of prisoners self-harming—there have been 74 cases in the past year. What action is being taken specifically to address self-harming in prisons?

Aileen Campbell: I thank the member for raising that important issue. Of course, the Scottish Government always takes the mental and emotional wellbeing of people in prison incredibly seriously. That is why action 15 of the mental health strategy, which is being taken forward by Maureen Watt, commits the Government to increase access to the mental health workforce through the introduction of 800 additional staff in key settings, including in prisons.

The Scottish Prison Service is committed to ensuring that those in its care who are experiencing distress and who are at risk of self-harm have access to the support that they need, including from NHS Lothian and other partners. The SPS ensures that staff are fully equipped to promote a supportive environment, so that people in prison can ask for help, and all prison establishment staff are trained in suicide prevention. The SPS also supports Scottish mental health first aid training.

I am happy to meet the member if he would like to discuss the issue further, so that we can ensure that we are doing all that we can to support the vulnerable people in prison in the constituency that he represents.

Teenage Cancer Trust (Talks)

18. **Rona Mackay (Strathkelvin and Bearsden) (SNP):** To ask the Scottish Government what its position is on the value of talks by the Teenage Cancer Trust to make young people aware of the signs and symptoms of cancer, and how it ensures that local authorities

encourage schools to hold such talks. (S5O-02256)

The Cabinet Secretary for Health and Sport (Shona Robison): The Scottish Government supports the Teenage Cancer Trust's work in delivering vital awareness and education sessions in secondary schools.

I am encouraged that 80 per cent of schools in Scotland have already received an awareness session from the charity in this academic year alone. I am even more heartened to see that that figure is 100 per cent in my constituency of Dundee. I have written to all members of the Scottish Parliament asking them to engage with their relevant local authorities, to encourage schools in their catchment areas to welcome this cancer education programme.

Rona Mackay: Does the minister agree that promoting the talks in our schools should be a priority in helping to improve survival rates of young people in Scotland with cancer?

Shona Robison: I agree with the member that educating our young people about the possible signs and symptoms of cancer at an early age is of vital importance for not only their own wellbeing but their role as influencers of older adults in the family circle. It is timely, in the year of young people, that we acknowledge that we need to equip our young people with the skills and information that they need in order to know about the benefits of good health and when they might need to seek medical advice.

NHS Borders (Delayed Discharges)

19. **Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** To ask the Scottish Government what action it is taking to reduce delayed discharge at NHS Borders. (S5O-02257)

The Cabinet Secretary for Health and Sport (Shona Robison): Scottish Government officials are meeting senior officers from the partnership today and will continue to work closely with them to reduce the level of delays. A range of improvement measures have already been put in place, which has led to a reduction of more than 30 per cent in bed days lost between November 2017 and April 2018.

Rachael Hamilton: Information Services Division statistics have revealed that NHS Borders lost, on average, 1,000 bed days a month over the past two years, which is just not good enough. What will the Scottish Government do to help rural health boards like NHS Borders ensure that when a patient is fit to leave, they can?

Shona Robison: In the April census, 10 partnerships recorded standard delays over three days in single figures, but the worst four

partnerships accounted for 43 per cent of the total delays, so it is important that we focus particularly on those partnerships.

The Borders partnership has introduced a range of measures aimed at reducing delays, including an £850,000 investment in a step-down intermediate care facility and the development of a hospital-to-home reablement service. That service was piloted initially in two localities, which led to a 40 per cent decrease in long-term care requirements. The partnership plans to roll out the service across the area, with increased allied health professions input, which I think will make a real impact on reducing bed days lost.

Chronic Obstructive Pulmonary Disease (Stranraer)

20. **Finlay Carson (Galloway and West Dumfries) (Con):** To ask the Scottish Government what action it will take to tackle the reported high levels of chronic obstructive pulmonary disease in the Stranraer area and whether that will include the installation of new air-monitoring equipment. (S5O-02258)

The Minister for Public Health and Sport (Aileen Campbell): We know that Scotland has high rates of COPD, which is why we are working with our clinical experts and key partners, such as the British Lung Foundation and Chest, Heart & Stroke Scotland, to develop a respiratory health plan for Scotland. The plan will include the key priorities of prevention, diagnosis, treatment and research in relation to respiratory conditions, including COPD, and it will build on the work of the "COPD Best Practice Guide", which was published in November last year.

It is my understanding that under the Environment Act 1995 local authorities have a duty to designate areas where air quality objectives are not being met as air quality management areas. Currently, no air quality management areas are identified in Dumfries and Galloway. That will be kept under review, to ensure that we make the most efficient use of limited resources, such as our network of high-precision and real-time air quality monitors, by focusing our attention on areas of concern.

Finlay Carson: As the minister might be aware, Stranraer has not only the highest levels of COPD in Scotland but the highest levels in the world. An Interreg project called the BREATH—Border and regions airways training hub—project is currently investigating the reasons behind that high incidence. Can the Scottish Government outline how it might help the BREATH project to establish a centre of excellence in Stranraer?

Aileen Campbell: I recognise the interest that the member takes in the issue and I am aware of

the BREATH project. Scotland participates in the Interreg VA cross-border programme 2014-2020 with Northern Ireland and the border region of Ireland, and the eligible areas for Scotland are regions in the Western Isles and the west of Scotland. We will maintain a real interest in the BREATH project as it progresses, to ensure that we get the best evidence on how much more we can do to help to support people in areas with a high incidence of COPD. We want to ensure that we recognise the learning that can be got from projects such as the BREATH project, to enable us to tackle COPD across the country.

Freedom of Information (Scottish Government Request Handling and Record Keeping)

The Deputy Presiding Officer (Christine Grahame): The next item of business is a debate on motion S5M-12861, in the name of Rhoda Grant, on a review of Scottish Government freedom of information request handling and record keeping.

14:40

Rhoda Grant (Highlands and Islands) (Lab): The intervention report from the Scottish Information Commissioner exposes the utter contempt in which this Scottish National Party Government holds the freedom of information law. In publishing that damning report, the Scottish Information Commissioner has done the principle of openness and transparency a great service, and I truly hope that the report is a wake-up call for the Scottish Government.

FOI legislation was enacted to make Government more transparent and to improve scrutiny, yet this Government has done the opposite. It refuses to be held to account and it refuses to be scrutinised. In the Scottish Parliament, questions—particularly written questions—get poor and evasive answers, so members are forced to use the FOI legislation to get the answers that they should have been provided with in the Parliament. However, the Scottish Government seeks to block that as well. It singles out journalists and MSPs and their researchers for special treatment. FOI requests are subject to greater scrutiny and sign-off and are less likely to get answers, and those answers that are provided take longer to receive.

The report states:

“by creating and applying a process based on requester type rather than the nature of the request, not only is the spirit of FOI legislation offended, but trust between those groups mentioned in the policy and the Scottish Government may also be damaged.”

This is not just important to those of us in the political bubble. It is important to hold the Government to account and to understand how and why decisions are made and who influences why they are made. Meetings that Government ministers have taken part in are matters of public interest and national importance. We are calling, therefore, for an independent review of how the Government handles FOI requests and its overall record keeping, which is another area in which it has fallen short.

For example, we have a transport minister meeting the chief executives of both Stagecoach

and FirstGroup with no minutes being taken, nor any agenda being prepared. We have a First Minister, alongside her finance secretary, her education secretary and her economy secretary, inviting a host of business figures to dinner at Bute house, including SNP donor Brian Souter, again with no minutes or agenda. It is outrageous that Scottish Government ministers think that they can have such covert meetings and ride roughshod over FOI legislation and indeed the law.

That means that even the Scottish Information Commissioner is unable to track the Government's behaviour and decision-making process. The report states:

"Where data was absent or unclear, it was excluded from our analysis."

Therefore, the report is based only on the findings from the Government's better record keeping. We can only guess what is being covered up by its worst. Whether by intent or negligence, poor record keeping in the very process that was enshrined in law to make Government more transparent makes it less so, and that is extremely disappointing.

The Scottish Information Commissioner's report states that he cannot be clear what role special advisers have with regard to FOI. Their involvement varies between departments, and he states that there is little guidance on their role and whether it impacts on responses that are given. We all know that special advisers have a more political role in helping Government, but that should not allow them to evade the law or indeed the spirit of the FOI legislation.

If information that is requested is available and is not subject to any legal exclusion, it must be provided. That is the letter and the spirit of the FOI legislation, and it must be adhered to. It is simply wrong that a Government that should be leading the way and providing a good example has behaved in the way that it has, and it must stop now.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I speak as someone who ceased to be a minister six years ago and who, for three years after being a minister, continued to be asked for confirmation about FOI responses. Who in Government should be the person who contacts people such as me, who are no longer in Government, in order to ensure that the FOI responses that are being made are being checked?

Rhoda Grant: It is surely for the minister to ensure that his answer to an FOI request is right because, ultimately, the Government is responsible. If a minister needs to depend on a special adviser to help them to hide information, that is not good for governance or transparency.

If the answer to a request will disclose information that embarrasses the Government, it is the Government's job to answer that request and to put right the wrong that has been uncovered—not to seek to hide it, which would be not only underhand and evasive but illegal. If poor record keeping is being used to disguise such an approach, that is even worse. The question also arises whether the additional level of scrutiny delays answers to journalists, MSPs and MSPs' staff or whether there is a culture of deliberately delaying the provision of information to such people to kill a story or a line of inquiry.

The report talks about the lack of training for staff who deal with FOI requests. There appears to be no formal training, which is surely untenable. Those staff need to be trained in meeting their legal obligation to ensure transparency, and surely they must also be trained in how to provide the information in an accessible way. It is unbelievable that more than 1,000 people in the Government are involved in FOI work but have no formal training. We strongly suggest that that should be put right as soon as possible.

All those problems stack up to create a pretty damning report. There is little that is good in the report—the only thing that stands out is that an improvement has taken place, but it happened only after the Information Commissioner stepped in, and it does not go far enough. If that is what improvement looks like, we can only imagine how bad the situation was previously.

The catalogue of errors reflects poorly on the Government. We expected the report to describe some failings in the system, but it shows failing after failing. Those failings might not always have occurred with intent, but carelessness is hardly an excuse when it prevents proper governmental scrutiny by Opposition parties, back benchers and the press.

The Government's amendment would remove from our motion the concerns that are expressed in the report. That is disappointing, because it shows a lack of understanding of the findings' seriousness. The Government talks of consulting on extending FOI legislation to companies that provide services on the public sector's behalf. We support that extension, but the Government must go further than consulting—it must commit to legislating on the consultation's outcome. It also has to put its house in order, so that we have confidence in the system and in its extension to non-governmental service providers.

We need a new approach to FOI—one that we can be confident about; one that can withstand independent scrutiny; and, most important, one that adheres to the letter and the spirit of the law.

The Deputy Presiding Officer: If you want your motion to be voted on, you had better move it.

Rhoda Grant: I move,

That the Parliament notes the concerns raised on Scottish Government transparency in the intervention report from the Scottish Information Commissioner; notes the key findings that the Scottish Government's FOI policies and procedures are not clear enough regarding the role of special advisers in responding to FOI requests; believes that the Scottish Government takes longer to respond to journalists' FOI requests than other requests; considers that a number of areas have been highlighted for action, including clearance procedures, quality assurance of FOI responses, training, case handling and case records management, monitoring FOI requests and review procedures, and calls for an independent review of both FOI handling and the recording of information from meetings.

The Deputy Presiding Officer: I call Joe FitzPatrick, who has a tight six minutes.

14:48

The Minister for Parliamentary Business (Joe FitzPatrick): In speaking to the amendment in my name, I thank Rhoda Grant for giving us the opportunity to further debate the Scottish Information Commissioner's intervention report. The debate allows me to set out the improvements that are being put in place to ensure that our processes and performance meet the highest standards that are required and expected of us.

The Parliament can—rightly—be proud of the Freedom of Information (Scotland) Act 2002. The act is rigorous and is well regarded internationally, and we have sought to maintain that position with incremental changes to the act—for example, the Freedom of Information (Amendment) (Scotland) Act 2013 paved the way for reducing the lifespans of key exemptions from 30 to 15 years. The 2002 act has also been extended to bring within its scope numerous bodies, including arm's-length trusts, providers of secure accommodation for children and young people and private prison contractors.

The Scottish Government takes our FOI commitments seriously, and the Scottish Information Commissioner's intervention report, which was published last week, was a serious assessment of our FOI handling processes. I am pleased that the report identifies examples of good practice, but it also highlights areas in which improvements in processes are needed. As I informed members last week, the Scottish Government has accepted the recommendations of the report and will develop an action plan by 13 September this year.

Neil Findlay (Lothian) (Lab): Will Joe FitzPatrick take an intervention?

Joe FitzPatrick: I will make some progress, if that is okay.

Turning to today's motion and its call for an independent review of FOI handling, I hope that no member doubts the independence of the Scottish Information Commissioner and his staff. Indeed, in responding to calls last year for an independent inquiry into Scottish Government request handling, the Standards, Procedures and Public Appointments Committee agreed that the commissioner might be an appropriate person to undertake such an inquiry. Therefore, I am slightly surprised that today's motion appears to call for another independent review of FOI handling. Perhaps the Labour Party is unconvinced of the commissioner's independence.

Neil Findlay: Before the minister moves on, will he tell members how many times his Government has broken the law in relation to FOI?

Joe FitzPatrick: Neil Findlay makes a point that Andy Wightman raised during last week's statement. They imply that the report suggested that the Government broke the law, but that was not a conclusion that the report came to. The commissioner's inquiry was a level 3 intervention under section 43(1) and section 43(3) of the Freedom of Information (Scotland) Act 2002, which relate to "good practice". It is my intention, and I am determined, that the Scottish Government will become an exemplar in best practice, and this report will help us to achieve that aim.

As reflected in the Labour motion, the commissioner's report highlights a number of areas in which action is required, including clearance, training, case handling and records management. The report is thorough and is being considered in detail by officials.

However, as I notified members last week, we have revised guidance on our clearance processes with immediate effect, so where, in some of the language that Rhoda Grant used, "This is what we do", it is now "That is what we did." I have signed off new guidance that changes our processes on those matters. That directly addresses the report's recommendation 3, on the treatment of requests being based on the class of the requester rather than on the sensitivity of the information that is sought. Our revised guidance, which is in the public domain, as is all our guidance, makes clear that consideration should be based on the information that is requested, rather than the identity of the requester.

In addition, in addressing issues that were raised in recommendations 4 and 6, we anticipate that the introduction of a new tracker system and the updating of the Scottish Government's electronic records management system should significantly improve request monitoring and record keeping.

I confirm again that the agreed action plan will be published and I am sure that the Scottish Information Commissioner will make public any report into the Scottish Government's implementation of the action plan. Therefore, we will support the Conservative Party's amendment tonight. The commissioner also noted concerns about the case file and record keeping of case handlers, and we will address the commissioner's concerns about record keeping in developing our action plan.

A vast amount of information is proactively published by the Scottish Government on its website, which includes Government spend data and a range of ministerial information. I am pleased to announce that, from July, that will include ministerial travel and subsistence expenses.

My amendment confirms that the Scottish Government accepts the commissioner's recommendations in full and will develop an action plan by the September deadline. The amendment also acknowledges that improvements are required on response times to journalists' FOI requests. As set out in the commissioner's report in 2017-18, the average response time to media requests was 19 days compared with 17 days to non-media requests. We will fix that.

As well as through the Freedom of Information (Amendment) (Scotland) Act 2013, the Scottish Government has sought to ensure that our FOI legislation remains fit for purpose by bringing forward two orders that extend coverage of the act. We have also consulted on a draft order that would extend coverage of the 2002 act to registered social landlords. The terms of that order are currently being finalised.

However, against a backdrop of an ever-changing public service delivery landscape, where services that were traditionally provided by public authorities are now being provided by the third sector or private contractors, I am conscious of increasing demands to look again at the scope of coverage of the legislation. In particular, I credit the Liberal Democrats for keeping the issue of coverage on the radar. We will therefore develop proposals to consult on further extension of coverage of the Freedom of Information (Scotland) Act 2002, for example to companies that carry out services on behalf of the public sector.

Our proposals will reflect changes in the delivery of public services—

The Deputy Presiding Officer: I am sorry, minister, you must conclude.

Joe FitzPatrick: —and help to ensure that FOISA remains fully effective in holding to account those who are responsible for delivering public

services. I urge members to support our amendment.

I move amendment S5M-12861.2, to leave out from "a number of areas" to end and insert:

"response times for journalists' FOI requests have improved but can improve further; notes that the Scottish Government has accepted the commissioner's recommendations in full and will develop an action plan as required by the commissioner to be published in September 2018; welcomes the proposed extension of FOI law to registered social landlords, and agrees that the Scottish Government should consult on proposals to further extend coverage of Scotland's freedom of information legislation, for example, to companies providing services on behalf of the public sector."

The Deputy Presiding Officer: I am sorry, but we are very short of time—there is no time in hand. I call Edward Mountain to speak to and move amendment S5M-12861.1. You have five minutes, please.

14:55

Edward Mountain (Highlands and Islands) (Con): Tony Blair, the architect of the Freedom of Information Act 2000, later said of his creation:

"Freedom of information. Three harmless words. I look at those words as I write them, and feel like shaking my head till it drops off my shoulders. You idiot. You naïve, foolish, irresponsible nincompoop."

The former Prime Minister went on to say:

"Where was Sir Humphrey when I needed him?"

I am no supporter of Tony Blair—nor, indeed, of Sir Humphrey—and I firmly believe that the Freedom of Information Act 2000 strengthens our democracy and is intrinsic to holding the Government of the day to account. The Scottish Government might not like that, but that is democracy. It is why I would like to move the amendment in my name, which calls on the Scottish Information Commissioner to publish an annual report into the Scottish Government's performance in handling FOI requests.

I encourage all members to support my amendment, which seeks to strengthen scrutiny and would ensure that the Scottish Government was made accountable for its performance every year.

Andy Wightman (Lothian) (Green): The amendment talks about making

"public the report on the government's implementation of the action plan when approved annually."

