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Scottish Parliament

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

First Minister's Question Time

The Presiding Officer (Ken Macintosh): Good afternoon, colleagues. We start today's business with First Minister's question time. As usual, I ask the First Minister to update us on Covid.

The First Minister (Nicola Sturgeon): Thank you, Presiding Officer. I will give a short update on today's statistics and on one other development.

The total number of positive cases reported yesterday was 1,225, which is 4.7 per cent of all tests reported. There are currently 1,125 people in hospital, which is 31 fewer than yesterday, and there are 90 people in intensive care, which is six more than yesterday. In addition, I am sorry to report that in the past 24 hours a further 51 deaths have been registered of patients who first tested positive in the previous 28 days. Again, I convey my condolences to everyone who has lost a loved one throughout the pandemic.

We will shortly publish the latest estimate of the reproduction number in Scotland. We expect that it will show the R number to be unchanged from last week, which means that it is still slightly below 1. That indicates that the current restrictions are having an effect on curbing transmission of the virus, but we cannot be complacent; we want infection rates to come down further and faster. That is why, with the exception of East Lothian moving from level 3 to level 2, there was no change this week to the current levels of Covid restrictions.

We have, however, confirmed with other Governments across the United Kingdom that there will be a temporary, and very limited, easing of restrictions for a five-day period over Christmas, from 23 December to 27 December inclusive. That is the one development on which I will give a brief update now.

This morning, the Scottish Government published initial guidance about the Christmas period, which is available to view on the Scottish Government website. The guidance reiterates that the safest way for any of us to spend Christmas is with our own household in our own home and our own local area. Just because we are allowing people to meet up in a limited way does not mean that people have to do so, and people should not feel under pressure to do so. The virus spreads when people come together, so we ask everyone

to think carefully before using those flexibilities. With the possibility of vaccines now so close, none of us will want to take unnecessary risks, in particular with older or more vulnerable relatives.

We should all consider whether there are alternative ways to have Christmas contact this year with those we love—for example, by meeting outside on a family walk or by using technology. However, we recognise the reality that, at Christmas, some people will feel the need to meet up with others, so the guidance sets out advice on how to do that as safely as possible. However, it is important to stress that the advice, even if it is fully implemented, will not completely eradicate the risk.

In summary, travel restrictions will be lifted across the UK between 23 and 27 December, but only to allow people to travel to join a bubble. There should be no more than three households in a bubble, and in Scotland we ask that that includes no more than one extended household. In general, our advice is to keep any bubble as small as possible and to have no more than eight people over the age of 12 within it.

People—other than students—who share flats should try to stay in the same bubble as each other over Christmas, but if they join different bubbles, our advice is that they should isolate from flatmates for around a week both before and after the Christmas period. Members of a bubble should not change. Someone cannot meet with two households on one day and with a different household on the next day. As well as meeting in each other's homes, those in bubbles can meet outside or go to a place of worship together, but they must not use hospitality together or go shopping together.

Finally, we advise that, if you want to visit someone in a care home or hospital at Christmas, you should not form a bubble. Meeting other people indoors and then visiting someone in one of those settings increases the chances of transmitting the virus in a care home or hospital.

We have given very careful thought to the guidance, and it has not been easy to come to those conclusions. I know that some people will think that the guidance is too strict, and others that any relaxation is reckless. I understand both points of view. We are trying to balance two conflicting priorities as best we can. We know that some people will come to the view that the right thing for them at Christmas is to spend time indoors with friends and loved ones who might otherwise be isolated and alone, so we want to ensure that clear guidance about boundaries is in place.

We also know that the virus will not take a break over Christmas and that indoor gatherings present a high risk of transmission. In particular, it can be

risky to have a gathering of people from different generations. As we know, younger people who have to go out to work and who often live in shared accommodation are more likely to have been exposed to the virus.

I urge everyone to consider carefully what arrangements they make at Christmas and to think about the balance of the risks that are involved. If all of us can find a different way of marking Christmas this year, it will be a safer—albeit tough—alternative for everyone.

For the moment—this is my final point—the best way in which all of us can try to make the Christmas period, and what comes after it, as safe as possible is to get infection rates down as low as we can now. The best way to do that is for all of us to stick to the rules that are currently in force. If you are in any doubt about the rules in your own area, visit the Scottish Government website and use the post code checker.

I finish with a brief reminder of the key rules: please do not visit each other's homes except for essential purposes; abide by the travel restrictions that are now law; and, finally, remember the facts advice, which is to wear face coverings, avoid crowded places, clean your hands and hard surfaces, keep a 2m distance from people in other households, and self-isolate and get tested immediately if you have any Covid symptoms.

The Presiding Officer: Thank you, First Minister. We turn to the first question. I encourage members who wish to ask a supplementary question to press their request-to-speak buttons.

Legal Advice (Publication)

1. Ruth Davidson (Edinburgh Central) (Con): Last year, the First Minister promised the Parliament that she would fully co-operate with the Salmond inquiry. She said:

“The inquiries will be able to request whatever material they want and I undertake today that we will provide whatever material they request.”—[*Official Report*, 17 January 2019; c 14.]

Yet, despite losing two votes in Parliament, the Government is refusing to hand over the legal advice that it received on the matter. Key Scottish Government officials who could shed light on the affair are blocked from giving evidence, which led the convener of the Committee on the Scottish Government Handling of Harassment Complaints—a member of the Scottish National Party—to say that its inquiries were being obstructed.

The simple question is: why has the First Minister broken her promise?

The First Minister (Nicola Sturgeon): That is not the case. The Scottish Government is co-

operating and will continue to co-operate with the inquiry. Nobody is being blocked from giving evidence. I have recused myself from the decisions in relation to the issue for the good reason that it is partly my conduct that the inquiry is considering.

In relation to legal advice—an issue in the context of this inquiry—the Deputy First Minister set out clearly to Parliament that ministers have to abide with the terms of the ministerial code. That code says at paragraph 2.38 that ministers “must not divulge” the content of legal advice, while paragraph 2.40 recognises that “in exceptional circumstances”, ministers can consider that the “balance of public interest” favours disclosure.

Ministers, and the Deputy First Minister, are considering whether that test is met. If ministers consider that it is, they must then get the prior consent of law officers. As the Deputy First Minister has set out, the process is under way and he will update Parliament when it has concluded.

Ruth Davidson: The blunt fact is that the only conceivable reason that the First Minister is breaking her promise is that she has something to hide. Let us try the question differently: I will say what the legal advice contained and the First Minister can tell me whether I am wrong.

The advice that the Scottish Government's senior counsel received warned that the Scottish Government's handling of the sexual harassment allegations was deeply flawed, and that the judicial review would find in favour of Alex Salmond, as it duly went on to do.

The advice was proffered to the Scottish Government long before it finally collapsed its own case, running up hundreds of thousands of pounds-worth of bills in the process, and utterly failing the women who came forward. Can the First Minister tell the public which part of that I got wrong?

The First Minister: As Ruth Davidson knows, were I to go into the detail I would stand here right now and breach the ministerial code. Perhaps Ruth Davidson wants that to be the case, but I will not do that.

I have just narrated the ministerial code and quoted directly from it. The code sets out a process that ministers have to go through with regard to whether legal advice should be divulged. I remind members in the chamber, and people who are watching, that the starting point in the ministerial code is that ministers must not divulge the contents of legal advice unless certain tests are fulfilled. Right now, we are going through the process of considering those tests. That is the right and proper way to do it. Once the process has concluded, the Deputy First Minister will update Parliament about the outcome.

Ruth Davidson: The cynical obfuscation that we have seen with regard to the committee, from the Deputy First Minister in last night's debate, and from the First Minister here today only serve to show why the advice needs to be brought into the open. It is an argument that the First Minister herself once accepted, and an argument that the whole Parliament has considered, debated and now voted on twice. Twice, the Government has refused. If the Parliament votes for a third time to release the documents, will the First Minister again disrespect the Parliament and the people who voted for us?

The First Minister: It is because of the votes in Parliament that ministers are now undergoing the process that is set down in the ministerial code. If we were to take a decision having not gone through that proper process, ministers would be in breach of the ministerial code and I suspect that members of the Parliament would raise a concern that we were acting outside of the code.

The starting point in the ministerial code is that ministers must not divulge the contents of legal advice. That is not unique to Scotland—there are such provisions governing many different Administrations. The two-stage process is that ministers have to consider whether the “balance of public interest” favours disclosure in a particular case; should they decide that it does, they have to get the “prior consent” of law officers. That process is under way and when it has been concluded the Deputy First Minister will update Parliament. That is the right way to do it.

For my part, I have given my written evidence to the committee. I have not yet been invited to give oral evidence to the committee, but when I am invited to do so, I will, as I am bound to do. The Government and I will co-operate fully with the inquiry, as we have already been doing.

Ruth Davidson: The sheer hypocrisy is overwhelming. Nicola Sturgeon and the SNP never tire of lecturing anyone who will listen about the will of Parliament and how it should be respected, except when it does not suit their purpose. She says that her Government will co-operate with the committee; in fact, she obstructs it. She says that all relevant documents will be made available, but she refuses to hand them over. She says repeatedly that the will of Parliament should be respected, but the only one who is disrespecting it is her, by ignoring two votes whereby the majority in the chamber—the chamber that we are sitting in right now—demanded that legal advice to her Government be shown to the country.

During this affair, the First Minister has conveniently forgotten key information such as dates, meetings and conversations. Has she not forgotten something far more fundamental, too?

The First Minister: The Government is acting in line with the ministerial code. Of course, on any occasion on which she or her colleagues believe that the Government, or any minister in the Government, has acted outwith the ministerial code, Ruth Davidson will get up and demand inquiries, investigations and accountability. That is right and proper.

The Government is not ignoring the votes in Parliament. As a result of the votes in Parliament, the Government is going through the process that is required before legal advice can be divulged, which is explicitly set out in the ministerial code. If we did not go through that process, we would be breaching the ministerial code, and I am sure that Ruth Davidson's position would go full circle and the line of attack on the Government would be something completely different.

The Deputy First Minister has set out the process that the Government is going through, and I have set it out again and quoted from the ministerial code. When the process is concluded, the Deputy First Minister will advise Parliament of the outcome.

Covid-19 (Care Home Deaths)

2. Richard Leonard (Central Scotland) (Lab): The Crown Office is now leading operation koper, which is investigating care home deaths in Scotland. As part of the investigation, does the First Minister believe that she and her ministers will need to be interviewed about the decisions that they made? Has she made all evidence and correspondence, without reservation, available to the investigation? Does she consider that, at the very least, there was negligence in assuming that care homes could manage the risk of cross-infection?

The First Minister (Nicola Sturgeon): What evidence the Crown Office seeks in relation to any investigation that it is involved in, and who it chooses to speak to in relation to any investigation that it is involved in, is a matter for the Crown Office, and it would be completely wrong for me to seek to comment on that in any way that tried to influence the outcome of that or any other investigation.

As we have discussed many times, the Government acted in a way that was intended to protect the population, and those in care homes, as much as possible. I have never suggested that we got nothing wrong in the face of a new virus, the challenges of which have been significant.

We have sought to learn as we have gone along; we have changed policy; we have changed practice; however, all along, our intention and determination have been to take the right decisions to keep the population, and in particular

vulnerable groups within the population, as safe as possible at all times. That continues to be my daily focus, as it is of the entire Government.

Richard Leonard: I do not think that it would prejudice the investigation to give a commitment that all evidence, and all correspondence, without reservation, would be made available.

I turn to the substance of the issue. Back in April, when the scale of the tragedy in our care homes was becoming clearer, we were told that Covid-19 patients would require two negative tests before being transferred to care homes. Last week, when Neil Findlay highlighted examples of patients who had tested positive for Covid being transferred to care homes now, the First Minister stated:

“There is no such policy and there will not be one.”—*[Official Report, 19 November 2020; c 22.]*

This week, the Cabinet Secretary for Health and Sport told us that people will be admitted to care homes following a positive test only if it is in their clinical interests, and following a risk assessment. She also said that that was happening only in

“a very small number of exceptional cases”.—*[Official Report, 24 November 2020; c 3.]*

I ask the First Minister: how many cases?

The First Minister: I cannot give that information, because those are clinical decisions, taken by clinicians. The policy is very clear. If somebody is in hospital for a Covid-related reason, they require to have two negative tests before being discharged to a care home. If they are in hospital for a non-Covid reason, they still require to have a negative test. That is the policy in any situation.

I have had lengthy discussions with the chief medical officer and clinicians about this. In any policy, there are ethical and clinical reasons why there have to be exceptions in some circumstances. If Richard Leonard does not want to take my word for that, perhaps I can share the words of the president of the Royal College of Physicians and Surgeons of Glasgow, Professor Jackie Taylor:

“As doctors we spend much of our time weighing up risks and benefits, and trying to make the best decisions that we can. Policies and guidance are of fundamental importance in clinical practice, but none can cover all eventualities.”

She went on to talk about the fact that the test is invasive and that, in exceptional circumstances, if that test would cause distress to a frail elderly person or if consent could not be obtained, it would be ethically wrong to carry it out.

Those are the kinds of exceptional circumstances that have to be catered for, for any policy, in a clinical setting. It does not change the

presumption or the policy, which is as I have set out.

Richard Leonard: Given that the Cabinet Secretary for Health and Sport has described it as “a very small number”, I would have thought that it would make sense for the Government to monitor the number of Covid-positive and untested patients being discharged to care homes, because, during this pandemic, people were discharged untested from hospital into residential care homes. Even now, some who have tested positive for Covid-19 are being discharged into care homes.

There is a police investigation into care home deaths. There is the scandal of “do not resuscitate” notices, the blocking of hospital treatment, shortages of personal protective equipment, and the denial of visiting rights. In addition, once again, we are learning daily of serious and multiple outbreaks of Covid-19 in residential care homes. In the past month, 223 of our oldest and frailest citizens have lost their lives to Covid in care homes.

We welcome yesterday’s announcement that the Government will, at last, introduce testing for care home visitors. In October, however, the Government announced testing for all care home staff, who will now have to wait until March. Six months ago, in May, the Government announced routine and regular testing for all care home staff, but last week one in five were still not being tested, so what confidence can people have—both residents and the families waiting to see their loved ones after months and months of separation—that this time the First Minister will move heaven and earth to honour that promise, and that this time they will not be let down?

The First Minister: There are a number of issues there that all deserve to be addressed individually, and I will try to do so briefly. Before we leave the issue of testing those who are being discharged from hospital to care homes, I repeat that the policy is very clear. As with any policy in a clinical setting, however, it must cater for exceptional circumstances. I will complete the quote that I relied on earlier from Professor Jackie Taylor. When she referred to the policy, she said that

“There are situations ... where this may simply not be possible”

and that

“carrying out this invasive procedure might cause enormous distress and actually be very difficult to conduct. Should this then mean that a patient is denied return to what is essentially their home?”

Another point that flows from that is that, in a care home situation, a 14-day period of isolation must be completed in all circumstances where there is a

discharge, whether or not a person has had a Covid test and whether the result is negative or not. Testing is part of the protections that are in place; it is not the only protection that is in place.

In relation to testing more broadly, care home workers are tested weekly, but not all care home workers will be at work every week and they, like everybody else, have to consent to being tested, so there is a system of regular, routine care home worker testing in place and it is working very well. To try to speed up that process, we are transferring the processing of the tests from the Lighthouse laboratory network to the NHS Scotland network, and that work is well under way.

We are now moving to go beyond that to test designated visitors to care homes and, as the health secretary set out, that will begin in the next month, before Christmas and over the Christmas period. Where there is no access to lateral flow testing, designated visitors will be offered access to polymerase chain reaction testing in the weeks over the Christmas period. We are also moving to regularly test care-at-home workers using lateral flow technology.

As the technology develops, we will be able to introduce it, but one of the constraints on lateral flow testing is that it is not yet licensed by the Medicines and Healthcare products Regulatory Agency for unsupervised use; we hope that that will change soon. As that new technology becomes available, we are rolling it out and using testing more and more as part of our overall response to Covid.

Covid-19 Rules (Christmas Relaxation)

3. Patrick Harvie (Glasgow) (Green): I recognise that there were difficult judgments to make about relaxing the Covid rules over the holidays, especially after public expectations had been built up, but within a day of announcing the looser rules, the First Minister appealed to the public not to use them. That is a confusing message.

Let us look at what the public health experts have said. Professor Andrew Hayward, who is a member of the scientific advisory group for emergencies, said that

“It is likely to lead to a third wave of infection, with hospitals being overrun, and more unnecessary deaths.”

Professor Devi Sridhar said that

“we are going to pay for Christmas holidays with probably a January national lockdown.”

This morning, at the COVID-19 Committee, the national clinical director confirmed that no risk assessment has been made of the impact that the relaxation will have, which seems deeply irresponsible. Can the First Minister confirm that

that is the case? If it is, how will the Government ensure that our national health service is prepared for the third wave that the new rules risk creating?

The First Minister (Nicola Sturgeon): I recognise that this is a complex situation. Like so many of the decisions that have been taken in relation to Covid in the past few months, it is one that we have agonised over. It is difficult to be absolutely certain what is the right thing to do.

There is a recognition of the reality that, at Christmas, because of the particular circumstances and nature of that time of the year, people worry more about leaving loved ones alone and some people might feel that they cannot stay within the rules as they are just now. Instead of allowing that to happen naturally, in a haphazard way, we decided that it was better to put guidance and boundaries around it, but also to make it clear to people that that carries risk.

Therefore, the default advice and position is that, if people can get through this Christmas without interacting physically, particularly indoors, with members of other households, they should do so. It would be easier for everybody if those decisions were not complicated and were clear cut in one direction or the other.

We try to communicate difficult, nuanced messages as carefully as possible. I would not try to speak for the public health experts, but they will be concerned about any situation in which people come together, as I am. Devi Sridhar is an adviser to the Scottish Government, and I have had interaction with her in the past couple of days; I am not trying to speak for her but I think that she would welcome the overall balance of the Scottish Government’s messaging around the situation.

With regard to risk assessment, we have not modelled the arrangement, but we are looking at whether and how it is possible to do so. There are difficulties in trying to model the arrangement, particularly when we are trying to persuade people to use flexibilities only where necessary. If Patrick Harvie wants me to talk about risk, I can say that I am being very open with people that the arrangement carries risk, which is why, where people can get through Christmas without mixing with others, my advice to them is to do so. If they feel the need to mix with others, they should pay close attention to the advice and try to keep well within it.

I hope that, whatever their view on all these issues, every member in the chamber will help us to communicate that difficult and complex, but really important, message to the public over the next few weeks.

Patrick Harvie: With vaccines perhaps just around the corner, people will wonder why we are choosing to run that risk now. One factor in the

resurgence of Covid after the summer was the failure of the Government to plan properly for students arriving on university campuses, yet it appears that the Government has still not prepared a plan for the potential return of students to campus in January. I welcome the fact that students will be tested as they head home, but there are no details yet about testing them again prior to their return to university.

As we have heard, it looks increasingly likely that cases will rise again in January, and adding thousands of students in university halls to that mix would be a recipe for disaster. Can the First Minister confirm exactly what the testing arrangements will be for students when they return in January, and whether she agrees with the National Union of Students Scotland that online learning should be the default, where possible, after Christmas? Will she ensure that those who have to self-isolate receive wraparound support, so that we are not faced with a repeat of the disaster that we witnessed in September?

The First Minister: With regard to self-isolation and wraparound support, universities have a responsibility to ensure that the welfare needs of students in that situation are catered for. In general, they have put in place good arrangements in that regard, and we continue to liaise with them.

With regard to the overall arrangements for students, the priority in the past few weeks has been the arrangements to enable them to return home for the festive period, should they choose to do so. With regard to the testing programme, students will be offered two lateral flow tests before they return home and given guidance and advice on what to do to make that as safe as possible. That testing programme will get under way next week.

We are currently considering and will shortly finalise and announce the arrangements for students' return after the festive period for the new term. We are looking at testing in that regard and considering whether we will have a delayed or staggered return and whether there will be a period of blended or remote learning before students come back. Those matters are under active consideration, and I hope that we will be able to confirm our conclusions on them very soon.

Care Homes (Visiting)

4. Willie Rennie (North East Fife) (LD): In the answer to Richard Leonard, I still did not hear why it is taking so long to get families in to see their loved ones in care homes. Almost every family has a story about being denied access. The testing that was announced yesterday is still

weeks away and it is only for a handful of homes in some council areas.

Just listen to the testimonies:

"It has been the worst eight months of my life."

"My Mum was a very social person prior to lockdown, now she looks so sad."

"I have not seen my husband for almost 8 months."

I am sorry to read this one out, but we have to fully understand the agony that some people are going through:

"Every conversation mum tells me how she wants to die."

We know that visits can be done safely and I know that the First Minister cares, but the families just want action. Time is running out. Why do families have to wait for yet more weeks before they have the slender prospect of seeing their loved ones?

The First Minister (Nicola Sturgeon):

Everybody has had a torrid eight months and that is particularly true of people who have loved ones in care homes. Willie Rennie is right to read out those comments. I get emails with comments like those and I make a point of reading as many as I can. I know that it is hard for all of us to listen to those comments, but perhaps that gives members some insight into how hard it is to feel that it is my decisions that are influencing the situation. In some ways, it is trite to say this, and I do not mean it to sound trite, but I take the matter as seriously as it is possible to take anything. Such decisions weigh heavily on me and the choices that we have to make right now are difficult—none of us finds them easy.

We are trying to navigate our way carefully and safely through a really difficult and, for many people, dangerous situation. The reason why people are unable to visit loved ones in care homes as normal is that we are trying to prevent the virus from getting into and transmitting in care homes. I am not seeking to criticise in any way those people who, rightly, ask why we cannot speed up getting visiting in care homes back to normal, but they are often the same people who, rightly—and this is also not a criticism—raise issues about the transmission of Covid in care homes. The decisions are not easy. All I ask people to understand is that, if we thought that it was possible to go more quickly on these things, we would. Nobody wants loved ones to be in that situation.

We have to be careful to get the situation on testing right. The lateral flow test has not been available for long and there are still issues about the constraints on its use. However, we have now set out a clear programme, which we will assess on an on-going basis. The health secretary and I

have been discussing this morning how we can speed up the roll-out of lateral flow testing so that it more quickly becomes a routine part of the process for visiting a care home.

Although the use of such testing is being rolled out in the way that the health secretary set out yesterday, given that it will not be available for everybody straight away, she announced plans to make PCR testing available in the three weeks over the festive period, while that work continues. We will continue to try to speed things up as much as possible, but that will be consistent with the safe use of the roll-out of technology that people working in care homes are not yet familiar with and continuing to keep those who are in care homes as safe as possible.

Willie Rennie: We need to change the situation in relation to visiting care homes. Change has been promised repeatedly, for far too long. Things must change soon.

I am also frustrated by how slow the Government has been on the expansion of testing. In the spring, thousands of new residents were not tested before admission to care homes. At that time, care home staff were also not tested. Students were not tested before they arrived back on campus after the summer and, as we have just discussed, it will be weeks before families will be tested so that they can get access to loved ones in care homes. It is just not good enough. The effects of the Government's reluctance to embrace testing at the beginning are being felt now.

Thousands of students in Northumberland were tested, Liverpool has offered testing for everyone and Slovakia tested 3 million people. As a result, thousands of people were self-isolating and thus protecting the lives of others. What is the response from the Scottish Government? It tests 12,000 people in a small town in Renfrewshire. When is the Government going to catch up on testing?

The First Minister: It is easy to stand up and say that we should be doing things more quickly. No doubt, if I were in opposition, I would be doing so, too. Willie Rennie used the word "reluctance"—why would I be reluctant to do things that could make a difference in the battle against Covid?

Often, these things are more complex than they appear. We have to roll out technology safely and ensure that people are trained and supported to use it properly. We have to ensure that the use of testing, important though it is, is part of a bigger approach and does not inadvertently undermine some of the other important messages that we are trying to get across. That work is complex and, unfortunately, takes time. I am frequently frustrated that things cannot go more quickly.

However, Willie Rennie is underplaying some of the work that is being done on testing. Next week, we will start a testing programme for all students, and we will continue to look at the role of testing in the student population. He can dismiss a pilot project for mass population testing in Johnstone, but that is very important, because Johnstone is one of the areas with the highest prevalence in the country right now. That project will allow us to learn a lot about the use of such testing to get stubbornly high prevalence rates down.