The commissioner has committed to publishing the action plan that is provided, but I am not aware that he is committed to publishing an annual implementation plan. Can the member clarify that?

Edward Mountain: It is not my understanding that the commissioner has agreed to publish it

annually—that is the point that I am making. I would like to see it published annually, so that we can see how the Government is performing.

The investigation by the Scottish Information Commissioner that we have been talking about came about because of a motion that I lodged last year, which condemned the Government's performance in handling FOIs and called for the independent inquiry. That motion led to the Government condemning itself—we should never forget that.

The resulting report is a damning indictment that shows the true scale of the issue: a Government is trying to cover its tracks and bury bad news. If the problem is not the paucity of information in case files it is the unwarranted interference from special advisers. I, for one, am deeply uncomfortable with the way in which special advisers are used by this Government, having experienced their reprehensible behaviour during the Forestry and Land Management (Scotland) Bill.

In his report, the Scottish Information Commissioner rightly questions why SPADs are checking FOI responses before they are released. The SPADs say that they can advise but they cannot instruct. How many are sticking to that code? To me, it seems that the shadowy fingers of SPADs mark many FOI responses.

One example in the report shows a SPAD saying to the case handler:

“Grateful if you could reconsider the information you propose to release”.

Presiding Officer, if you said words to that effect to me in this chamber, I would take it as an instruction, and so would most people. The SPAD knew exactly what they were doing—they were giving an instruction.

Stewart Stevenson: Is that an instruction that the provider of information look further, to ensure that there is no additional information to be provided, or is it meant in some other way?

Edward Mountain: The way in which it is phrased gives a clear indication of what is to be achieved. It does not ask for more information; it asks about what information is to be released and whether that is right.

It appears to me that the Government's guidance on handling FOIs is lacking and that special advisers are constantly overstepping the mark and undermining the Freedom of Information Act 2000.

My colleagues who are sitting beside me and the journalists who are watching the debate will all have examples of freedom of information requests having been delayed or ignored. There is clear evidence that this Government treats FOI requests

from MSPs and journalists differently, which goes against the applicant-blind principle of FOI laws. When it comes to FOIs, we should all be treated the same.

This Scottish Government is based on secrecy and control. MSPs and journalists know that getting information from this Government is like drawing blood from a stone. They have to ask the right questions, and probably a sequence of them, before they get the information that they have reasonably requested. It is deeply disingenuous that we are forced to play a cynical game to get information that should be in the public domain.

Democracy is not a game. Democracy requires Governments to be open, transparent and accountable. It is time that the Scottish Government was democratic.

I move amendment S5M-12861.1, to insert at end:

“, and further calls on the Scottish Information Commissioner to make public the report on the government's implementation of the action plan when approved annually.”

The Deputy Presiding Officer: There is no time in hand, so I will be strict with timings. Andy Wightman, you have four minutes.

15:00

Andy Wightman (Lothian) (Green): I welcome the debate and endorse everything in the Labour motion. It seems unkind to be here again, giving the Government another kicking, but I hope that this debate, which was engendered by the concerns of journalists over a year ago, will reinforce the importance of freedom of information.

The intervention report makes sobering reading. I commend the commissioner and his staff for a comprehensive piece of work that, beyond the specific case that is being investigated, shines a useful light on Scotland's freedom of information regime more generally.

In response to Neil Findlay's intervention, I note that paragraph 140 of the report says:

“There is nothing in FOI law or the Section 60 Code of Practice which permits authorities to treat certain groups of requesters less preferentially than others.”

I remind the Government that it can do only what is permitted by law. Notwithstanding that, I commend ministers for having accepted all the recommendations. Scottish ministers represent the most powerful public body in Scotland, and the FOI regime was introduced to enable the public to have greater access to information that is held by elected bodies and public authorities.

FOI is uncomfortable for those with power, but it is a vital part of open and transparent governance,

and I am proud that this Parliament introduced a regime that is among the best in the world. However, FOI is only a small subset of transparency. Rhoda Grant's motion talks of records of meetings. Recently, I have been studying the Government papers in the National Archives of Scotland relating to how the Scottish Office and Scottish ministers lost control of key powers over the governance and finances of the Palace of Holyrood. I have been struck by the fact that memos, notes and letters provide great detail of the affairs of the Lord Chancellor's office, the Lord Chamberlain, the royal household and the Scottish development department of the time. It is vital that comprehensive, meaningful, accurate and substantive records are kept of the affairs of Government and public authorities.

In that regard, I draw members' attention to paragraph 173 of the intervention report, which says:

"The examination of Scottish Government case files revealed significant gaps in the information recorded. In many cases, there was scant information contained in case files; in some there was no documentation whatsoever."

That is an excellent example of how even a gold-standard FOI regime can be rendered ineffective if the information does not exist.

A further example of the need for a broader debate on transparency is provided by today's announcement of a consultation on draft regulations to establish a register of persons with a controlling interest in land. Ministers say that that information will be free, which is welcome, but the bigger problem is that, to access information on the land over which such persons have a controlling interest, one has to pay £30. Scotland's land information system—ScotLIS—was launched last year, following a commitment by John Swinney to provide a comprehensive source of information on the ownership, use and value of land. However, it is useless. Of course, business users get an excellent service and, instead of paying £30, pay only £3. Moreover, data on land that is owned by overseas companies has been published by Registers of Scotland, but it costs more than £1,500 plus VAT to obtain, whereas the equivalent data is made freely available by the Land Registry in England and Wales, and the United Kingdom Government is committed to creating the largest open land dataset in the world.

Five years ago, some journalists and campaigners from Scotland and Ireland set up an informal FOI club, and we collaborated on methods and sources. I am now in Parliament, and Rob Edwards and other members of that club now run *The Ferret*, which was a key part of the campaign by journalists a year ago.

FOI matters to everyone. We need to open up all the information and data that sit behind pay

walls in Government, as we are already falling behind the ambitions that have been set by the Tories at Westminster. I do not want to be in that position, and I hope that the Scottish ministers agree with me.

15:04

Willie Rennie (North East Fife) (LD): I am grateful to the Labour Party for securing the debate, for the significant reason that it allows us to retell the story of Alex Salmond's tartan trousers. For more than seven months, he managed to avoid telling the public exactly how he had managed to get the taxpayer to pay for a £259.40 pair of tartan trews on his visit to China. The significant point is that it took a journalist seven months and repeated freedom of information requests to get the information out of the Government. Who really cares about Alex Salmond's tartan trousers?

Members: We do!

Willie Rennie: I do, because it speaks to the wider problem, which is the Scottish Government's addiction to secrecy. Even for such a simple issue as a pair of tartan trousers, it was prepared to run a campaign for seven months.

Neil Findlay: Although I do not really care much about Mr Salmond's sartorial inelegance, I do care about the fact that he and other ministers go to Qatar to flog our public services to the Qatari sovereign wealth fund and we have to use freedom of information laws to find that out as well.

Willie Rennie: That is absolutely right. I am sure that he bought a different pair of tartan trousers when he went to Qatar, because the other ones were not good enough.

I was intrigued by what the minister said in response to a question from a Labour member about whether the Government has ever broken the law. He dodged the question, which was intriguing. He gave an answer that was not quite an answer. I would like him, in summing up, to be clear about whether the Scottish Government has ever broken the law on freedom of information, because the dodging of the question told a bigger story.

The report is quite damning, because it shows that journalists and members of the Scottish Parliament were prevented from doing their jobs and from carrying out the scrutiny that we are elected to this Parliament to do: asking for and getting information from the Government and exposing the performance not just of ministers but of the Government as a whole. Special advisers were overruling officials to ensure that information was not being made public. Information was

missing. There was a disregard for the statutory guidelines. All of that speaks to the addiction to secrecy that I mentioned.

I want to see the action plan, and I want to see progress on the action plan. Edward Mountain's amendment is absolutely right.

Getting that right and sorting out the addiction to secrecy is not enough. Because of the expansion of outsourcing by the Government, the exposure and coverage of freedom of information legislation has been reduced. We spend about £11 billion on public procurement in the public sector. A lot of that money is spent on private companies, on which we have made some progress in the most recent set of changes although there are still a lot of private companies that are not subject to the scrutiny that they should be subject to.

I am pleased with the Government's amendment. We worked on that amendment with the Government yesterday to ensure that it would not be defeated in Parliament today; nevertheless, it is progress. I want not just a consultation but real change and a commitment to real change, because we should be following the money. We should be following taxpayers' money through a freedom of information regime that covers all public spending, not just what is spent strictly within the public sector.

I welcome the move today, and I welcome the fact that we are able to make some progress, but we need to make much greater progress if we are to change the addiction to secrecy that has got hold of the Scottish Government.

15:08

Daniel Johnson (Edinburgh Southern) (Lab):

It is often the case that when people talk of democracy they think of voting, and when they talk of Parliament they think of powers, but the reality is that democracy and Parliament are reliant on much more than those simple narrow factors. Civil liberties, the rule of law, freedom of speech, freedom of the press and the transparency of Government are all vital to the work that we do in Parliament. Government of the people for the people demands transparency, because without it we cannot know what the Government is doing in our name and in our interests.

That why the Freedom of Information (Scotland) Act 2002 was such an important addition to the statute book, and it has been shown to work. From high-profile scandals to the day-to-day statistics that we use in Parliament, the act is an important part of our democracy.

The Scottish Information Commissioner's report is so concerning because it points to Government conduct and behaviours that do not uphold that

important aspect of our democracy—from a lack of clarity on request handling, to the influence of special advisers on clearance and as a filtering function, to evidence of deliberate delays of information while communications plans are put in place, to inadequate record keeping. Perhaps the most worrying finding is that there is a twin-track FOI process—for members of the public and for members of the press and MSPs.

The minister would do well to take the commissioner's words more seriously. He said:

"changes are required for consistency with both the letter and spirit of FOI law".

It is not good enough to dodge the question whether the law has been broken; the question is in the report for the Government to answer. The seriousness of the commissioner's report is made clear by the fact that he requires that changes be made by September this year.

The reality is that the Scottish Government is failing to uphold the standards that we all expect of it when it comes to transparency. That is not limited to freedom of information. It is disappointing that the minister confined his remarks to freedom of information requests, because the issue is much broader than that, and includes even the most basic and fundamental matter of ministerial correspondence. Correspondence might seem to be mundane, but it is vital to the work that we do in Parliament. It is the lifeblood of what we do to gain answers and insights for our constituents.

However, the reality is that, even on correspondence, the Government is falling behind our expectations. Simple acknowledgements are taking two weeks or more to be sent, which means that constituents regularly wait for six weeks or more, and up to 10 weeks, to gain answers. It is the same old wheeze that we see time and again in the public sector: acknowledgement is delayed in order to gain more time to provide answers and observe due process.

I would like the minister to provide clarity on the Government's view on whether it needs to do better on minutes. Understanding of who the Government is meeting and for what purposes, and of what commitments have been given when it has had meetings is vital.

I gently suggest that the Government look at the work of the mayor of London's office. On 19 April, the deputy mayor met the deputy commissioner of the Metropolitan Police with two officials from City hall. I can tell members that because the minutes are published bi-monthly: the information is on the office's website. That is simple and straightforward. There is not a lot of detail, but there is enough to see who was there and what was discussed. That is a simple suggestion. The

approach is not very complicated, and I fail to understand why the Government cannot be open and transparent about whom it meets and when it meets them.

15:13

Ben Macpherson (Edinburgh Northern and Leith) (SNP): Like other members, I welcome the debate and its generally serious tone because, as has been said already, the transparency of the Government, public agencies and, indeed, private companies matters to us all. It is in the public interest that appropriate information can be obtained, analysed and considered. Media scrutiny of the Government is an essential part of our democratic process.

I welcome the report and remind members that we should be proud that Scotland has the most open and far-reaching freedom of information laws in the UK, and that the Freedom of Information (Scotland) Act 2002 was passed by a previous Administration and has been enhanced by the SNP Government.

The report calls for greater clarity on the processes and procedures relating to FOI requests. I welcome the fact that it recognises that the Scottish Government has already taken steps in the past 12 months to improve its freedom of information practice.

The minister said that the Scottish Government accepts the commissioner's recommendations in full—I very much welcome that, as we all should—and that it will develop an action plan, as required by the commissioner, to be published in September this year. In welcoming that action plan, I suggest that members vote for the Government's amendment, which makes that clear.

We have today's debate and the report's recommendations should be taken forward—which the Government will do in full—but it is important to recognise that our freedom of information legislation is widely recognised as being robust. The Scottish Government is better at responding to FOI requests than previous Administrations and the UK Government. In 2017, 2,441 requests were answered on time, which was 83 per cent of total requests. In comparison, in the last years of the previous Administration, only 61 per cent of requests were responded to on time. Furthermore, in the first four months of 2018, the Scottish Government responded to 93 per cent of requests on time—more than the 90 per cent target that was agreed with the Scottish Information Commissioner.

That effective performance should be recognised in the context of the steady increase in freedom of information requests to the Scottish

Government: 3,046 requests were received in 2017, which was 41 per cent more than the previous record of 2,155 in 2015. It is also worth noting that the Scottish Government responded last year to more than 5,000 requests—

Rhoda Grant: Will the member give way?

The Deputy Presiding Officer (Linda Fabiani): Mr Macpherson is in his last minute.

Ben Macpherson: That proactive response is outwith the freedom of information system.

I have been in touch with the minister with a written question about the draft order to extend freedom of information legislation to the register of social landlords, and received today a comprehensive response outlining the process to progress the draft order, for which I am grateful.

The Scottish Information Commissioner noted many steps that the Scottish Government has taken since last year to improve and monitor its performance with regard to freedom of information requests, including an increase in the number of staff in the freedom of information unit since 2017. It is welcome that the Government is taking forward the recommendations in full—

The Deputy Presiding Officer: You must close, please.

Ben Macpherson: I look forward to seeing the action report in September.

15:17

Oliver Mundell (Dumfriesshire) (Con): This SNP Government talks about openness, accountability and transparency, but the truth is that its rhetoric does not match the reality. We need only look at yesterday's court judgement on fracking to see the depths to which the SNP is willing to go. The people of Scotland have had enough, and deserve far better than a Government that is more interested in saving face than in providing the facts.

The information commissioner's report is just the tip of the iceberg but, importantly, it reaffirms what many people already know: there is a casual disregard for transparency and a deep-rooted culture of arrogance about freedom of information at the highest levels of the Government.

The report makes for grim reading, and no amount of cherry picking or claims of progress can excuse the appalling practices that it identifies. I found it doubly depressing to read the report having witnessed many of the issues that it highlights during the Education Committee's recent consideration of the Children and Young People (Information Sharing) (Scotland) Bill, when the lack of clarity and information from the Scottish Government fell below the level of transparency

that both the public and Parliament should rightly expect. That situation led to a number of freedom of information requests being made; it is a sad state of affairs when parliamentarians rely on freedom of information requests to get even the most basic information out of the Government.

However, it is even worse that those requests did not elicit the full or accurate responses that one would expect. On multiple occasions since last October, I and others have sought factual information on the Scottish Government's engagement with committee witnesses in an attempt to establish the timeline of events. On multiple occasions, the responses have been either incomplete or inaccurate.

What concerns me most is that a number of those omissions and errors relate to information that casts doubt on the original version of events that was given by John Swinney. In a number of instances, those omissions and errors have unfairly cast doubt on the actions and integrity of others. I will not make accusations that cannot yet be substantiated, but there is no denying the emerging pattern. Clearance of FOI requests has been deliberately delayed, damaging emails have been omitted due to inadequate systems and processes and, of course—my favourite—we have had the downright selective release of emails.

Astonishingly, when John Swinney wrote to the committee on 15 March, he presented a handful of pages of emails as being representative of the Government's communication with committee clerks. Interestingly, when the Scottish Parliament was FOI-ed, we found that the equivalent correspondence runs to 70 pages and tells a completely different story. We still do not have all the answers, and I remain deeply concerned about the damage that the episode has done to Parliament. I believe that the SNP Government is let off the hook far too often.

I have not given up, and I remain convinced that it is only a matter of time until the facts come out in the wash—or, at least, in the next round of FOI requests, the round after that or the one after that. If we keep going with the Scottish Government, emails eventually turn up and new information comes to light that is never very favourable to the Government.

That is just one example of the SNP's secret Scotland. My experience and exasperation give me a great deal of sympathy with the concerns that journalists and other MSPs have raised, which is why I urge colleagues across the chamber to send the Government, at decision time, the message that enough is enough.

15:20

Alex Rowley (Mid Scotland and Fife) (Lab):

The building that we stand in today was designed in such a way as to reflect open, inclusive and transparent government. It was intended to be a space where the public could visibly see the workings of their Government and to create a shift away from the perception of the Government as something that is far removed and lives in a bubble. It is about openness, transparency and government of the people, by the people and for the people.

Freedom of information was a key step in breaking down further the barriers that the public face in seeing what their Government is doing. I assume that, when Labour introduced freedom of information, it knew that the measure could well make life more difficult for the Government but, nevertheless, Labour did so because it was the right thing to do.

That is why it is right that Labour is today highlighting the unacceptable situation that we find ourselves in, where the Scottish Information Commissioner has highlighted major flaws in the Government's approach to handling requests for information. No matter the Government's political colour, it has a responsibility to the people of Scotland to be consistent with the letter and the spirit of the law. The way in which the SNP Government has been dealing with information requests is not acceptable and it is right that the Parliament says so and stands up for the democratic rights of all the people of Scotland.

It is not for the SNP Government to decide who can and cannot be told or to treat requests differently based purely on who is asking. The commissioner's report criticised the practice of referring requests to ministers for clearance simply because they came from journalists, MSPs or researchers. As the commissioner said,

"in most cases, it should not matter who asked for information."

The commissioner also highlighted the fact that it took longer to respond to journalists' requests and he made seven recommendations for further specific improvements to clearance procedures, quality assurance, training, case handling and records management as well as monitoring and review procedures. The message to the SNP Government is clear: it should get its act together and respect the democratic right of all the people of Scotland to access information. The Government now has an opportunity to listen to the Information Commissioner. He has given the Government the opportunity to fix the issues and we in the Parliament must demand that it does so.

I reiterate Labour's view that the report is also an opportunity to look at ways of improving

freedom of information and extending the powers to all aspects of public services in order to make Scotland a world-leading example of open and transparent democracy. We need clarity on the role of special advisers. The practice of not taking proper records and minutes of meetings must end. The Government has a chance to fix the issue, and I hope that it takes that chance.

15:24

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): Apparently, I am the relevant parliamentary liaison officer for this subject.

As a big believer in freedom of information and a former—and occasionally current—FOI request submitter, I have no problem in supporting the Government's amendment, which states:

"the Scottish Government has accepted the commissioner's recommendations in full and will develop an action plan as required by the commissioner to be published in September 2018".

Despite the Opposition's claims, the Scottish Information Commissioner's report recognises that, in the past 12 months, the Scottish Government has already taken steps to improve its FOI practice and those changes

"have already resulted in a number of significant improvements to the Scottish Government's FOI performance".

That is right, because media scrutiny of the work of this or any other Government is essential to the reliability and openness of our democratic processes and should be welcomed by all of us. In this week alone, I can think of countless reports in which the press have brought to public attention the actions and behaviour of international policy makers that range from being heartbreaking to disgraceful—or both, as in the current case of the United States immigration centres. Without the work of the press, we would not know about those, there would be no outcry and there would be no pressure for change.

Back in Scotland, FOI requests are an important tool for the independent press. Scotland needs a healthy and an honest press—and never more so than at a time of conflicting reporting, social media and "fake" press.

Kezia Dugdale (Lothian) (Lab): If a free press is so important, why did Ms Forbes's Government make sure that journalists were treated differently and that their requests took longer to be responded to?

Kate Forbes: In fact, the commissioner stated that the percentage of refused requests for journalists was lower than it was for other types of requester, at 10 per cent compared with 13 per cent.

The minister has listed the Government's plans to make changes and to take steps to improve the FOI process further, so I want to use my time to emphasise why I think that that is important. Quite simply, FOI requests are a means of accountability. Andy Wightman used the word "uncomfortable", which I think is an excellent one to use. Whether I speak as an elected politician or not, or as a member of the party of Government or a member of the Opposition, I value the legitimately uncomfortable scrutiny of the press. I value it both locally, and nationally, and—

Oliver Mundell: Will the member give way?

Kate Forbes: I have only four minutes.

I have worked hard to support the local papers in my own rural Highland constituency, including the *West Highland Free Press*, the *Ross-shire Journal* and the *Strathlyon*—the *Strathspey and Badenoch Herald*—to name just three that do a sterling job of holding local politicians to account. I am sure that my Highland colleagues who are leading the debate for the Opposition can testify to that. At a time when national circulation figures seem to be forever falling, such local papers are still relatively well read, employ excellent journalists and set the local agenda. FOI requests are a key part of that, because they make information equally accessible and enable everybody—wherever they are in the country and whoever they are—equally to hold decision makers accountable.

Notwithstanding the comments made by journalists and the Opposition, which, I can see, the Government is taking on board, the Scottish Government has welcomed and co-operated with the Scottish Information Commissioner's review and appears to be happy to accept, in full, its recommendations to support continued improvement. I think that that is right and proper.

15:28

Brian Whittle (South Scotland) (Con): We can all agree that full transparency is a key requirement in holding the Scottish Government to account. Responsibility for such transparency in this place lies with the Scottish Government which, to be fair, responded positively and joined all Opposition parties when voting in the chamber following last year's debate that highlighted the open letter by 23 journalists complaining about the SNP's handling of FOI requests.

However, here we are again—almost a year to the day later—debating the same issue. The report by the Scottish Information Commissioner and the subsequent intervention by his office are quite remarkable—not least because they indicate a willingness by the Scottish Government to bury bad news and prevent negative headlines. It is

even suggested that Nicola Sturgeon's ministers are breaking the FOI laws by creating a two-tier system and treating journalists, MSPs and researchers more harshly.

John Swinney, the Deputy First Minister, was found to have interfered in an FOI request to block the publication of several documents. Emails show that Mr Swinney said that "it would be better" if material was withheld, and special advisers subsequently looked for technical exemptions to withhold documents that the minister would prefer not to be released.

That ministers would prefer documents not be released is not sufficient reason to withhold them, no matter how politically damaging or embarrassing the content may be to the Scottish Government.

The response to FOIs and written questions is consistently raised by members in the cross-party groups that I have attended. In a recent dual CPG meeting on chronic pain and arthritis and musculoskeletal conditions, it was—if you will pardon the pun, Presiding Officer—a particular pain point.

At every CPG meeting, we try to agree positive actions, which usually include sending questions to the Scottish Government. However, the Government's standard of reply has been appalling, which necessitates a further question mirroring the first question. It is no wonder that the number of FOIs and parliamentary questions is rising so quickly. I have found myself having to answer for the Government's reluctance to give out any information, explaining the process and suggesting that the same question be resubmitted.

I highlight as a recent example Findlay Carson's FOI request to ministers for information about the land held by the Scottish Government in connection with the A75. The reply was:

"While it is recognised that there may be some public interest in the details of land held by Scottish Ministers in connection with the A75 trunk road, specifically along the margins of the road itself, clearly we cannot provide information which we do not hold."

In the space of a sentence, we are told that details of land held by ministers may be of public interest but that they apparently do not know what land they hold. I am not sure what is worse—failing to tell people what land ministers hold, or admitting that ministers do not know what land they hold.

I have, on many occasions, asked the Scottish Government how many times the A77 south of Whitlets roundabout has been closed. What was Humza Yousaf's reply? He said:

"The detailed information is currently being collated. I will write to the member as soon as the information is available."—[*Written Answers, 27 March 2018; S5W-15272.*]

The trouble with that response is that it is dated three months ago.

I am finding that the transport, health and education portfolios are the ones that are most at fault; they also happen to be the ones under the most pressure for underperformance. The Scottish Government cannot choose which questions it will or will not answer based on how it happens to be underperforming at that time.

This game of question-and-answer ping pong has got to stop. If the Scottish Government wants the volume of FOIs and PQs to reduce, it should not make us ask the same question repeatedly to get a half-decent answer. The Government should follow the protocols that are set out. It is not good enough. I ask that the Scottish Government takes action that reflects the verbal commitment that it has made in this chamber.

15:32

George Adam (Paisley) (SNP): How any Government conducts itself while going about its business is important, but we have to look at the issue honestly and be honest about the debate. Like Edward Mountain, I, too, want to quote Tony Blair, who is, after all, the father of FOI. The quote carries on beyond what Edward Mountain cited. Although I do not agree with what Tony Blair said, I can understand and respect part of his point of view. He claimed that FOI is not used for the most part by the people. He said:

"For political leaders, it's like saying to someone who is hitting you over the head with a stick, 'Hey, try this instead', and handing them a mallet."

Tony Blair is a leader who has gone through many things and held different ideals. Although I do not agree with his point of view, we can understand where he is coming from, because a number of mallets have been brought out here today.

In all honesty, freedom of information has progressed since Tony Blair's Government introduced it. Things have changed in the world, and there is a lot more data in the world, so it will be more difficult to process all of it. However, the Scottish Government is doing well on transparency. It is still not perfect, but it is doing better.

In 2017, there were 2,441 requests answered on time. That is 83 per cent on target, which is not a bad return. It is 300 higher than the number of requests that were made in 2015 or 2016. In 2017, 3,046 requests were received, which is an incredible 41 per cent higher than the previous record of 2,155 in 2015.

Edward Mountain: My concern is that the number of freedom of information requests is going up because none of them is being

answered. Most of us are having to submit more than one FOI request in an effort to get an answer to a straightforward question.

George Adam: Greater use is now made of technology, and there is greater openness and transparency, which means that people are engaging more with the process. I would say that that is the reason for the increase in the number of FOI requests.

It is important to add that, during the first four months of 2018, the Scottish Government responded to 93 per cent of requests on time. That is above the figure of 90 per cent that was agreed with the Scottish Information Commissioner. In his report, the commissioner recognises that, over the past 12 months, the Scottish Government has taken steps to improve its FOI practice.

I turn to FOI requests from the media. We can all agree that media scrutiny of the work of Government is an essential part of the political process. Last year, the Scottish Government responded to more than 5,000 requests from journalists outwith the FOI system. Last month, the Scottish Government dealt with 449 inquiries from the media. The Scottish Information Commissioner acknowledged that specific improvements have been made in the way in which FOI requests are dealt with. On page 28 of his report, he went as far as to say:

“What can also be observed ... is a significant improvement in 2017/18, with the average response time for dealing with media cases reducing to 19 days.”

That shows that things have moved forward and that the Government has taken on board many of the issues that have been brought up.

Liz Smith (Mid Scotland and Fife) (Con): Will the member take an intervention?

George Adam: I am just closing.

In any Government, transparency and openness are extremely important. In such debates, we need to move away from the extreme hyperbole that we have had a great deal of in this afternoon's debate. Although the current system is not perfect, the Scottish Government's direction of travel is positive. That is an important point, and that direction of travel must continue to be encouraged.

The Deputy Presiding Officer: We move to the closing speeches. I ask members to keep to time, please.

15:37

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I am glad to have the opportunity to close the debate for the Conservatives. From listening to what has been said, it appears that there has been an increase in

the number of FOI requests as a result of a lack of information from the Scottish Government or a lack of transparency.

I fully support freedom of information, as every member does. The aim of the FOI legislation is to encourage as much openness and transparency as possible on the substance of information. The work of the Scottish Government should not be based on secrecy and control. We know that FOI requests work—they show mismanagement in our NHS, for example—and that they are an effective way of holding any Government to account. Denying elected members, their staff and journalists access to information or deliberately slowing down the process are practices that belong to a dictatorship, not a democracy. Rhoda Grant said that the Scottish Information Commissioner's report is

“a wake-up call for the Scottish Government.”

It certainly is. I congratulate the work by journalists and MSPs in bringing such practices to light.

Ministers and their special advisers should not be the judges of who can and who cannot get information, never mind being the decision makers who decide what information gets released to the public. FOI requests are a legitimate method of sourcing information that is not already in the public domain. No minister or special political adviser should stand in the way of that. We can imagine how SNP back benchers would howl if things were the other way round, but they are not—it is the SNP Scottish Government that is ducking and diving to avoid passing on information that is not favourable to it. The minister was asked how many times the Scottish Government has broken the law when it comes to FOI requests. There was no answer—the Government was rumbled by Neil Findlay. It is right that we debate the issue, so that we can give the Government an opportunity to restore public confidence and trust.

The Information Commissioner's report is damning, and he has given the Scottish Government until 13 September to produce, for his approval, a draft action plan to address the recommendations.

The Government's habit of referring media requests to political advisers for clearance is contrary to the spirit of the FOI legislation. The report advises that the Scottish Government should undertake a detailed review of clearance procedures and that it should clearly set out the roles of special advisers, outline the procedures that should be used when case handlers and special advisers disagree, and introduce clear rules for the recording of decisions. The report says:

“The current procedures for the clearance of information requests are unclear and lacking in detail. This makes the

role of those involved opaque when it should be transparent.”

In addition, the report recommends that the Scottish Government should examine procedures to learn from poor initial decisions and prevent recurring failures, and that it should investigate whether it would be better for quality assurance to be carried out by staff in directorates or agencies rather than by special advisers.

The report calls for media requests—for which people wait an average of two days longer than happens with other requests, with 25 per cent of them issued late—to be given a fairer hearing. The report says:

“It is inherently wrong that a class of requesters is treated differently when processing requests for information solely because of who or what they are. This covers not only journalists, but also MSPs and political researchers.”

Daren FitzHenry has castigated Scottish ministers for the way in which they handled FOI requests, which he says was “inherently wrong”.

The report calls for the Government to ensure that case handlers have sufficient knowledge and training to deal with the requests. The report also recommends that the Government should improve its record keeping to ensure that FOI performance is properly tracked and to improve the time taken to respond.

The Government amendment shows a lack of understanding, I am afraid, and the Scottish Conservatives have misgivings about it. We would have preferred to see the Scottish Government get its house in order. It has promised to implement the report’s recommendations in full—we, too, recommend that. In the amendment in the name of Edward Mountain, we call on the Scottish Information Commissioner to publish an annual report on the Government’s implementation of the action plan, and we hope that we will receive support for that tonight.

15:41

Joe FitzPatrick: I apologise if I misquote him, but Alex Rowley said that we should listen to the commissioner. I hope that members will accept from my earlier comments that we are listening to the commissioner. We acknowledge that the commissioner made clear in his intervention report that there are several areas for improvement in our handling process. We are determined to take those forward and make those improvements.

As I have already said several times, in the light of the commissioner’s recommendations, we will publish an action plan by 13 September, as he requests. However, I urge members to note that considerable improvements have already been put in place as part of wider work that is in train in the Scottish Government. More resources have been

committed to our central FOI unit, review responses are being cleared centrally—

Edward Mountain: Will the member take an intervention?

Joe FitzPatrick: I have only four minutes and there are a few points that I need to cover.

Quality and consistency are consistently improving, and for almost a year we have published the information released in response to requests online, with more than 1,800 releases published to date.

Following a concerted effort, our performance has also improved significantly in the past year. As George Adam said, in 2016 we responded to 76 per cent of requests on time, in 2017 that moved up to 83 per cent, and so far this year the figure is sitting at 93 per cent. We continue to work to see what we can do to improve our overall performance. This should be clear, but it is important to point out that in the majority of cases information is released. Against a backdrop of record numbers of requests—as was also pointed out by George Adam—this Government is releasing more information on time than any previous Government.

The release and publication of information in response to FOI requests is only one part of the Government’s wider openness agenda. As Ben Macpherson said, in 2017, the Scottish Government responded to more than 5,000 requests from journalists, separately from—and in addition to—those handled under FOI. It is important to make the point that our fantastic officials respond to the overwhelming majority of those media requests in less than three hours.

Daniel Johnson made a point about ministerial correspondence, which we did not have a huge amount of time to discuss because of the shortness of the debate. In 2017-18, the Scottish Government received 43,000 pieces of ministerial correspondence that required responses, of which 90 per cent were answered on time. I have already mentioned the new systems that we are putting in place. I hope that they will improve the tracking of ministerial correspondence, and that they will help to improve our FOI performance.

As I said earlier, a wealth of information is made available on the Scottish Government’s website. Details of all ministerial engagements, overseas travel, car journeys, domestic travel, ministerial gifts and guest lists are published proactively on the gov.scot website and, as I announced in my opening speech, from July we will publish ministerial travel and subsistence expenses.

We are always looking for examples of good practice elsewhere, and I take on board the point that Daniel Johnson made about the practice of

the Mayor of London's office. I will look to see whether there are lessons to be learned from there, because it is absolutely in line with our approach to try to ensure that this Scottish Government is an exemplar in freedom of information practice.

Freedom of information forms a critical part of the wider transparency agenda. We will, in line with the commissioner's recommendation, make changes and reforms where required, and we will continue to drive forward improvements in performance.

We will take on board the points made by the Liberal Democrats about looking for further expansion. I know the point about the desire for legislation, but there is a legal framework process that requires consultation. I am very much on the same page as the Liberal Democrats on the issue and I thank them for the way that they have approached it. It is worth acknowledging that—

The Deputy Presiding Officer: Could you close, please, minister?

Joe FitzPatrick: When FOI was introduced by the Scottish Executive, as it was then, I think that it was the Liberal Democrats who were in the driving seat in those days.

15:45

Neil Findlay (Lothian) (Lab): Before I start, I invite all members to the Campaign for Freedom of Information in Scotland meeting tonight in committee room 1 at 6 o'clock, where the campaign will tell us what it thinks of the Information Commissioner's report.

We have had some very good speeches today from Rhoda Grant, Daniel Johnson, Edward Mountain, Alex Rowley and Brian Whittle—they made excellent contributions. I think that I can say that we have had very ambitious speeches from Kate Forbes and Ben Macpherson; I am sure that they will be rewarded in due course. We have had another dreadful performance from the minister. Every time he comes to the Parliament to talk about the issue, he gets himself into a bigger mess. I think that the most inviting and tempting offer was that of taking a mallet to George Adam. Please form an orderly queue, everyone. *[Interruption.]* I am only joking. *[Interruption.]*

The Deputy Presiding Officer: Can we have a bit of peace and quiet, please? Carry on, Mr Findlay.

Neil Findlay: The report has come out after unprecedented action, with 23 of our most respected journalists writing to the Parliament because of their concerns about how FOI requests were being mishandled. At the time, I suggested that the mishandling may have been deliberate;

now we know that it was deliberate. Journalists, researchers and MSPs were discriminated against because of who they are. That was a deliberate policy decision by the Government.

The report raises many issues, including that of the role of special advisers. It says that the Scottish Government's FOI policies and procedures are not clear enough about the role of special advisers in responding to FOI requests. It states:

"Formal guidance for staff was ... ambiguous ... with the Scottish Government's guidance on 'Obtaining clearance before issuing a response' advising staff that 'if you are unsure whether you think a case requires to be cleared by special advisers and/or ministers please contact the SpAds' office for a steer'",

yet when interviewed for the commissioner's report, the SPADs denied that they cleared anything. The report then goes on to say:

"The on-site examination of case files identified numerous instances of delays in the issuing of responses due to delays in obtaining clearance from special advisers."

The report says that the letter and spirit of the law were not being met and that politically sensitive information was being treated differently. Let me interpret that for the minister: the Government broke the law.

The commissioner has made seven recommendations for further specific improvements. There is a recommendation on clearance procedures. We need an answer on why SPADs and ministers were screening FOI replies. Another recommendation is about quality assurance—who is responsible for what comes out from the Government and when it comes out? There is a question about training—who has and has not been given training?

There are recommendations about case handling and case file records management. We have all been denied answers to FOI requests because it is too costly to accumulate the information. The reason why it is too costly is because records management is so bad.

Another recommendation is on monitoring FOI requests—who is accountable? At one point, the commissioner refers to a meeting and says:

"Following this meeting, I requested a copy of the full tracking report from the FOI tracker up to 17 December 2017 ... After some considerable technical difficulties, on 16 March 2018 I received the tracking report".