Yesterday, the health secretary talked about the other work that we are doing with all 11 local authorities in level 4 and the five health boards that cover those areas to roll out a mix of PCR and lateral flow testing across a range of different geographies. We have been looking carefully at the Liverpool pilot, which involves a lot of hard lessons, particularly on how we get a good uptake of testing that is offered in that way.

We will continue to do that work. We are not reluctant to do anything that will help, but we are keen to get it right and do it properly. There are big things at stake—not least human health and life—which is why we take the decisions as seriously as we do.

Scottish National Investment Bank (Launch)

5. Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): To ask the First Minister whether she will provide an update on the launch of the Scottish National Investment Bank. (S5F-04606)

The First Minister (Nicola Sturgeon): The bank opened for business on Monday. That is, of course, the delivery of a key commitment in the programme for government. The Government will capitalise the bank with an initial £2 billion over 10 years.

It is the first mission-oriented bank in the United Kingdom. The bank will address key societal challenges, help to shape future markets, spark innovation—I hope—and deliver a range of environmental, social and economic returns. Its primary mission—rightly so—will be to support our transition to a net zero carbon economy.

I believe that it is perhaps the most significant economic development in the lifetime of this Parliament, and I think that generations to come will look back and understand its importance.

Dr Allan: I thank the First Minister for her reference to decarbonising the economy. What will the Scottish National Investment Bank be doing, as we emerge from the pandemic, to help Scotland to meet its ambitious climate change targets?

The First Minister: The bank's primary mission will be to support the transition to a net zero

economy in response to the climate emergency. As I said, it opened for business this week, so it will increasingly become part of our green recovery from Covid, too. The bank will provide finances for businesses and projects that are working towards achievement of net zero emissions.

Earlier this week, the bank confirmed that its first investment will be in a company called M Squared Lasers Ltd, to advance further its research and development. The investment is key to upscaling the pioneering work that it is doing in quantum innovation, alongside the technologies that it uses and develops to help to monitor and tackle climate change. Consideration of the climate and the climate emergency is very much at the heart of that first investment. I think that we will see that theme developing strongly.

The Presiding Officer: Question 6 is from Michelle Ballantyne, who joins us remotely.

Offensive Weapons

6. Michelle Ballantyne (South Scotland) (Ind): To ask the First Minister for what reason crimes involving offensive weapons reportedly continue to be on the rise, and what action the Scottish Government is taking to tackle this. (S5F-04595)

The First Minister (Nicola Sturgeon): Although there have been increases in such crime in the past few years, the longer-term trend is positive. Over the past decade, the number of crimes of handling an offensive weapon that have been recorded and the number of emergency hospital admissions due to assault with a sharp object have more than halved.

Over the past decade, we have invested more than £20 million in violence prevention programmes. That includes funding for the Scottish Violence Reduction Unit, Medics Against Violence and No Knives Better Lives. Alongside enforcement and prosecution options, we will continue to work with partners to deliver targeted violence prevention programmes in local areas where such crimes occur.

Michelle Ballantyne: We have seen a downturn in the number of crimes. That has no doubt been brought about partly by the pandemic that we are experiencing.

However, although there has been a decrease in crime in most local authorities, Midlothian is rare, in that there has been a 5 per cent increase, even if we discount crimes that are counted under the new coronavirus legislation. For comparison, I note that there has been a 15 per cent decrease in crime in Glasgow.

At the start of this year, Midlothian Council very nearly lost its police community action teams,

which have been doing fantastic work. That was because of lack of funding. Having seen the latest figures, will the First Minister commit to ensuring that there is ring-fenced funding for the Midlothian community action team, to ensure that the numbers do not continue to rise? Can she explain why there are still significant increases in crime in areas including Midlothian and Moray?

The First Minister: I am happy to have the particular local issues looked into; I do not know what the circumstances are in those areas. There are often fluctuations from area to area, and relatively small increases in numbers often result in high percentage increases—which is not to say that the increases are less important because of that.

I will not give the commitment that the member asked for, because deciding where resources are best targeted in order to prevent and investigate crime is an operational matter for the chief constable. It is right and proper that such decisions are for the chief constable.

As with all national figures, there will be local variations within them. However, it is not true to say that crime is down because of the pandemic. Recorded crime in Scotland is at one of its lowest levels since 1974 and has come down by 41 per cent since 2006-07. Therefore, the long-term trend in crime in Scotland is firmly downward. However, that should not give anyone a ground for complacency.

I know that the chief constable continues to take all such matters seriously and makes decisions that ensure that resources are targeted where they are required most.

Covid-19 (Infection Rates in Areas of Greater Poverty and Deprivation)

7. James Kelly (Glasgow) (Lab): To ask the First Minister what action the Scottish Government is taking to address concerns that Covid-19 rates are higher in areas with greater poverty and deprivation. (S5F-04597)

The First Minister (Nicola Sturgeon): Obviously, I am concerned about the overall impact of Covid. However, I am also concerned about the disproportionate effect that it has on certain groups in the population.

Many experts and researchers are working to get a deeper understanding of the impact of Covid. We already know that the issues behind higher levels of infection in particular ethnic communities and areas of poverty and deprivation include—among other things, no doubt—housing conditions and more people living in smaller accommodation.

We have tried to put equality and social justice at the heart of our response to Covid. We have

provided significant financial support, including a communities package to help those who are most in need. We have since increased the funding considerably—in particular by giving additional funding to local authorities in tier 4 areas. We have also taken decisions including the decision to extend provision of free school meals through to the Easter holidays next year.

We will continue to try to understand the reasons for the disproportionate impacts of Covid, and to do everything that we can to address the needs of those who are impacted.

James Kelly: Yesterday's *Daily Record* devoted substantial coverage to the scandal of poverty in Scotland. In particular, it highlighted that a quarter of kids will grow up hungry.

In addition, a recent survey found that nearly half of people run out of money before they get to their next pay day. That is a really desperate situation for many people in the country to live in. Glasgow city, where there is a high proportion of Covid hotspots, contains 24.8 per cent of the areas of greatest deprivation in the country. Therefore, there is a clear link between poverty and Covid infection rates. Will the Government commit to ensuring that in any Covid recovery plan specific packages will be targeted at those areas of poverty and deprivation in order to ensure that those communities are not left behind?

The First Minister: We have sought to do that since the start of the pandemic and we have—as I said in my initial answer—made available significant additional funding to help specifically with the community impact. In doing so, we are recognising that areas of pre-existing poverty and deprivation will be particularly hard hit.

We have also made additional money available to local authorities to help with financial insecurity over the winter. We are now considering plans, which we will make known in the weeks to come, on how we can provide particular help over the winter and beyond, as we start to recover from Covid.

On poverty more generally, this Government is determined to eradicate child poverty in particular. We are taking significant steps to do that. We are the only part of the United Kingdom that is introducing the new child payment. The first phase of applications is now open and the first payments will be made early next year. Many poverty campaigners have described it as a “game changer”. It is a signal of our determination to do everything that we can, within the powers that we have, to tackle poverty—child poverty, in particular. We will have more to say about that in the weeks to come.

The Chancellor of the Exchequer missed an opportunity yesterday. He could have chosen to

make permanent the uplift to universal credit, which was rightly introduced because of Covid. He did not do that. I hope that this Parliament will unite in calling on him to rethink that decision and to right that wrong.

Covid-19 Outbreaks (Food Processing Plants)

Maureen Watt (Aberdeen South and North Kincardine) (SNP): The First Minister will be aware of the worrying outbreak of Covid at the Kepak McIntosh Donald plant in my constituency, where 78 cases have been detected. That is another example of an outbreak in a food processing plant.

Do we now have a better understanding of why those outbreaks occur? What measures can be taken to prevent them?

The First Minister (Nicola Sturgeon): We have known throughout the pandemic—even before we had experience of it in Scotland—that food processing plants pose some particular risks. There are various reasons for that, which include the very low temperatures in some plants and some of the other working conditions. As that understanding has developed, so too has the response from public health experts.

A lot of work has been done to make sure that the right precautions are taken in food processing plants and that where there are cases those are identified quickly and the right steps are taken. That includes testing the wider workforce to minimise spread within workplaces and, most important, to minimise the risk of an outbreak in a plant such as Kepak moving into wider community transmission. That is an important focus for the public health teams in Grampian.

Without taking away from the seriousness of the situation, I can perhaps say one more positive thing about this. Although we have seen a rise in cases in Aberdeen and Aberdeenshire—I have commented on that in the chamber in the past couple of weeks—we can take some assurance from the fact that much of that rise can be attributed to outbreaks such as this one, rather than being indicative of more widespread increases in community transmission. We continue to monitor that carefully, but it is one of the reasons why, notwithstanding those increases, we have not felt it necessary to move Aberdeen or Aberdeenshire up a level.

Flu Vaccine (Supplies)

Maurice Corry (West Scotland) (Con): I have been contacted yet again by pharmacies in the Helensburgh and Lomond areas of my region. They are still unable to access supplies of the flu vaccine, despite assurances from the Scottish Government that they will get those supplies.

Does the First Minister agree that that is totally unacceptable? Will she ensure that adequate supplies of the flu vaccine are made available to pharmacies in my West Scotland region?

The First Minister (Nicola Sturgeon): I am happy to look into that situation. I am not aware of the reasons for that. I can say that the flu vaccination programme is progressing well; significant numbers of people have been vaccinated and that will continue over the rest of this year and into next.

We procure through the United Kingdom-wide procurement system. We have adequate supplies, but we know that uptake in some groups has been higher than usual. That is a good thing and we encourage it.

I will look into the particular issue with pharmacies in the member's region, and either I or the health secretary will reply to him as soon as possible.

Covid-19 Local Protection Levels (West Dunbartonshire)

Jackie Baillie (Dumbarton) (Lab): West Dunbartonshire was raised to tier 4 last Friday, despite a 35 per cent decrease in the number of positive cases in the preceding week. In the week before 20 November, the drop was a significant 25 per cent, which was much greater than the drop across Scotland as a whole—at the time, that was 9 per cent.

I understand that it is difficult to get the balance right, but this is having a significant impact on my constituents' economic and mental wellbeing. Will the First Minister review the position in West Dunbartonshire? People are unclear why they are in tier 4 when there are local authority areas with a higher number of positive cases that are currently in tier 3.

The First Minister (Nicola Sturgeon): Those are perfectly legitimate questions. As I have tried—and will continue to try—to explain to the best of my ability, when we make these decisions, we take account of the indicators that we set out publicly, which are about case numbers, test positivity and pressure on hospital and intensive care unit services. We also have to make judgments about the direction of travel: whether the position in a particular area is coming down fast enough and whether it remains significantly above the national average. It was a judgment about that balance of factors that led to the area that Jackie Baillie's constituency is in being put into level 4.

We have said that the level 4 restrictions will end on 11 December, and that remains the case. Between now and then, we will be looking at the particular circumstances in West Dunbartonshire.

My apologies; I do not have the West Dunbartonshire figures in front of me, but I will get the most up-to-date figures later today. Certainly, until very recently, they were above the national average.

We will look at the direction of travel as we make decisions about what level each area will go into after 11 December. That is a process of consideration not just for West Dunbartonshire but for all those 11 council areas; that will be under way for the next couple of weeks.

Covid-19 Testing (Learning Disabled People)

Joan McAlpine (South Scotland) (SNP): We learned yesterday that care workers of learning disabled people will not be tested until next year—perhaps not until spring, in some cases—even in regulated accommodation that is similar to care homes, whereas groups such as students and family visitors will be tested in December.

The Scottish Government's guidance for testing says that vulnerable groups will be prioritised, and we know from Public Health England's recent data that learning disabled people's deaths from Covid are six times higher than those of the general population; in younger groups, they rise to 30 times higher. Of course, it is more difficult for this group to take additional measures to protect themselves, such as social distancing and face mask wearing.

Can the First Minister explain the clinical reasons why the protection of this vulnerable group does not appear to be a priority in the testing roll-out?

The First Minister (Nicola Sturgeon): It is not that it is not a priority. There are different practical challenges with different groups that we are expanding testing to, and they have to be properly considered and thought through. The roll-out to the group that the member is asking about begins in January and it will be completed as quickly as possible. The practical challenges that we need to look at include the settings that people are in, who will be administering tests and, obviously, the availability of tests. We will continue to do that as quickly as possible, and the health secretary will keep members updated as appropriate.

Fly-tipping

Alexander Stewart (Mid Scotland and Fife) (Con): NFU Scotland has raised serious concerns regarding fly-tipping in rural communities during the pandemic, not just in my region but across the length and breadth of the country. It has received widespread reports of the dumping of commercial, human and hazardous materials, the removal of which requires specialist treatment.

One of the major areas of concern is that there seems to be a fragmented approach across local authorities, with no universal mechanism for the recording and reporting of fly-tipping. Will the First Minister join me and NFUS in calling for the creation of a national database of fly-tipping as a matter of urgency?

The First Minister (Nicola Sturgeon): We will give that consideration, as we will any reasonable suggestions that are made by organisations such as NFUS. Fly-tipping is a problem, and the Scottish Government has done and continues to do a range of work to try to combat it. I will ask the environment secretary to write to the member to recap that work and give feedback on consideration of the policy suggestion that has been made.

I know that NFUS, like others, is concerned about fly-tipping. Organisations such as NFUS are also very concerned—perhaps even more concerned—about Brexit and the looming end of the transition period. I will consider that proposal, and I hope that the Conservatives will continue to press the United Kingdom Government to make sure that we do not leave our farmers, fishermen and others at the mercy of a no-deal or flimsy-deal Brexit at the end of the year.

Covid-19 Tests (University Students)

Daniel Johnson (Edinburgh Southern) (Lab): I have received an email from a constituent who is studying at the University of Edinburgh. Earlier this week, they spent seven hours trying to access the online system for booking the Covid test that they require in order to return home safely this Christmas. When they finally managed to log on, the only dates that were available for the two required tests were 24 hours apart, which is well short of the five days that are required.

The First Minister will surely agree that, given the issues at the start of the university term, we can ill afford such issues with testing at the end of term. Does she have confidence in the system that is in place for student testing? Will she urgently investigate the issues regarding the booking systems and whether all students have been able to get the two tests with sufficient gap between them?

The First Minister (Nicola Sturgeon): I would be grateful if Daniel Johnson could send me the email from his constituent, because I am not entirely clear whether he is talking about the portal system, which is the United Kingdom-wide booking system, which is used for the polymerase chain reaction test. That system works well, although, obviously, there will be some occasions when an individual finds that it takes time to get a test, particularly if they are ordering a home test. That system is governed overall by the UK

Government, and we work constructively with it on that.

If I am wrong about that, and Daniel Johnson is highlighting a particular issue in accessing the university's lateral flow tests, I am happy to look into that. I would like to understand which system is being talked about, so that I can take that up and come back with a full and proper response.

Burntisland Fabrications Ltd (Supply Chain)

Annabelle Ewing (Cowdenbeath) (SNP): On the important issue of BiFab, aside from the failure of the majority shareholder, JV Driver, to step up to the plate with a financial guarantee, a key issue has been, of course, the lack of conditionality in the United Kingdom Government-controlled contracts for difference. Can the First Minister confirm that a key priority for the joint working group that is to be set up will be to remove the barrier that the UK Government has inflicted on the Scottish domestic supply chain?

The First Minister (Nicola Sturgeon): Annabelle Ewing has raised a very important question. Before I address that, I make it clear that, just as we have done for the past few years, the Scottish Government will continue to do everything that we possibly can to support BiFab within the legal constraints in which we operate.

Anyone who cares about companies such as BiFab should recognise the importance of this point. For some time, we have called on the UK Government—members will have heard me do so in the chamber many times before—to make greater use of supply chain plans as part of the contracts for difference process and to remove the loophole so that we can ensure greater use of domestic renewable energy supply chains. We welcome the UK Government's announcement that it will shortly consult on the supply chain plan, and we hope that that shift will allow our domestic supply chain to benefit more from developments around our natural energy resources.

Both Governments are working to finalise and agree the working group's terms of reference, and I hope that the group will make a significant contribution to strengthening renewables in Scotland.

Local Planning Decisions (Appeals)

Annie Wells (Glasgow) (Con): Last year, four in 10 council planning decisions that were appealed to Scottish National Party ministers were overturned, meaning that hundreds of developments went ahead against the wishes of democratically elected local representatives. Will the First Minister support Scottish Conservative proposals to restore local decision making and

stop the central Government in Edinburgh undermining local communities?

The First Minister (Nicola Sturgeon): I would be really cautious about giving a commitment to back the Tories on planning policy, to be perfectly honest.

There is a statutory process for planning permissions. I do not have the figures in front of me today, but a relatively small percentage of planning applications come to the Scottish ministers and, of that figure, a relatively small percentage result in a different decision from the one that was originally taken. There is a rigorous process that must be gone through. That includes real independence in the approach that ministers take—and that is right and proper.

However, I know from my constituency perspective as well as from the perspective of a minister that, with most planning applications, whatever the outcome, some people will think that it is the wrong decision and some people will think that it is the right decision. That is why it is really important that we have the rigorous process that we have in place right now.

Covid-19 Travel Restrictions (Young People)

Colin Smyth (South Scotland) (Lab): I have received an email from a family who live in East Ayrshire, on the boundary with South Ayrshire. Although the kids can travel to their nearest school in South Ayrshire each day, they can no longer take part in their twice-weekly organised outdoor activity with kids from the same school, because that activity takes place in South Ayrshire, half a mile from the family home. That is despite the fact that both East and South Ayrshire currently operate under the same level of restriction and the fact that, under that restriction, organised outdoor activity is, rightly, allowed.

My constituents have asked me why their kids can take part in organised outdoor activity but are prevented from doing so because the Government's travel restriction regulations would make it a criminal offence for them to travel to take part in such sport, that not being classed as a reasonable excuse for travelling. I do not know the answer to that question. Can the First Minister help me to tell my constituents what it is?

The First Minister (Nicola Sturgeon): Yes, I can. There are two reasons, which are interrelated and interconnected.

The first is that, in a global pandemic, we can enable only so much human interaction to happen without the virus running out of control. Therefore, we have to limit overall human interaction and make choices about activities that can and cannot go ahead. I think that most people would recognise that having young people in school is a

priority. That does not mean that other activities that young people want to do are not important, but in such a pandemic we cannot do everything without allowing the virus to run out of control.

The second, and related, reason is that, when we are trying to control the virus and limit its spread from one part of the country to another, we have to try to prevent people from travelling between those areas. These are unpalatable choices, but they are essential and necessary.

I have to say that I have tried really hard to understand Scottish Labour members' position on travel restrictions, but I just cannot do so. Their counterparts in Wales know what the sensible approach is right now. There were internal travel restrictions there at a much earlier stage in the pandemic than was the case in Scotland, and, of course, there are still travel restrictions on people going in and out of Wales.

I know that the current situation is hard for constituents the length and breadth of the country, but so, too, is having a loved one with Covid, who is perhaps in hospital, or having to watch them die with the virus. We are all having to do difficult things right now, but they are all done with the intention of keeping this dangerous virus under control.

United Kingdom Government Fiscal Policy

Shona Robison (Dundee City East) (SNP): Yesterday, the Westminster Government announced that it proposes to freeze public sector pay for many workers on the front line and to scrap the proposed increase in the national minimum wage. It has also failed to extend the £20 uplift to universal credit and working tax credit beyond next year. Does the First Minister agree that its approach will leave many Scottish families struggling to feed and clothe their children?

The First Minister (Nicola Sturgeon): Yes, I do. I know how difficult it is for the UK Government—as it is for all Governments—to balance financial and fiscal challenges right now. I welcome many of the decisions that the Chancellor of the Exchequer has taken during the Covid pandemic, and I have been open about that.

However, as we come out of the pandemic—as we hope that we now are—and start to rebuild, we cannot have the natural Tory instinct of allowing that financial burden to fall on those who can least afford it. Many aspects of the chancellor's statement yesterday seemed to herald a new age of austerity for public sector workers, those on low incomes and those already living in poverty. The Scottish Parliament must stand up firmly against that approach and on the side of those who need us most.

Covid-19 (Tenant Evictions)

Andy Wightman (Lothian) (Green): I have a constituent who, along with her disabled son, will be ejected from her home by sheriff officers next Wednesday. The local council is putting suitable facilities in place in a new home, but the Covid crisis has delayed matters. If my constituent's case were happening in England, her ejection would be unlawful under regulations made on 13 November, under which no officer of a court can evict a person from their home between 17 November and 11 January. I do not expect the First Minister to respond to the particular case that I have mentioned, but I would like to know whether she will introduce similar regulations for Scotland.

The First Minister (Nicola Sturgeon): I am happy to look into that. There are legal protections in place on such matters, and we have taken a number of other steps to provide help for people who are struggling to pay rent during the pandemic. Updated guidance has already been issued to members of the Society of Messengers-at-Arms and Sheriff Officers, advising that evictions should not be carried out in areas in levels 3 or 4. However, if there is more that we can reasonably do—as Andy Wightman knows, because we have previously discussed it—I will be happy to look at the issue. I will also look in more detail at the particular case that he raised.

Christmas Travel (Island Communities)

Liam McArthur (Orkney Islands) (LD): The First Minister will be aware that arrangements for people to be with family at Christmas take account of the additional travel time that may be required by those needing to get to and from Northern Ireland. She will also know that no such arrangements have been put in place for our island communities, even though travel times are often longer and options more limited than they are in relation to Northern Ireland.

Does the First Minister accept that that risks creating serious bottlenecks on ferries and flights over the Christmas period? Does she further accept that it means that islanders could have less time to spend with family members? Will she therefore urgently review the proposed rules to ensure that the needs of our island communities are properly taken into account?

The First Minister (Nicola Sturgeon): I know, because I had a discussion with colleagues this morning about it, that we are going to publish a slight update—if we have not done so already—to the guidance that was published this morning, to take account of and refer to the timing of overnight ferries from Shetland over that period and to make sure that that factor is catered for. We will also look as reasonably as we can at any other exceptional circumstances. There is, of course, a

general exemption for exceptional circumstances in which people are travelling, but we will try to look as favourably as we can at all particular circumstances.

However, generally, I do not want people to lose sight of the overall default advice. People should think very carefully about travelling over Christmas and about coming together with other households. In our islands, the prevalence of Covid is very low and we hope to see even more normality introduced there over the next period, so people should perhaps be particularly careful about taking the virus to the islands over the festive period. I recognise the difficulties and we will try to be as flexible as we can be, but let us not lose sight of that overall public health advice.

Capita Job Losses (Skypark)

Sandra White (Glasgow Kelvin) (SNP): First Minister, Three UK is not renewing its contract with Capita at Skypark, in my constituency. That will result in 500 jobs lost over the next couple of months. Will the Scottish Government commit to exploring every avenue to save jobs at Skypark, and will it give an assurance that it will provide substantial and tangible support to employees who are affected by the decision?

The First Minister (Nicola Sturgeon): I was concerned to learn that Capita has entered into consultation with its customer service staff who support the Three UK contract. I know that this will be a worrying time for those workers, particularly given the difficult time that the whole country is going through.

Sandra White has already spoken to the Minister for Business, Fair Work and Skills about her concerns, and he told her that he has spoken to Capita, to encourage it to fully explore redeployment opportunities along with all possible options to mitigate any potential job losses. Scottish Enterprise is also engaging with Capita and is offering its support now and through the consultation period.

If this does, sadly, result in job losses, the Government will provide support to all affected employees through our initiative for responding to redundancy situations: the partnership action for continuing employment—PACE—initiative, which is well known to members.

We will do everything that we can to support people in what I know is a very difficult set of circumstances.

The Presiding Officer: Thank you, colleagues. That concludes First Minister's question time.

13:28

Meeting suspended.

14:30

On resuming—

Portfolio Question Time

Health and Sport

The Deputy Presiding Officer (Linda Fabiani): I remind members that social distancing measures are in place in the chamber and across the Holyrood campus, and I ask them to take care to observe those measures over the course of the afternoon's business. The next item of business is portfolio questions on health and sport.

Covid-19 (Vaccination)

1. **Kenneth Gibson (Cunninghame North) (SNP):** To ask the Scottish Government what the impact on Scotland might be of the United Kingdom health secretary not ruling out mandatory Covid-19 vaccination, and to what extent it considers that such a position could be exploited by conspiracy theorists and so-called anti-vaxxers. (S5O-04793)

The Cabinet Secretary for Health and Sport (Jeane Freeman): Deployment of the Covid-19 vaccine in England is a matter for the United Kingdom Secretary of State for Health and Social Care.

We anticipate that take-up of a Covid-19 vaccine will be exceptionally high. Although we strongly recommend that those who are eligible to receive vaccines should do so, vaccination is not mandatory and we are not planning anything other than voluntary acceptance.