That was three months later, which is about the same amount of time that we often wait for FOI requests to come back to us, so I say to the commissioner, "Welcome to the club."

The journalists' complaints have been completely vindicated. The Government has been caught bang to rights.

Joe FitzPatrick: Will the member welcome the fact that the Scottish Government has agreed to implement all the commissioner's recommendations?

Neil Findlay: Of course I welcome that, but it should never have come to this because the Government should not have been operating such a bad system.

There is much more that we have to do. Often when we use FOI, we are told that minutes, agendas and briefings for meetings do not exist. I have previously asked for minutes, agendas and briefings for meetings between John Swinney and senior financiers, between Derek Mackay and senior officials at the Scottish Futures Trust, between Humza Yousaf and ScotRail, between Nicola Sturgeon and newspaper editors, and between Nicola Sturgeon and Charlotte Street Partners, but the response is: no minutes, no agenda and no briefing. I invite the minister to tell us why there are no minutes of those meetings.

The Deputy Presiding Officer: You are in your last minute, Mr Findlay.

Neil Findlay: I hear absolutely nothing from the minister.

We need a further inquiry that takes into account all the issues, because it is not just about freedom of information; it is about all the meetings that the Government has with very powerful people—spending money on behalf of the public—that no one would ever know happen, because there are no minutes, no agenda and no briefings for them. This is the Government's opportunity to put all of that right, in addition to putting right everything that is in the Information Commissioner's report.

Access to Medicines

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-12856, in the name of Anas Sarwar, on access to vital medicines. We are a bit behind time already for this debate, so I ask members to bear that in mind.

15:51

Anas Sarwar (Glasgow) (Lab): I stand here to stick up for patients in Scotland who have no voice: the patients with breast cancer or cystic fibrosis who have been denied access to vital, life-prolonging medicines due to bureaucracy. They have been failed by a system that has placed a value on their life and decided that the price tag is too high. Mums or dads, a son or daughter or a brother or sister—they are people who need this Parliament to stand up for them and make their voice heard in the hope that the Scottish Government listens and acts.

Many of the patients we are speaking of do not have much time. It is too late for many of them to benefit from the medicines. What time they do have, they are using to campaign so that others do not find themselves in the same position of knowing that they have a terminal illness and that there are drugs available that will allow them to spend more time with their families: time that they will not get without the drugs that they need. One of those drugs is Perjeta, a breast cancer drug that prolongs someone's life for 16 months, which is 16 months more with their loved ones. Breast Cancer Now deserves our thanks for leading that campaign, helped by the bravery of patients. Today, we are their voice.

Last week, Jon Ashworth, the shadow Secretary of State for Health and Social Care in England, and I met Breast Cancer Now and campaigners in Edinburgh. It is completely unacceptable that Jon Ashworth's constituents in Leicester would be given access to Perjeta to prolong their lives but that my constituents in Glasgow are being denied that access. Women in England, Wales and Northern Ireland can get Perjeta on the national health service as a matter of course, but women in Scotland cannot get Perjeta. The drug has been rejected three times by the Scottish Medicines Consortium as it is not considered cost effective, despite it being recognised as clinically effective. I ask again: what cost life?

The other drug referred to in our motion is the life-prolonging cystic fibrosis drug Orkambi. It slows the decline in lung function—the main cause of death in cystic fibrosis—by 42 per cent. Orkambi also cuts the number of infections that require hospitalisation by more than 60 per cent.

As we heard in a debate last week, the longer the delay in approving access to Orkambi, the greater the decline in lung function for cystic fibrosis sufferers.

That is why the matter has to be treated urgently. Professor Gordon MacGregor, a cystic fibrosis consultant, spoke about his anger that he has in his cabinet the drugs to prolong his patient's life but he does not have the permission to prescribe them. On some occasions, the pharmaceutical company has even given the drug for free on compassionate grounds, but the clinician still cannot prescribe it, due to bureaucracy.

I thank the Cystic Fibrosis Trust, the patients and the campaigners. However, it should not take individuals' courage in coming forward and sharing their very personal stories on the front page of a national newspaper, or indeed some individuals, as in the example of Anne Maclean-Chang, crowdfunding on Facebook, for the Scottish Government to take action and for them to get the vital drugs that they need.

That is why the Government must implement in full and without delay the recommendations in the Montgomery review, which was published in December 2016. In particular, the Government must deliver the ability to negotiate on price during the approval process. It makes sense that, if the drug has been accepted as clinically effective but discussions on cost effectiveness are on-going, the Scottish Medicines Consortium and NHS National Services Scotland should be able to negotiate with the pharmaceutical companies without asking them to reapply in a process that can take months and months.

It appears that the Government will support our motion, and that is welcome. However, for the cabinet secretary to write to me confirming which recommendations will be taken forward by the end of 2018—which is welcome—just shortly before this debate; for her to write to Jackie Baillie and Alex Neil just today about issues that they have been campaigning on; and for her to write to the chair of the Health and Sport Committee on these vital issues just yesterday only helps to emphasise that it should not take campaigners on a front page and us having to lodge motions in this Parliament to get action from the minister and the Government so that people can get access to life-saving or life-prolonging drugs.

As I said, I welcome the fact that the minister has indicated that she will support our motion, but can she confirm that the ability to negotiate on price will begin now, as the motion calls for, and not at some undefined point in 2018? Every single day that is lost in that process is a day when people are denied access to medicines, so now has to mean now. Will the cabinet secretary

confirm to patients and clinicians when she expects Perjeta and Orkambi to be available to them?

The Government's amendment states that the decisions on the new individual patient treatment request process—the peer-approved clinical system 2 process—will not be based on cost. Although that is welcome in words, health boards are in practice facing budgetary pressures that mean that they will have to cut up to £1 billion over the next four years. Therefore, will the Government guarantee two things? First, will it guarantee that the new PACS 2 process will be faster in delivering access to medicines than the previous process was? Secondly, will it guarantee that additional funds will be made available to health boards so that they can approve access to vital medicines for individual patients without knock-on pressures on existing services?

I go further and ask that the Government considers a portfolio deal on cystic fibrosis medicines. Last week, the Minister for Public Health and Sport, Aileen Campbell, said that that was not possible, as the Government could not spend money on drugs that have not been approved. I say to her that it starts to cost money only when the drug has been approved and is being prescribed by clinicians.

I want to end with the brave words of the campaigners. Breast cancer patient Jen Hardy said about Perjeta:

"Someone an hour and a half down the road can get it but I can't. We shouldn't have to think about cost because people in England and Wales don't need to ... It is terrible not only for me but my family as well."

"I think about what 16 months would mean for me. It's a graduation, a wedding, knowing your kids are doing ok. We need this drug now to stop women dying earlier than they should."

Jen Hardy will not get Perjeta, but she is campaigning for others to get it.

Kelli Gallacher, who is 24 and has cystic fibrosis, has been told not to expect to live beyond 31. Her letter to the First Minister says:

"I don't have time to wait. These drugs are available in other countries and, to me, it feels like they have been put on a shelf just out of my reach. I know they are there but I can't get to them.

More people with"

cystic fibrosis

"will die unless something is done. We need these drugs now. Please don't let us die."

For patients with breast cancer or cystic fibrosis, every day matters. I ask members to please support our motion and make today matter.

I move,

That the Parliament calls on the Scottish Government, as a matter of urgency, to bring NHS National Services Scotland, the Scottish Medicines Consortium and the relevant pharmaceutical companies together to deliver access to the life-prolonging medicines, Perjeta and Orkambi, for patients in Scotland who need them; notes the commitment that was made by the Scottish Government in December 2016, following the Review of Access to New Medicines (the Montgomery Review), to improve ways of negotiating with drug companies on the cost of medicines, and calls for a new system of negotiation to be implemented now.

16:00

The Cabinet Secretary for Health and Sport (Shona Robison): In recent years, the Parliament has driven significant change in access to new medicines, for which the system is—rightly— independent of politicians. Reforms to the availability of new medicines for rare, very rare and end-of-life conditions mean that the Scottish Medicines Consortium now approves 79 per cent of submissions, which is up from 48 per cent between 2011 and 2013. A key change in the health technology assessment process has been to give the SMC greater latitude, when assessing medicines, to take into account patients' lived experience.

On Monday, I announced a further change. From October, defined ultra-orphan medicines—those for the rarest conditions—will be made available on the national health service for at least three years, while information about their results is gathered. The SMC will also have flexibility to allow some orphan medicines to go through the ultra-orphan process when it considers that appropriate. At my request, the Scottish Government's chief pharmaceutical officer has written to ask the SMC to determine whether Orkambi might be considered in that way.

We have changed the system for individual access to medicines that are not generally available on the NHS. Under the new peer-approved clinical system—PACS tier 2—the cost of a medicine has since 1 June been explicitly excluded from decision-making criteria when a clinician's request for individual access is considered.

In recent years, we have ensured that the rebate that comes to Scotland as part of the UK's pharmaceutical price regulation scheme has been invested in access to new medicines. We will ensure that that continues.

Anas Sarwar: The cabinet secretary mentioned that the PACS tier 2 process says explicitly that cost is not a consideration. Will she make funds to access such medicines available to health boards, which are under budgetary pressure, so that boards do not have to worry about costs?

Shona Robison: First, it is still important to demonstrate clinical effectiveness. We have made funding available through the new medicines fund, which is funded through the PPRS. Anas Sarwar will be aware that that is under negotiation as we speak; I will come back to that.

As for improving the ways to negotiate with drug companies, a number of steps have been taken to better pursue best value for the NHS. NHS Scotland and the Association of the British Pharmaceutical Industry have agreed a new voluntary system to ensure that, for the first time, discounts that are offered to one part of the UK are made available at the same level in Scotland.

We want to go further and help NHS Scotland to negotiate for patients in new ways. Critical to that is ensuring that the new UK PPRS leaves greater scope for NHS Scotland to negotiate with companies about their applications for new medicines. Sadly, the existing PPRS, which expires at the end of the year, places tight constraints on Scotland's scope for additional negotiation. That prevents opportunities for negotiation, as we cannot contravene the PPRS terms that the UK Government agreed.

We have asked twice for Scotland to be a party to the upcoming PPRS negotiations with the industry, to ensure that we secure the scope for greater flexibility in negotiation, but our requests have been refused. Our aim is to align the implementation of a new negotiation scheme and the implementation of the single national formulary to the outcome of the PPRS negotiations, which we hope will be concluded as quickly as possible. As such, I am happy to accept Miles Briggs's amendment, as well as the Labour motion. I hope that we can rely on support from members across the Parliament for Scotland to receive a fair deal and the flexibility that we need from the PPRS negotiation.

Today's motion refers to two specific medicines—one for secondary breast cancer and the other for cystic fibrosis. Just last week, the Parliament heard of the terrible toll that is taken on people who live with cystic fibrosis, and few of us will not have had a family member affected by cancer.

The SMC, NHS Scotland and my officials have been working to help the companies that have developed Orkambi and Perjeta to apply to have their medicines considered flexibly by the SMC. I warmly welcome the undertaking that was offered by Roche to make a new application for Perjeta—that is a positive step. I hope that the makers of Orkambi will submit a fresh application, too, because it is important that clinical effectiveness is established and that is the process that every company must go through. Scottish Government officials met representatives of Vertex

Pharmaceuticals this week to discuss its proposals. I hope that it will engage fully and positively with assessments to ensure the clinical effectiveness of its medicines.

The Scottish Parliament has helped to drive forward substantial reforms in this area, but we must also expect that some companies reform some of their practices and come forward with far fairer prices and clear clinical evidence for assessment. Every other pharmaceutical company has to do that.

There is little doubt that decisions around the availability of new medicines are among the most difficult issues that Governments face, which is why the system is independent and not in the hands of politicians. The system has been reformed considerably—any reasonable person would agree with that—which means that we get more drugs more quickly into the hands of more patients. We have made advances and we will not stop in our efforts to make further advances.

I move amendment S5M-12856.3, to insert at end:

“; welcomes the introduction of a new ultra-orphan pathway within the Scottish Medicines Consortium process that will make available, with ongoing evaluation for at least three years, medicines for the rarest conditions; notes the roll-out of the Peer Approved Clinical System in June 2018, replacing individual patient treatment requests, which allows clinicians to seek medicines for their patients that are not currently accepted for routine use by the NHS in Scotland, and which makes clear that the cost of the medicine must not be part of the decision-making process; further notes the commitment of the Scottish Government to continue to use all Pharmaceutical Price Regulation Scheme rebate funding to support access to new medicines; welcomes the commitment of the Association of the British Pharmaceutical Industry for its members to provide Scotland with the same discounts offered elsewhere in the UK for accessing medicines, and believes that pharmaceutical companies should offer NHS Scotland fair prices and should properly engage with health technology assessments in order to demonstrate the clinical effectiveness of their medicines.”

16:06

Miles Briggs (Lothian) (Con): I am pleased to contribute to today's debate about access to life-prolonging medicines and I thank the Labour Party for bringing it to the chamber. It is an issue of great concern and importance to many patients and their families in Scotland.

Earlier this month, working with Breast Cancer Now, I was pleased to host a summit on access to Perjeta here in Parliament with breast cancer patients, manufacturers, representatives of the Scottish Government and members of all political parties in the Parliament. Attendees at the summit heard moving and powerful testimony from breast cancer patients such as Jen Hardy from Edinburgh, who told us:

“I have lost out on 16 months of precious extra time with my beautiful family because I've been denied Perjeta. With every moment that goes by more women are missing out. The drug company, the Scottish Government and the SMC need to keep working together to make Perjeta available on Scotland's NHS. It's time to end this injustice.”

I commend Breast Cancer Now and individuals such as Jen and many others for leading such a high-profile and passionate campaign. At the meeting, we heard from another of my constituents, who spoke what were the most beautiful and poignant words that I have heard in the Parliament. The mother of two from Portobello said:

“In my case the differences of the extra time include better mental health reducing the overwhelming guilt at leaving my gorgeous children at such a young age. Instead I can again relax and enjoy time with them. I can also look forward to all the fun bits of being a mum such as being the tooth fairy, being with them as they learn to read and hopefully love books as much as I do, discovering Legoland and all sort of wonderful places and experiences. Perhaps even more important is knowing I will also be there at the difficult times maybe even reassuring them as secondary school and the teenage years approach.”

I hope that those words demonstrate why we are debating this important issue today, and why we must have urgent progress.

Although I welcome Roche's confirmation that it will make a new bid to the SMC, Scottish campaigners and patients are understandably frustrated and angered by the delays that they face to access Perjeta when it is already available on the NHS in England and Wales.

Similarly, in the case of Orkambi, I was pleased to speak in last week's members' business debate that was led by my colleague Maurice Corry, in which I highlighted my constituents' strong desire for access to the drug, which can, as we heard, transform the quality of life for people with cystic fibrosis.

Parents from around Scotland, including people such as Jenny Landers in my region, are to be congratulated on their campaigning efforts. It is because of them that we are here today and making sure that we achieve this change.

Although today's debate focuses on Perjeta and Orkambi, I have been contacted in the past few weeks by constituents and families who are campaigning for access for themselves and their loved ones to other specialist drugs that they consider to be absolutely vital. Families of children with rare diseases, such as 5q spinal muscular atrophy types 2 and 3, want the SMC to help provide them with medicines that could radically improve their lives. They desperately want a system that is responsive, transparent and fast.

The Scottish Government, as the organisation that ultimately sets the rules around how the SMC operates, needs to show that it understands and

can respond to patients' wishes. As Opposition MSPs, it is our job to press ministers on this matter and speak up on behalf of our constituents.

Many elements of the Montgomery review are welcome, but there are growing frustrations that they might not go far enough and that the implementation of some of them is taking far too long.

My amendment adds to Anas Sarwar's motion and reflects what patient groups feel in relation to the need to improve the patient access scheme assessment group. Current processes are failing and they are not able to assess, in the most adequate way, highly innovative medicines. No doubt we will all see a great many more of those come forward in the next few years, as technology advances and genetic profile-specific drugs emerge into the market. They are going to be for small patient numbers and we must be able provide access to them.

It is clear that too many patients and families across Scotland face barriers to accessing new drugs. The Scottish National Party Government and the Parliament need to make sure that that changes as soon as possible. Sadly, in too many cases that we will hear of today, it is too late for patients and their families. I support Anas Sarwar's motion.

I move amendment S5M-12856.1, to insert at end:

“, and further calls on the Scottish Government to remove barriers to make access to new drugs easier, including the reform of the Patient Access Scheme Assessment Group.”

16:11

Alison Johnstone (Lothian) (Green): We all want patients to be able to access the treatments that they need without delay. It is unthinkable that patients' health is deteriorating while medicines that could help them are not being used.

It is right that Parliament works to ensure that medicines reach the people who need them. The best long-term solution is to improve the frameworks that surround those decisions, as there will never be time in this chamber to properly consider individual medicines with the urgency that patients and all the organisations and individuals who have campaigned long and hard require and deserve. The amendment that I lodged was clear that all patients need to have confidence that there is a trusted and transparent system for regulating the approval of all new medicines.

Today, Cancer Research UK has emphasised that the SMC plays a vital role in assessing the clinical and cost effectiveness of new medicines

independently of the Scottish Government. It is right that there should be an independent process. Ultimately, the efficacy of individual medicines must be evaluated by clinical experts.

I support the motion before us today. Improvements have been needed to our overall frameworks for approving new medicines. The motion rightly highlights that the Government has already committed to improving aspects of negotiating with drug companies.

I acknowledge that we have seen progress towards implementing the recommendations of the Montgomery review over the past year, which the Government's amendment details. I will support the Government's amendment on that basis, although I appreciate the real concerns that progress has not been fast enough or always clear enough. I also wholly support the position that

“pharmaceutical companies should offer NHS Scotland fair prices and should properly engage with health technology assessments”.

I am glad that the manufacturers of Perjeta are making progress on resubmitting to the SMC, and I implore the manufacturers of Orkambi to do the same. There is no time to be lost.

I will also support the Conservative amendment that proposes that we remove unnecessary barriers to treatment. I am open to some potential reform of the role of the patient access scheme assessment group, although I am not wholly convinced by submissions to the Montgomery review by pharmaceutical companies that said that they want to see the assessment group

“develop their role from gatekeeper to enabler”.