We will work to inform the public so that they can be assured of vaccines' safety and efficacy, and so that they understand the benefits of vaccination for themselves and the wider population. We believe that our view of the value of that approach and of the importance of vaccination is shared by most people in Scotland, which has some of the highest uptake rates in Europe for our national programmes.

Kenneth Gibson: At this time, when we know at last that there is light at the end of the tunnel because of the imminent distribution of three safe and effective new vaccines, what steps will the Scottish Government take to encourage widespread uptake across Scotland, in particular among usually marginalised groups, who might not normally have a high level of vaccination cover?

Jeane Freeman: That is an important part of the issue. We will take a number of actions for the population as a whole, and some specific actions to reach those whom we have not traditionally been as effective at reaching.

For the population as a whole, the first set of public information—I specifically call it public information—is on the safety and efficacy of the vaccine. That will be supported by clinical voices—not only national health service voices, far less Government voices. Clinical voices will talk about how vaccines go through a process to ensure that they are safe and effective, and about how the vaccines are—not least through the work of the global scientific and research community—no less safe and effective even though the timeline has been constrained for many good reasons.

We will then make sure that every household has a household door drop in January. In other words, information will be delivered directly to every home that will, again, explain the safety and efficacy of the vaccines and specific delivery mechanisms.

In trying to ensure that we make accessing the vaccine as easy as possible for people, we will use mass drive-through and walk-in vaccination centres. We are working closely with our local authority partners. I am grateful to Convention of Scottish Local Authorities leaders for their enthusiastic offer of support and their offer to work with us on the local high street—in inverted commas—accessible small vaccination centres, and the mobile units that we will deploy, particularly in rural and remote areas of Scotland, including the islands. We will have a range of places to which people will be able to go to get vaccinated, and we will then take the vaccines—as they come through and their properties are more assured—to the homes of some of our older population and others for whom mobility is more difficult.

Amateur Football (Covid-19 Restrictions)

2. **Tom Arthur (Renfrewshire South) (SNP):** To ask the Scottish Government what discussions it has had with amateur football organisations regarding the current Covid-19 restrictions. (S5O-04794)

The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick): The Scottish Government works closely with the Scottish Amateur Football Association on a range of issues, and has had regular dialogue over recent months about the impact of the pandemic on the amateur game.

Tom Arthur: I have previously written to the minister on behalf of Thorn Athletic, which is based in Johnstone in my constituency, to seek greater understanding of the rationale and evidence base for restricting amateur football at level 3. From that correspondence, the minister will be aware of the important community work that is undertaken by Thorn Athletic and, in particular,

its positive impact on the mental health and wellbeing of young men.

Therefore, what support has been put in place to support young men, in particular, who will be hard hit by the restrictions on amateur football and team sports?

Joe FitzPatrick: The Scottish Government absolutely recognises the benefits that sport brings, not just to our physical health but to our mental health, and the key role that sports bodies, including football bodies, play in facilitating those benefits. That is why, right up to level 3, the Government has managed to provide an exemption for under-18s to continue to participate in sport, including contact sports such as football.

The Minister for Mental Health has been working on a range of support for mental health, but Tom Arthur is right that our football clubs across the country do a great job, so we want to get people back to playing. The route map for doing that is to get prevalence down across Scotland and to get all areas on to lower levels, so that sport can continue as before, because it is so important for our mental and physical health. However, football is a contact sport, and we must make sure that the measures that we put in place protect against the spread of the virus.

James Kelly (Glasgow) (Lab): The minister is aware of the mental health benefits of the return to amateur football, as we have seen in the submissions from clubs including Rutherglen Glencairn. In light of the fact that amateur football is returning in England, when will that decision be reviewed? There is a great desire to see the same happen in Scotland.

Joe FitzPatrick: I am not sure what the final details are in England. Amateur football is happening in level 1 and 2 areas in Scotland, and we hope that more parts of Scotland will move into level 2, so that football can recommence. In England, it is clear that it is allowed in levels 1 and 2, as is the case in Scotland, but the wording, which I do not think has been clarified, is not so clear for level 3 in England. Obviously, that is a matter for the English Government to take forward.

We have to take the best advice we can get. The virus spreads through close contact, and football is a contact sport. Although it is possible not to have tackling—and, therefore, not to have physical contact—it is not possible to play the game with the 2m distancing that we consider is needed to avoid the close contact that spreads the virus.

I am desperately keen that we bring football back at all levels across Scotland, but we have to take a balanced approach, which is why I was pleased that we were able to extend the playing of football at under-18 level to level 3.

However, the member should be in no doubt that we understand the difficulty that the restrictions around the pandemic—particularly at levels 3 and 4—pose for many people across Scotland.

Beatrice Wishart (Shetland Islands) (LD): On 4 November, the minister confirmed that he would look again at level 1 guidance on indoor contact sports. I have received further representations about difficulties with outdoor football in Shetland in winter. Can the minister provide an update on progress?

Joe FitzPatrick: As I said last time, Beatrice Wishart makes a strong case, particularly for areas where levels of the virus are lower. However, we need to be careful that we do not inadvertently do something that results in the levels in places such as Shetland rising, which would have a wider impact.

I know that our clinical leads are very keen to ensure that people are able to continue to play sport, particularly in areas where there is lower prevalence and there are weather challenges, such as those that are experienced in Shetland. There is a positive ear on those matters. We continue to keep the issue under consideration, particularly in areas such as Shetland.

NHS Dumfries and Galloway (Patient Travel Scheme)

3. **Emma Harper (South Scotland) (SNP):** To ask the Scottish Government whether it will introduce in NHS Dumfries and Galloway an equivalent of the Highlands and Islands travel scheme, which allows patients to receive full, non-means-tested reimbursement for travel for medical appointments over 30 miles. (S5O-04795)

The Cabinet Secretary for Health and Sport (Jeane Freeman): I completely understand the impetus behind Ms Harper's question and some of the difficulties that constituents in her region face. The Scotland-wide patient travelling expenses scheme provides support for patients who are in receipt of qualifying benefits. In addition, all health boards have the discretion to reimburse patient travel expenses, depending on individual circumstances. The Highlands and Islands travel scheme, to which Ms Harper referred, recognises that patients in the Highlands and Islands often face significant additional travel relative to those who reside in other areas of Scotland.

My officials will undertake a review of the arrangements for patient travel early in the new year, and I have asked them to conclude that review quickly. I will be happy to provide Ms Harper with further updates on that review as it progresses.

Emma Harper: I thank the cabinet secretary for that positive response. Cancer care and travel in Dumfries and Galloway has been an issue since well before the Covid-19 pandemic. I met the cabinet secretary to discuss the issue over a year ago, and I have written to her about the issue in more detail.

As well as receiving travel reimbursement, many patients across Galloway would prefer to be referred for cancer treatment to the Glasgow pathway instead of the Edinburgh pathway, because that would mean much shorter journey times. That would require NHS Dumfries and Galloway to be aligned with the west of Scotland cancer network instead of the south-east cancer network. Will the cabinet secretary commit to assisting in progressing the changes in NHS Dumfries and Galloway, and will she step in and act if nothing is forthcoming from the NHS board?

Jeane Freeman: I will make two points in response to that question. First, the information that Ms Harper provided me with in respect of travel will be taken account of in that early review. Secondly, on the cancer network, I do not believe that NHS Dumfries and Galloway is reluctant in the matter. Work is under way on that. However, I am happy to commit to providing Ms Harper, early next week, with an update on the progress that has been made. As she knows, I am very supportive of patients having a choice in such matters, particularly when they are suffering from cancer and in a situation that means that, at times, they can feel powerless.

Mental Ill Health (Impact of Pandemic and Restrictions)

4. Alex Cole-Hamilton (Edinburgh Western) (LD): To ask the Scottish Government how it will respond to reports of increases in mental ill health as a result of the pandemic and the restrictions. (S5O-04796)

The Minister for Mental Health (Clare Haughey): On 8 October, we published Scotland's mental health transition and recovery plan, which outlines our response to the mental health effects of the pandemic. The plan is comprehensive and contains over 100 actions. It outlines a set of key actions that we will take forward at pace. It is fully informed by a consideration of evidence provided by our mental health research advisory group. As well as promoting good mental health and wellbeing, the plan prioritises rapid and easily accessible support for those in distress and the safe, effective treatment of people living with mental illness.

A tailored programme of work will help individual NHS boards to respond effectively to the anticipated increase in demand in the months ahead. The plan also covers the mental health

impact on people living with long-term physical health conditions and disabilities.

Alex Cole-Hamilton: Yesterday, Deputy Chief Constable Will Kerr presented a troubling new report to the Scottish Police Authority, laying out the scale of the mental health crisis in our communities. He said:

“The level of demand has outstripped capacity”

and Police Scotland's

“professional ability to deal with it.”

He also said that the statistics that were published this week, showing 833 probable suicides in Scotland in the year before the pandemic, reflected an increase that

“should worry us all”.

I have asked the minister before about improving suicide reporting so that we can get closer to having real-time alerts and so that crisis response services can be better informed and prepared. Will the minister make a commitment that that will happen for the new year?

Clare Haughey: I thank Alex Cole-Hamilton for raising this very important issue. Every life lost is a tragedy, and my sympathies go to those who have been bereaved by suicide.

We work very closely with the suicide prevention leadership group, and we will continue to do so. A range of work is going on. For the sake of brevity, I will not speak about all of it, but I am more than happy to write to Alex Cole-Hamilton, outlining the breadth of work that is on-going.

For example, in September, with the suicide prevention leadership group, we launched a public awareness campaign and new branding for suicide prevention in Scotland. The united to prevent suicide programme is aimed at helping to break the stigma around talking about suicide and at assisting people to access support more readily.

Forth Valley Royal Hospital Intensive Care Unit (Capacity Planning)

5. Angus MacDonald (Falkirk East) (SNP): To ask the Scottish Government what discussions it has had with NHS Forth Valley regarding capacity planning at the Forth Valley royal hospital intensive care unit, in light of the impact of the Covid-19 pandemic. (S5O-04797)

The Cabinet Secretary for Health and Sport (Jeane Freeman): As we set out in our national health service winter plan, our boards are working to plan and manage the competing pressures on the NHS from Covid-19, including the vaccine programme and the normal winter pressures, while maintaining as many non-Covid services as

possible in addition to their emergency, urgent and trauma care.

We have the ability nationally to double ICU capacity to 360 beds within one week, to treble capacity to 585 beds in two weeks and, if required, to extend capacity to more than 700 beds. Within that, NHS Forth Valley has a maximum surge capacity of 29 ICU beds. However, mutual aid arrangements are also in place between NHS boards to ensure that there is enough capacity across the system to deal with varying levels of peak demand.

Angus MacDonald: Since lodging my question, I have had a very constructive meeting with NHS Forth Valley, including with the chief executive, Cathie Cowan. It is clear to me that, despite the obvious pressures, NHS Forth Valley is on top of its game at Forth Valley royal hospital and that the situation at its ICU is currently under control.

Therefore, I have no supplementary question to ask, unless the cabinet secretary wishes to join me in congratulating the whole team at Forth Valley royal hospital, particularly the ICU staff, who are working in full personal protective equipment day in, day out and week in, week out and doing a tremendous job.

Jeane Freeman: I am grateful to Mr MacDonald. I am glad that he had a constructive and positive meeting with the board's chief executive, which is what I would expect.

I am delighted to join him in congratulating the whole team, particularly the ICU team, at Forth Valley royal hospital and staff across NHS Forth Valley, as well as staff across all our health boards, whichever part of the system they are working in. Our staff are quite extraordinary, and they are doing tremendous work.

Access to General Practitioner Services (People with Chronic Health Conditions)

6. Jamie Greene (West Scotland) (Con): To ask the Scottish Government how people with chronic health conditions are being supported to access general practitioner services, in light of the added pressures resulting from Covid-19. (S50-04798)

The Cabinet Secretary for Health and Sport (Jeane Freeman): General practice has continued to provide services to patients throughout the pandemic, albeit with unavoidable restrictions to accommodate necessary infection prevention and control measures. However, due to the pressures of Covid, some routine disease management has needed to be paused, but only in instances in which it is deemed clinically safe to do so. Patients with complex and multiple long-term conditions continue to receive the support of GP practices, which are working hard to prioritise people at high

clinical risk through remote consultations and, where appropriate, face-to-face appointments.

If MSPs have specific concerns on behalf of their constituents, the relevant health board should be able to assist them in the first instance.

Jamie Greene: I have been contacted by a number of constituents from the west of Scotland who have not seen their GP since March. One of those constituents, who is from Saltcoats, has rheumatoid arthritis and is in chronic pain, but she has been receiving only telephone consultations with her GP throughout the pandemic, which is far from ideal and is causing much anxiety. Are there any national plans to support our GPs in order to increase and restore more in-person appointments for patients with chronic conditions? If I pass on the details, will health officials consider looking into the specific case that I have raised?

Jeane Freeman: If Mr Greene cares to give me the details of the specific case to which he referred, I would be happy to look at it.

The Government has provided a great deal of financial support to GP practices in response to negotiation and consultation with them. However, I do not think that it is about financial support; instead it is about the decisions that they make. Those decisions will often vary from practice to practice. Depending on the building and the physical location that they are in, the degree to which GPs can create space to see patients face to face—given the necessary requirements to reduce waiting room numbers, enforce 2m distancing, wear personal protective equipment and so on—will vary.

Decisions will also depend on between-patient time. That time is needed much more than in normal circumstances to ensure that the necessary cleaning between patients is undertaken. That will inevitably impact on the number of face-to-face appointments that GPs can offer. As I said, it varies depending on the physical infrastructure in which they work.

GPs make their own clinical judgments about the patients on their list whom they feel they need to see face to face, as well as making room and time for emergency calls and so on.

Of course, digital access means video as well as telephone. If there are GP practices that feel that they do not have sufficient video consultation access, we are very happy to consider how we might help those independent contractors deliver the best possible service, which I know they want to do.

Monica Lennon (Central Scotland) (Lab): I know that the cabinet secretary is sympathetic to the needs of chronic pain patients, including those who were waiting quite a long time for injections

and infusions pre-Covid. Can I have an update on access to treatment for patients who need injections and infusions to manage their pain? In particular, can she give an update for those people in Lanarkshire who are very concerned about the current wait times?

Jeane Freeman: I am grateful to Ms Lennon for her supplementary questions. I hope that she is assured that I take chronic pain very seriously. Often, patients who suffer with chronic pain feel that their situation is not treated as seriously as it deserves to be. As it happens, I had a long conversation with our deputy national clinical director, Dr John Harden, yesterday—I think that Ms Lennon knows him—on a lot of the detail that he is dealing with in relation to that. I do not have that detail with me, but I am very happy to have it pulled together, with the update included, for the member during the next week or so.

Covid-19 (Transmission Data)

7. Andy Wightman (Lothian) (Green): To ask the Scottish Government whether it collects data on the settings where Covid-19 is being transmitted within each local authority and, if so, whether it will publish this. (S5O-04799)

The Cabinet Secretary for Health and Sport (Jeane Freeman): The Scottish contact survey collects data from 1,500 adults each week. It asks about situations where current evidence on the virus indicates an increased risk of transmission. The survey has run since August and results are published on the Scottish Government's website each week. However, the total of number of people who are surveyed means that the survey is not extensive enough to enable robust figures for each local authority area to be pulled out and published.

Andy Wightman: The cabinet secretary will recall that, when Aberdeen went into lockdown, it was due to transmissions in hospitality, but when Glasgow did so it was more due to transmissions in households. The current tier restrictions are fixed, regardless of the specific risks that are posed by different settings. The cabinet secretary mentioned that there is data on that. Why can the data from test and protect not be used to inform decisions about different restrictions in different tiers depending on the setting in which transmissions occur?

Jeane Freeman: The test and trace data that comes from the conversations that our contact tracers have with individuals who are the index case about where they have been and what they have been doing in the period before they tested positive is available to us and we consider it. However, that data depends on the individual's recollection of all the places that they have been. Therefore, although test and protect data is

important, I do not think that it could be considered overly robust for us in the way that we would need it to be to allow us to publish it.

As Mr Wightman also knows, there is no straightforward cause and effect in the transmission of Covid-19. We know that the virus will take any opportunity to go from one individual to another. Therefore, any situation or setting in which a number of individuals gather is one in which the risk of transmission is greater than in a situation or setting where we do not have large numbers of people.

We must also distinguish between outbreaks and the measures that we take to manage those, and the other situations where we are looking at wider community prevalence and the steps that we need to take to bring down overall community prevalence. During First Minister's questions today, the First Minister gave us an example of that by explaining how we currently view the situation in Aberdeen and Aberdeenshire. Although case numbers there are up, our current view is that the increase is confined to outbreaks. We will continue to carefully monitor that situation.

The Deputy Presiding Officer: I will allow question 8, but please keep it tight.

Licensing Restrictions (Suppression of Covid-19 Infection Rates)

8. Maureen Watt (Aberdeen South and North Kincardine) (SNP): To ask the Scottish Government to what extent the suppression of Covid-19 infection rates has been impacted by licensing restrictions. (S5O-04800)

The Cabinet Secretary for Health and Sport (Jeane Freeman): The Scottish contact survey, which I have just mentioned, found that the number of people visiting pubs significantly decreased from 34 per cent in the first week of October to 21 per cent in early November.

As I have just said, the way that the virus spreads makes a definitive cause and effect analysis difficult. However, the reproduction number reduced from between 1.2 and 1.6 on 7 October to between 0.8 and 1 on 19 November. There is, as we would expect from our understanding of the epidemiology and the transmission of the virus, a link between a reduction in the number of situations in which larger numbers of people gather—a reduction in the opportunity to gather in that way—and the impact that that has on the R number.

Maureen Watt: We were all ecstatic when Scotland qualified for Euro 2020. However, people in the north-east, including my constituents, were enraged to see social media footage of patrons in an Aberdeen pub not following social distancing.

Does the cabinet secretary agree that it is vital for all licensed premises and all individuals to strictly follow the protocols to avoid undoing everyone's good work to suppress the virus?

Jeane Freeman: Yes, I agree. It is appropriate that I commend the overwhelming majority of businesses of different kinds across Scotland that are working hard to ensure that they comply with the guidance and that they help their customers to do so, too.

Although businesses and Government have a responsibility, every one of us has an individual responsibility to ensure that we comply with the guidance and that we do everything that we can to ensure that the virus is suppressed. At the end of the day, that individual responsibility should be neither ducked nor ignored.

The Deputy Presiding Officer: That concludes questions on the health and sport portfolio. I ask members please to maintain social distancing measures if they are leaving the chamber.

Independent Review of Grouse Moor Management

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a statement by Mairi Gougeon on the independent review of grouse moor management. The minister will take questions at the end of her statement, so there should be no interventions or interruptions.

14:59

The Minister for Rural Affairs and the Natural Environment (Mairi Gougeon): In 2017, the Cabinet Secretary for Environment, Climate Change and Land Reform commissioned an independent group to look at the environmental impact of grouse moor management.

The group had a clear remit: to examine the environmental impact of grouse moor management practices such as muirburn, the use of medicated grit and mountain hare culls and to advise on the option of licensing grouse shooting businesses. The group was part of a package of measures aimed at tackling the on-going and abhorrent issue of wildlife crime, particularly raptor persecution.

The cabinet secretary's decision to form the review group was prompted by NatureScot's May 2017 report, which found that around a third of satellite-tagged golden eagles in Scotland disappeared in suspicious circumstances on or around grouse moors. The Government has stated repeatedly that we intend to bring an end to the illegal killing of raptors and to bring in whatever measures are necessary to achieve that. Addressing wildlife crime remains a key priority for the Government and for me personally.

The independent grouse moor management report, which is also known as the Werritty report, was published in December last year. I would like to record my thanks to Professor Werritty, the members of the review group and their advisers for undertaking their work, as well as the broad range of stakeholders who contributed their views and experience.

Grouse moor management is a complex and controversial issue. It attracts strong views and a great deal of public interest, and I do not underestimate the challenges faced by the review group. I hope that we can all agree that its report takes a comprehensive, evidence-led and balanced approach to the key issues surrounding the management of grouse moors in 21st century Scotland.

I have given full consideration to the recommendations and findings of the grouse moor management group, alongside the evidence that it

gave to the Environment, Climate Change and Land Reform Committee earlier this year. I have reviewed the findings from phases 1 and 2 of the Scottish Government-commissioned research on the socioeconomic and biodiversity impacts of grouse moor management. I have also taken into account the recommendations of the independent deer working group and the Committee on Climate Change's report where they relate to relevant activities such as muirburn.

I have considered all the evidence and views put forward by stakeholders, including through meetings with, for example, the British Association for Shooting and Conservation, the Revive coalition, the Scottish Gamekeepers Association and the Scottish Wildlife Trust. I thank everyone who took the time to share their views with ministers and officials.

After taking into account all that evidence, I have reached the conclusion that there is a need for greater oversight of the practices associated with grouse moor management, including muirburn and the culling of mountain hares.

The key recommendation put forward in the Werritty report is that

"a licensing scheme be introduced for the shooting of grouse".

That is a recommendation that I accept. However, although I understand why the review group recommended that such a scheme should be introduced if, after five years,

"there is no marked improvement in the ecological sustainability of grouse moor management",

I believe that the Government needs to act sooner than that and begin developing a licensing scheme now.

As was recently published in our phase 2 research, we recognise the contribution that grouse shooting makes to the rural economy and that the majority of those who are tasked with managing land already follow best practice guidance and care deeply about the countryside and the land that they manage. I cannot, though, ignore the fact that some of the practices associated with grouse moor management, such as muirburn and the use of medicated grit, have the potential to cause serious harm to the environment if the correct procedures are not followed. Neither can I ignore the fact that, despite our many attempts to address this issue, every year, birds of prey continue to be killed or disappear in suspicious circumstances on or around grouse moors.

Since 2007, the Scottish Government has undertaken a range of measures to tackle wildlife crime, including the introduction of vicarious liability, a poisons disposal scheme and

restrictions on licences for those operating on land where it is suspected that wildlife crime has taken place. The fact that raptor persecution continues in spite of all those measures suggests that, although regulation from within the grouse shooting industry can be an important factor in driving behavioural change, self-regulation alone will not be enough to end the illegal killing of raptors, and further intervention is now required.

There are many forms that a licensing scheme could take, and I do not propose to go through them all here. We will consult on the detail of the scheme in due course. The basic proposition, however, is that a licence will be required to operate a driven grouse moor business and that, if there is strong evidence of unlawful activity or serious breaches of codes of practice by that business, its licence could be withdrawn.

I recognise that that is a serious sanction, so we would take steps to ensure that no credence was given to any vexatious or malicious claims of malpractice. By introducing licensing arrangements in that way, we will bring our system closer into line with those that apply in other comparable countries, where greater regulation of shooting and hunting is the norm, in order to protect animal welfare and avoid damage to the environment and biodiversity.

When developing the licensing scheme, we will work closely with the Scottish Gamekeepers Association, Scottish Land & Estates, the British Association for Shooting and Conservation and others who represent those who are involved in managing and taking part in grouse shooting.

I will now turn to some of the report's other recommendations. Muirburn is a complex issue, and the research to date suggests that it can have both beneficial and adverse effects. If it is undertaken without due consideration of all the possible consequences, it has the potential to have a serious negative impact on wildlife and the wider environment. However, it can also bring positive benefits in some cases—for example, by helping to reduce fuel loads, thereby reducing the risk of wildfires. Although I do not believe that a full ban on muirburn, which some have called for, is either necessary or warranted, I am, however, clear that additional regulation, particularly in relation to muirburn on peatland, is required.

In the future, muirburn will be permitted only under licence from NatureScot, regardless of the time of year when it is undertaken, and there will be a statutory ban on burning on peatland except under licence for strictly limited purposes such as habitat restoration.

To reflect the fact that muirburn is undertaken throughout Scotland for a variety of purposes, the measures will apply to all muirburn, not just when

it is undertaken in relation to grouse moor management. We will also revisit the definition of "peatland" and take expert advice on whether it should be revised and a stricter definition imposed.

Although some of the measures go further than the recommendations made by the review group, I believe that they are necessary to protect our environment, particularly our peatlands, which, as I know everyone here understands, play a crucial role in our carbon storage and climate change mitigation strategies.

Lastly, I will address some of the recommendations on medicated grit and mountain hares.

On medicated grit, which is a veterinary preparation that is used to suppress parasitic worms in grouse, the Werritty report recommended that the Scottish Environment Protection Agency should initiate a desk-based study to ascertain whether residues of the active chemical flubendazole are present in water bodies. The report also recommended that NatureScot should publish a code of practice on the use of medicated grit and that all land managers should adhere to the code to prevent any risk of contamination or of the substance reaching the human food chain. I can confirm today that the SEPA study has been concluded and that the Government will work with stakeholders to produce guidance on best management practices for the use of medicated grit. We will also convene an expert group to study how best to monitor compliance with the code of practice.

As everyone in the chamber will be aware, earlier this year, the Scottish Parliament voted to support a stage 3 amendment to the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill. The amendment, which granted full protected species status to mountain hares, meeps and, in some respects, goes further than the recommendations made by the Werritty review group. The arrangements for the licensing of mountain hare control, where that is deemed necessary, are being progressed as part of the implementation work for the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020.

Turning to what happens next, the Government will shortly introduce a Scottish statutory instrument to commence the provisions in the 2020 act, which give greater protection to mountain hares. We intend that the new arrangements will come into effect at the end of February 2021. Therefore, the open season for killing mountain hares that finishes on that date will be the last such season.

If re-elected, this Government will introduce the necessary legislation in the next Parliament to license grouse moor management and to strengthen the existing legislation on muirburn, including through the introduction of a range of appropriate penalties that could be applied in cases of non-compliance. Any new legislation will, of course, be preceded by full consultation in the normal way.

The Werritty report made more than 40 recommendations, and I am conscious that I have not covered them all. We will publish a full response to all the recommendations later today, alongside SEPA's desk-based study.

I know that the measures that I have announced today will not be welcomed by everyone. Some will be concerned at what they perceive to be interference in legitimate land management activities. No doubt, others will feel that the Government has not gone far enough. However, it is clear to me that we could not continue with the status quo. We all benefit from our natural environment and we all have a responsibility to ensure that it is not only protected but enriched.

The changes that I have announced strike what I believe to be the right balance. They are not designed to bring an end to grouse shooting. Indeed, those businesses that comply with the law should have no problems at all with licensing. Crucially, however, where there is clear evidence that that is not happening, where agreed standards are not being adhered to or where there is evidence of illegal raptor persecution, there will be a range of effective and transparent mechanisms in place to allow us to address such behaviour.

I look forward to discussing the measures with members of the Parliament and key stakeholders during the coming months.

The Deputy Presiding Officer: The minister will now take questions on the issues raised in her statement. I can allow about 20 minutes for those. However, we have a lot of questions, so I would appreciate it if members could be succinct.

Liz Smith (Mid Scotland and Fife) (Con): I thank the minister for prior sight of her statement. I welcome the fact that, after a lengthy and costly delay, the Scottish Government has finally responded to this important review. There can be absolutely no doubt that its response will matter hugely for the future of our rural communities, many of which have been suffering from significant fragility in recent years and especially during the pandemic. The Scottish Government knows, too, that such communities are essential to Scotland's green recovery and economic regeneration, and in tackling the deplorable activity of raptor crime. However, many of them will be deeply disturbed

by key aspects of the Scottish Government's response. I therefore ask the minister to respond to the following important questions.

Given that the Scottish Government has committed to basing its policy on clear evidence, why has it chosen to move against the very clear recommendation of the Werritty review that there should be a period of five years in which to collect the necessary evidence from ecological studies before any decision is made about licensing? That is surely contrary to the stated aims of the Scottish Government.

The minister has said that she has not yet decided which type of licensing scheme will be implemented. Could she give some idea of who is intended to be the licensee under the scheme? Would it be the landowner, the land occupier or the shooting tenant? That was not clear from the minister's statement, which referred simply to a "shooting business". That definition would have to be tightened up.

Lastly, what burden of proof would be used to revoke any licence?

Mairi Gougeon: I thank Liz Smith for those important questions. I will try to respond to them all.

On her first point, about the Werritty group's recommendation on waiting for five years before licensing, we must look at exactly what that would have entailed. As the member, and others across the chamber, will be aware, on such matters there are many on-going issues that we have been attempting to deal with for some time—I mentioned some of the measures that we have introduced since 2007—yet such problems have persisted. If we were to wait for five years, that would not take into account the fact that, after that five-year period, we then have to potentially consider all the licensing issues that we are currently considering. We must also be cognisant that that would involve making changes to primary legislation, which of course takes more time. We could therefore be looking at another eight years before being able to enact all those changes, which is just too far away. We have had such problems for a number of years—we need to do what we can to deal with them now.

As members will be aware from the evidence that was given by Professor Alan Werritty and other members of the grouse moor management group to the Environment, Climate Change and Land Reform Committee, that decision was not exactly unanimous. There were very particular reasons for settling on a five-year time limit.

I understand that such issues will be concerning for those who manage our land and work in the grouse shooting industry. However, I reiterate what I said in my statement: those who are

already managing the land as best they can and abiding by the law—which is the majority of those affected—have nothing to fear from a licensing system. It is not designed to catch them out; its aim is to tackle the persistent issues that have remained despite all the other measures that we have put in place. To illustrate that point, I highlight the evidence that the committee took from Professor Alison Hester:

"If a land manager is currently managing their land according to the best available knowledge, which may be drawn from the codes of practice, a licensing scheme should make no change—plus or minus—because that land is already being managed as well as it can be. A change should only occur if the land is not currently being managed in the best possible way. Anyone who is managing their land well should not see any change if the licensing scheme is introduced."—[*Official Report, Environment, Climate Change and Land Reform Committee*, 21 January 2020; c 15.]

On her other questions about the type of scheme and to whom licensing would apply, I advise Liz Smith that all such matters will form part of our considerations as we progress our proposals.

Claudia Beamish (South Scotland) (Lab): I thank the minister for prior sight of her statement. Scottish Labour has long called for a licensing system and the minister's statement today is welcome for the sake of the nature and climate emergencies that we face and the sustainable future of rural economies.

In view of the gravity of the situation, will the minister reconsider and commit today or in the near future to bringing forward a consultation on licensing in this parliamentary session, in spite of the many other challenges? Does she agree that the estimated 1 million hectares of Scotland used as driven grouse moors are an example of the injustice inherent in Scotland's land ownership and land use patterns?

The Scottish Government's response to the League Against Cruel Sports report, which found that nearly half of the animals that are killed in killing devices in Scotland, such as hedgehogs and dippers, are not target animals is disappointing. Will the minister agree to look at that as part of the possibilities of licensing as we go forward?

Mairi Gougeon: The changes that we would need to make in order to introduce licensing would require changes to primary legislation. As members will be aware, we simply do not have the time, within what is left of this parliamentary session, to do all the work that we would need to do to bring forward such legislation.

However, I assure Claudia Beamish and all members that that does not mean that work will not start now; it will be starting now, to lay the way

and prepare all the groundwork for the work that we will then need to do as part of the next parliamentary session. I want to give her an assurance on that.

The Deputy Presiding Officer: The opening questions have taken too much time. I ask everyone to bear brevity in mind.

Gillian Martin (Aberdeenshire East) (SNP): I thank the minister for working with the Environment, Climate Change and Land Reform Committee on this issue and for the very welcome measures and the swift application of them that she has announced today.

For decades, people throughout Scotland have raised concerns that driven grouse moors have a destructive effect on Scotland's biodiversity. How will those concerns be addressed by the measures that were outlined in today's statement?

Mairi Gougeon: I thank Gillian Martin for that question, because I hope that the recommendations that we have announced today in response to the Werritty report will have a significant effect on supporting biodiversity. The primary objective of the Werritty report was to address the illegal killing of raptors, and if we can reduce that absolutely abhorrent crime, we can help to protect the populations of some of our rarest species and some of the most iconic species that we have in Scotland, such as the golden eagle and the hen harrier.

I do not need to tell Gillian Martin this, as she is the committee's convener, but I know that Professor Werritty said in his evidence to the ECCLR Committee that if grouse shooting were to be licensed and that was successful, the conservation of hen harriers would be considerably enhanced.

We believe that the tighter regulation of muirburn will also protect the habitat of species such as ground-nesting birds and that tighter regulation of trapping will reduce the risk of non-target species such as dippers and red squirrels being caught. In all those ways and more, these changes will protect and nurture our precious biodiversity; I know that people across Scotland would want that.

Jamie Halcro Johnston (Highlands and Islands) (Con): The independent review pointed to the lack of an agreed definition of a grouse shooting business as a key barrier to proposals around licensing. Although I appreciate what the minister said about moving towards a consultation on details of the scheme, businesses have already expressed considerable concerns about these proposals and will want to know as soon as possible how they will be impacted.

Can the minister indicate, at least for now, what work has been done on identifying which businesses will be affected and, further, what discussions she will have with those businesses directly, ahead of any formal consultation?

Mairi Gougeon: Our current licensing proposals would apply to driven grouse shooting. However, again, we need to tease out a lot of these issues and we need to look at them in more detail. I assure the member and all members across the chamber that, in formulating our response to the Werritty report, we undertook engagement with all interested parties and such engagement will be absolutely vital to the work that we do.

I fully intend to engage with people; my officials will engage with them too, because when we are making these changes, we must of course include and hear from the people that will be affected by them. I give the member and other members the assurance that we will undertake that engagement; we will have a full consultation as part of that, so we will be taking on board all those views.

Angus MacDonald (Falkirk East) (SNP): I welcome all the actions that are detailed in the minister's statement. However, by way of clarification, will the minister outline who will oversee the licensing regime and how it will interact with criminal investigations, which are the responsibility of the police?

Mairi Gougeon: As I said in previous answers, we will set out our proposals for a future licensing scheme in due course. However, it is likely that NatureScot would be responsible for issuing licences and monitoring compliance with the licensing conditions. When it comes to criminal investigations or suspicions of criminal activity, Police Scotland will continue to be responsible for investigating any allegations.

Alex Rowley (Mid Scotland and Fife) (Lab): I, too, welcome the Scottish Government's announcement. I particularly welcome the introduction of a licence scheme for grouse shooting, which is a step in the right direction. However, when it comes to raptor persecution and illegal killings, what action does the Scottish Government plan to take to ensure that those responsible face penalties for their illegal actions? The killing of wild birds of prey is already illegal yet, despite widely publicised incidents, there have been zero prosecutions in Scotland. What measures can the Government take on top of licensing grouse moors to ensure the protection of our iconic wild birds of prey?

Mairi Gougeon: That is why we have already taken measures. Wildlife crime, by its nature and because of where it takes place, presents issues with evidence gathering, which can be difficult. It

can be difficult to prove crimes. As part of our approach, we have provided extra resources to Police Scotland to enable it to better police wildlife crime as far as possible.

The member will be aware of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020, which the Parliament passed earlier this year, in which we significantly increased the penalties for such crimes in order to recognise their seriousness. The act also provides more time to investigate some crimes and has an impact on when and how surveillance can take place. Therefore, a lot of measures have already been introduced. I believe that introducing licensing will help to complete the package so that we really can end these abhorrent crimes once and for all.

Gail Ross (Caithness, Sutherland and Ross) (SNP): Professor Werritty writes in his report that, when he accepted the invitation to lead the review, he did not fully appreciate

“the complexity of the issues involved, the passion with which contrasting views were held nor the length of time the review would require.”

I feel that, today, the minister has achieved a very difficult balance between estates and gamekeepers, and environmental non-governmental organisations, so I thank her for that.

What can now be done to build trust and to get stakeholders together in a constructive and positive manner?

Mairi Gougeon: Gail Ross raises an important point. As she mentions, in the opening of the report, Professor Werritty identifies the passion and strength of feeling on both sides, which he had not fully appreciated. I am acutely aware of that as, in my role, I often have to deal with some of those complex issues. All too often, the issues are portrayed in a very black and white way when, in reality, they are never that straightforward. There is a lack of trust and understanding on both sides, and that feeds into and leads to completely polarised opinions. I genuinely hope that the measures that I have outlined will bring greater transparency, which in turn can help to build trust. The member raises a vital point that I hope we can develop and build on.

Mark Ruskell (Mid Scotland and Fife) (Green): The Greens welcome the proposals on muirburn, but licensing schemes are only as effective as the aims of those who design them, and it appears that the proposed licensing scheme could end up being designed by the usual suspects, who every week take to social media to deny that there is a wildlife problem on—[*Inaudible*]. That would be like putting arsonists in charge of a fire station.

Will the minister put the interests of wildlife at the centre of the design of a licensing scheme by including in the process RSPB Scotland, the SWT, the Scottish Raptor Study Group and the SSPCA? Will she ensure that any licensing scheme is linked to a statutory code of practice? Will she give clarity on the timescale for its introduction?

Mairi Gougeon: As I said in my response to Jamie Halcro Johnston, there will be a consultation before any licensing scheme is introduced. It is in our best interests to engage with all interested parties, and we have sought to do that throughout the process. The consultation will include those who would have to apply for a licence and those who would be responsible for operating those licences. We will take the views of all those parties into consideration.

Mark Ruskell asked about timescales. Changes to primary legislation will be required and it is not possible for us to introduce the necessary legislation in the time that we have left in the current parliamentary session. However, the work will start now. Although we cannot make the necessary changes to primary legislation just yet, that does not mean that no work will be done. We will get started on that work immediately.

Liam McArthur (Orkney Islands) (LD): Scottish Liberal Democrats have been calling for licensing of driven grouse moors, so I very much welcome the minister’s statement. There needs to be a better balance in the interests of animal welfare, the environment and biodiversity. As the minister said, that can protect responsible operators, too.

Subject to the outcome of the election, the Government says that it will legislate in the next session of Parliament, but will it consult on provisions in the remainder of the current session? Will that consultation include a draft bill?

Mairi Gougeon: I will be happy to keep Liam McArthur—and any other member who seeks that information—updated on the matter. It is not possible for me to set out in stone today when the consultation will take place, because a lot of groundwork needs to be done before we reach that stage, and we need to shape what a scheme will look like. I assure him that we will make as much progress as we can in the time that remains in the current session, and I will be more than happy to keep him updated on that work as it progresses.

Finlay Carson (Galloway and West Dumfries) (Con): I repeat that the Scottish Conservatives absolutely condemn in the strongest terms the abhorrent persecution of raptors.

The minister has stated that some of the proposed measures go further than the review group’s recommendations because she believes

that they are necessary to protect our environment, but can she direct members to her scientific evidence that suggests that the review group got it wrong? Perhaps some of the same evidence also led the minister to imply that she does not see the need for a complete ban on muirburn or further restrictions on grouse moor management beyond the licensing scheme that she has announced today. Will she now categorically rule out those actions in the future?

Mairi Gougeon: I am sorry, but I must disagree with the way in which Finlay Carson has portrayed some of the work. I do not understand his point about the Werritty group getting it wrong or where its work contradicts the evidence that we have. I am sure that he will be aware of the phase 1 and phase 2 research that we commissioned and have published. What is good about the work of the Werritty group is the fact that it identified many of the gaps in the evidence that were there, some of which we have filled in the interim period.

All the measures that we are introducing are absolutely vital. We talk about the introduction of codes of practice and monitoring the situation, because it is vital that we are able to update those as science develops. Our recommendations on muirburn, for example, are very important, and they follow the Werritty review group's recommendations.

In some areas, we are going a bit further than the group's recommendations. We must ensure that definitions such as the definition of peatland—which, at the moment, is defined as having organic content of about 60 per cent and being more than 50cm in depth—are still relevant. Those are the kind of issues that we need to consider. We must ensure that all that information is kept up to date.

I assure the member that we will go through all those issues in detail as we bring forward a licensing scheme, and I reiterate that those who are already working to best practice and abiding by the law have nothing to fear from a scheme. If anything, a scheme will help, because one problem that was identified in the Werritty review and other phases of research is that we do not know where all the grouse shooting businesses are. A scheme will help us to have a better idea of where the businesses are and how they are operating, which will give us a more transparent picture of what is going on across Scotland.

The Deputy Presiding Officer: I ask Mr Gibson to be very quick.

Kenneth Gibson (Cunninghame North) (SNP): I welcome the minister's long-awaited statement. She will be aware of the killing and disappearance of birds of prey during the lockdown. Will she expand on how the measures that she has announced today will deter further

raptor persecution? Will she outline when all 40 recommendations will be fully implemented and the full consultation taken forward?

Mairi Gougeon: Like everyone in the chamber and across Scotland, I am sure, I have been angered by the reports of killings and the disappearances of birds of prey that appear to have taken place during the lockdown. I know that we all agree that raptor persecution is completely unacceptable, but it is not only that; it is also illegal. Unfortunately, there will always be a minority of people who think that they are above the law and that the rules do not apply to them.

I believe that the proposals that I have outlined today will build on the other actions that we have taken as a Government to try to address wildlife crime, as well as sending a clear message that that kind of criminal behaviour will have consequences. A licensing regime will help to ensure that, where there is clear evidence of illegal raptor persecution, we have in place a full range of effective and transparent mechanisms that really will allow us to address that behaviour.

The Deputy Presiding Officer: I will allow a final question, which will be from Alison Johnstone.

Alison Johnstone (Lothian) (Green): Thank you, Presiding Officer. On average, 26,000 mountain hares are killed in Scotland annually in the mistaken belief that it boosts grouse numbers. I am concerned that, by delaying until next March action to bring in the protection that the Parliament voted for in June, the Scottish Government has just given a green light to what could be the biggest mass killing of mountain hares ever seen. Can the minister explain why she has given the shooting lobby that one last hurrah?

Mairi Gougeon: I am sorry, but I have to completely disagree with what Alison Johnstone has said. This is not about giving shooting interests one last chance. Right now, there is an open season and a closed season.

I will reiterate what I said during the debate that we had last week about biodiversity, where the same point was raised. Alison Johnstone lodged her amendment to the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill at the last minute. There was no previous discussion on it. It had not been raised before and neither the Government nor the Parliament had had a chance to scrutinise it. The Government and the Parliament agreed to the amendment, and rightly so, but we were left with a lot of the groundwork to do after the bill was passed.

I say again that we need to make sure that we have a licensing scheme that is fit for purpose and will do what we need it to do. We needed to take time to undertake the work in order to ensure that

we have a licensing scheme that will work efficiently and effectively. I am sure that the member is aware of that, and she should be able to understand the reasons why it could not possibly have been implemented immediately.

The Deputy Presiding Officer: I apologise to Colin Smyth and Richard Lyle that I was unable to take their questions. I suggest to all members that they have a think about how long their questions and answers take, if they want all colleagues to get a fair shout on statements.

I ask members to take care with social distancing and mask wearing when they are leaving the chamber.

Violence against Women

The Deputy Presiding Officer (Lewis Macdonald): The next item of business is a debate on motion S5M-23481, in the name of Shirley-Anne Somerville, on making Scotland equally safe: marking the annual international day for the elimination of violence against women. I invite members who wish to take part in the debate to press their request-to-speak buttons.

15:34

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): Violence against women and girls is one of the most devastating and fundamental violations of human rights. It has to stop and we have to take meaningful action to stop it. This debate marks the annual 16 days of action to tackle gender-based violence across the world, and it is taking place in unprecedented and exceptionally challenging times in the form of the Covid pandemic.

I am happy to accept both amendments to the motion. I am supportive of all the efforts in our communities to encourage increased awareness of domestic abuse and promote an improved understanding of the needs of those experiencing violence and abuse. We agree that community pharmacies have a potentially very important role to play in that—coincidentally, the Minister for Older People and Equalities chaired a discussion this morning around how models to support access to information and help for those experiencing domestic abuse are being utilised in community pharmacy settings.

We recognise the increased risk posed to women and children affected by violence and abuse during this time and the crucial role that refuge and support services play. We also acknowledge that, unfortunately, women continue to lose their lives due to that violence. We are taking forward work to improve multi-agency risk assessment processes for the most at-risk and vulnerable women in our society. We will also shortly commence work to explore domestic homicide reviews in Scotland.

The United Nation's 16 days of activism is an important opportunity for us to come together, to give new momentum to our ambitions, and to celebrate just how far we have come. However, I do not think that any of us could have predicted or foreseen the climate in which we currently find ourselves. In recognition of the impact of the pandemic, the theme for this year's UN 16 days is "Orange the World: Fund, Respond, Prevent, Collect!", with a focus on Covid-19 response, recovery, and renewal.

There is no doubt that the pandemic has posed—and continues to pose—huge challenges for our society. The economic and social harms being caused by it cannot be understated. We have published regular reports on the impact of Covid-19 on people experiencing domestic abuse and other forms of violence against women and girls during phases 1, 2 and 3 of Scotland's route map. The most recent update was published this month. Those reports make it clear that a number of relevant impacts and risks have emerged since March, including greater risk of domestic abuse due to lockdown; challenges in access to safe housing; constraints in relation to safe spaces; challenges for front-line services in offering support; increased risk of sexual exploitation; and perpetrators being more hidden.

However, it is important to remember that, at its heart, that violence continues to be underpinned by women's inequality and the attitudes and structural barriers that perpetuate that inequality. Covid-19 has both exacerbated and shone a light on what was already there. I have been saddened but, sadly, not surprised that the risks to women and children affected by violence and abuse have increased during this period, and I am sure that I speak for us all in saying that that is absolutely unacceptable.

That is why we, as a Government, have been tirelessly focused on ensuring that women and children get the help that they need, and that tackling domestic abuse and all forms of gender-based violence continues to be prioritised. At the outset of the pandemic, we were absolutely clear that none of the public health measures introduced should prevent women and children who are experiencing violence from accessing much-needed help, advice, and support. Since March, we have invested £5.5 million in services across Scotland to help rapid redesign and support for victims and survivors during Covid-19. That additional funding has helped to ensure that women and children who are experiencing or who are at risk of violence and domestic abuse have continued to have access to vital help and support.

I take the opportunity to pay heartfelt tribute to all the front-line organisations that have kept their virtual doors open; to our partners in local government, who had to adapt rapidly in response to the needs of victims and survivors; and, indeed, to the breadth of public services that have worked tirelessly to redesign services and ensure that they can respond to those in need of help during this exceptionally challenging time.

As I said, we have undertaken to understand the impact of the pandemic across the sectors. We have used the information and knowledge to ensure that both national Government and local government have instigated arrangements to help

co-ordinate a strategic and measured response. The Scottish Government produced guidance early to highlight that public health guidance or rules do not prevent anyone from taking measures to escape or keep themselves safe.

We have worked closely with the Convention of Scottish Local Authorities to help develop guidance for local authorities and community planning partners, which aims to ensure that a sustainable, joined-up approach to safeguarding the needs of women, children and young people who experience violence and abuse during Covid-19 is embedded at a local, strategic level. The guidance is intended to support the strong leadership that local government and other key community planning partners across Scotland already demonstrate in ensuring effective protection and provision of support.

Let me clear however, that effective tackling and challenging of that behaviour is not just a responsibility of the Parliament; it falls to everyone in our society to take action to prevent such behaviour. We must work together to achieve success.

Our equally safe strategy has a decisive focus on prevention, seeks to strengthen national and local collaborative work to ensure effective interventions for victims and those at risk, and contains a clear ambition to strengthen the justice response to victims and perpetrators.

In November 2017, we published a delivery plan of practical steps that will take us towards ending that type of violence for good, which sets out 118 actions that we intend to take until 2021. We have already made progress in taking forward many of those steps and I draw members' attention to the "Equally Safe: final report" that we published on the eve of the 16 days of activism, which details our response to the Covid-19 pandemic and many of our key actions and activities to date.

We continue to emphasise the importance of our primary prevention agenda and are making progress with important whole-system initiatives in schools, workplaces and further and higher education institutions.

We have published a suite of resources to support learning around important issues such as consent and to raise awareness of what a healthy relationship should look like. Those resources include the key messages on healthy relationships and consent for all professionals who work with children and young people and an updated relationships, sexual health and parenthood online resource.

This year, we worked with YoungScot to develop an online resource for children and young people on gender-based violence and on where to go for support. The "That's not OK" resource

launched in September 2020 and YoungScot is working directly with young people to co-design and refine its content.

To educate children and young people and challenge outdated stereotypes is important, but perhaps the biggest challenge is to deliver a societal shift, wherein women no longer occupy a subordinate position to men.

We need to make progress in the advancement of women's equality in a range of spaces—economic, civic, social and cultural. The work of the First Minister's national advisory council on women and girls has made a vital contribution, and a key priority remains engagement with, and response to, its 2018 and 2019 recommendations.

The latter focus of the council has been on the improvement of intersectional gender architecture—the structures that are designed to advance women's equality and rights such as ministries, regulators, equality laws, duties, indicators, and so on—and to ensure that they actually work for all women and girls. That work should deliver a real step change in how we make gender-competent policy that has a real and tangible impact on the lives of women and girls.