I also have reservations about urging NHS National Services Scotland, the SMC or the Government to move into negotiations that are even less transparent than current processes. Decisions about procurement should always be taken as transparently as possible.

If we are to urge the Scottish Government to take action beyond the SMC process, we cannot rule out other legal routes to procure medicines. The campaign group just treatment wants to see the Scottish Government make use of its powers to pursue a Crown use licence in some cases. I have raised that possibility with the cabinet secretary recently. I appreciate that that might not be a quick solution, but it has the potential to lead to much-needed long-term change on drug pricing.

We cannot ignore the fact that manufacturers have the latitude to change their stance on price. I very much hope that Roche has reached a position that allows the SMC to approve Perjeta for general use, and I encourage Vertex to do the same on Orkambi.

As the just treatment campaign has pointed out, although we cannot alter the efficacy of drugs to make them more cost effective, the price is variable, and the key driver of price will be the patent-backed monopoly that is held by manufacturers. The “Just treatment” campaign has worked with inspiring campaigners such as Dunise MacIver, who have spoken honestly and openly about the difference that accessing Perjeta would make to their care and treatment. Last week, my colleague John Finnie highlighted the experience of his constituent, Hannah McDiarmid, who has grown up with cystic fibrosis and lives with two hours of physiotherapy a day to clear mucus from her chest and lungs.

It is incredible that so many constituents have put so much into campaigning for access to treatment when their own health must be their priority, and they manage really complex treatment regimes. They are inspiring us, but they should be able to focus entirely on their health and wellbeing. We must get access to medicine right in the first place so that no one has to lose time that they could be spending with their families because they are putting their energy into leading campaigns for the treatment that they need.

16:15

Willie Rennie (North East Fife) (LD): It is tough to watch and read about breast cancer patients and their ordeal. Who would not want to make policy changes when they learn about Jen Hardy, from Edinburgh, and her HER2-positive secondary breast cancer? She has been denied Perjeta and the 16 months of life that it could give. When someone who is exhausted from the effects of breast cancer considers moving home to get treatment, that shows how much it matters to her. Similarly, the 31-year-old daughter of Jacqueline McEnaney has cystic fibrosis and would benefit from Orkambi. This week, she attended the funeral of the last of her childhood friends with the condition. Orkambi could extend her life and improve her daily quality of life.

Only thanks to advances in medicine is this debate even possible. Previously, there would have been no hope, but now there is. However, with that hope comes a new set of challenges. There is an expectation on the NHS and the state to do everything possible to save our friends and relatives from pain and early death. We want new medicines and innovations to be used by the NHS to improve people’s lives and to encourage greater innovation by industry and researchers. However, that cannot be at any price or effectiveness, because that might have an effect on other treatment and services that are provided by the NHS, which might be equally—if not more—justified.

The SMC process is specifically designed to assess the flow of new medicines from pharmaceutical companies. Because drug discovery is not cheap, that decision involves a difficult set of judgments. It has been recognised that the process for orphan or ultra-orphan conditions requires adjustment, but progress since the Montgomery review has been slow. Even so, the ultra-orphan process has nothing to do with Perjeta. The PACS tier 2 process should give patients a better chance of accessing Perjeta on an individual basis, but why is there a need to use that process when the drug is routinely available in England?

There is a lack of clarity about what is happening with end-of-life drugs such as Perjeta. How can Perjeta be cost effective in England but not in Scotland? Leaving aside the cancer drugs fund, how was a special deal reached with Roche in England but not in Scotland? I hear what the health secretary says about the PPRS, but that does not explain why the Welsh Government has given the go-ahead. Similarly, in Northern Ireland, we are seeing a managed arrangement around the use of Perjeta.

Shona Robison: One of the core principles that we want in the new PPRS deal is that the companies that offer a deal to one part of the UK must offer the same deal to all parts. Does Willie Rennie agree with that approach?

Willie Rennie: I agree with that approach, but that does not explain why we are in the position that Wales and Northern Ireland seem to be moving ahead, alongside England, while Scotland seems to be incapable of doing so.

Following the rejection last year by the SMC, Roche said:

“unfortunately inflexible pricing rules mean they have been unable to accept our discount in full.”

I do not understand what that means and I would like an explanation from the health secretary when she sums up.

The Government’s amendment says that pharmaceutical companies should offer the same prices across the UK. I agree with that, but that does not explain the situation that Roche is describing. We all want to solve the problem, so we need to have some clarity around that. We know the dilemmas that are involved in trying to get expensive drugs through the system, but we need some clarity and progress for the sake of the patients involved.

16:20

Jackie Baillie (Dumbarton) (Lab): It was only a week ago that we had a members’ business debate on access to Orkambi. The Minister for

Public Health and Sport's response then was disappointing and pre-scripted, and it offered little comfort to those for whom that drug could be life saving. I believe that the cabinet secretary has moved on from that today, which is welcome, although I would, of course, encourage her to go further.

The issue is not just access to Orkambi, important though that is, but access to the next generation of drugs to treat cystic fibrosis—the drugs that are being trialled as we speak, which will transform lives, and the drugs that will follow them in a few months, which will treat the underlying causes of cystic fibrosis rather than simply the symptoms. That really will be life changing. According to clinicians, instead of someone with cystic fibrosis dying before they reach 31 years of age, they could live into their 70s or 80s. They would have a normal life expectancy, which is simply extraordinary. We have an opportunity and a duty to do something about that.

Orkambi was licensed for use in 2015. The SMC recognised that it was an important therapy but rejected it on cost grounds in 2016. Two years on from that, Orkambi is available from the drugs company only on compassionate grounds. Meanwhile, people with cystic fibrosis are dying.

Time is something that cystic fibrosis sufferers do not have. A resubmission to the SMC would take six months, and I am not convinced that the appraisal process recognises the contribution to the economy that someone living and working for an additional 30 to 40 years would make. The way in which the SMC measures cost and benefit does not even begin to capture that fully.

I welcome the roll-out of the ultra-orphan medicine pathway. It is great, but the truth is that it applies only to conditions affecting fewer than 100 people. There is a gap in the system in how we treat orphan conditions. Orkambi is appropriate for about 300 cystic fibrosis sufferers, so it does not qualify as an ultra-orphan medicine. It is clear that there is a gap between the ultra-orphan medicine pathway and the SMC process.

I hear that the cabinet secretary is asking for an exemption to be made in the case of Orkambi. That is a start, but it does not address the underlying problem, which is where I would like her to go further. We need a portfolio agreement, not just an agreement about Orkambi. We need an agreement about the next generation of medicines that are coming down the line. I know that that is a new concept that does not fit the processes that the Scottish Government has, but let us not be hidebound by systems if they are not flexible.

Allow me to correct the cabinet secretary as gently as I can. All new treatments in a portfolio

agreement have to be licensed first. I would have the same safety concerns as she has, and I would not be recommending that course if I did not think that it was appropriate. At the end of the day, it is about patients.

Here are the countries that have agreed a portfolio deal: Austria, Denmark, Germany, Luxembourg, the Netherlands, Italy, Greece, the United States, the Republic of Ireland and—just this week—Sweden. I ask the cabinet secretary: are all those countries wrong? Do we know better? Are cystic fibrosis sufferers in Scotland different from sufferers in any of those countries?

Shona Robison: Jackie Baillie raises an important point. The portfolio approach did include unlicensed medicines the safety of which remained unproven. I am glad that she shares my concerns about that. It is a fundamental problem with the portfolio approach that needs to be addressed.

Jackie Baillie: I am suggesting that we can address it if we have those negotiations. All those other countries have, and negotiations on such an agreement are well under way in England. I understand that agreement will be reached soon—perhaps even before the end of the summer—which will save the lives of cystic fibrosis sufferers in England. I cannot believe that the cabinet secretary wants to send the message today that parents who want to save their children should move to England to do so.

I am grateful that the cabinet secretary is going to meet my constituent Kelli Gallacher next week, but Kelli does not have time to wait: she needs Orkambi now.

16:25

Ash Denham (Edinburgh Eastern) (SNP): As the MSP for Edinburgh Eastern, I have met constituents for whom access to potentially life-altering medicines for themselves or their children is an incredibly pressing concern. The Scottish Government has acted to significantly improve access to medicines in recent years, but I know, from meetings with constituents and the correspondence that I have received from constituents, that accessing certain medicines and treatments has sometimes proved frustrating.

In Scotland, new drugs are appraised in a clear way. The process is independent of ministers and Parliament, and decisions are made by the Scottish Medicines Consortium. The system needs to be fair and consistent, but it also needs to be able to respond swiftly to clinical need. Pharmaceutical companies must play their part in that process by submitting a fair price—ideally, the first time.

The Scottish Government has listened to feedback from patients and has responded to the Montgomery report's recommendations by implementing a series of reforms to the system and new measures that will make it easier for patients with rare conditions to access new medicines and treatments. It has announced just this week that it has widened the definition of ultra-orphan medicines to include medicines for rare orphan diseases so that patients with rare diseases can get faster access to new medicines and treatments. That means that, if a medicine meets the definition and the SMC considers it to be clinically effective, patients will be able to access the new medicine on the NHS for at least three years while information on its wider effectiveness is gathered.

That follows changes that were made this month that give doctors the right to access licensed treatments that are not generally available on the NHS on a case-by-case basis, making it easier for patients to get access to the specialist medicines that they need. The peer-approved clinical system tier 2 will act as a sort of safety valve in the system for clinicians, and cost effectiveness must not be part of the consideration for non-routine access. That approach is supplemented by the new national appeal panel, and it provides a more flexible pathway for clinicians and their patients.

Those changes reflect the Government's understanding that more can and should be done in exceptional cases, and they amount to major improvements in the access to new drugs that have the potential to improve the quality of patients' lives.

The Government's changes are significant, but it is also vital that pharmaceutical companies play their part by bringing a fair price to the process. As we know, ultra-orphan medicines are expensive, and the SMC's role is to ensure that the best-value medicines are available to the NHS in Scotland. I understand that, following encouragement from the Scottish Government, Vertex Pharmaceuticals and Roche have submitted new applications to NHS National Services Scotland. I hope that that results in agreement being reached on fair prices to enable patients in Scotland to access the medicines.

I hope that those recent announcements go some way towards reassuring my constituents and patients across Scotland that the system is being reformed and taken seriously and that access to the latest medicines for those who need them is being significantly improved.

16:29

Annie Wells (Glasgow) (Con): I thank the Labour Party for bringing an extremely important topic to the chamber for debate.

I ask members to imagine a situation in which a family member or loved one could live longer if only they were given access to a medicine that they knew already existed, and then to imagine their frustration should that person be denied that drug. By so doing, we get to the crux of why the debate is so important.

We have seen in the media the personal testimonies of patients who need the drugs in question. Last month, a young woman wrote to the First Minister to beg for access to Orkambi. That drug would improve her chances of living beyond the age of 31. A few weeks ago, as part of a Breast Cancer Now campaign, I met a campaigner who desperately wants and needs Perjeta in order to increase the time that she has left.

The specialist drugs Orkambi and Perjeta are potentially life changing. Orkambi is a precision medicine that targets the root cause of cystic fibrosis and has the potential to improve the lives of more than 336 people in Scotland by preserving and restoring full lung function. Perjeta is a drug for people with HER2-positive breast cancer that is said to prolong the lives of women with incurable breast cancer by up to 16 months.

That is why it is so important to discuss those drugs' availability in Scotland. The Scottish Conservative Party has consistently called for both drugs to be available on the NHS. Miles Briggs hosted cross-party talks on the availability of Perjeta this month, and in May Ruth Davidson raised the issue at First Minister's question time and stated that breast cancer sufferers had travelled to England to access the drug. Last week, Maurice Corry led a members' business debate and called for Orkambi to be made available in Scotland.

Cost will always be a factor in making such decisions, of course, but it is clear that the Scottish Government must provide clarity about what it intends to do. There are underlying issues and reform is needed. With regard to negotiations, the SMC of course makes decisions independent of Government, but it is, after all, the Government that sets the framework under which those decisions are made. That is why the Scottish Government must prioritise putting in place a negotiating system that will ensure greater access to the drugs. It is 18 months since the Scottish Government promised to do so, so I call on the cabinet secretary to provide a clear deadline for when we can expect that. Furthermore, as is alluded to in Miles Briggs's amendment, we must push for reform of the patient access scheme

assessment group to make access to high-cost drugs easier for patients.

In addition to those reforms, I echo the calls that are being made by Miles Briggs for a cross-border arrangement to ensure that no one misses out on crucial care. Medicines are also available in Scotland that are not available in England, which is why it is so vital for us to work together and share resources.

I reiterate my support for the debate. The time has come for greater clarity surrounding new medicines. We have seen in recent weeks just how pertinent are demands for life-changing drugs to be made available in our NHS. Our patients suffer as a result of lack of decision making and complex discussions around cost—which must, of course, be factored in. However, I call on the Scottish Government to put in place urgently a new system of negotiation for such life-saving drugs. Only then will patients get the chance that they deserve to extend their lives and give relatives a source of comfort.

16:33

Kezia Dugdale (Lothian) (Lab): I commend my colleague and friend Anas Sarwar for his persistent focus on access to medicines, which has allowed us to devote Labour's debating time to the issue today.

I will share my experience of supporting constituents who have cancer, and I want to make three points: about the wider situation that faces the NHS; about the Montgomery review—in particular, the replacement for individual patient treatment requests; and about Jen Hardy and her battle for Perjeta.

I inform the Cabinet Secretary for Health and Sport that a woman came to my surgery on Friday to see me about a family member who had waited more than a year for an endoscopy from NHS Lothian. She never got the treatment that she needed and died from stomach cancer earlier this year. Today's debate about access to medicine has to be seen in the wider context of the pressures on our NHS—in particular, the Government's consistent failure to deliver on treatment time guarantees, and the fact that cancer is no exception to that record of failure.

I am pleased that the Government has accepted the Montgomery review recommendations to replace IPTRs with the new PACS tier 2 system, as Anas Sarwar mentioned. I have direct experience of trying to support two constituents in the IPTR process: one was successful and one was not. The first was a woman who walked into a constituency surgery a few years ago who needed help to fill out the paperwork for IPTR to access the drug Kadcyla for breast cancer. She was

ultimately successful, but I believe that that was only because of the sheer force and pressure that was put behind the campaign by Breast Cancer Now, which did formidable work in fighting for that drug.

The second constituent whom I tried to support in an IPTR was a woman who had bowel cancer. One of the hardest things that I have ever had to do as an MSP was visit her in her house in Edinburgh and have a conversation about why she could not get the drug that she needed after she had devoted her entire career to the NHS. She was a paediatric nurse: every waking moment of her working life had been spent in the national health service, but I was sitting in her living room trying to explain why she could not get the drug that would have saved her life. Sadly, she passed away in February this year, having never had the treatment that she needed.

We have heard from Miles Briggs and others about the situation that is facing Jen Hardy. She should be spending her final months watching her daughter graduate and get married, and enjoying Christmas with her family, but she has been spending her time standing outside Parliament educating MSPs on a drug that would have given her 16 more months of life. The Government has been dragging its heels for a long time over Perjeta. In fact, we have been waiting longer than that drug would give Jen Hardy in extra months to spend with the people who desperately want her by their side.

If the cabinet secretary takes away one thing from the debate, it should be that she should, please, stop dragging her heels, because there are people who need the drugs now. Every member will have experienced trying to support a cancer patient through one of the most difficult experiences of their lives and who is being hit by the system time and again. The system is failing such patients and we could do much more to improve it. The power to do that lies in the health secretary's hands. I hope that she steps up and uses it.

16:36

Clare Haughey (Rutherglen) (SNP): I refer members to my entry in the register of interests, which shows that I am a registered mental health nurse and that I currently hold an honorary contract with NHS Greater Glasgow and Clyde.

Like other members who are present, I know constituents and friends who have either had or been affected by breast cancer or cystic fibrosis. Those illnesses impact not only on the patient, but on the families and friends who support them. As many members across the chamber have, I have heard heartbreaking stories from constituents

whose lives have been turned upside down by breast cancer and cystic fibrosis. For that reason, I fully applaud the tenacious campaigns that are being led by Breast Cancer Now and the Cystic Fibrosis Trust calling on authorities to widen access to medicines for such conditions. Those organisations' campaigning has helped to educate MSPs and the wider public on the merits of widening access to the drugs. For that we owe them a debt of gratitude.

As we have heard, the Scottish Government has in recent years significantly improved access to new medicines. Figures show that between 2011 and 2013, the combined acceptance rate for orphan and cancer medicines was 48 per cent, whereas in the past three years, under the new approach, the Scottish Medicines Consortium has approved 79 per cent of such medicines. There can be no doubt that those drugs have changed lives.

However, we can always improve and build on our processes and learn from our experiences and from evidence-based best practice from other nations. I welcome the Government's commitment, following the recommendations that were laid out in the Montgomery report, to reform the systems that are currently in place and to introduce changes that will enable medicines to get to the people who need them. As we have heard, the Cabinet Secretary for Health and Sport announced only yesterday that the Scottish Government is introducing a new definition of ultra-orphan medicines, which will give the Scottish Medicines Consortium the ability to treat some medicines for rare orphan diseases as ultra-orphan medicines. In effect, the changes will mean that if a medicine meets the new definition of an ultra-orphan medicine and the SMC considers it to be clinically effective, it will be made available on the NHS for at least three years while information on its effectiveness is gathered.

That is one of a number of steps that are being taken to ensure that access to vital medicines is widened. With those new rules for medicines, faster access to new treatments will become a reality.

I wish to reiterate that medicine approval decisions are not taken by MSPs or the Government. That is the role of the Scottish Medicines Consortium, which, as the cabinet secretary has rightly said, acts independent of ministers and Parliament. Nobody wants to be in a situation in which certain medicines are rejected, but it is entirely appropriate that such decisions are taken carefully, based on clinical evidence, and made by an independent body.