The current climate has also highlighted, however, that we must act here and now to ensure that those who experience violence and abuse get the help and support that they need. In addition to the funding that I mentioned earlier, the Scottish Government is investing more than £12 million from the equality budget this year to support services and tackle the underlying issues that create the conditions for violence. We will also relaunch our delivering equally safe fund next week and invite applications from organisations that deliver work that directly contributes to the objectives of the equally safe strategy.

Nevertheless, and despite the progress that has been made, I recognise that there remains much more to be done, and we will continue to keep up the pace.

As I mentioned, our delivery plan is due to run until 2021, and it marks an opportune moment for us all to reflect on the progress that has been made so far, and think about what equally safe might look like in the future, in terms of both its strategic ambition and plans for delivery. We will be taking forward further engagement on that in 2021. In the meantime, we will continue to progress a number of important actions. Over the next period, we will progress through Parliament legislation on domestic abuse protection orders. If passed, it will provide the police and courts with the power to make emergency notices and orders on a victim's behalf. The powers are intended to provide protection for people who are at risk of

domestic abuse, and remove some of the barriers to a victim staying in their own home.

The pandemic has also brought to the fore the importance of sustainable service provision, and we will progress a review of the funding and commissioning of front-line specialist services with a twin focus on domestic abuse and sexual violence.

A lot has been achieved, but a lot more can be done, and we cannot rest until violence against women and girls is consigned to history. I will end with a quote from the President-elect of the United States, Joe Biden. He said:

“When violence against women is no longer societally accepted, no longer kept secret; when everyone understands that even one case is too many. That's when it will change.”

I urge us all to continue to take that stand, which is a stand on which we as a Parliament have been united in the past, and, I am sure, will be united in the future. We must all speak out to challenge the acceptability of such violence in our society until we have ensured that everyone in Scotland lives equally safe.

I move,

That the Parliament welcomes the global 16 Days of Activism against Gender-Based Violence and the Annual International Day for the Elimination of Violence against Women; is concerned that the COVID-19 pandemic has seen an increase in referrals to services for domestic abuse and violence against women and condemns violence against women in all its forms; commends the work of frontline support services that have worked tirelessly to redesign services during the pandemic and ensure that women and children can still access support; encourages anyone experiencing violence to access the support that they need; notes the effective local response and collaborative approach between national and local government on this issue; reaffirms its support for Equally Safe, Scotland's strategy to prevent and eradicate all forms of violence against women and girls; reflects on the advancements made and key achievements to date and welcomes the publication of the last progress report for Equally Safe; calls on communities everywhere to stand shoulder to shoulder in sending a clear message that violence against women and girls is never acceptable and that now more than ever people must stand together against it, and urges everyone in Scotland to continue to challenge violence and abuse, hold perpetrators to account for their behaviour and work together to build a Scotland where everyone can live equally safe.

15:46

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I am pleased to open the debate on behalf of the Scottish Conservatives. Violence against women and girls is a human rights violation: that must underpin everything that we do to tackle every cruel form of it. No woman or girl should live in fear of abuse, so we must root it out wherever it occurs, at home and abroad.

Two years ago, we welcomed the Domestic Abuse (Scotland) Act 2018, and we welcome now the latest Scottish Government strategy, “Equally Safe”, which underpins the debate with its focus on eliminating systemic gender inequality through a relentless focus on prevention.

However, it is a fact that, even in 2020, when many people believe that society has come on in leaps and bounds with regard to equality and fairness, discrimination and violence against women are rife in many countries across the world.

As we mark 16 days of activism against gender-based violence, and the annual international day of the elimination of violence against women, we must all redouble our efforts to prevent abuse from occurring in the first place. Scottish Conservative members fully support the efforts of both the Scottish Government and the United Kingdom Government as they work to eradicate violence at home and abroad.

In Scotland, domestic abuse continues to be a horrible reality for many. Last year alone, nine women were killed by abusive partners, which is utterly unacceptable. It is bittersweet news that domestic abuse is on the rise in Scotland. The latest domestic abuse statistics show that the number of incidents recorded by Police Scotland has risen in the past three years, from 58,108 in 2015-16 to 60,642 in 2018-19. One explanation for that rise might be that survivors feel more confident to report that they have experienced domestic abuse, which is encouraging.

However, the trend is still worrying—frightening levels of this hidden crime are being revealed, including the increase in online blackmail, known as sextortion, whereby individuals obtain indecent images of a person and threaten to share them with others unless they are paid money.

We can match the previous figures to the number of domestic abuse charges, which is also increasing, and is at a four-year high. In 2019-20, the number of charges stood at 30,718, which is the highest number since 2015-16. Women must feel empowered to report domestic abuse in all its forms, but we must recognise that it is rising across Scotland, and that it affects women predominantly, although we must not forget the effect on men, too.

Given the difficult circumstances that have been brought about by the Covid pandemic, which Shirley-Anne Somerville talked about, I fear that we will see a greater rise in the months to come, exacerbated by a second wave and, possibly, a third. The latest “Equally Safe” report notes:

“Although reports and evidence suggested that initial referral rates dropped during the first few weeks of

lockdown, reports from services suggest that referral rates ... gradually increased in later weeks.”

We know that the pandemic does not cause, or ever excuse, domestic abuse, but the pandemic has escalated abuse and has closed down escape routes to safety for women. It is of concern that, during the pandemic, two thirds of women in abusive relationships have suffered more violence—[*Inaudible*.]—per cent more than in the previous 12 months.

The amendment in my name reflects the importance, as we continue to fight this awful virus, of understanding the emerging trend and the increase in abuse. That is why I feel that it is important to thank Rhoda Grant for Labour’s amendment, which acknowledges the need to introduce a special alert system in pharmacies, to cope with the rise in that abuse. It is an interesting concept that we feel builds on the need to have new systems, in light of the pandemic. Scottish Conservative members will therefore support Labour’s amendment at decision time.

For a woman in lockdown with her abuser, there are few opportunities for breathing space or to meet for support from friends, family or support services. More and more people are working from home during the pandemic. Close the Gap has rightly pointed out that perpetrators may interfere with the work of women who are working from home, and may prevent them from doing their job through coercive and controlling behaviour. That has led to laptops and phones being removed from the victim by the perpetrator, which has inhibited their ability to work effectively, or risked them leaving their job. We need to recognise not only the importance of the immediate public health response, but the impact on the lives of the people who are abused. I cannot begin to imagine the pain and horror that many women have faced over the past few months.

As we face extended restrictions, I urge the Scottish Government to really consider providing greater support for women during the pandemic, so I welcome the extra support that Shirley-Anne Somerville highlighted.

Sadly, close to home in my constituency of Ettrick, Roxburgh and Berwickshire, according to Police Scotland more than 800 women reported domestic abuse. I know that Borders Women’s Aid goes above and beyond to help those in need across my constituency and the wider region, so I thank it for that hard work and the vital service that it provides. I was delighted that, in January, Borders Women’s Aid received national lottery and Robertson Trust funding, which is absolutely invaluable in order for it to serve the community. Last year, it saw an increase in the average length of occupancy of its refuge, from around 40 to 55

days in previous years, to 88, which highlights just how vital the service is in the community.

As we mark the annual international day for the elimination of violence against women yesterday, and the 16 days of activism, we do so in a year that has the backdrop of the Covid pandemic. As I mentioned earlier, domestic violence will be far more pronounced and widespread because of greater isolation and reduced social contact outside the home. As policy makers and politicians, we must recognise that there is more to be done, in the light of the circumstances and evidence, to bolster our efforts to tackle violence.

We will support both the Government's motion and Labour amendment tonight. I urge members also to support the Conservative amendment in my name, which highlights the impact of Covid-19, and to ask the Scottish and UK Governments to make the appropriate provisions available to support more women and girls through these very challenging times.

I move amendment S5M-23481, to insert after "still access support":

“; notes the important work of women's refuges, which continued to help women during lockdown; understands that, during the COVID-19 pandemic, two-thirds of women in abusive relationships have suffered more violence, 7.6% more than in the previous 12 months, and that, tragically, nine women were killed by abusive partners in 2019”.

The Deputy Presiding Officer: I call Rhoda Grant to speak to and move amendment S5M-23481.1.

15:54

Rhoda Grant (Highlands and Islands) (Lab): We must debate action against violence against women and girls throughout the year. However, it is right that we have an annual debate to review progress on what we have achieved, and what we need to achieve, in order to create a totally equal society that is free from violence against women and girls.

I start by acknowledging that, this year, the Government has held the debate in its own time, marking the 16 days of activism.

As the cabinet secretary said, the theme for this year's 16 days of activism is "Fund, Respond, Prevent and Collect!" Its aims are to fund services for victims of gender-based violence, to respond to the needs of survivors, to prevent gender-based violence and to collect data to inform programmes and policies.

I will take a minute to wish Shetland Rape Crisis and its youth activist group, BEE, well for its walk on Saturday to mark the 16 days, and I thank it for the #WisToo mask. BEE stands for "bold, equal

and empowered"; it is wonderful to hear about young people taking that stance.

The Scottish Labour amendment asks for some simple measures to be put in place to protect women better during the pandemic. We have seen throughout the lockdown that violence against women and girls has grown, which is highlighted, as we have heard, in the Conservative amendment, which we support. People who are locked down at home with an abuser are much more vulnerable. The Conservative amendment highlights the work of organisations, including Scottish Women's Aid and others, that provide refuge accommodation. I understand that many councils have made more accommodation available to Women's Aid groups to enable them to provide more refuge space, which is good because people need refuge space.

Alongside that, we need to put in place steps to protect women and girls who face violence, especially in their own home. In the Scottish Labour amendment, we are asking the Scottish Government to consider interventions such as the "Mask 19" code word that is used in France and Spain. It is like the "Ask for Angela" code word that is used in pubs and clubs to engage the assistance of bar staff when people find themselves in a difficult or dangerous situation; the "Mask 19" code word is used in pharmacies to enlist similar support. If the Scottish Government adopted that, it would need to ensure that pharmacies knew where to direct people to find assistance; most pharmacies have consulting rooms that they could use to provide a place of safety immediately.

We also believe that the Scottish Government should fund other safeguards, including GPS panic buttons to alert the police when someone is in danger and to ensure a quick response, and safe rooms in houses to buy time for people who are facing attack. That is important if we are to encourage victims of domestic abuse to stay in their own homes. Those are not expensive interventions, but they would provide safety or assistance to people who are in abusive situations, who must feel very alone right now.

While we put in place assistance for people who face violence against women, we have to focus on prevention, which is a theme that runs through many of the briefings that we have received for the debate. Violence against women is caused by the cultural inequality that women face, which is even worse for women who have a disability and for women who are black or from an ethnic minority background, as Zero Tolerance highlights in its briefing.

Inequality is predominantly about status and pay. Last Friday marked equal pay day, which is the day in the year when women who are on

average earnings would stop earning—if their income was compared to the average salary that is earned by men, which is equivalent to women working unpaid for six weeks in every year. That is not about unequal pay for the same job, which is illegal—although we know that it goes on, especially in more senior posts in the private sector. It is wrong and illegal.

The gender pay gap means that jobs that are predominantly done by women and which require equal levels of skills and knowledge to jobs that are done by men are paid markedly less. Take, for example, the key workers whom we have depended on during the Covid-19 pandemic. We should value them highly, but care work is among the lowest-paid professions that we have. Despite having had an equal pay act since 1970, we have stubbornly gendered pay. That needs to change; it damages the status of women, creates the impression that women are of less value than men and leaves them open to violence and discrimination.

Sweden has criminalised the purchase of sex and recognises, as we do, that prostitution is a form of violence against women. That protects women from exploitation and from being seen as commodities to be bought and sold. As expected, that has impacted on sex trafficking, with Sweden having markedly lower levels than neighbouring countries. However, what was not expected was the impact that it has had on women's overall equality. Sweden's gender pay gap closed and caring responsibilities are more equally shared, because women are more equal. That is an unforeseen benefit of taking a stand on women's equality and status in society.

We need to tackle inequality, not only for the women who are damaged now, but for future generations. We know that a child's life chances are directly impacted by their mother's life chances; her wealth and education relate directly to her children's life chances. If we want to end child poverty, we first need to eradicate women's poverty, which breeds inequality and is caused by the gender pay gap and the status of women in society.

Close the Gap is doing that now, by working with several councils, including two in my region, to collect data on the violence that women workers face. They are piloting the equally safe at work programme, which recognises that inequality at work breeds violence against women. Those councils recognise that they have a key role to play in supporting their workers and ensuring that their employment practices are gender and survivor sensitive. They are gathering data and developing policies that combat the occupational segregation that lies at the heart of the gender pay gap.

Those are practical steps to deal with women's inequality. We need to meet head-on the inequality that causes violence against women in order that we can prevent gender-based violence from happening in the first place, and we must challenge cultural and social norms. We must create a new culture in which everyone is equal and cherished, and in which discrimination and violence are things of the past.

I move amendment S5M-23481.1, to insert at end:

“, and believes that the Scottish Government should consider whether a special-alert system in pharmacies should be introduced in Scotland, similar to other European states, as well as other concrete safe-guarding measures to help protect women and children from all forms of violence.”

16:01

Alison Johnstone (Lothian) (Green): Rhoda Grant is right that we need a new culture, and I would like to live in a culture where such a debate was not necessary on an annual basis.

The Scottish Greens will support the Government motion and the Conservative and Labour amendments. I thank all the organisations that have provided briefings for today.

The “Femicide Census”, which was published yesterday, examines the killings of women and girls from the age of 14 to 100, at the hands of men, between 2009 and 2018. It reveals that, on average, a woman was murdered every three days in the United Kingdom. That is horrifying but, what is more, that figure shows no sign of reducing. It represents a decade of avoidable deaths, and each one is a tragedy. The report reveals that

“The killing of a woman, especially in a domestic setting, is often reported as an ‘isolated incident’ and ‘giving no cause for wider public concern’.”

However, as the figures that I quoted painfully illustrate, there is every cause for wider public concern. Those deaths frequently represent the failure of authorities to protect women from violence at the hands of men. As the report states, most femicides

“are committed in similar settings, similar weapons are used, and similar relationships exist between the perpetrators and victims.”

Those patterns belie the dismissal of women being killed as isolated incidents. They are predictable and therefore preventable. The report also states:

“Frequently, the killings are committed by perpetrators with a history of violence in circumstances in which the victim has told others of the violence she suffers and sought help.”

It is appalling that, in 2020, women are still not being listened to or taken seriously. Women who

ask for help are still not being protected and many will not get that far.

Femicide has been identified globally as a leading cause of premature death for women but, tellingly, there has been limited research on that issue until recently, and that speaks volumes about how we prioritise the safety of women. Reports such as the “Femicide Census” reveal the extent to which violence against women permeates our society. It must be a priority. We cannot shy away from that, no matter how distressing the figures and the stories behind them are, and that is why debates such as this one are so important.

The “Femicide Census” highlights the need for awareness of the abuse of older women, on which the collection of data is often lacking. It states that care homes, adult social workers, general practitioners and other services working with older people need better training on and awareness of elder abuse. We need greater recognition and understanding of such issues. During the pandemic, the spotlight has been shone on care homes. The independent review of social care is an opportunity to examine whether there is more that we can do to prevent the abuse of older women.

Covid has had other implications for women experiencing domestic abuse. The United Nations is calling violence against women “the shadow pandemic”. It is often the most vulnerable who are the worst affected. The UN High Commissioner for Refugees has warned that the second wave that is currently sweeping much of the globe is increasing violence against refugee women and girls, with displaced and stateless women and girls suffering from being confined with their abusers. As well as worsening poverty, there have been sharp increases in the risk of gender-based violence, including trafficking, sexual exploitation and child marriage.

We need a no-wrong-door policy for women who are seeking help. Engender has highlighted that interactions with healthcare professionals often present vital opportunities to identify cases of domestic abuse, but such opportunities have been limited during the pandemic. Rhoda Grant’s amendment refers to the important role of pharmacies. A quarter of pharmacies in the UK now provide a safe space for people affected by domestic abuse. That is a positive development that I hope will improve access to support for those who are most vulnerable during the pandemic.

I am grateful for this opportunity to speak about such an important issue. So much violence against women is hidden away behind closed doors, which masks the great extent of the

problem. By discussing the issue honestly and publicly, we can bring it out into the open.

16:06

Beatrice Wishart (Shetland Islands) (LD): I declare an interest as a current board member of Shetland Women’s Aid. The Scottish Liberal Democrats will vote for the motion and both amendments.

I, too, pay tribute to Scottish Women’s Aid, Rape Crisis Scotland and other services across Scotland. I look forward to taking part in the #WisToo walk at the weekend—although I hope that the weather is better than it was last Saturday. Marking the 16 days of activism against gender-based violence and the annual international day for the elimination of violence against women, gives us an opportunity to reflect on the global problem of violence against women. The event began in 1991 and, although it demonstrates that things have improved, we also have a long way to go.

Street harassment of a sexual nature is experienced the world over. In too many countries, women and girls are not just undervalued but not valued at all. Closer to home, there have been reports of women being too scared to go outside and exercise in the dark during the Covid lockdown. No one should live in fear. The societal mindset needs to change. How violence against women is reported in the media is also important. Men can help by calling out other men’s misogynistic behaviour.

Domestic abuse is a hideous, controlling and often life-threatening crime. There will be many statistics read out in the course of today’s debate, and I will add a few more. Across the UK, three women a week are killed by men. In Scotland, one in four women will experience domestic abuse in their lifetime. Over 60,000 domestic abuse incidents were recorded by Police Scotland in 2018-19—84 per cent of the victims were women. In 2019-20, we saw the highest number of domestic abuse charges for the past five years. The high number of charges recently may partly be a result of the new legislation that put controlling and coercive behaviour on a par with physical abuse. The effects of such behaviour can be just as damaging, and that must be properly understood and recognised. The impact is not only on the abused woman, as children and young people who experience domestic abuse against their mother are not simply witnesses—they are harmed by it and that harm can be lifelong, impacting on their ability to form relationships and concentrate at school and, ultimately, on their life chances.

Domestic abuse is a major cause of women's homelessness in Scotland. A violent or abusive dispute within the household was given as the main reason for homelessness by more than 4,000 applicants. Of the applications in that category, 78 per cent were made by women, more than half of whom noted on their application that they had children. More women make an application for homelessness under that category than for any other reason, yet experts still believe that the real figures are likely to be higher.

Women who have had to scoop up their children from their beds and flee their homes in the middle of the night to escape an abusive partner give up everything, but why do they have to leave the family home? Staying in the family home should not mean staying with an abuser. The Scottish Liberal Democrats have long sought policy changes that would address that blatant inequality through the provision of emergency protection orders. The last thing that victims need is to be inundated with paperwork to prove that they are homeless or to be left to fend for themselves in finding a new place. I am glad that legislative moves are now being made to make that policy a reality. Scottish Women's Aid describe such orders as a natural progression to follow the groundbreaking recent Domestic Abuse (Scotland) Act 2018. People need legislation to back them up. The Scottish Liberal Democrats and I look forward to continuing the work that will help to make the orders a reality.

In Shetland, there are no firms that offer the legal aid service. Equity of access to the legal system for domestic abuse survivors, wherever they live, is essential, as lives are rebuilt on the road to recovery.

16:11

Rona Mackay (Strathkelvin and Bearsden) (SNP): Presiding Officer,

"If I'm not in on Friday, I might be dead".

Those are the words of a mother of five who was beheaded by her husband of 30 years. It is also the subheading of "The Femicide Census", which was published recently, as Alison Johnstone mentioned. It is full of truly shocking facts, one of which is that, as we have heard, one woman is killed by a man every three days in the UK. That sounds unbelievable, but it is true.

Last year, I led a members' business debate to mark the global 16 days of activism against gender-based violence and the annual international day for the elimination of violence against women. It was a chance to feature the amazing work of Dr Emma Forbes and her creative art installation "GlassWalls". Then, as now, we highlighted the horrendous incidence of

violence, in all its forms, against women and girls. Such violence simply has to end.

We have heard that the theme of this year's 16 days of activism is "Orange the World: Fund, Respond, Prevent, Collect!", with a focus on Covid-19 response, recovery and renewal. The stark and depressing truth is that, in 2020, the year of the coronavirus pandemic, women have suffered even more violence. The terror of women and girls who have been locked up with an abuser during this terrible year is imaginable.

Additional investment has been provided by the Scottish Government to help to respond to an increase in demand from victims of abuse for support services during the pandemic. As always, Scottish Women's Aid and other support agencies are doing an amazing job in finding alternative ways to support victims. Their message is, "Help is always there. Do not suffer in silence."

Violence against women and girls is a fundamental violation of human rights. All of us—women and men—must stand against it. The UN states:

"Violence against women and girls is one of the most widespread, persistent and devastating human rights violations in our world today and remains largely unreported due to the impunity, silence, stigma and shame surrounding it."

That is shocking.

The UN Women's website states 10 ways that we can all make a difference. The list is:

"Listen to and believe survivors ... Teach the next generation and learn from them ... Call for responses and services fit for purpose ... Understand consent ... Learn the signs of abuse and how you can help ... Start a conversation ... Stand against rape culture ... Fund women's organizations ... Hold each other accountable"

and

"Know the data and demand more of it".

All the details behind those vital messages can be found on the UN Women's website, so please take time to visit it.

As the Government, we have a responsibility to do all that we can to protect women and girls, so we are investing significant levels of funding in front-line services and introducing new legislation to tackle gender-based violence. The cabinet secretary spoke about the equally safe initiative, which will try to prevent and eradicate violence against women and girls. The initiative has a strong focus on advancing gender equality and tackling the underlying attitudes that create the societal conditions for gender-based violence to flourish. I agree with Rhoda Grant that poverty and inequality are at the root of much of that.

Legislative progress has been made through domestic abuse protection orders, which will be a

game changer for abuse victims when passed. I would like to see similar protections for victims of stalking, and I hope that that can be done through my member's bill for additional legislation, which I will progress if elected next year.

Other initiatives include improving forensic medical examinations for victims of sexual assault, consulting on challenging men's demand for prostitution and taking forward the Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020.

The new world-leading Domestic Abuse (Scotland) Act 2018, which criminalises coercive control, has been highly successful. Nearly 1,700 crimes were recorded by police under that legislation in 2019-20, and more than 1,000 charges under the new legislation were reported to the Crown Office in 2019-20.

I simply disagree with anyone who thinks that marking this day is symbolic. It is a way of reaching out to abused women throughout the world and saying, "We hear you, we stand with you and we will not stop trying to make this world a safer place for you."

16:16

Joan McAlpine (South Scotland) (SNP): It gives me no pleasure to speak in the debate. However, it is important that we speak.

Last year, the international day for the elimination of violence against women was marked in a debate that was secured by Rona Mackay, and it is an honour to follow her today. I welcome the Government's motion, which reaffirms its support for "Equally Safe", which is Scotland's strategy to prevent and eradicate all forms of violence against women and girls. I am also proud to support both the Labour and Conservative amendments.

Last year, I began by pointing out that the term "gender-based violence" is euphemistic and, in my opinion, potentially misleading. I make no apologies for restating that we should call it what it is: male violence against women. We should do that no matter how squeamish it makes some men feel.

I also highlighted the global scale of the violence. There are 87,000 deaths a year, and I am very sorry that we have to acknowledge that the situation has become worse because of the circumstances of the pandemic. I welcome the measures that have been taken by the Government to tackle domestic abuse and violence during the pandemic, and I join in with the praise for organisations that are supporting women at this time.

In the short time that I have in which to speak, I want to draw attention to the fifth UK "Femicide Census"—as other members have. The census was published yesterday. As others have said, it is an analysis of the 1,425 killings of women by men during the past decade. It breaks down the backgrounds and characteristics of all victims and perpetrators, including the latter's past offences, use of pornography and history of abuse as well as the official response in each case.

The census found that the number of women killed by men has stayed distressingly consistent during the past decade, at between 124 and 168 women per year in the UK. No other protected group is killed at that rate or on that scale. Therefore, it is surely time that we acknowledge it for what it is: a hate crime.

Many of those deaths were preventable. In more than half of the cases, the brutality amounted to what we call "overkilling", which is defined as the use of

"excessive, gratuitous violence beyond that necessary to cause the victim's death."

If anyone could stomach reading the articles that followed the death of Peter Sutcliffe recently, they will know that overkilling was a feature of his misogynist crimes. However, how many of us know that 56 per cent of female murder victims experience Yorkshire ripper levels of excessive violence at the hands of men—not notorious mass murderers, but ordinary men who hate women?

The census shows that the perpetrators were not only intimate partners but were sons, stepsons and grandsons. In 13 per cent of cases in which the victim was aged over 66, the killer was a male robber or burglar. Those who meticulously compiled the census included many different circumstances in which men kill women, because—as they pointed out—the revelations about common causes, methods and misogyny are the same. In a statement, the femicide census founders said:

"This report gives the lie to the standard press releases that these killings of women are 'tragic, unpredictable, isolated incidents' which 'give no cause for wider public concern'".

The term "femicide" was first defined by the feminist Diana Russell in the 1970s as the misogynist killing of women by men. In December 2013, the UN General Assembly adopted a resolution on femicide. It urged member states to undertake a range of measures to address the killing of women and girls, including the enhancement of data collection and analysis.

The UN's special rapporteur on violence against women cited the UK's "Femicide Census" to the UN General Assembly in her 2016 report as

"a laudable example of best practice in this regard",

and she recommended that states

“collect and publish data on femicide and on other forms of violence against women.”

I welcome the cabinet secretary’s comment that the Scottish Government is undertaking work on data to identify those women who are most at risk. I recommend that the unit looking into that should follow the rapporteur’s advice and should consult the UK “Femicide Census” and its authors as part of that work.

The Deputy Presiding Officer: I encourage members to stick to the limit of four minutes.

16:21

Maurice Corry (West Scotland) (Con): I welcome the opportunity to contribute to the debate on the international day for the elimination of violence against women, particularly as a proud parent of three wonderful daughters and as a champion of women on the Scottish Parliament’s branch of the Commonwealth Parliamentary Association.

Violence against women and girls in any context must be recognised for what it is: a serious and personal attack on their human rights and dignity. I whole-heartedly join my colleagues in condemning such acts of violence, and I welcome the motion and the amendments.

Whatever form such violence takes—whether human trafficking, sexual harassment or child marriage—the perpetrators can exploit vulnerabilities and existing inequalities and the stigma attached to those issues. The 16 days of activism are therefore important in spotlighting the scale of the problem and the need for all of us—Governments, employers and communities—to listen, understand and advocate for change. That change seeks to redress the deeper power imbalances that continue to marginalise women and girls today.

Our focus this year has been informed by how the acute pressures of the pandemic have increased gender-based violence. The stark increase in domestic violence, which has been mentioned, is a special concern, and it is a growing shadow pandemic. Services have reported increasing referral rates and growing waiting lists, with many more first-time callers. The worsening mental health impact is stretching many of those organisations and their service users to the limit. The work that has been undertaken to tackle domestic violence might be unravelled by the pandemic, thus allowing those who are more vulnerable to slip under the radar. As it is, less than 40 per cent of women who experience such violence seek help, and it is usually from family and friends rather than from professionals.

Steps are being taken to address the alarming rise in gender-based violence. Earlier this year, the UN called for member states to incorporate the prevention of violence against women and girls into their national response plans for Covid-19, and that call has been answered across the globe. Essential support pathways have been enhanced, with a greater number of shelters and helplines made available to meet demand.

I welcome the actions that have been taken by the Scottish Government, which have been delivered in line with its plan, “Equally Safe”, and I look forward to the increased protections that should be guaranteed in the long-awaited domestic abuse bill. Similarly, the UK Government has worked to improve the reporting of gender-based violence and has pledged funding to tackle such violence through community programmes based in Syria.

To properly challenge gender-based violence, we must see greater funding commitments, coupled with a heavier emphasis on preventative measures. That requires a collaborative, multisectoral and global approach to gathering the data. The responsibility lies with every person to secure the wellbeing and protection of girls and to ensure that we leave no one behind.

16:24

Gillian Martin (Aberdeenshire East) (SNP): Last week, I hosted an event at which we discussed how women have been particularly adversely affected during the Covid-19 pandemic. We spoke of the financial impact, the caring imbalance and the disproportionate health outcomes. We also discussed the devastating number of women who have been attacked or killed by their partners during periods of restriction and lockdown. There has been a surge in the number of calls to domestic abuse helplines, and the Scottish Government has quickly provided extra funds to our partners to enable them to meet the demand for support for those women.

Scottish Women’s Aid’s chief executive officer, Marsha Scott, has said:

“Covid-19 has given abusers more tools to control and harm women and children.”

Many have warned of the danger that women with abusive partners are in during this period. Most notable among them is my colleague Ruth Maguire, who amended the emergency coronavirus legislation to safeguard the human rights of vulnerable people, including women in abuse situations.

Swift reaction to the surge in violence against women is one thing, but what we do to address its root causes, through work such as equally safe, is another. So, too, is closing the gender pay gap.

The fact of the matter is that from women's economic disadvantage comes the opportunity for abusive men to coerce and control. Women's disproportionate lack of wealth is still very much an issue. Financial dependency creates a power imbalance, and my worry is that, with the proven adverse economic effect of the virus on women's employment, we might see that exploitation and imbalance worsen.

Like Alison Johnstone, Rona Mackay and Joan McAlpine, I read the "Femicide Census" report. It was one of the most compelling but difficult to read reports that I have ever read, with some of the most horrific information contained in it. It reports the number of women who have been killed at the hands of violent men and details the figures and backgrounds of cases between 2009 and 2018. It has three full pages, in very small type, of name after name. Reading it, I could not help but wonder how the 2020 census will look in comparison to those of other years.

The census highlights two areas in which the horror of the murder of women is diminished. One is how their murders are portrayed in the media, and the other is how men's court defences often victim blame or put forward diminished responsibility on the part of the offender, which can also lead to sentences being reduced. Rough sex is becoming an all-too-frequent murder defence, and it easily feeds into a titillating narrative that is all too often seized on by tabloids. Those who report on such murders or write the headlines alongside the reports have a duty to call it what it is. Death by strangulation is murder; it is not a sex game gone wrong.

In four minutes, I cannot go into consent education or young men's all-too-ready access to violent porn, but I firmly believe that having a lack of the former and too much of the latter is a root cause of male violence towards women. I also believe that the continued commodification of women's bodies and the glamorisation of prostitution is a backward step in this battle. "When I grow up, I want to be a prostitute"—said no girl ever. Our cultural tropes, readily deployed in femicide reporting in the tabloids, enable the defence of, "I just snapped"—the man driven to violence by the behaviour of a woman. Loss of control or victim blaming accounted for more than a third of defences employed in femicide trials in the UK in the period of the census.

Can we reverse the trend? In the majority of cases in which a man has murdered a woman, he has committed violent acts before. The warning signs are often there. Empowering women to leave is a women-led solution, and I commend the Government on the work that it is doing, but a man-led solution is sorely needed. Violent men are the problem that needs to be solved. Toxic

masculinity is the most stubborn and pernicious cause of femicide. What we do about that will take longer to discuss than four minutes in a debate.

16:28

Johann Lamont (Glasgow) (Lab): It is a privilege to follow so many powerful speeches.

The debate, marking the international day for the elimination of violence against women, is an important part of our parliamentary calendar. I am conscious that, given that the election is next year, this will be the last time that I will have the opportunity and privilege to be part of the Parliament's marking of the day, and the last time that I will add my voice to those in the Parliament who reflect on how seriously we, society and Government at every level take the reality of the global abuse of women by men—violence against women by men in every community and country in the world.

I am a woman—an adult human female—and my life, like the lives of many women, has been shaped by the fear and reality of male violence against women. When women such as me fought for 50:50 representation when the Scottish Parliament started, it was precisely because women's voices—on their lives and experiences, and on the barriers to achieving their potential—needed to be heard. A huge part of that was to allow us to confront the truth of male violence in women's lives.

We also knew then and remember now that the role of the Parliament is not simply about marking days. The test for us all is to understand the cause and consequence of male violence and take action to address it, step by practical step, in a rigorous, persistent, focused and determined way. We need to understand the spectrum of male violence, including domestic abuse, coercive control, prostitution, trafficking and commercial sexual exploitation, among many other forms.

Of course, back in the day, there were voices who said, "Not all men present a risk. Men suffer violence and abuse, too." "Prostitution is the oldest profession and will always be with us. We can't do anything about men seeking to purchase sex; we can only manage harm." We said then, and we say now, that of course it is not just women who suffer abuse, and everyone experiencing violence or abuse deserves the support that they require. If we do not look at the overwhelming pattern in domestic abuse, however, or in sexual abuse, violence and prostitution—if we do not name the crime—we cannot change the pattern. We cannot teach our children, our sons and daughters, how they might change the world if they do not understand that reality. My goodness, how much the world needs to change.

I have been a parliamentarian for more than 21 years. Women continue to be abused, raped and murdered by men who they mostly knew or were planning to leave. Women continue to be belittled, abused and controlled. We know that women are disproportionately suffering because of Covid and lockdown, and we will need to be prepared for the outpouring of trauma when the crisis ends. We see young girls increasingly under pressure with scarce regard for their understanding of consent. We also see the increased use of rough sex as a defence by men against the charge of murder. That is the modern version of the defence, "She was asking for it". Women are literally being blamed for being murdered.

Today, we see and acknowledge the abuse of women by men in plain sight, but we are also seeing those who do not want to acknowledge what follows from that: support for women's refuges; for women exiting prostitution; for action on commercial sexual exploitation; for women-only services; for women-only spaces; and for a justice system that is informed and alive to women's needs. That emphasises the need to women-proof all our policies and legislation. Women are not just in one box.

We are hearing voices telling women to get back in their lane. The 20-year-old me, like many other sisters, refused to stay in my lane and persisted in demanding that the rights of women be addressed. For what it is worth, this 63-year-old me has no intention of getting back in the lane either.

Today is a time for reflection, remembrance, resolution and, yes, rage. Is it too much to hope that women's lives can be changed, that male attitudes can be challenged and that the girls born today will be safer than all those who have gone before?

16:33

Stuart McMillan (Greenock and Inverclyde) (SNP): I wanted to speak in the debate, but the fact that it still needs to take place indicates that, although progress has been made, there is still a long way to go.

A couple of years ago at the Scottish National Party conference, Math Campbell-Sturgess and I co-authored a resolution and successfully got the issue of sex for rent on to the conference agenda. The resolution was passed, with an amendment by Ruth McGuire MSP and Ash Denham MSP.

The practice of advertising free rent with strings attached is appalling, but, sadly, the internet makes such activity more prevalent.

Another aspect of the net making things more challenging for women is in the area of

pornography, which some members have already touched on. The issue of how young people access that, and how young girls and young boys might consider what relationships are all about as a consequence, has been spoken of many times before, including outside the chamber, in society. I am aware that the UK Government, because communications are still reserved to Westminster, is being pressured into acting on that issue.

The net is a wonderful tool when used wisely, but it can also be used in a more sinister fashion. That is not news to any of us, but it is important that we can all show leadership to help and make things better for present and future generations. As the father of two young girls, I am concerned about the negative aspects of what the internet can do and how it can influence others and their subsequent actions against women and girls.

I welcome the Scottish Government's equally safe strategy and the resources that have been invested in it. With the Covid-19 pandemic meaning that women and girls in our society are spending more time at home, this year will clearly bring additional challenges for those who live in households with abusive husbands, fathers or partners. I commend the strategy's main aims, which focus on advancing gender equality and tackling the underlying attitudes that create the societal conditions that enable gender-based violence to flourish.

I welcome the work that the Scottish Government is undertaking with stakeholders to raise awareness of all forms of gender-based violence at community and institutional levels. In particular, I welcome its aim for every child and young person in Scotland to develop mutually respectful, responsible and confident relationships with other children, young people and adults. Many activities will be required if we are to fully deliver that ambition, and the example that I provided a moment ago will play a part in addressing the issue.

As others have already touched on, yesterday was the United Nations international day for the elimination of violence against women. The theme for this year's 16 days of activism is "Orange the World: Fund, Respond, Prevent, Collect!", with a focus on Covid-19 response, recovery and renewal. The UN has set out why we must eliminate violence against women and girls, which it says is

"one of the most widespread, persistent and devastating human rights violations in our world today"

but

"remains largely unreported due to the impunity, silence, stigma and shame surrounding it."

In order to make the changes that society needs, it is incumbent upon us all to question not only

ourselves but others about our actions. I am therefore pleased that the Scottish Government will later support the two amendments that have been lodged. This is not a party political issue.

This year has challenged everyone. As I said earlier, with more women and girls who are having to be at home also being victims of domestic abuse, it is crucial that safe places such as those provided by the special alert system in pharmacies can be utilised to help those who need them. We do not know what is ahead of us but, as a Parliament and as a society, we can help to shape the future and to make things better for women and girls.

16:37

Ruth Maguire (Cunninghame South) (SNP): Every three days in the United Kingdom, one woman is killed by a man. That figure has been unchanged for a decade. This afternoon, I have four minutes in which to contribute to our Parliament's debate on making Scotland equally safe, marking the annual international day for the elimination of violence against women. With those murdered women and their families very much on my mind, I hope that members will forgive me if I do not use my time to highlight the good work that is on-going; instead, I will get straight to the point

Scotland is not equally safe, and four minutes is not enough time in which to do justice to all the women and girls who have been subjected to men's violence in our unequal society. In Scotland, too many women still face the burning injustice of workplace sexual harassment, pregnancy discrimination, domestic abuse, female genital mutilation, so-called honour crimes, sexual assault, rape, trafficking, stalking and prostitution. Globally, women and girls are being refused access to education and are trapped in conflicts in which rape is used as a weapon of war. The number of sex-selected abortions is rising, the number of deaths relating to pregnancy and childbirth is needlessly high, and women and girls are prevented from making deeply personal choices about their reproductive healthcare.

We know that inequality is both a cause and a consequence of those abuses of the rights of women and girls. We also know that to end such human rights abuses—to end the violence and the killing—there must be action and investment, legislation and policy, and action on the ground in all areas.

It is clear to me that we understand the continuum of women's inequality and subsequent male violence, so we must never kid ourselves on that picking off palatable challenges to address bit by bit will be enough to address the problem. The truth, which I acknowledge is uncomfortable for

some but it is the truth nonetheless, is that as long as female bodies are objectified, commodified and reduced to something to be bought and sold, used and traded, we will not have equality and we will not have justice. Prostitution is violence. Despite what a vocal minority might say, that is not a controversial position to hold. In policy terms, the Scottish Government's equally safe strategy recognises that violence. It is unambiguous and it has been for years. The laws of our country must be equally clear; that they remain unaligned is wholly unacceptable.

I know that this is not easy; there is a vocal prostitution lobby in this country. Men's demand for sexual access to women is big business. However, the fact that something is not easy has not stopped us before. It should be to our collective shame that Scotland at the moment is a place where our legislative framework means that criminal gangs profiting from the sexual exploitation of women trafficked from outwith this country and within it to meet male demand can hide in plain sight, using so-called adult services websites.

Even a cursory glance at one of those sites would show you that in this city, right now, as we stand in this albeit quite empty but warm and comfortable chamber, there are women who have been trafficked here and who are being subjected to abuse, violence and humiliation to satisfy the demand of a minority of men who wish to purchase sexual access to women and girls. It is a minority of men but the damage that that minority of men do is pervasive, impacting our whole society and putting all women and girls in harm's way.

This Parliament has all the powers that it needs to take legislative action and end, not mitigate, the serious harms and abhorrent abuses of human rights that commercial sexual exploitation causes women and girls. It is beyond time that we got on with doing just that.

16:41

James Dornan (Glasgow Cathcart) (SNP): Before I start, I will just say that I feel a bit embarrassed, if not ashamed, to be sitting here debating this, particularly after listening to the last four speakers—no disrespect to Stuart McMillan, but the three female members who have just spoken have, more than anything, highlighted the importance of women's voices being heard on a regular basis, particularly on something that is so important to them.

When I decided to speak in the debate I reached out, once again, to my good friends at the Daisy Project—a Castlemilk-based organisation that deals with women and families who are

victims of domestic violence—for their views. The first week of lockdown saw them move from a community-based service to a remote team working from home; they were able to provide a seamless transition and are still providing a full service. Unfortunately, they have seen a 40 per cent increase in referrals as well as an increase in the vulnerability of families.

The women who are seen by the team continue to experience abuse and harassment, much of which was exacerbated by the Covid-19 crisis. Delays in child welfare and criminal cases, increased financial abuse and reduced access to many support and advice services have all complicated and prolonged their traumatic experiences and some have just chosen to stay. However, many others have carried on reporting to the police, giving statements, fleeing to safe accommodation, attending court, schooling children, working and caring for their families.

Many of the women whom the organisation supports are front-line and key workers, which is just amazing, given what we are going through at this time. There is no doubt that the additional challenges of Covid bring additional costs in time and resources, so the Daisy Project was privileged to be able to access emergency Covid funding and receive generous donations. However, the team is aware that winter brings additional worries and concerns for women: the fear of not being able to feed their children and heat their homes is very real for many, and the dread of disappointing children at Christmas is equally distressing.

I want to read out a statement that was given to me for this purpose by my constituent and friend Fiona Drouet, of whom many members are well aware. I think that this is important as a reminder of why we are here today. Fiona also has two asks of the Scottish Government. She states:

“When our 18-year-old daughter Emily took her own life after being abused by a fellow student, we were shocked to find out how widespread gender based violence is.

Gender based violence is indiscriminate of age, class, background, or setting. It can happen to anyone.

Our daughter paid the ultimate price. Finding out what happened was agonising but our torment didn't end there. We had to fight for justice for Emily and hear her abuser's lawyers tear her apart in court, rewriting her life. They were free to say whatever they wanted as there was no burden of proof on them, as you cannot defame the dead. As the procurator fiscal, Chris Macintosh, said on the day of sentencing: 'It is disappointing to see that the system which could not protect Emily in life is now unable to protect her in death'.

I know as a country we can do better, that's why we're calling on the Scottish Government to introduce protections for those who are sadly not here to protect themselves.

Leading up to her death, during an assault, Emily's abuser put his hands around her neck until she saw stars and thought she was going to die. Emily said to one of her

friends 'he's done it again, put his hands around my throat. I can't go on'. Only minutes later, traumatised and scared, Emily took her own life.

According to a Submission made to the UK Domestic Abuse Bill Committee in May this year, research has found that a history of strangulation presents an eight-fold increase in the risk of death. It also highlights how non-fatal strangulation is frequently used as a tool of coercion to instil fear, to show an ability to kill, leaving physical and psychological impacts that can often last a lifetime or trigger a stroke later in life.

Non-fatal strangulation is treated as common assault in Scotland. Our country leads the way with gold standard domestic abuse laws, and I know that we can do this again by making non-fatal strangulation a specific offence that acknowledges the dangers and long lasting impacts on victims/survivors.”

That is the end of Fiona's statement. I appreciate that neither of the suggestions that she raises relates to the cabinet secretary's portfolio, but I thought it important to get them on the record and I hope that the cabinet secretary will take them back to the Cabinet Secretary for Justice for consideration for our manifesto or to be put into law if we are returned in May. What better way to take on the sentiments of the motion than to attempt to do what Fiona has suggested?

I thank the Daisy Project and all other domestic abuse and violence against women organisations for everything that they do. I also thank the Scottish Government and local authorities for their support and funding, and I thank Fiona and her family for creating something good from the ashes of the worst thing that any of us could possibly imagine. I have no doubt that Emily will be proud.

The Deputy Presiding Officer (Christine Grahame): We come to the closing speeches. I must ask the closing speakers to keep to their time, as we have no extra time.

16:46

Pauline McNeill (Glasgow) (Lab): We have had stunning contributions from women from across the parties, but Gillian Martin, Johann Lamont, Ruth Maguire, Rachael Hamilton and Joan McAlpine stood out. It has been one of the most stunning debates that I have been part of, and I am proud to take part in it.

Women and girls all over the world know very well the root of our discrimination and abuse. We have that in common across the parties and across countries, continents and the world. The issue is the same: it is men's power and dominance. Our sisters have been killed by men within marriage, outwith marriage, at work and in every other part of their lives. It is their sex and who they are that makes life dangerous for them.

Therefore, our solidarity should be offered across the parties and across countries and the

world. We will not be silent. That is why it is important to use our power in government and our voices in opposition to ensure that we can act in the 16 days of activism. I am pleased that the Government will support both amendments. It is important that we join together as parties.

The message to stay home and stay safe has been the opposite of the reality for many women during lockdown. The pandemic has sparked a plague of sexual violence. Unfortunately, for many women, their home is the most dangerous place. Close the Gap notes that one in four women in Scotland experience domestic abuse in their lifetime. Women are subjected to not only physical abuse but coercive control, and those have intensified during lockdown. Perpetrators of abuse have, in effect, inadvertently been given the means to further restrict their partners' freedoms and threaten their safety. For many women, that has been a side-effect of a pandemic that, by its nature, requires confinement and isolation.

Researchers identified spikes in abuse during the 2008 economic crisis and found that spikes also occur when major natural disasters hit and during things such as football tournaments. Women's fate is interconnected to economic and social events. According to the charity Refuge, which helps to run the UK's national domestic abuse helpline, on one particular night early in lockdown, messages to the helpline increased by 120 per cent and, over the past month, demand has steadily increased again.

Using statistics obtained from UK police forces under freedom of information laws, "Panorama" revealed that, in the first seven weeks of lockdown, there was one domestic abuse incident every 30 seconds.

Some of the abuse recorded by the police is staggering. The recorded calls include reports of violent offences, such as kidnap, arson, revenge porn and even poisoning. I was delighted that the Scottish Government accepted my amendment to the Coronavirus (Scotland) (No 2) Bill that allows the Government to review the figures and decide whether any additional action needs to be taken.

For many women, escaping an abusive situation is the hardest part. Many fear that their abuser will find them and harm them or their children. Sadly, the evidence suggests that they are right to be concerned. This week, ahead of the international day for the elimination of violence against women, the High Representative of the European Commission, Josep Borrell, issued a statement in which he said:

"Some Member States have introduced gender-sensitive response measures, such as special alert mechanisms in pharmacies, to protect women and children from all forms of violence.

We urge all Member States to develop and implement such measures."

As other members have said, in Spain and France, victims can discreetly ask for help in pharmacies by using the code word "mask-19". The UK might no longer be a member state, but we can follow such examples and consider implementing a similar special alert system in Scotland. I am pleased that the Government has said that we could look at that, because Refuge says that one of the biggest concerns is that victims might find themselves unable to report their ordeal. Refuge's former chief executive Sandra Horley said:

"We know that ordinarily the window of opportunity for women with abusive partners to make a call and seek help is often very limited".

The international picture is almost exactly the same as the one in Scotland and Europe, although the patterns are slightly different, depending on the country. UN Women has called it a "shadow pandemic". For every additional three months that the lockdown continues, the UN estimates that an additional 15 million women are expected to be affected by intimate partner violence worldwide. The UN also estimates that, of the 87,000 women who were intentionally killed in 2017 globally, more than half were killed by intimate partners or family members.

We must act now, and we must use this period of worldwide action to do so. I am proud to have spoken in the debate.

The Deputy Presiding Officer: I call Jeremy Balfour to close for the Conservatives.

16:52

Jeremy Balfour (Lothian) (Con): Debates of this type can sometimes be rather stale, in that everyone knows what everyone else is going to say at the beginning, but that has not been the case today. Overall, there has been consensus across the chamber. The powerful speeches—particularly those of many of the lady MSPs—have highlighted the issues that we face. Violence against women and girls is intolerable and should have no place in a modern-day Scotland.

Like Stuart McMillan, I am a father of two youngish—I am not sure that they are young—daughters. I know what type of society I want them to be able to be brought up in and to flourish in. That is a place where they can feel safe wherever they are, whether at home, out or in the workplace. Sadly, too often that is not the case.

The UN states that

"Violence against women and girls is one of the most widespread, persistent and devastating human rights violations in our world today",

and that it

“remains largely unreported due to silence, stigma and shame surrounding it.”

Violence against women is extremely harmful. Such abuse can cause severe and long-term physical and mental health problems and reduce participation in the workforce. Sadly, as we have heard from Ruth Maguire and others, it can result in death. That is why it is so important that we in this Parliament—men and women—use our voice to speak up for women who often go unheard and do whatever we can to keep them safe. However, as the cabinet secretary said in her opening remarks, it is not enough just for the Parliament to speak. As a society and as a nation, we need to speak and stand up for those who have no voice.

This year, the UN campaign is focused on the impact of Covid-19 on violence against women and gender inequality. As Alison Johnstone and others have pointed out, the outbreak of the virus has led to an increase in levels of domestic abuse and gender-based violence. In the UK, Refuge has highlighted an 80 per cent increase in calls to the domestic abuse hotline, and Scottish Women’s Aid has reported significant impacts on refuge accommodation, child contact and access to justice.