As others have done, I welcome Roche's announcement that it is to make a new submission to the SMC on Perjeta. I urge Vertex to do likewise

for Orkambi as quickly as possible. However, we cannot allow our health service to be held to ransom by pharmaceutical companies, so we must encourage them to offer fair and transparent prices for their products. Everyone here agrees that we want such drugs to be made available to the people of Scotland, but there must be fairness in the cost of the drugs that are supplied. I therefore welcome the commitment that has been made by the Association of the British Pharmaceutical Industry that its members will provide Scotland with the same discounts that are offered elsewhere in the UK for accessing medications.

Today, Parliament has spoken with one clear voice, calling all pharmaceutical companies to play their part and to bring a fair price to drug appraisal processes the first time. It is quite right that people should not lose out to profits.

16:41

Alexander Stewart (Mid Scotland and Fife)
(Con): I am delighted to have the opportunity of taking part in today's debate. I pay tribute to the Labour Party for bringing it to the chamber and to Anas Sarwar for the campaign that he has fought.

The serious issues of cystic fibrosis and breast cancer are two completely separate conditions, but they have a common thread, in that they are both attributed to genetics. As we have seen, individuals who have those diseases have tried their best to do all that they can, and companies have consistently had an uphill struggle to ensure that they can successfully provide treatments for patients. However, thankfully—and due in no small part to current knowledge and expertise—two drugs are now available for cystic fibrosis and HER2-positive breast cancer.

First, Orkambi is different from traditional treatments for cystic fibrosis because it is a precision medicine. With traditional medicines, damage occurs and patients have seen their illness progress. Precision medicine targets the root cause and has the potential to ensure that lung function is restored and that the patient's decline subsides. The Cystic Fibrosis Trust has recognised that 336 people in Scotland could currently benefit from having access to that drug; that is one third of the 900 people across the country who live with CF.

Perjeta is a newly developed drug for women with HER2-positive breast cancer, and has been created by the pharmaceutical company Roche. Today, we have heard how women in England and Wales can get the drug, but those in Scotland cannot. It gives patients with cancer the opportunity to have their treatment increased for 16 months, which is a lifeline for many and

ensures that they spend more time with their families and loved ones. They need access to it now—not later.

We know the facts about Orkambi and Perjeta, and their benefits, but they are not available to Scottish patients, who cannot understand why they are not being seen as a priority. Why are they not being given those opportunities? The life expectancies of many are shortened, and they die because they do not have the drugs.

The Scottish Conservatives have made it quite clear, on numerous occasions in this Parliament, that Orkambi should be available—we have been discussing it since 2016. Indeed, in a debate last week we called for it to be made available. I pay tribute to Maurice Corry, who called for a portfolio approach whereby medicines for cystic fibrosis could become available for patients when they are manufactured and licensed. Deals of that type have already taken place in other countries, and people want to know why cost and bureaucracy are stopping them from happening here. Doctors can move patients on to new medicines if they believe that their access to them might ensure that they have longer life expectancies, and we should provide that. Only last month, Ruth Davidson spoke about Perjeta at First Minister's question time. I also pay tribute to my colleague Miles Briggs, who last month held cross-party talks on the topic.

We have also talked in the Scottish Parliament about having a cross-border arrangement for Perjeta, to ensure that no one misses out on that crucial drug.

It all comes back to choice. The Scottish Government is making the choices. We must make sure that those are the right choices for the people of Scotland. They deserve nothing less. Enough is enough.

16:45

Ivan McKee (Glasgow Provan) (SNP): I welcome the opportunity to take part in this debate on access to new medicines. The member who lodged the motion and all of us in the chamber want to achieve the best results for all sufferers of rare conditions who require orphan, ultra-orphan and end-of-life medication.

For the sufferers and their families, the importance of the issue cannot be overstated. I join other members in paying tribute to those who campaign tirelessly on the issue. As MSPs, we all have cases where access to new medicines would transform the lives of individuals, so it is critical to ensure that robust, independent processes are in place to bring into use new drugs.

The Montgomery review commissioned by the Scottish Government to look into the issue made a number of recommendations, including on datasets, definitions, negotiations, new ultra-orphan medicines pathways and arrangements on funding, which the Government has confirmed that it will be implementing.

The Montgomery review concludes that access to end-of-life, orphan and ultra-orphan medicines has increased through steps taken by the Government, including the use of individual patient treatment requests and peer approved clinical system packs. Indeed, the percentage of new drugs approved has increased from 48 per cent in the period in 2011 to 2013 to 79 per cent over the past three years as a result of investment and reforms to approval processes.

The Scottish Government has put in place the new medicines fund to provide additional support to NHS boards to meet the costs of the drugs, and it commits to continuing to use all the funding from the pharmaceutical price regulation scheme rebate to support the NMF.

The Scottish Medicines Consortium will introduce a new ultra-orphan medicines pathway, with an option to recommend a medicine on an interim basis.

Jackie Baillie: Does the member agree that there is a gap between ultra-orphan medicines, which are covered by the new pathway, and the SMC process? There is nothing suitable for orphan conditions. Does he agree that we should fix that?

Ivan McKee: Everything needs to be looked at to make sure that there are no gaps. I have been outlining the changes that the Government has made. What it has done and what it is looking at will go some way to address that issue and should continue to do so.

With the roll-out of PACS, doctors can, on behalf of patients, seek access to licensed treatments not generally available on the NHS. A new national appeals panel will also be introduced for individual requests to allow for medicines not approved by the SMC. In addition, greater cognisance of lived experience will be taken into account in decisions to fund new medicines.

The issue of negotiation figures prominently in the Labour motion, which

“calls for a new system of negotiation to be implemented”.

The market for medicines, particularly new medicines, is complex. It involves assessments of the recovery of research and development costs, which are essential to ensure that the pipeline of new medicine development is not slowed.

Matters are further complicated by the multilayered processes involved in UK pricing negotiations. The Scottish Government's calls for the UK's PPRS to provide full transparency on pricing among the four UK Administrations, to ensure that NHS Scotland is fully engaged in the process and can leverage best pricing as a consequence, is to be welcomed. Given that ultra-orphan drugs are often expensive, it is vital that pharmaceutical companies play their part and bring a fair price first time to the process.

Developments in drug technology will continue apace. That is to be welcomed, because developments in that area have provided cures to conditions that were, until recently, impossible to treat. The needs of sufferers who require access to the latest medicines is a priority and it is critical to ensure that the process in place for approvals delivers for them. Therefore, I welcome the Scottish Government's continuing steps to improve access to new medicines and its calls for all parties to get around the table to make progress on the specifics.

The Presiding Officer (Ken Macintosh): We move to the closing speeches. I am afraid that speeches must still be restricted to four minutes.

16:49

Brian Whittle (South Scotland) (Con): I am pleased to close the debate on behalf of the Scottish Conservative Party, and I thank the Labour Party for giving us the opportunity to highlight once again what amounts to an anomaly in the process of approving drugs for general use, particularly portfolio medicines. That is especially true in the cases of the drugs Perjeta and Orkambi.

We have heard how Perjeta can prolong the lives of women who are suffering from terminal breast cancer by up to 16 months, and we have heard how Orkambi, unlike traditional medicines for the treatment of cystic fibrosis, targets the root cause of the condition and has the potential to preserve or even restore lung function, thereby improving life expectancy and the quality of life of patients.

In speeches to the chamber, I tend to shy away from quoting constituents, but in this case I will make an exception, because their experiences and words highlight the issue that we are debating far better than I ever could. Willie Rennie has mentioned Ruth McEnaney, who has a young son. Ruth's mother wrote to me and asked that I speak on her behalf. She says:

"From this early age her daily regime of medication was huge, 60 tablets a day with added ones when required and intravenous antibiotics on occasion too. She has also had daily physiotherapy from us twice a day and every kind of activity added to keep her fit and active, keeping her lungs

in good shape. This must have cost us thousands of pounds over the years, with dancing 4/5 times a week, singing and trumpet lessons etc. I have never regretted one penny of what we have spent on this wonderful, kind hearted intelligent young woman. Having completed a degree in performance music, she has gone on to work with children and young adults with Autism—now a piano teacher herself. She also has worked extremely hard on her fitness as an adult which is the main reason she has got to being 31 years old!"

The age of 31 has already been mentioned as a key age.

"As I said before she is now a Mum too, dedicating her energy to bringing up her 4 year old son, but now on a downward spiral with her health, having more hospital admissions in the last 6 months than ever before and struggling with her lungs and her bowel with blockages now a regular occurrence and chest infections too."

Ruth's mother goes on to say:

"Ruth is desperate to stay alive to see her son grow up, to take him to school, high school and beyond, which is what most of us parents take for granted. I cannot therefore understand why there is a drug which could potentially transform her life, sitting on a shelf, while people say the cost is not worth it for her and many more wonderful, courageous young cystic fibrosis warriors. They have battled for so long already along with us, I'm hoping and praying that today will be a landmark day, to change their lives forever, giving them the gift of improved health and long life!"

As Willie Rennie said, today, Ruth attended the funeral of her last surviving friend from her days at the cystic fibrosis clinic at Crosshouse hospital. He was 26 years old—five years younger than my constituent's daughter. Time is precious when we are talking about improving the quality of people's lives, giving them time with their families and allowing them to continue to achieve, as Ruth has done.

Most debates in this place are about finding a way to gain a political inch on our opponents, to dodge the bullet of an intervention or to get out of here unscathed having landed a blow, but this afternoon's debate is not. It is not about politics. It is about finding a way—and doing so quickly—to resolve a situation that is eminently solvable.

I fully recognise that it is not for politicians to make medical decisions and that there is always a tension between those medicines that are approved and those that are rejected, but I make a plea to the cabinet secretary to get the parties round a table and find a solution, because that is most definitely within her power.

16:53

Shona Robison: It has been a good debate, in which we have heard some very powerful speeches. I hope that it has united the chamber in a number of respects; I will come back to that shortly.

I want to deal with as many of the issues that have been raised as possible, although, obviously, I will not be able to deal with all of them in the time allotted. Annie Wells made a point that addressed the point that was made by Anas Sarwar and others: of course there will be drugs that are not available either north or south of the border, because we have different assessment processes. There will be drugs available in Scotland that are not available in England. That is the nature of the systems that we have, but they should all be based on the clinical evidence. I will come back to that, because I thought that Jackie Baillie made an important point in that respect.

Anas Sarwar, Jackie Baillie and others talked about the portfolio approach. The portfolio approach was not raised by Montgomery or anyone else in their recommendations. Officials in both Scotland and England all have concerns about it for two very important reasons. One is that it seeks to bypass the standard health technology assessment process. I have not heard anyone in the chamber disagree that clinical effectiveness has to be tested and established; everyone has agreed that it does and said that the medicines have to be licensed. Therefore, the manufacturers of Orkambi need to revisit their current portfolio approach.

That is a very powerful message for the chamber to send to Vertex and other pharmaceutical companies. I agree that the systems have to be reformed, but clinical effectiveness still has to be established and the medicines have to be licensed for patient safety reasons. That is something that Jackie Baillie said, too.

Jackie Baillie: I did. Let me quote from a Vertex statement that was made following its meeting with the Scottish Government on 18 June. Vertex says that it will accelerate

“access to our pipeline of potential new CF treatments after license”.

The tests of the clinical safety of that drug that the cabinet secretary and I want to see will have been carried out. There is nothing to stop the cabinet secretary from engaging in a portfolio agreement that would save lives.

Shona Robison: It is not for the Government to do that—it is for the SMC. However, there were unlicensed medicines in that portfolio. If things have moved on, that is to be welcomed. Dialogue continues, of course, and there has been a lot of dialogue between Vertex and Scottish Government officials and also national procurement. From the last round of discussions, I hope that progress can be made and I certainly encourage that.

Willie Rennie raised an issue, and I want to be as clear as I can be in my response. He asked why the Perjeta deal was not available in Scotland. NHS England has come to a confidential commercial deal with Roche, the details of which cannot be shared between Administrations because of that commercial confidentiality. That is unlike the situation for standard discounts, whose details can be shared. That is why we need transparency and price parity written into the new PPRS scheme. I cannot emphasise that enough; it is very important. The lack of transparency prevents me from telling Willie Rennie some of the detail that might be quite helpful.

Willie Rennie rose—

The Presiding Officer: I am sorry. There is no time to take an intervention, cabinet secretary. You must conclude.

Shona Robison: I will write to members about the specific issues that they raised, but the message that we can all agree on in this debate is that we want medicines to get into the hands of patients as quickly as possible. I want that but, rightly, those decisions are not made by politicians. However, we have improved the systems in order to deliver that aim. I encourage Vertex to continue with those discussions, to get a new submission to the SMC and to make sure that the medicine is available at a fair price as quickly as possible. That would be well received.

The Presiding Officer: I call David Stewart to conclude the debate.

16:58

David Stewart (Highlands and Islands) (Lab): Thank you, Presiding Officer. This has been a productive debate with passionate and well-informed contributions from across the chamber. At one level, discussions on the licensing of medicines and negotiations with drug companies can become quite technical and abstract. However, let us never forget that the outcomes of such debates have real-life impacts for the individuals affected. We had passionate contributions from Anas Sarwar, Jackie Baillie, Kez Dugdale, Miles Briggs, Ash Denham and Brian Whittle.

Orphan and ultra-orphan medicines may treat only a few hundred people per year in Scotland, but that does not mean that they should be overlooked. Every delay to improving the system of negotiations means another day less for women with incurable HER2-positive breast cancer to spend with their loved ones, and another day in which lives are lost because people with cystic fibrosis are denied access to the drug Orkambi.

This week, the Government has made some improvements regarding access to medicines with the PACS tier 2 system and the newly announced ultra-orphan pathway—steps in the right direction, but action is still too slow. It has been two years since the Montgomery review, and many patients still do not have access to those important life-sustaining drugs. Campaigners are rightly frustrated at the lack of progress that has been made in Scotland in negotiations with the manufacturers Roche and Vertex about Perjeta and Orkambi. That is especially the case when a deal has been made to allow women access to Perjeta through the NHS in England and Wales—the discrepancy in provision just a few miles across the border is a daily, growing injustice.

As my colleague Anas Sarwar said in his excellent speech:

“Women in England, Wales and Northern Ireland can get Perjeta on the national health service as a matter of course, but women in Scotland cannot get Perjeta. The drug has been rejected three times by the Scottish Medicines Consortium as it is not considered cost effective, despite it being recognised as clinically effective. I ask again: what cost life?”

In another excellent speech, Miles Briggs talked about the summit that he hosted on Perjeta, and I welcome the work that he has done on that. He said that the message from campaigners is to keep on working with the Scottish Government, the SMC and the industry to stop this injustice, and pointed out that of course patients value the extra few months with their families and young children, but that too many families face barriers to getting drugs.

Alison Johnstone made some excellent points, but I highlight her point about the Government getting a Crown use licence, which is a very important initiative, and the fact that we have many patent-backed monopolies. She said that it is vitally important to change the approval frameworks.

Willie Rennie made some excellent points as well. He talked about advances in medical science, which now give hope to many people who in the past would have had very little hope. He said that of course we need innovation in health but that it cannot be

“at any price or effectiveness”.

Jackie Baillie made a very powerful and personal speech about examples that she has come across. She said that there is an opportunity now to do something about the issue and mentioned the portfolio deals that many countries such as Sweden and the USA have carried out.

Ash Denham talked about her constituents with life-threatening conditions and their concerns about pricing and said that companies need to

play their part by offering a fair price. Many other speakers, including Annie Wells, Ivan McKee, Clare Haughey and Alexander Stewart, made excellent speeches.

I see that I have very little time left, Presiding Officer. Medical research is growing and developing apace. If our systems for approval are too slow in response—if we continue to be reactive instead of proactive—the same problems will occur again and again as new drugs are developed and medical treatment moves forward.

New pathways and systems may sound good but they will not have the confidence of patients, or of members in this chamber, unless they are shown to achieve real results. I therefore urge the Government to heed the campaigners' calls and act now without delay to make Perjeta and Orkambi available on the NHS to those who need them now. Only then, and then only, can it be claimed that true progress has been achieved.

Business Motions

17:02

The Presiding Officer (Ken Macintosh): The next item of business is consideration of two business motions. Motion S5M-12877 sets out a business programme, and motion S5M-12878 is on the timetable for a bill at stage 2. I call Joe FitzPatrick to move the motions on behalf of the Parliamentary Bureau.

Motions moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 26 June 2018

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Debate: Defending the Powers of the Scottish Parliament

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 27 June 2018

1.15 pm Parliamentary Bureau Motions

1.15 pm Members' Business

followed by Portfolio Questions
Communities, Social Security and
Equalities

followed by Ministerial Statement: Ending
Homelessness Together – Actions
Recommended by the Homelessness
and Rough Sleeping Action Group

followed by Stage 1 Debate: Prescription (Scotland)
Bill

followed by SPCB Motion – Witness Expenses

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 28 June 2018

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.45 pm Decision Time

Tuesday 4 September 2018

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 5 September 2018

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:
Economy, Jobs and Fair Work;
Finance and the Constitution

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 6 September 2018

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

and (b) that, in relation to First Minister's Questions on 28 June 2018, in rule 13.6.2, insert at end "and may provide an opportunity for Party Leaders or their representatives to question the First Minister".

That the Parliament agrees that consideration of the Planning (Scotland) Bill at stage 2 be completed by 9 November 2018.—[Joe FitzPatrick]

Motions agreed to.

Parliamentary Bureau Motions

17:03

The Presiding Officer (Ken Macintosh): The next item is consideration of five parliamentary bureau motions. I ask Joe FitzPatrick to move, on behalf of the Parliamentary Bureau, motions S5M-12879 to S5M-12881, on designation of lead committees, motion S5M-12896, on the office of the clerk, and S5M-12897, on parliamentary recess dates.

Motions moved,

That the Parliament agrees that the Rural Economy and Connectivity Committee be designated as the lead committee in consideration of the Transport (Scotland) Bill at stage 1.

That the Parliament agrees that the Justice Committee be designated as the lead committee in consideration of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill at stage 1.

That the Parliament agrees that the Economy, Jobs and Fair Work Committee be designated as the lead committee in consideration of the Damages (Investment Returns and Periodical Payments) (Scotland) Bill at stage 1.