Governments and political parties must see domestic crime for what it is—serious crime, if not more serious than other crimes, because the victim often lives with a violent attacker, never knowing when the next attack might take place. That situation is made worse by lockdown.

In her powerful speech, Johann Lamont pointed out that such crime often goes unreported. Often, we are dealing with neither the crimes nor their root causes. For the past 18 months, my wife has been working in West Lothian, dealing with people who have committed domestic violence and trying to work through the issues in their lives and find out how to prevent them from committing crimes again. That is the kind of resource that we need to put in.

The Scottish Parliament has passed new laws and dealt with the subject in a very positive way, but despite the introduction of those and other measures, the data shows that domestic abuse is still going up in Scotland. The latest statistics reveal that the number of domestic abuse incidents recorded by Police Scotland has risen not just in lockdown but in the past three years, and the number of domestic abuse charges is at a four-year high.

There is still more that we can do, both collectively and individually. I hope that the Scottish Government will encourage the resumption of workstream 3 of the victims task force, which has been on hold due to Covid-19. It

looks at sexual offences and gender-based violence. I hope that its work will resume so that it can provide solutions to gender-based violence.

The Scottish Government must do more to sign up willing domestic abuse victims to the victim notification scheme. Current proposals would mean that victims were able to register to find out that their abuser has been released from prison only if they are sentenced to 18 months or more. With respect, that time period still seems to me to be too long. We should look at the matter afresh.

As I said at the start of my speech, we have heard some very powerful speeches in the debate. What goes on behind closed doors is not acceptable in many circumstances and we need to call it out for what it is. As Ruth Maguire highlighted, we need to see what is going on in our society, and we need to come together across our party divides and say that it is unacceptable and that things need to change.

I hope that in 20 years’ time—or in a shorter time than that, but certainly in 20 years’ time—when, perhaps, one of my daughters stands in this Parliament representing who knows what, the subject will not be debated because we will have called it out and dealt with it. Scotland will be a better place for that.

16:58

The Minister for Older People and Equalities (Christina McKelvie): Like Pauline McNeill and other members in the chamber, I feel that this debate has been an incredible and important one. I have been taking part in debates in the chamber on these topics for 13 years now, and they are always important. We always learn something new and there is always more to do, and we should never shirk from either that recognition or that responsibility. That was evidenced by many of the measured, thoughtful and powerful speeches that we have heard from members throughout the chamber, and I thank all the speakers for them, because they are incredibly important.

We have heard about many aspects of the subject including domestic abuse, coercive and controlling behaviour, sex for rent, trafficking, rough sex, stalking, sextortion, prostitution, FGM and honour crimes, among many other things. That is why we have the 16 days of activism, which give us an opportunity to mark and champion progress and mark the accomplishments of not just this Parliament and the work of the parliamentarians in it but, especially, the work that is being done to change things on the ground.

I take the opportunity to echo all the sentiments from the cabinet secretary and members across the chamber by paying tribute to all the front-line

services that have worked tirelessly to ensure that women and children still have access to the vital help and advice that they need.

Although we have that list and can mark progress, Alison Johnstone, Rona Mackay, Beatrice Wishart, Joan McAlpine and Gillian Martin all reminded us about the “Femicide Census”, which tells us a very stark story and demonstrates in the most horrifying way why we need to continue our work to tackle and prevent domestic abuse. Three women a week is a horrific statistic.

In the work that we have been doing across the piece, we have managed to continue to do our work around multiagency risk assessment arrangements. Early in and during the Covid pandemic, there was a clear commitment to the continued operation of MARACs, which were seen as business critical in our work and in many areas. That reflected a general commitment to MARACs and wider efforts to share information and to assess and address the risks to families affected by domestic abuse, especially during the coronavirus pandemic.

In response to comments about domestic homicide, members will know that we have been doing a review of domestic homicide over the past few years. That review has now been completed and an executive summary was provided to the equally safe joint strategic board on 29 October 2019. We have been taking forward further in-depth work with the internal review. The review was recently carried out by Police Scotland and the main findings will be shared in due course. I am sure that members in the chamber will welcome that bit of progress on that.

The Scottish Government has a strategic vision on this, which is called equally safe. Our response demands a decisive shift towards prevention and I commend all the on-going work to address gender inequality—including women’s economic equality—that has been raised by the cabinet secretary and others. However, I recognise that gender-based violence continues to exist—we all realise, know and see that—and that women and children who experience it deserve access to high-quality support and interventions. Our systems must be equipped to identify risk and respond quickly, which is why those MARACs are so important. That is as important as ever it was as we go from a focus on immediate response to a period of recovery and renewal.

As Minister for Older People and Equalities, I have responsibility for the cross-governmental co-ordination of our efforts to tackle violence against women and girls. I will take the opportunity in closing to highlight some of the important initiatives that are happening across Government in order to demonstrate those efforts.

Johann Lamont: Will the minister take an intervention?

Christina McKelvie: I might be just about to answer the member’s question.

Johann Lamont: I appreciate the minister taking the intervention. We are, of course, agreed on this, but I want to ask a very specific thing. As the minister responsible for equalities in that cross-cutting role, will Christina McKelvie make a commitment to raise with the Cabinet Secretary for Justice the importance of addressing the question of rough sex being used as a defence? It has been addressed elsewhere and I wonder whether we could agree to look at it on a cross-party basis.

Christina McKelvie: I am more than happy to address that. Jeremy Balfour also raised a few issues that I have committed to raising with Humza Yousaf. Members will not be surprised to hear that justice colleagues are involved with the equally safe board and that we consult all the time. Nonetheless, I am happy to take forward that specific issue.

Early on in the pandemic when everyone was going into the sanctuary of their home, we realised very quickly—within days, in fact—that, for many women and children in our nation, home was not a sanctuary. In those very early days, we very quickly met with the women’s organisations, provided additional funding for them to deliver their services, and got early intelligence on other ways that we could support that work.

The Labour amendment refers to pharmacies and how we could use code words and so on, and Rhoda Grant, Alison Johnstone and a number of others spoke about that. I am pleased to say that we have advanced work on both those areas. This morning, I chaired an event attended by the Home Office, Boots, Community Pharmacy Scotland and a number of other stakeholders to talk about it. Pharmacies across the UK have been providing safe spaces. For example, Boots told us this morning that it has 4,171 pharmacies taking part in the safe spaces project and that it expects another 800 to be doing so by the end of this year, which would add up to around 5,000 in total. It is rolling out training to all its staff, so that they understand how to accommodate somebody who comes in to ask for a safe space, and how to respond with both confidence and competence. Ten per cent of those safe spaces are in Scotland, so we are punching a wee bit above our weight. We obviously want to do much more and, this morning, Boots committed to working with us on that.

We considered the issue of a code word early in the pandemic, because we had heard about some of the work that had been done around it, which included the work that had been done in France.

We had considered a Scottish-specific code word, but after our conversations with our colleagues across the other three nations and taking into account the work that the Home Office was doing on the issue, we decided to go with a four-nations approach. The Home Office has co-ordinated the “Ask for ANI” code word scheme—ANI stands for action needed immediately.

That immediate response project will run alongside the projects on safe spaces that Boots and other independent pharmacies run. If somebody comes in and asks for ANI, that person needs support immediately, so the police will be called and the person will be taken into a safe space. We will produce a report after today’s event and I will ensure that members get copies of it to understand how that work will be rolled out, because it is incredibly important.

Boots and independent pharmacies gave us a few stories today, in which there were examples of how to use a safe space to make a call: a young woman came into the pharmacy who could not use her home phone or devices at home because he was always there; she pretended that she was picking up a prescription and was able to get into the pharmacy and the safe space to phone for help. That is a practical way in which that scheme works, and the fact that that event happened locally shows that this incredibly important work is being done.

Members have raised so many other points. Beatrice Wishart and Rona Mackay raised the issue of protection orders, which we are obviously progressing really well.

Maurice Corry: Will the member take an intervention?

Christina McKelvie: Yes, if I have time, Presiding Officer.

The Deputy Presiding Officer: You will have to absorb it.

Christina McKelvie: Okay—Maurice Corry can go for it.

Maurice Corry: The question of the victims who are not able to sign up or register if their offender is put into jail for less than 18 months is a concern, which is not included in the Domestic Abuse (Scotland) Bill. Will Christina McKelvie talk to the cabinet secretary to see whether victims can register if the offender has been jailed for under 18 months?

The Deputy Presiding Officer: That was a bit of a long one, but never mind. I will give you your time back.

Christina McKelvie: I know that the Cabinet Secretary for Justice has listened to all opinions on that area, so we can ensure that he has a note

of Maurice Corry’s comments and that he can take those into account when he makes his considerations.

I have so much to get through—there is so much to say. James Dornan raised issues to do with the increasing need for support, and he talked about the Daisy Project as well as about Fiona Drouet and her Emily Test campaign. I pay tribute to both organisations, as not to raise their profile and the profile of the work that they do would be a miscarriage of justice.

In her powerful speech, Gillian Martin reminded us who is responsible here: the man who perpetrates the violence. As well as the improvement of our response to victims, we must include an increased focus on robust and effective measures for perpetrators and prevention. The perpetrator must be visible in more than just a courtroom. They must be visible in case documentation, in local planning and in improved risk and safety assessments. As Johann Lamont has said, we need to name the crime and that is something that we can do through such work.

Nineteen local authorities now deliver the Caledonian system, which covers around 75 per cent of the population. We are building that system and working on it all the time because, although we want to focus on prevention when we can, when perpetrators are brought to the attention of the system and they can go through a programme such as the Caledonian system or the work that Jeremy Balfour’s wife does, we want to commit to rehabilitation.

The Deputy Presiding Officer: You must conclude, minister.

Christina McKelvie: I will finish up. Rhoda Grant and Ruth Maguire made a lot of points about prostitution and the consultation is currently open.

I know that everyone here shares the common goal to ensure that women and girls live free from all forms of violence, and from the norms and inequalities that create the conditions for that violence to happen. Today, I invite the Parliament to restate our collective ambitions. Like Rona Mackay, I want to say to the victims, “We hear you and we stand with you.”

Tied Pubs (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Christine Grahame): The next item of business is a debate on motion S5M-23343, in the name of Neil Bibby, on the Tied Pubs (Scotland) Bill. I invite members who wish to speak in the debate to press their request-to-speak buttons now.

17:10

Neil Bibby (West Scotland) (Lab): I refer members to my entry in the register of members' interests.

It is a critical time for pubs and all those whose livelihoods depend on the licensed trade. The Tied Pubs (Scotland) Bill would give much-needed hope to tied publicans that the sector can build back better, and that overdue reform is almost here.

A tied pub is a pub that is required to buy at least some of its products from its pub-owning company. Evidence that the model skews against tenants led to a campaign for reform. That campaign brought about change in England and Wales with legislation in 2015, and it did so with cross-party support. The purpose of my bill is to bring that change to Scotland.

As campaigners told the lead committee, the problem is that pubcos take too much of pubs' profits, leaving the tenant—the small business—unable to make a living. In written evidence to the committee, a publican from Renfrewshire said that the

“tenant has no real control over the prices and share of profits ... the Pub co ... restrict the opportunities for tenants to develop a viable and profitable business.”

A publican from Aberdeen said:

“Everyone that works in the building gets a wage but there have been times where we don't have wages for ourselves as the expenses are too high.”

He estimates that he would be £35,000 to £40,000 better off if he did not have to pay excessive mark-ups on tied products.

A survey by the Campaign for Real Ale of 200 Scottish tied tenants found that 74 per cent believe that they were worse off due to their tie, and 96.5 per cent believed that a lower dry rent did not fully take into account higher costs. Only 3 per cent had a positive sentiment about their tie. Two thirds were earning less than £15,000 per annum, and 99 per cent believed that the Scottish Government had to act. That is why I decided to introduce the Tied Pubs (Scotland) Bill.

The bill would require ministers to create a pubs code to govern the relationship between pubcos and tied tenants, and an independent adjudicator.

The code would be based on three principles: fair and lawful dealing by pub-owning businesses towards tied tenants; tied pub tenants to be no worse off than if they were not tied; and tied agreements to offer a fair share of risk and reward.

Part 4 of the United Kingdom's Small Business, Enterprise and Employment Act 2015 was the starting point for my bill, but it was only a start. Where possible, I have sought to improve on the 2015 act and learn from where it fell short. For example, the fair share of risk and reward principle is not on the statute book at Westminster. I included it in my bill because I believe that it would better protect tenants from profit extraction.

In common with the 2015 act, my bill would give tenants a market rent-only option. That option would involve the right to break the tie and pay a fair market rent, but without the complex trigger points that are in the UK act. In the bill, market rent-only rights are simpler, cleaner and automatic, and would eliminate the need for long arbitrations.

My bill includes guest beer rights, which would mean that tenants could stock at least one product of their choosing, thereby helping them to respond to demand, maximise their takings and support Scotland's brewers.

The bill would require the Parliament to approve the adjudicator, and prevent anyone with recent involvement in the industry from being appointed, and therefore keep our pubs code adjudicator free from conflicts of interest.

Should the bill progress, I will work with the Scottish Government and other parties to seek consensus on further improvements. I thank the minister, Jamie Hepburn, for listening to the voices of Scotland's tied publicans, consumers, small business groups and unions over recent weeks, and for his time in discussing how to progress the bill and deliver much-needed change.

The committee commended the intent behind the bill, but it was disappointing that only a minority of members recommended legislation. In the report, that minority notes that the bill is supported by the majority of those who responded to the committee's call for evidence. That is right: the overwhelming majority of evidence supported legislation, including submissions from the Scottish Licensed Trade Association, the Federation of Small Businesses in Scotland, GMB Scotland, and the Society of Independent Brewers, to name just a few.

The committee's anonymous survey of tenants also found that 93 per cent supported the bill. An independent Scottish Parliament information centre analysis of the survey states that

“tenants want to see a fairer split of risk and reward—currently there is a feeling that tenants take on most of the risk while pub-owning businesses take an outsized share of the reward.”

Many responses to my consultation were supplied anonymously or confidentially, as many tenants feared recrimination. Nonetheless, tenants participated in my consultation. Again, 93 per cent of responses supported legislation.

The committee expressed frustration at “polarised” arguments. There is no doubt that opinion is divided. However, the word “polarised” suggests that it is divided equally; it is not. On one side are the interests of tenants, workers, consumers and producers; on the other are the corporate interests of a few large pub companies, which want to remain unaccountable.

I also want to draw attention to two recent developments that mean that Parliament and committee members must look at the issue in a new light.

First, the Pubs Code Adjudicator for England and Wales issued Heineken-owned Star Pubs & Bars with an unprecedented £2 million fine for breaching the pubs code. That was just weeks after Lawson Mountstevens, its managing director, told the committee:

“We are absolutely an honourable company.”—[*Official Report, Economy, Energy and Fair Work Committee*, 18 August 2020; c 52.]

Star’s headquarters is here in Scotland, but Scottish tenants have no adjudicator to protect them. The adjudicator said that Star

“did not engage frankly and transparently with its tenants”,

and went on to say that

“The company must change its mindset and become proactive in its approach to compliance.”

How can Parliament trust such companies to voluntarily regulate themselves?

Secondly, the UK Government published its review of the code for England and Wales. Far from recommending a return to deregulation, ministers said in writing to the Pubs Code Adjudicator:

“retain evidence you may come across where ... your existing powers are insufficient ... This will allow ... consideration of”

the

“case for strengthened powers as part of the next statutory review”.

Not only is there a regulatory gap with England and Wales, but if we do not act that gap will grow. Tenants of large pub companies in England and Wales have the protection of a code, while tenants of those same pub companies here in Scotland do not. The bill seeks to address that injustice.

Fairness is the principle at the heart of the bill, and I ask the Parliament to support the general principles of the bill.

I move,

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

The Deputy Presiding Officer: I call Gordon Lindhurst to speak as convener on behalf of the Economy, Energy and Fair Work Committee.

17:16

Gordon Lindhurst (Lothian) (Con): Presiding Officer,

“This work is dedicated to the abomination of all that restricts travel.”

That sounds almost contemporary, but so reads the dedication to the book “The Thomas Cook Story”, 1954 edition, by John Pudney. What does that tale of the Thomas Cook travel company have to do with pubs? Quite a lot, actually. Thomas Cook originated as a temperance—non-alcoholic beverage—travel company, in the wake of the Beerhouse Act 1830, which was intended to establish free trade in beer.

Pudney wrote that the results of the act

“were soon apparent. Even the poorest might keep a beerhouse, or let the beer house keep them, the more so when some brewers were willing to pay the two guineas for the licence and supply stock if the house were ‘tied’. Thirty thousand new beer houses were opened at once ... Certainly as the Act intended, more beer was drunk ... Those who had favoured the measure were aghast. Sydney Smith reported: ‘The new Beer Bill has begun its operations. Everybody is drunk. Those who are not singing are sprawling.’”

From that, we see that it is well recognised from history that parliamentary measures that relate to beer, pubs and tied pubs need very careful consideration indeed, for the consequences of such legislation can be far reaching—in ways far beyond those that were imagined by proposers, promoters or opposers alike.

However, before I turn from Pudney’s account, I mention the son of Thomas Cook and his wife, Marianne. They named him John Mason—[*Laughter.*] I kid you not. Pudney wrote:

“The child was something of a phenomenon ... The progress of the little John Mason must have been watched with especial interest.”

As far as I am aware, he is no relation, but we have of course our own John Mason, both in the Parliament and, often, in our committee, plying witnesses with perceptive questions and thoughts for which we are grateful.

As convener of the committee that considered the bill, but someone who was not a member during that time—and given my appreciation of the benefits of the temperance movement of which Thomas Cook was part—I am personally placed in a somewhat invidious position in this debate. To be clear—a modern favourite political catchphrase—I speak here in my capacity as convener on behalf of the committee, and on this occasion perhaps more so than at other times.

The committee's consultation on the bill landed at a time of economic and practical difficulty for everyone—no less so for pub owners and tenants. The committee is appreciative of everyone who took the time to engage with us despite these trying Covid times. The committee heard from a range of people in response to its call for views in its online survey, focus groups and oral evidence sessions. It heard from tenants who supported the bill and those who did not. It heard from pub membership bodies, tenant membership bodies, campaigners, consumers, large and small brewers and the unions. The committee is deeply grateful to all those who shared their views.

Presenting a bill to a committee, as Neil Bibby has done, involves a great deal of work. Members who seek to introduce good bills are to be commended for doing so. My predecessor, Michelle Ballantyne, who was convener of the committee when the bill was introduced in February and during the evidence taking on the bill, should also be thanked for her good work on the committee.

Evidence for and against the bill was presented robustly. "Robust" is of course another current political catchphrase, but views were genuinely passionate and polarised, and no doubt diverging views will echo around the chamber today as in committee, where majority and minority views were expressed.

A majority of the committee felt

"frustrated by the polarised arguments and the lack of complete, robust and independent data"

that was presented by either supporters of the bill or those who opposed it. That majority was also unconvinced that there was enough evidence to suggest that there were large-scale issues in the tied pubs sector that would justify legislation. A minority of the committee felt that an "imbalance" between pub tenants and landlords exists and that the bill would help to redress it.

A majority of the committee commended the intention behind the bill, but did not support its general principles. I abstained, and in those circumstances, I will leave it up to others to go into the detail of the bill. Presiding Officer, I apologise to the chamber as I need to leave after my speech, which I think you are aware of.

The Deputy Presiding Officer: That is breaking news to me, but I believe you.

17:23

The Minister for Business, Fair Work and Skills (Jamie Hepburn): I begin, sadly, not with the literary flair of the committee convener, but by thanking Neil Bibby for introducing the bill and encouraging and fostering discussion of what are clearly important issues concerning the operation of the pub sector in Scotland. I congratulate him on advancing the bill to this stage and on the engagement that we have had.

The Scottish Government has sought evidence on the matter in the past. In 2016, we commissioned independent research on the subject. The evidence that we gathered at that juncture was limited; accordingly, we determined that it would be an area in which we would not introduce legislation. Nonetheless, Mr Bibby has done so, as is his right and the right of any elected representative here, so it is incumbent on us to consider it.

I will begin by setting out the Scottish Government's support for a successful pub sector in Scotland. As Mr Bibby and Mr Lindhurst have already done, I acknowledge the challenges that are being faced by the industry. We are providing what support we can to ensure that we can continue, when we emerge from the coronavirus crisis, to enjoy the benefits and social opportunities that are offered by pubs.

I know that Neil Bibby has been concerned for a number of years about what he considers to be an imbalance in the relationship between landlords and tenants in the pub sector, and he laid that out when he opened today's debate. Others have also flagged up those concerns, and he has sought to address them with a bill that follows the example of England and Wales by introducing a statutory pubs code and adjudicator in Scotland. It goes further; the provisions in the bill would impose new requirements on pub companies that are responsible for about 750 pubs that operate on the tied pub model.

The policy memorandum confirms that the numbers of arbitration cases and market-rent-only requests that would result from the bill would, likely, be low. Fundamentally, as a Parliament we need to be convinced that legislation that puts demands on business is necessary before we commit to taking it forward.

Throughout the process, I have been clear that the Government supports the broad intention of the bill, which is fair and equitable treatment within commercial agreements. We aim to support that across businesses in all sectors. Therefore, I have been interested to see and listen to the arguments

that have been presented during the stage 1 process. I thank the committee for its work in assessing the evidence and presenting a clear and thorough report.

I acknowledge the commitment of those who engaged with the stage 1 evidence process and I understand the sometimes strong views, but I share the committee's frustrations about the polarised nature of the evidence. It has been difficult to come to a view, when opinions are so firm on both sides of the argument.

I have carefully considered the committee's report and note its conclusion that, although it commends the intent behind the bill, it does not agree that legislation is required and does not support the general principles of the bill.

However, I have been listening carefully and I have engaged with stakeholders in order to get first-hand advice. I have also taken a keen interest in developments including the UK Government's review of the pubs code adjudicator in England and Wales.

The challenge for any Government is to balance the scale of the problem against the required response. The polarity of views and—to be frank—the lack of independent evidence identified by the committee has made the Government's decision on the bill one of fine margins.

There are many strong landlord and tenant relationships in the pub sector; those will continue, and no one suggests that there is no place for tied pubs in the overall marketplace. However, there are concerns and, ultimately, we need to ensure fairness. I am not convinced that the balance is right or that the voluntary code approach is working. Indeed, the lack of awareness of the voluntary code is of concern to me, because it should be a useful governance tool.

The decision has been challenging but, on balance, my conclusion is that the Scottish Government should support the bill at stage 1. However, our continued support is contingent on securing amendments to the bill, which I have already discussed with Mr Bibby. The amendments that I seek involve issues such as lengthening implementation and review timescales for the code, which I believe is essential so that the process of implementing a code is transparent, fair and properly consulted on, particularly in the context of the Scottish Government and industry still dealing with Covid-19.

I also seek amendments to ensure the removal of elements of retrospection, so that past tenants cannot raise cases long after they have left the sector, as well as amendments to ensure that levies on pub companies are proportionate. I want to ensure that the bill works for all parts of the sector.

On that basis, I will support the Tied Pubs (Scotland) Bill at stage 1, but, going forward, that support will be contingent on amendments. I look forward to continuing to discuss those matters with Mr Bibby.

17:29

Maurice Golden (West Scotland) (Con): I accept that the Tied Pubs (Scotland) Bill has been introduced with good intentions, although the manner in which the member has sought to progress the bill has been inappropriate. Neil Bibby has said of the Economy, Energy and Fair Work Committee that its

"report flies in the face of the evidence placed before them."

That is not true. The only study that was conducted in Scotland on the issue before the member introduced the bill was the independent CGA study that was commissioned by the Scottish Government, which was quite clear that no sector was significantly disadvantaged when compared with others. Neil Bibby says that 93 per cent of respondents to his survey agree with him, but it was not a statistically robust survey and was flooded by responses from fellow Labour politicians and members.

Neil Bibby also said that

"Tory and SNP MSPs inexplicably want to leave tenants in Scotland with no rights at all."

That is factually incorrect. However, it reflects a vexatious narrative. That stands in vivid contrast to the approach of Daniel Johnson in introducing his member's bill.

The bill intends to extend to tied tenants in Scotland similar provisions to those that are in place in England and Wales. However, there are significant concerns about the bill—primarily because the markets are dramatically different. For example, tied pubs make up 36 per cent of the English and Welsh market, whereas tied pubs account for just 17 per cent of the market in Scotland. The bill will be inherently narrow in scope, which raises the question whether there is enough of a problem for it to address.