That the Parliament agrees that, between 31 January 2019 and 31 January 2020, the Office of the Clerk will be open on all days except: Saturdays and Sundays, 19 and 22 April 2019, 6 May 2019, 24 and 27 May 2019, 13 September 2019, 29 November 2019, 24 December (pm), 25 and 26 December 2019, and 1 and 2 January 2020.

That the Parliament agrees the following parliamentary recess dates under Rule 2.3.1: 9 to 17 February 2019 (inclusive), 30 March to 14 April 2019 (inclusive), 30 June to 1 September 2019 (inclusive), 12 to 27 October 2019 (inclusive), 21 December 2019 to 5 January 2020 (inclusive).—[*Joe FitzPatrick*]

Decision Time

17:03

The Presiding Officer (Ken Macintosh): There are seven questions as a result of today's business. The first question is, that amendment S5M-12861.2, in the name of Joe FitzPatrick, which seeks to amend motion S5M-12861, in the name of Rhoda Grant, on a review of Scottish Government freedom of information request handling and record keeping, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)

McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (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 Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)

Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 66, Against 59, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S5M-12861.1, in the name of Edward Mountain, which seeks to amend motion S5M-12861, as amended, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S5M-12861, in the name of Rhoda Grant, on a review of Government FOI handling and record keeping, as amended, be agreed to.

Motion, as amended, agreed to.

That the Parliament notes the concerns raised on Scottish Government transparency in the intervention report from the Scottish Information Commissioner; notes the key findings that the Scottish Government's FOI policies and procedures are not clear enough regarding the role of special advisers in responding to FOI requests; believes that the Scottish Government takes longer to respond to journalists' FOI requests than other requests; considers that response times for journalists' FOI requests have improved but can improve further; notes that the Scottish Government has accepted the commissioner's recommendations in full and will develop an action plan as required by the commissioner to be published in September 2018; welcomes the proposed extension of FOI law to registered social landlords; agrees that the Scottish Government should consult on proposals to further extend coverage of Scotland's freedom of information legislation, for example, to companies providing services on behalf of the public sector, and further calls on the Scottish Information Commissioner to make public the report on the government's implementation of the action plan when approved annually.

The Presiding Officer: The next question is, that amendment S5M-12856.3, in the name of Shona Robison, which seeks to amend motion S5M-12856, in the name of Anas Sarwar, on access to vital medicines, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S5M-12856.1, in the name of Miles Briggs, which seeks to amend motion S5M-12856, as amended, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S5M-12856, in the name of Anas

Sarwar, on access to vital medicines, as amended, be agreed to.

Motion, as amended, agreed to,

That the Parliament calls on the Scottish Government, as a matter of urgency, to bring NHS National Services Scotland, the Scottish Medicines Consortium and the relevant pharmaceutical companies together to deliver access to the life-prolonging medicines, Perjeta and Orkambi, for patients in Scotland who need them; notes the commitment that was made by the Scottish Government in December 2016, following the Review of Access to New Medicines (the Montgomery Review), to improve ways of negotiating with drug companies on the cost of medicines; calls for a new system of negotiation to be implemented now; welcomes the introduction of a new ultra-orphan pathway within the Scottish Medicines Consortium process that will make available, with ongoing evaluation for at least three years, medicines for the rarest conditions; notes the roll-out of the Peer Approved Clinical System in June 2018, replacing individual patient treatment requests, which allows clinicians to seek medicines for their patients that are not currently accepted for routine use by the NHS in Scotland, and which makes clear that the cost of the medicine must not be part of the decision-making process; further notes the commitment of the Scottish Government to continue to use all Pharmaceutical Price Regulation Scheme rebate funding to support access to new medicines; welcomes the commitment of the Association of the British Pharmaceutical Industry for its members to provide Scotland with the same discounts offered elsewhere in the UK for accessing medicines; believes that pharmaceutical companies should offer NHS Scotland fair prices and should properly engage with health technology assessments in order to demonstrate the clinical effectiveness of their medicines, and further calls on the Scottish Government to remove barriers to make access to new drugs easier, including the reform of the Patient Access Scheme Assessment Group.

The Presiding Officer: I propose to ask a single question on the five Parliamentary Bureau motions. If any member objects, please say so now.

No member objects, so the question is, that motions S5M-12879 to S5M-12881 and motions S5M-12896 and S5M-12897, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, be agreed to.

Motions agreed to.

That the Parliament agrees that the Rural Economy and Connectivity Committee be designated as the lead committee in consideration of the Transport (Scotland) Bill at stage 1.

That the Parliament agrees that the Justice Committee be designated as the lead committee in consideration of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill at stage 1.

That the Parliament agrees that the Economy, Jobs and Fair Work Committee be designated as the lead committee in consideration of the Damages (Investment Returns and Periodical Payments) (Scotland) Bill at stage 1.

That the Parliament agrees that, between 31 January 2019 and 31 January 2020, the Office of the Clerk will be open on all days except: Saturdays and Sundays, 19 and 22 April 2019, 6 May 2019, 24 and 27 May 2019, 13

September 2019, 29 November 2019, 24 December (pm), 25 and 26 December 2019, and 1 and 2 January 2020.

That the Parliament agrees the following parliamentary recess dates under Rule 2.3.1: 9 to 17 February 2019 (inclusive), 30 March to 14 April 2019 (inclusive), 30 June to 1 September 2019 (inclusive), 12 to 27 October 2019 (inclusive), 21 December 2019 to 5 January 2020 (inclusive).

Glasgow (Music Tourism)

The Deputy Presiding Officer (Christine Grahame): The next item of business is a members' business debate on motion S5M-12516, in the name of Adam Tomkins, on welcome to Glasgow, a world city of music. The debate will be concluded without any question being put. I call Adam Tomkins to open the debate.

Motion debated,

That the Parliament notes the recommendations of the report, *Growing the Value for Music Tourism in Glasgow*, which was jointly commissioned by Scottish Enterprise and Glasgow Life; understands that the total value of live music attendance to the city's economy is estimated at almost £160 million, sustaining more than 1,000 jobs, and that there are rich opportunities for growth in this area; recognises the wealth of Glasgow's musical culture, what it sees as its huge number of internationally successful home-grown bands and its music festivals, including Celtic Connections and the Merchant City Festival; believes that it has an unrivalled range of music venues, from large arenas such as the SSE Hydro and the Glasgow Royal Concert Hall to grassroots venues, including King Tut's Wah Wah Hut, Òran Mór, Stereo and Mono; notes the view that, in order to safeguard the future of music venues across the city, serious consideration should be given to putting the so-called agent of change principle on a statutory footing; acknowledges the report's conclusion that, while music tourism already makes a significant contribution to the city's economy, much more could be done to promote its music scene both at home and abroad to boost overall tourism, and notes the view that all stakeholders should capitalise on Glasgow's UNESCO World City of Music status and work collaboratively to maximise the enormous potential of the city's existing assets to attract more music tourists.

17:07

Adam Tomkins (Glasgow) (Con): I thank all members who have supported my motion and who will speak in this evening's debate. The debate was secured some weeks ago, long before the fire last weekend that consumed not only the Glasgow School of Art but one of my favourite live music venues in Glasgow, the O2 ABC on Sauchiehall Street. I have enjoyed that venue for years, not because of its enormous mirror ball—it is the biggest in Europe, apparently—but because of its size and its sound quality. With a capacity of about 1,300, the ABC is smaller than the Barrowland but bigger than Òran Mór and King Tut's. People could always get close to the stage and, because of the acoustics in the room, bands could turn it up and up without compromising the sound quality. I have seen countless great gigs in that venue, including by some of my favourite bands, the Felice Brothers, Jason Isbell and Drive-By Truckers among them. The smaller ABC 2, which is in the same building, is also a great venue but is much more intimate than the main stage. I was last there to see Courtney Marie Andrews earlier this year, when she played as part of the Celtic Connections festival.

I go to a lot of gigs, and I know that I am not alone among members of this Parliament in enjoying what Glasgow's live music scene has to offer. That is what my motion and this debate are all about. Glasgow has some world-class venues, from the SSE Hydro to King Tut's, many of which are famous throughout not just Scotland but the world. Bands love playing in Glasgow because the venues are great and the people who flock to them are the best crowds in the world. Nothing beats a Friday night gig in Glasgow. Bands come to Glasgow to be discovered and they keep coming back once they have broken through. Of course, Glasgow grows its own bands and musicians: Belle and Sebastian, Teenage Fanclub, Mogwai, Franz Ferdinand, Travis and many more. "People make Glasgow" they say. Well, music makes Glasgow and Glasgow makes music every night of the week.

All of that adds immeasurably to Glasgow's rich and diverse cultural life, but it also makes a vital contribution to Glasgow's economy and, indeed, to Scotland's economy more generally. Music is a driver of economic growth for Glasgow. The value to Glasgow's economy of live music attendance is in the region of £160 million a year. To put that in context: more than £3 million is spent every week in Glasgow as a direct result of the live music events that the city hosts. Those events sustain more than 1,100 jobs across the city and attract nearly half a million music tourists to Glasgow every year.

Yet a recently commissioned report for Scottish Enterprise and Glasgow Life explains that much more could and should be done to build on, develop and capitalise on the strength of Glasgow's live music scene. The report, "Growing the Value for Music Tourism in Glasgow", is a terrific piece of work and I commend it to members. Today, Danny Cusick, the tourism director at Scottish Enterprise said—and I agree with him—that

"Glasgow has huge potential to develop its music through its rich cultural heritage, as well as its range of atmospheric venues and world-class performers."

We can do that not only by increasing audience numbers, audience spend both on and off site and the number of music tourists who stay overnight or for longer when they visit Glasgow for a gig but by being much more creative and imaginative about how we celebrate Glasgow as one of the world's leading cities of music.

Ten years ago, in 2008, Glasgow became the first city in the United Kingdom to be recognised as a United Nations Educational, Scientific and Cultural Organisation world city of music. Liverpool was awarded the same designation in 2015, but Glasgow remains the only city in Scotland to have been recognised in that way. However, we do

painfully little to broadcast the fact. I have lived in Glasgow for 15 years and, in that time, I have been to dozens if not hundreds of gigs, yet I confess that, until recently, I did not know that Glasgow is a UNESCO world city of music.

Glasgow could be twinned with other world cities of music and, indeed, with other cities that have global reputations for the contributions that they have made to live music—Nashville, Memphis or New Orleans, for example. We could learn from each of those great American cities and create music districts within Glasgow. We could signpost and map routes that tell the story of Glasgow's immense and diverse contribution to music, linking the SSE Hydro in Finnieston with city-centre venues such as the ABC and King Tut's and going on to east-end landmarks such as the Barrowlands. Relatively modest investment ideas such as those could reap significant rewards in enhancing Glasgow's visitor attractiveness.

With that in mind, I note that music is, rightly, a key pillar of Glasgow's tourism and visitor plan, which has set the ambitious target of attracting 1 million more overnight visitors to Glasgow by 2023. Meeting that target will require cross-party support and collaboration, so I was delighted to see the Scottish National Party's Councillor David McDonald, who is the deputy leader of Glasgow City Council, welcome this evening's debate. I agree with him that, for Glasgow,

"music and tourism go hand-in-hand".

A quick change that we could make, which would help the live music business not only in Glasgow but across Scotland, is to incorporate the so-called agent of change principle into our planning laws. A large number of Glasgow venues expressly called for that in evidence to the Local Government and Communities Committee at stage 1 of the Planning (Scotland) Bill, and it is also supported by UK Music and the Music Venue Trust. In short, the agent of change principle shifts responsibility for mitigating the impact of noise from an existing music venue to a developer that moves into the area. Of course, if a new venue wants to open up, the burden is rightly on it to mitigate, minimise and manage the effects of noise; however, if a venue already exists and developers produce proposals to develop nearby, the venue should not be hit with additional costs, as is happening at the moment. It is unfair and it puts live music venues at a real disadvantage. That is why, yesterday, I lodged an amendment to the Planning (Scotland) Bill to put the agent of change principle on a statutory footing, as the Parliament's Local Government and Communities Committee recommended unanimously last month. I hope that that amendment will attract all-party support, as this evening's motion and debate have done.

Given the devastation of the fire at the Glasgow School of Art and the O2 ABC last weekend, this is quite a week to be talking about the unrivalled contribution that music—especially live music—makes both to Glasgow's cultural life and to its economic health and wellbeing. Music pulses through Glasgow's veins, and no fire will ever stop that. Let us capitalise on what we have and build on Glasgow's success. It is who we are and what we do, because we are a world city of music.

17:14

Sandra White (Glasgow Kelvin) (SNP): I thank Adam Tomkins for securing the debate. He mentioned that the timing is poignant, given what has happened to the Mackintosh building and the O2 ABC. I welcome to the public gallery our visitors Rodger, Mary, Robert, Jeanette and many others who have a great love of and interest in music in Glasgow.

From the Barrowland, which I went to many years ago and still go to sometimes, to Glasgow Royal concert hall, King Tut's Wah Wah Hut, the Garage and Kelvingrove bandstand, where I saw Dr Hook on Saturday night, the list of the many music venues across the city goes on and on—and we cannot forget the city's buskers, who are absolutely fantastic. My constituency of Glasgow Kelvin alone has a massive range of world-renowned music venues, which stage an eclectic mix of not only well-known artists and bands but budding new musicians and songwriters, who are offered opportunities to take part in an energetic live music scene—and energetic it certainly is.

Three venues in Glasgow—the O2 Academy, King Tut's Wah Wah Hut and the O2 ABC—made the Pollstar list of the top 100 club venues worldwide in 2017, while the SSE Hydro sat at number 4 on the list of the top 100 arena venues. That is an absolutely fantastic achievement for the people of Glasgow and for the city.

It is especially poignant that we are highlighting the huge contribution that live music makes to the city and our culture during a week in which we have witnessed another iconic venue being devastated by fire. The O2 ABC is a hugely popular and fantastic live music venue, as Adam Tomkins said. Along with many others, I sincerely hope that that much-loved and historical place—we must remember that it was a circus, an ice rink and a cinema—will be saved and will continue to be an important part of the city's music scene.

I welcome the report from Scottish Enterprise in collaboration with Glasgow Life, which Adam Tomkins mentioned, and I thank those who were involved in gathering that important information. The report outlines further opportunities for the well-established music industry that we have in

Glasgow. There is huge potential to build on the successful music tourism industry, particularly if we make greater use of our UNESCO world city of music status, which I agree we should publicise more. Perhaps VisitScotland and others will take something from the debate. There is not only the cultural effect to think of but the economic effect for our city and for Scotland as a whole. Our night-time economy is also hugely important to the city.

The agent of change principle has been mentioned, and introducing it would safeguard the future of our venues and our thriving music scene. As Adam Tomkins said, the Minister for Local Government and Housing has been working on that, along with many others. I am sure that Lewis Macdonald will add more about the proposal, which I first mentioned along with him quite a while back. The agent of change principle has been mentioned many times in the past, and introducing it is essential, particularly for smaller venues such as King Tut's, which have been under threat from developers and neighbours for a number of years. I have met Geoff Ellis and others to talk about the principle.

If the principle was realised and put in place, it would make a great difference to smaller venues. We cannot stand by and watch as the foundations of Glasgow's successful music landscape are threatened—I am not saying that they would be destroyed—because the agent of change principle has not been looked at. It would be particularly relevant if venues were to make way for luxury developments and if small and important venues such as King Tut's were to be lost.

Live music has been and always will be a cornerstone of life across Glasgow. It is essential to adopt the agent of change principle in Scottish planning policy to protect Glasgow's venues, which are cultural landmarks and tourist attractions as well as being home to fantastic live music and—it goes without saying—the best audiences in the world.

17:18

Pauline McNeill (Glasgow) (Lab): I, too, thank Adam Tomkins for bringing an excellent debate to the chamber. There is surely no doubt that Glasgow is the European capital of music. The passion that the people who come to and live in Glasgow have for music makes Glasgow what it is. Music matters to Glaswegians and to people across Scotland—we sell more tickets for live events than any other part of the United Kingdom.

It is the combination of all genres—traditional, classical, rock and pop music—that is important, not to exclude DJs, who are also an important creative part of the music scene. King Tut's Wah Wah Hut, which has already been mentioned, is

probably the finest small music venue in the world. I will not rehearse what has already been said about the marvellous O2 venue—oh my God, I hope that that will be returned to its former glory—the Garage, Glasgow Royal concert hall, Clutha Vaults, Blackfriars, the Kelvingrove bandstand and Òran Mór. I could go on—those all happen to be venues in which I have experience of playing and I can speak to how wonderful they are, from the largest to the smallest.

The number of bands, concerts and music performances at any given time in Glasgow is quite astonishing. The city is thriving with creativity, which speaks to its character. Berkeley 2 Studios are a well-known rehearsal space for bands and, if members visit it, they will see a constant flow of young bands. It would not be unusual to bump into Susan Boyle or members of Deacon Blue there, which just shows the metropolitan nature of Glasgow's music scene.

As we have heard, half a million people attend gigs in Glasgow and citizens enjoy their music. The TRNSMT festival, which will be held over two weekends this summer, is a new addition to the scene. That the Hydro was named as the third most popular venue in the world by Pollstar, beating Madison Square Garden, further increases our status as a city of music.

As a Glasgow citizen, I think that it is great that we can attend a concert by Beyoncé or whoever our favourite artist is and be home in half an hour for tea and toast. The report highlights that there are 43 live music venues and 35 music bars in Glasgow, and that music is one of six core themes, along with heritage and contemporary arts.

The report also draws our attention to where we have perhaps failed to capitalise on music in the city. Glasgow has UNESCO world city of music status, but the report says that that badge is poorly used and largely unrecognised. Assets, as Adam Tomkins and Sandra White said, are under threat. Four venues that are key to Glasgow's status as a UNESCO world city of music—the Barrowland Ballroom, King Tut's Wah Wah Hut, the Sub Club and the Classic Grand—are all under threat if they do not get some protection in the forthcoming Planning (Scotland) Bill. Lewis Macdonald will talk about that at greater length.

This year alone, King Tut's has been fighting two applications and the venue fears enforcement action being taken against it because a new development might complain about noise. The venue fears that it will face complaints and possibly legal action after the building is developed. It is clear that, if we want to protect that asset, there has to be statutory protection, which is what I thought that the Scottish Government had promised.

The Barrowland Ballroom faces the same issues. There are now severe restrictions for bands loading and unloading and there are constant complaints from the new-build houses across the road from the venue, which was never meant to be the case. If we want to protect music venues in Glasgow, we really need to give them statutory protection. It will not be enough to introduce the agent of change principle as guidance—it must be law. I will support Adam Tomkins's amendment on that, subject to its detail, and I hope that other Glasgow MSPs will do so, too.

What to do with the report? Dougal Perman, who is the chair of the Scottish Music Industry Association and compiled the Inner Ear report, clearly said that we would have to do many things to bring some of the recommendations together. I helped to set up the Scottish Music Industry Association, along with Ken Macintosh MSP, Frank McAveety, Ian Smith of the former Scottish Arts Council and Tam Coyle, and I am pleased to be associated with it.

Glasgow's music history is not evident on the ground and we have to bring that together. Twinning Glasgow with cities such as Detroit, Rio, Paris or New York is an important recommendation in the report. It was the manager of Radiohead who first made the case for a Scottish base in New York, as he said that it would be much easier to make contact with record companies if such a base existed.

Glasgow is certainly a world city of music and it should be known as such. It is a deserved title and it fits with Glasgow's commitment to music. I commit to working with Adam Tomkins and other MSPs to ensure that the world knows that that is the case.

17:24

Tom Arthur (Renfrewshire South) (SNP): It is a real pleasure to have the opportunity to speak in the debate and I thank Adam Tomkins for bringing the subject to the chamber. As well as reminding the chamber that I am the parliamentary liaison officer to the Cabinet Secretary for Culture, Tourism and External Affairs, I also declare that I am a member of the Musicians' Union and that I have played in many of the venues that have been spoken about this evening—alas, not the Hydro—not yet.

I want to capture two aspects. One is the value of having a city such as Glasgow with a fantastic array of live music. I also want to touch on what it is for a musician to have somewhere like Glasgow—it is very important.

Glasgow is hard-wired into my whole musical development and experience. I remember going to

my first gig to see Def Leppard at the SECC—that was 19 years ago now. I went on to see Megadeth at the Barrowlands, Sigur Rós at the Carling academy and Queen and Adam Lambert at the Hydro. That is just an array of the many fantastic huge venues that we have.

Many members have touched on a particular venue that also means a lot to me—the ABC. There is a poignant element to the debate, given events. I remember with particular pleasure, of all things, a political party event at the ABC. The Scottish National Party had a concert there just ahead of the 2011 election and it was a fantastic evening. Great live music by experienced musicians—and lots of promising talent, too—was performed on stage that evening.

One of the great things about Glasgow is that music is not always in the big headline venues that we know about. It is in places like the State Bar, the Howlin' Wolf—which has one of the best blues jams in Glasgow—Box, and Nice N Sleazy. So much of the talent that is in and that emanates from Glasgow relies upon those grassroots venues and the opportunities that they provide. I took a long time trying to make my way in music, through function bands and so on, and for me and many of my colleagues such opportunities were invaluable. It was tough. It was difficult. Sometimes, the question of which sound engineer we would have that night and whether we would be able to hear ourselves on stage was like Russian roulette. Nonetheless, we had an opportunity to connect with punters and to build an audience.

I know folk who went on to build successful careers. A colleague of mine from years back when I was playing—a guy called Gary Johnstone—might not be a household name, but he is one of the most successful guitarists and singer-songwriters that Glasgow has produced in a long time. When he gets a chance and has time off from playing functions and events, he goes to places such as Chicago, New York and Nashville and gets on stage to jam with the best. When I get the opportunity to speak to Gary and hear his comments about how much he values Glasgow—as someone who has the experience of playing in all those venues—it is clear that Glasgow is a world music city. It is not just for audiences and spectators and the people who consume music; it is for the people who produce music.

The United States has been so effective in advertising Chicago, Nashville and, in particular, New York, that we know of venues there with iconic status, such as Madison Square Garden and the Village Vanguard. We have to work more to ensure that the venues in Scotland have that same international status, because in terms of facilities, capacity and the artistic talent that they

can attract, they are world-class venues. We must celebrate that.

I welcome Adam Tomkins' comments on looking at how we can link things up. Finnieston has, in many regards, been transformed since the advent of the Hydro—a fantastic venue. We are seeing the benefits that it has. We have to make sure that, when people come to the Hydro to enjoy events, they are not just jumping on the late train and going home or popping in for a pint in Finnieston, but are heading in and exploring all the other venues in Glasgow and taking the opportunity to engage in that rich musical culture and heritage.

I again thank Adam Tomkins for bringing the debate to the chamber. I look forward to seeing Glasgow continue as a thriving and diverse world music city.

17:28

Brian Whittle (South Scotland) (Con): I congratulate my colleague and fellow rocker Adam Tomkins on securing time in the chamber to debate music, which, as you know, is my first love.

I also associate myself with the comments by Mr Tomkins and others on the fire at Glasgow School of Art and the O2 ABC music venue next door. I know that the keenest loss will be felt in that community, and we all recognise the cultural loss in the loss of both venues, which will be felt much further afield. I hope that a way will be found to restore those iconic buildings.

As I mentioned, music is my first love. Indeed, my promising career as a rock guitarist was tragically cut short only when I discovered that I had a severe lack of talent, and I have had to make do with attending gigs, which I do quite regularly.

Glasgow has long been a preferred music destination. Surely everyone in the chamber has a copy of that iconic album "If You Want Blood, You've Got It", by that little-known band from Glasgow, AC/DC. That album was recorded at the old Glasgow Apollo, when the band appeared on stage wearing the 1978 Scotland world cup kit. Similarly, who does not own Status Quo's "Live!?" It was also recorded in the Glasgow Apollo. I know that that is Mr Tomkins's music of choice as he bounces along on his runs—he must be careful what he divulges in casual conversation.

Bands used to say that if they could make it in Glasgow, they could make it anywhere because, if audiences in Glasgow love a band, they really love that band. However, if they do not, the band had better keep the motor running, because they are a passionate crew. Since those days, Glasgow has grown into one of the world's premier music

destination—in fact, by attendance, it is the fourth biggest in the world.

I have attended a couple of concerts this year at the SSE Hydro, and I have a couple more to go—one at the Hydro and one at the Barrowlands. One of the bands that I will see is Def Leppard. That concert is in the autumn so Mr Arthur has time to grow his hair if he wants to join me. At the Barrowlands, I will see the first band that I ever saw live, in 1980: Saxon—that is, if they are still able to make it on to the stage.

To balance that coolness out, I am the father of three daughters, which has necessitated me going along to see Steps twice—I can only say, "Tragedy".

The Pavilion is another gig venue that I am attached to, because I organised a gig there for three bands. One was called Fat Betty, a fantastic Thin Lizzy tribute band. They were backed up by Garry Mullen, who won "Stars in Their Eyes" as Freddie Mercury, and the headliner was Peat Loaf. Some 1,500 people enjoyed that night.

Tom Arthur: Will the member acknowledge that Garry Mullen is from Barrhead, in my Renfrewshire South constituency, which shows, yet again, the level of musical talent that emerges from the town?

Brian Whittle: So, despite the fact that he comes from Barrhead—[*Laughter.*]

I do not know whether Mr Arthur has ever met Garry Mullen, but a man more unlike Freddie Mercury you will never meet in your life, until he puts his kit on—it is unbelievable.

Glasgow has an incredible global reputation for music culture. It is a destination for everyone from bands setting out on their musical journey, right through to global bands and stars. I have to say that I saw Bon Jovi's first ever gig in Glasgow, when they supported Kiss at the Glasgow Apollo in 1983.

In Glasgow, there is always a venue and there is always an audience, no matter where the band is in their musical journey. The business enriches the cultural reputation of Glasgow and Scotland, and the value of music tourism has been estimated at £116 million, sustaining more than 1,000 jobs. Long may it continue.

I thank Adam Tomkins for bringing the debate to the chamber. I look forward to seeing many more bands in venues in Glasgow, as long as the bands that I follow can remain in an upright position.

The Deputy Presiding Officer: I call Lewis Macdonald, who might have more youthful confessions.

17:39

Lewis Macdonald (North East Scotland) (Lab): I will resist that temptation, Presiding Officer.

I, too, congratulate Adam Tomkins on securing this debate at what is a critically important time for music venues in Glasgow and across the country.

As we have heard, the headline story is the devastation of the O2 ABC in the same conflagration last weekend that hit the Glasgow School of Art. However, the bigger picture is the loss of venue after venue across our country as a result of inadequate legal protection against the effects of inappropriate development.

Every live music venue knows that, as things stand, it is only one persistent complainer away from being forced to close or to spend prohibitive amounts of money on soundproofing technology. Studio 24 in Edinburgh and Downstairs in Aberdeen have already gone, and now King Tut's Wah Wah Hut, as Pauline McNeill said, is under threat.

I was at King Tut's last week, not on that occasion at a gig, but at the first Scottish venues meeting organised by the Music Venue Trust. I met representatives of venues all over Scotland, including Sneaky Pete's in Edinburgh and Krakatoa and the Lemon Tree in Aberdeen, as well as the operators of King Tut's. Our conversations were about the threats that they face and the opportunity that we have to change the law in their favour.

One of the most immediate threats is to King Tut's, because Glasgow City Council has just granted planning permission for a private residence to be built next door. The terms of that approval—a public document—are disappointing, and they appear to confirm the fear that the Scottish Government's acceptance of the principle of agent of change does not, in itself, go far enough.

According to the letter that was issued to planning authorities in February by the chief planner on behalf of the Scottish Government,

“where a new residential property is to be developed within the vicinity of an existing music venue, the responsibility for mitigating adverse effects should sit with the housing developer, as the ‘agent of change’.”

That is pretty clear, but what Glasgow City Council's approval of that housing development application in May says, by contrast, is that

“it should be noted that the nearby licensed concert venue has a duty and obligation to control and manage noise within the premises, and any noise escape, and ensure their premises is suitably sound attenuated.”

In other words, for that planning authority, the chief planner's letter, which introduced the

principle of agent of change to planning practice in Scotland for the first time, has not been applied. That letter directed planning authorities to

“ensure issues around the potential impact of noise from live music venues are always appropriately assessed and addressed when considering proposals either by venues themselves or for development in their vicinity, and that decisions reflect the Agent of Change principle.”

Clearly, that has not happened in this case, and Glasgow City Council will not be the only authority that has yet to change its approach to such issues in line with the new ministerial guidance. The problem is that, although the new guidance is welcome, it is only guidance. Until the agent of change principle is enshrined in law, venues such as King Tut's in Glasgow and others across the country will remain under threat. That is why the Local Government and Communities Committee recognised, in its stage 1 report on the Planning (Scotland) Bill, that a principle that is not enshrined in statute will always be open to interpretation and challenge, in circumstances in which councils have been used to giving developers the benefit of the doubt.

If we are to secure the shared objectives that are shared by ministers, by the Local Government and Communities Committee and, I suspect, by the great majority of members of the Parliament, as well as by the music industry and music venues, we need to go beyond guidance and enshrine the agent of change principle in planning law. In that way, we can protect all our live music venues in Glasgow and across Scotland.

17:38

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): I thank Adam Tomkins for the opportunity to take part in this important debate. Perhaps it is even more important now, in the light of the terrible and devastating fire at the Glasgow School of Art, which also spread to the adjacent O2 ABC building, which is one of the city's major live music venues, as we have heard in the debate. While investigations take place to establish what happened and what can be done, it is important that we do not lose sight of the many great things that are currently happening in Glasgow—in particular, around music.

Glasgow is recognised internationally for its vibrant and thriving music scene, which attracts music lovers from all over the world. As we have heard, and as the report clearly sets out, that translates into an important economic contribution and more than a thousand full-time jobs. However, the value of music to Glasgow is far from limited to economic benefits. Music, particularly live music, enriches people's lives, enhances our society and makes a huge contribution to our culture and to

how others see us. It demonstrates what a vibrant, lively and exciting place Glasgow is—as Scotland is.

Music is in the very fabric of the city of Glasgow, which is why it has been named as a UNESCO city of music. That is great recognition that deserves to be brought to the fore, as a number of members have said. When last year I met the then newly appointed chair of Glasgow Life, Councillor David McDonald, he shared his plans to make more of that UNESCO designation. In March this year, I met the deputy director general of UNESCO in Paris, and I expressed our strong support for UNESCO's work and our commitment to promote and harness the value that its recognition brings. He was very pleased when I told him about Glasgow City Council's undertaking to make more of the UNESCO city of music recognition. Glasgow has a great opportunity to put its name on the music map—which it already has—through that recognition and the networks that it brings. Working in partnership, we need to do everything that we can to ensure that that opportunity is not lost.

Tom Arthur made an important point about grass-roots venues being a pipeline of music opportunity and talent. Last year, I tasked my officials with looking at what can be done to support them. That has already been discussed with other jurisdictions—Wales and others—at the British-Irish Council. Discussions about the agent of change principle were included.

Festivals are, of course, a key part of the music experience in Glasgow. Celtic Connections, which is the world's largest winter festival, is a great showcase for Scottish traditional music. Earlier this year, I decided to open up the festivals expo fund to include Celtic Connections for the first time. That enabled it to apply for funding of up to £100,000 in the 2018-19 budget. The festivals expo fund, which was set up in 2008, will now also support artists from Celtic Connections to make the most of their career opportunities internationally.

No member has mentioned the world pipe band championships which are happening this summer, which is a fantastic opportunity to bring people to the city for music.

Four of our five national performing companies—the Royal Scottish National Orchestra, the National Theatre of Scotland, Scottish Ballet and Scottish Opera—are based in Glasgow. Those organisations, which are now in their 12th year of direct Government support, make significant contributions to Glasgow and all Scotland.

On the major infrastructure investments that the Government has provided, capital support of £5.4

million has been provided to develop Glasgow's Theatre Royal for Scottish Opera, and £8.5 million has been provided to support the creation of a new home for the Royal Scottish National Orchestra as part of the Glasgow Royal concert hall complex. The new national orchestra centre not only provides the orchestra with a state-of-the-art operational base; it also provides Glasgow with a purpose-built music venue. In addition, the dedicated learning and engagement centre supports music making and creativity for young people and communities across Scotland.

Much of the debate has been about contemporary music—or, in Brian Whittle's case, music that was once contemporary, but is now part of history. This week, the National Museum of Scotland will open a major exhibition for over the summer that is dedicated to Scottish pop music. "Rip It Up" will explore the musical culture of Scotland over more than half a century, and will feature artists and bands from Orange Juice to Franz Ferdinand.

Live music venues are an important part of why people come to Glasgow for music. Obviously, I was saddened to hear about the fire at the O2 ABC at the weekend. We have a number of much-loved venues that have provided stages for emerging new talent and for some of the biggest names in the music industry. Those venues include Barrowlands—I think that I saw The Alarm there once—King Tut's and the Sub Club. They have played a pivotal role in the careers of not only Scottish acts but international acts. Pauline McNeill made a very important point about the relevance of the international aspects. The character and uniqueness of the venues are a key part of the live music experience.

I was pleased to see that, according to Pollstar, the SSE Hydro was the fourth-busiest arena in the world in 2017 in respect of ticketed sales. It was behind only the O2 Arena in London, Madison Square Garden and Manchester Arena. We should be conscious of that rapid ascent to its being a top world-class experience.

Whether we are talking about long-established or new and emerging music venues, we need to protect the culturally and socially significant spaces that they provide. I pay tribute in particular to Lewis Macdonald, who has pursued the issue for some time. I also pay tribute to the members of the Local Government and Communities Committee. The convener of that committee, Bob Doris, made sure that extended evidence was given on that particular subject as part of consideration of the Planning (Scotland) Bill. That is precisely why the Minister for Local Government and Housing announced earlier this year our intention to introduce the agent of change principle in the next national planning framework. As we

have heard, the chief planner wrote to all planning authorities to highlight the Scottish Government's support for the agent of change principle, and specifically asked them to ensure that issues relating to the potential impact of noise from live music venues are always appropriately assessed and addressed.

In its evidence on the Planning (Scotland) Bill, the Music Venue Trust noted that

"Scotland is already leading the way"—[*Official Report, Local Government and Communities Committee*, 28 February 2018; c 70.]

in the UK, with the strength of our message on the agent of change principle. Our view is that the appropriate approach is inclusion of the agent of change principle in the national planning framework, the status of which the Planning (Scotland) Bill seeks to strengthen. Nevertheless, I understand that the Minister for Local Government and Housing is considering the committee's view and whether it would be appropriate to lodge an amendment to the bill. I undertake to draw the attention of the chief planner and the minister to the May case that Lewis Macdonald referred to—if he has not already done so—as part of the generality of the policy issue.

This year is particularly exciting for Glasgow. Running alongside the 2018 European championships—the biggest sporting event in Scotland since the Commonwealth games—the cultural programme of festival 2018 will deliver the best in music and other art forms. Through a groundbreaking cultural partnership between Glasgow and Berlin, a scaled-up Merchant City festival will deliver the best in Scottish and international arts and entertainment. Music will be at the heart of it with a range of concerts and activities including Mix the City—a digital online music platform that will create musical soundscapes of Glasgow and Berlin.

The debate has been important, constructive and engaging, and has rightly had the importance of music front and centre. I support many of the comments that have been made, and I will use my efforts to ensure that we continue to have a great grass-roots pipeline of music in Scotland, including the practical issues that face venues, whether they can be addressed immediately or strategically.

We have great ambitions in Scotland, and we have great talent. Something about Glasgow audiences is very special indeed, as has been referred to. I particularly liked Adam Tomkins's comment that

"music makes Glasgow and Glasgow makes music".

It does that particularly well.

The Deputy Presiding Officer: Thank you. That concludes the debate. I have learned much

more about Mr Tomkins than I perhaps ought to know.

Meeting closed at 17:47.

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

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