The committee's report raised that very point. It said:

"The majority were unconvinced that sufficient evidence was presented to the Committee to suggest that the problem described was large-scale or that there were adequate grounds to warrant legislative interference in contractual agreements."

Addressing such a fundamental question must be a priority as the bill progresses, or we risk losing investment and jobs. That is to be avoided at the best of times, but especially during the current crisis, when the Scottish pub sector is on its knees.

The provision for market rent only, without qualifying circumstances, is an intrusion into contract law. It is hard to imagine that that would be accepted in other sectors. It could be a serious disincentive for pub companies to invest. We already know what that looks like: following the introduction of the pubs code in England and Wales, UK-wide investment from pub companies flowed to Scottish pubs—it almost doubled from 6.53 per cent to 11.66 per cent. Unfortunately, early signs of investment flight have already appeared in Scotland. An estimated £10 million of investment has been put on hold until the bill is decided on. I hope that not one penny of that investment will be lost, if the bill progresses. If investment is lost, Neil Bibby will have a lot to answer for.

I appreciate that such an outcome is not the intention of the bill. The current voluntary Scottish pubs code offers a model to avoid conflict by giving tenants many of the rights that are included in the bill, including access to independent arbitration, but—crucially—the code does that without risking jobs or investment.

We have seen the essential support that pub companies have provided during the pandemic, including support with stock maintenance, wellbeing checks and millions of pounds in rent concessions to allow pubs to survive. In contrast, independent landlords have, at best, offered mortgage or rent deferrals. If we want more pubs to survive and more pubs to open, the tied pub model offers a route into running a pub that would otherwise require significant financial resources. Pub companies are incentivised—[*Inaudible.*]—to attract tenants.

Numerous tied tenants from across Scotland have contacted me. From Bearsden to Dundee to Clydebank to Edinburgh, they are living in fear of the bill progressing. Their voices must be heard. If the bill progresses, I expect Neil Bibby to get each and every tied pub tenant to support the bill—even if that is done privately to the committee. If Neil Bibby's assertions are correct, that should not be a problem.

The Scottish Conservatives recognise the merit in exploring such issues further, so we will vote for the bill at stage 1. However, if the bill is to pass future stages, the bill's proponents have a responsibility to address the real and pressing concerns that are being raised by businesses and tenants.

17:35

Sarah Boyack (Lothian) (Lab): I thank Neil Bibby, his team and the non-Government bills unit for the huge amount of work that they have done to get us to the stage 1 debate. I also thank all

those who gave evidence to the committee in advance of its report.

The minister said that we need evidence that we need the bill. He is absolutely right. That should be the case with every bill that we pass in the Parliament. For me, there is an incredibly straightforward set of principles behind the bill and a strong argument for agreeing to its general principles today.

Moreover, we are playing catch-up, because tied pub tenants in England and Wales have had rights for four years, after cross-party agreement was reached in the UK Parliament. In its evidence to the committee, the Federation of Small Businesses clearly stated:

“We see no reason why tied tenants in Scotland, who form a key part of an industry that contributes £1.7bn to the economy per year, should not be afforded the same legal protections as those in England and Wales.”

That is a key principle. We can benefit from the experience in England and Wales. Neil Bibby's bill is not identical to the bill that was passed in the UK Parliament with cross-party support. There is the opportunity to make changes at stage 2.

As the Scottish Trades Union Congress and the Scottish Licensed Trade Association have said, the bill is in the best interests of Scotland's workers and businesses. The Campaign for Real Ale put the case for Neil Bibby's bill very clearly, saying:

“The current tied system in Scotland is unregulated by legislation and is creating an imbalance of power as pub companies develop a monopoly over the supply and cost of tied products, leaving licensees paying increasingly high prices for a restricted range of stock.”

Therefore, there is a case for legislative action.

As I said, the bill is not identical to the UK legislation. There has been the opportunity to learn from experience. As has been mentioned, there is an arbitration process that should be shortened and simplified to enable disputes to be raised by tenants and pub-owning businesses.

Maurice Golden raised concerns, but I am glad that he said that the Conservatives would support the bill being taken to stage 2. It is important that we look at the evidence and at what Neil Bibby's proposed bill contains. It includes the principle that tied agreements should provide a fair share of risk and reward. That is absolutely appropriate. The bill says that the proposed adjudicator requires parliamentary approval to ensure that the Parliament is confident that there is no conflict of interest. There are some key legislative principles that we should be able to support.

Over recent months, Scottish Labour has been campaigning for practical support to be given to our small businesses in the hospitality sector. It is

a devastating time for publicans who have built up their business from scratch, invested their energy in serving their customers and had to invest everything that they have to keep their business afloat.

I found it shocking to read that a survey by CAMRA showed that three quarters of Scotland's tied tenants were worse off because of the tie and that 96.5 per cent believed that their reduced rent did not take into account the higher prices that they paid for their tied products, so we have evidence. There was also the Heineken decision just a few weeks ago.

We need to think about the wider impacts on the Scottish economy. We need to think about not only the pubs but the small brewers who are not able to access the tied pub sector, given the minimum volumes that are needed and the discounts and logistics that are required by large wholesale pub-owning companies.

There is time for people to sit down together to look at what is in the bill and make it work. We should consider the principles, including the principles of fairness. The bill would also give consumers greater choice, because tied tenants would be able to stock beer of their choosing.

The evidence to the committee was overwhelming, but we can also consider the organisations that support the bill: the SLTA, Tennent Caledonian Breweries, the Society of Independent Brewers, the Scottish Tourism Alliance, GMB Scotland, the FSB, the STUC, the Pubs Advisory Service, the Campaign for Pubs, the British Pub Confederation and the Forum of British Pubs. That is really important support.

The FSB's comment about the impact that coronavirus has had on pubs is a timely reminder of the fragile business conditions. That is why we support the bill. It is the second time that Scottish Labour has introduced a bill to improve the lives of people in Scotland and I am delighted that the SNP Government is going to work with Neil Bibby and the committee.

It is important that we get this legislation, accept a vision for change and stand by the tied pubs that deserve a fairer deal and aspire not only to survive the pandemic but be part of the build back better idea that we in the Parliament should all support.

I hope that we agree to the principles of the bill today, and that there is a constructive approach to stage 2, because the bill can transform opportunities in the sector. It will help with jobs in the supply chain in Scotland, create jobs in the brewery industry and give better choice for consumers.

Scottish Labour and the Scottish Co-operative Party support the bill because we want to ensure

that the Parliament seizes the opportunity with both hands, listens to the evidence, acts on it and learns from the experience of the UK legislation that was passed four years ago. That legislation has worked, but we can craft the bill to meet our conditions in Scotland. That should be what we do next.

17:40

Andy Wightman (Lothian) (Green): I, too, commend Neil Bibby for introducing the bill, which the Scottish Greens believe provides for a proportionate and fair intervention in the relationship between pub companies and tied tenants. As a member of the committee that scrutinised the bill at stage 1, I thank all those who gave evidence to the committee and those who have sent briefings during the last few weeks.

As others have said, pubs are part of the social fabric of our communities across Scotland. There has been a marked increase in pub closures in the last few decades, and this year that will only be exacerbated by the on-going pandemic.

The committee heard from pub owners, tenants, drink suppliers and various trade bodies. The opinions of those who gave evidence to the committee were polarised, with those in favour believing that they are not getting a fair deal, and those against believing that the bill will damage the pub industry in Scotland.

Some tied tenants are happy with the current set-up and it is unlikely that those tenants will want to take advantage of any of the provisions in the bill, although I am sure that they will be pleased to have the backstop protection of a statutory code.

There are, however, also those who are not happy. Neil Bibby directly articulated some of their evidence. They are seeing low returns for the time and effort that they put in and are being forced into poverty as a result. In far too many cases, there is a great deal of risk for the tenant and very little for the owners.

One pub company, Hawthorn Leisure, identified £25,000 as an acceptable annual income for pub tenants. Pub tenants are often a couple—in many cases that is the preferred arrangement for pub companies—and they will often work every day. There is a real danger that some of those tenants are not currently able to pay themselves even the minimum wage. In contrast, in 2019 Hawthorn Leisure Ltd reported a £21.2 million profit. There is a power imbalance between tenants and landlords, and it is legitimate for the Parliament to alter that relationship in favour of either of the parties; in this case, the weaker one.

In his speech, Maurice Golden said that we should not interfere with private contracts.

However, there are few, if any, contracts in the developed world that are not agreed within a statutory framework. We legislate in those frameworks all the time, whether it is about the contract between a landowner and farming tenant, a landlord and tenant in a house, company law, contracts, and licenses entered into between regulators and utility companies. It is a normal thing to do.

Pub tenants are personal guarantors for their businesses. They often have to put up their home and other assets. They are then charged rent and an inflated product price with little freedom to choose their own stock.

The proposed requirement for ministers to establish a Scottish pub code would address that imbalance. Providing people with fair work that provides them with an acceptable standard of living should not be up for debate. It should be one of the key principles for the code when it is designed, and I support the regulatory principles as drafted in the bill.

The member has taken note of the loopholes that were exploited when the Small Business, Enterprise and Employment Act 2015 was brought in in England and Wales, and has ensured that this bill is robust and not able to be exploited in the same way.

I regret that the committee's stage 1 report recommended against the general principles of the bill. Most committee members took the view that, because evidence was sometimes in conflict, they were not persuaded that the legislation was needed.

The job of MSPs is to take evidence and apply their judgment. Where the evidence is contradictory, it must be assessed, weighed and used to form a judgment that is based on the merits of the proposals. That is what I did. It is why I am pleased that the minister is not persuaded by the committee's recommendations and that he is willing to support the bill at stage 1 and to work with the member to find a way forward.

The Greens will support the bill.

17:45

Willie Rennie (North East Fife) (LD): I cannot let this go without comment. I commend Maurice Golden for his contribution. He attempted to demolish the bill before indicating that he will endorse it at decision time. It was an extraordinary contribution that we should all dwell on for a moment.

Pubs are community assets. They are important employers that must be protected and must get a fair deal. They also play an important role in

showcasing the world-class products that Scotland makes.

We have come to value pubs even more during the pandemic as we have been deprived access to them. In the words of Joni Mitchell:

"You don't know what you've got till it's gone."

I fear that many pubs could be gone as a result of the pandemic. Whatever we do with the bill, this must not be the last word on pubs.

I hope that members will forgive me for blowing the Liberal Democrat trumpet for a moment. Former Liberal Democrat member of Parliament Greg Mulholland, championed the sector for many years and it was through his hard work and diligence that the landscape of the pub sector in England and Wales changed. That was backed up by my colleagues Vince Cable and Jo Swinson in government, who introduced the pubs code and the adjudicator. That governed the relationship between the large pub-owning companies and their tied tenants in England and Wales. That has changed the landscape for the better.

I praise Neil Bibby for his enthusiasm. I expect to find him hiding round every corner every time I come to the Parliament: that is how enthusiastic he is about the merits of the bill. We will support the bill, not only because of that enthusiasm, but because of the merit of exploring this further.

It is important that we look at the relationship between tied tenants and their pub companies. It is true that the profile of the sector is different in Scotland and that there are fewer tied pubs. The tie may provide a way for new tenants in the sector to hone their skills and knowledge and to climb the ladder to having their own pubs. However, the support that the bill has received is an indication that there could be a significant problem. The support from a range of trade organisations and trade unions cannot be ignored. Neil Bibby's powerful evidence and the statistics that he provided about the financial challenges mean that it is important for us to take the bill further.

Giving tenants more freedom to be creative and have a better standard of living must be objectives worth supporting. To have a pub code adjudicator and automatic right to pay only the market rent, and for that to apply to all tied pubs seems to be a package worth exploring further.

Sometimes the sign of a good law is that it is not often used. I am not convinced by the argument that the fact that the adjudicator in England and Wales has not been used very much means that it is not worth while. That ignores the change that has been introduced to the sector as a response to the presence of that adjudicator.

Look at the changes that Neil Bibby has already managed to achieve in Scotland by launching the bill. There is already a voluntary code of practice, which is led by the industry, but there is also a new Scottish governing body with representatives from tenants and pub companies. There is also a low-cost arbitration process that will now be properly promoted to Scottish tenants. Those changes have already happened without legislation in place.

We must look at the bill. We must consider whether we can go further and change the balance between the companies and their tenants. Of course we should be careful, and I welcome the minister's offer to work with the member to make the bill better.

We will support the bill at decision time.

The Presiding Officer (Ken Macintosh): We move to the open debate.

17:49

Colin Beattie (Midlothian North and Musselburgh) (SNP): I am pleased to have the opportunity to take part in the debate on Neil Bibby's Tied Pubs (Scotland) Bill. I congratulate Mr Bibby and his team, and I thank them for their work in introducing the bill.

As a member of the Economy, Energy and Fair Work Committee, I have obviously had a fair bit to do with examining the evidence on the legislation. Along with others on the committee, I was extremely sympathetic to the purpose of the bill. It was clear that the intention was to create a level and fair playing field for all participants in an important sector of our hospitality industry. It is an industry that creates substantial value to the economy and employs a significant number of workers. There are around 4,000 pubs in Scotland, of which 750—about 17 per cent—operate on a tied model.

As members will be aware, the committee took a majority decision not to support the general principles of the bill. It did, however, commend the intention behind the bill. From the beginning, I felt that some members of the committee, such as me, were ambivalent as the evidence taking progressed. The reason for that was, quite simply, that it quickly became clear that there were two sides to the debate on the bill. Both sides deployed information and statistics from their own sources, and often that information seemed to be in direct contrast and even contradictory to the other party's position. Members of the committee were sometimes left uncertain as to which information had greater validity and which revealed the correct position.

The lack of independently produced or auditable information was extremely disappointing. It added to the reservations that some members held about the true situation. Lacking that information, the majority of members felt that the bill lacked a sound basis on which to be supported. I think that some members also felt that, before lending their support to something as important as the bill, it was necessary for them to have strong evidence that it was the right step to take.

Some effort was made to draw comparisons with the situation south of the border, where a somewhat similar situation had existed and legislation had been introduced along the lines of the bill. Closer analysis did not, however, support clear comparisons, due to there being different market practices and a different basis for legislation.

Notwithstanding those issues, some members of the committee were concerned about evidence that was presented on a variety of subjects, including reports that 10.5 per cent of tenants were surviving on incomes of only £10,000 a year or less, whereas 54 per cent were reported as having incomes of between £10,000 and £15,000 per annum. Clearly, that is an unacceptable income level that does not recognise the hard work that pub tenants put in to make their businesses viable; however, it was not possible to drill down into those figures in order to make sense of them and the context in which they were couched.

It was suggested that moving to a market-rent-only relationship would improve income levels for pub tenants while increasing the choice of beers and other pub offerings for customers. However, given the alleged income levels that I just stated, it is difficult to see how that might benefit pub tenants on such limited income levels. Their access to capital would appear to be limited by the resources at their disposal.

Pubcos made a strong pitch that their financial strength and willingness to invest in tenants' pubs provided support for businesses, which the tenants might not be able to resource themselves. However, there were complaints that consumer choice was constrained due to a lack of choice of products in tied pubs, and both sides deployed arguments seeking to confirm their positions.

We looked at statistics on pub closures, but without more detailed supporting information it was difficult to assess whether the closures were caused by reason of the pubs being tied or because of market and pandemic forces. There were allegations that, for tied tenants, the price of stock, particularly beer, was inflated by pubcos. There seemed to be some evidence of that, but, again, more information would have been helpful.

Those are just a few of the reasons why I believe that the bill is not quite ready, although the sentiment behind it is definitely genuine.

Where does that leave us? The result seems to be firmly in the not proven area rather than coming down clearly on one side or the other. So, I stand here somewhat ambivalent and possibly a little uncertain. The bill is clearly well intentioned but lacks the definitive and decisive information to make it absolutely clear in my mind that it should be backed unreservedly. I welcome the Scottish Government's commitments to lodge amendments to the bill, which I trust will address my remaining concerns.

17:44

Daniel Johnson (Edinburgh Southern) (Lab):

I congratulate Neil Bibby on bringing forward a very well-thought-through bill. I know, obviously, that it takes a great deal of effort to get a bill to this stage. I would make the general comment that, in recent weeks, we have discussed a number of members' bills, and our strong system of members' bills demonstrates the strength of this place. They can lead to more interesting policy making and give parties a true opportunity to come together in consensus to make better policy.

I take issue slightly with the Government—not because I do not welcome its support for the bill, but because it confirmed that support only yesterday. I have had to rapidly change my speech, which was full of condemnation and cries of injustice, but which now acknowledges its support. The minister knows that I struggle to say good things about him—in public or in private—and having 24 hours' notice to rewrite my speech put me under quite some time pressure.

Jamie Hepburn: I was not aware that Mr Johnson spoke about me in private, but I hope that my approach to the bill encourages him to approach such matters with a more open mind.

Daniel Johnson: I will bear that in mind. The minister might want to ask some of his colleagues about the things that I say in private about him.

In all seriousness, I think that the minister's comments at the start of the debate were important. It is not always the case that survey results or simple consultation responses point unequivocally to where good legislation should take us, and he is absolutely right that policy is sometimes about making judgments and about principle. The bill is about the principles of what is required in terms of how markets operate and how small business owners are able to run their businesses.

That brings me to Maurice Golden's comments. He said that only 17 per cent of the market is tied

pubs, but I suggest that the bill is incredibly important to that 17 per cent. On well-functioning businesses and markets, if Maurice Golden thinks that restrictive supplier arrangements are a good way for businesses to run and to have a flourishing market, he needs to look a little bit harder at what it takes to run a business. As someone who has run a small business and has had to negotiate relationships with suppliers, let me tell him how incredibly difficult that is. It is incredibly difficult for someone to run a small business when they are up against much bigger businesses and the only advantage that they have is their ability to be flexible, to make quick decisions and to make available different products by choosing the suppliers whose products they sell in their business in order to offer something distinctive.

It is incredibly unfair to have practices that restrict small businesses' ability to choose different products and offer something new and distinctive, but that is very much the situation in which tied pubs and small business owners find themselves. There are hundreds of pubs in restrictive leases. As a former shopkeeper, I find it incredible that, by dint of its lease, a business can be restricted in the suppliers whose products it can buy. That seems simply unfair. In fact, as someone coming from one type of business and looking at another, I find that unthinkable.

Indeed, the fact that the products that they supply are 50 per cent more expensive makes the case for change. Willie Rennie made the point well. The issue is not necessarily how frequently legislation is used but the fact that it can be used. I think that allowing for an opt-out would change the negotiating position between the tenants and their landlords, and it would dramatically change the situation for those businesses.

17:58

John Mason (Glasgow Shettleston) (SNP):

The issue first came to my attention when I was in the UK Parliament in England. I must say that I was impressed by the work of the Lib Dem MP Greg Mulholland, who has been mentioned. He pushed for such legislation and was instrumental in its introduction down south.

The question is whether we need a similar bill in Scotland. I think that it has been agreed that there is a problem here as well but that the scale is much smaller than it is in England. One school of thought is that England is bigger and better than us, so we should copy anything that it does. I think that, to some extent, that is what happened with the legislation on lobbying, which was not so much of a problem in Scotland but we did not want to be left out.

The Scottish Government carried out research that was published in 2016, which concluded, among other things, that no part of the pub sector in Scotland appeared to be unfairly disadvantaged over others. So, all through the process and for a number years, there seems to have been a lot of uncertainty.

I was not a member of the Economy, Energy and Fair Work Committee when it took evidence and did most of its work on the bill, but I came in as it was working on its report, and it became evident to me that the claims that were being made by both sides were wildly conflicting and that the committee had struggled to find out what was really happening.

On one hand, the pubco model seems to work in some instances. A couple of pubs in my constituency were previously really scruffy. Significant investment was then made in them by Heineken's Star Pubs and Bars, with the active participation of the tenants, and both pubs have improved tremendously. I do not know whether that would have happened under a different model.

However, the committee heard from tenants who felt that they were caught in a trap, with no way out. I also see pubs in my constituency with no Scottish beer at all despite the fact that we have the West and Drygate breweries in the east end of Glasgow. As a beer drinker, I see that as a problem. However, the question is exactly why it is happening, and we are not clear what the answer is.

One of the areas of contention among witnesses was what the income of tied pub tenants actually is, which the committee considered in paragraphs 28 to 38 of its report. Phrases such as "income", "earned" and "take-home pay" can mean different things to different people. Alison Harris and I asked whether there were definitions of those phrases, but the committee did not receive any. Neither was it provided with audited accounts or similarly independently verified financial statements to substantiate the various claims.

Overall, it seems to me that the case for the bill is not proven—to adopt a phrase that Colin Beattie used. It is true that there is a problem to some extent, but committee members, including me, were not convinced that the problem is on a sufficiently large scale to warrant introducing legislation. In passing, I say that that is why we need the not proven verdict in the courts for cases in which there is not enough dependable evidence to say who is guilty and who is innocent.

Given the lack of conclusive proof, as far as I could see, the question is which way the Parliament should go on the matter. Often, we would not legislate on a matter in which the need

was as uncertain as it is here. However, there is clearly a lot of support for the bill and I understand that it is likely to get enough votes tonight to enable it to proceed. I remain somewhat sceptical, though. Given my involvement in the production of the committee's report, I will abstain from voting on the bill at decision time.

18:02

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I express my empathy for the bill's principles. My grandfather will be spinning in his grave at a high rate of knots because he was a member of the Independent Order of Rechabites, which a long time ago was a home for people who were teetotallers and campaigned against the evils of drink.

However, I have significant issues with the way in which the bill is drafted. I have come to it relatively late. My starting point is always to look at the bill itself. The first point that I address is a straightforward and simple one that could easily be remedied. On page 1 of the bill, the regulatory principles are stated to include

"the principle of fair and lawful dealing by pub-owning businesses".

It is extraordinary that a piece of legislation should legislate to say that people must obey the law, so I would simply take those words out.

That is a comparatively trivial matter, but bigger issues emerge when we consider the definitions of "tied pub" in section 20 and "tied-pub tenant" and "pub-owing business" in section 21. I am taken back to what happened after the Agricultural Holdings (Scotland) Act 1991 was passed, when we saw the introduction of the limited partnership as a way of bypassing the provisions of that act, meaning that the owner of the land could terminate the relationship at any time. The way in which the bill that is before us is drawn would present similar difficulties if we were to have pub-owning businesses that wanted to act in a certain way.

For example, it might be possible to say that, if someone wants to operate a pub that is owned by someone else, they will have to become a shareholder in a shared company. That would not create the relationship of landlord and tenant on which the bill relies, but it would still create the opportunity, within the company organisation that had been established, to create a dependency such that people had to buy their beer from a particular source.

The second thing that one might do if one wanted to thwart the way in which the definitions currently operate might be to operate through a sub-tenancy, in that the tenant could be allowed to create sub-tenancies. It appears that, as the bill is

currently structured, that might break the link on which it depends between the landlord being a pub-owning business and the tenant, because the tenant would not necessarily be a pub-owning business. Indeed, it would merely be a tenant of another company.

There are some practical difficulties, but that does not mean that we should vote against the principles of the bill if our judgment is that it is possible to amend the bill at stages 2 and 3 to remedy those difficulties and some other rather substantial difficulties that I think there are with the bill, because when I look at something and I find such straightforward ways of thwarting the means of the bill, I carry with me quite considerable doubt. However, my ingenuity as a non-legally qualified person is substantially less than that of others, so I hope that Parliament will look at the bill carefully as it proceeds through stages 2 and 3, as I expect it will. I support the principles of the bill and I will vote for it, with some reluctance, at decision time.

18:06

Graham Simpson (Central Scotland) (Con):

We are having this debate against a backdrop of the most severe crisis ever to have faced our hospitality sector. Pubs are on their knees. In many parts of the country—including my own—people cannot even go to one if they wanted to and, when pubs are allowed to reopen, many people will not want to. For those of us who like the occasional pint and who like the variety that we have in the sector in this country, it is deeply depressing.

The bill was introduced in better times, but even then, pubs were struggling. I wonder whether Neil Bibby would have introduced the bill today. It is a well-meaning bill; there is no doubt about that. It follows the legislation in 2015 in England and Wales to create a pubs code and an adjudicator that would govern the relationships between some tied pub tenants and their pub-owning company landlords.

The Tied Pubs (Scotland) Bill aims to ensure that Scottish tied pub tenants have at least the same protections and opportunities as those covered by the 2015 act in England and Wales. It would seem that all that is fair enough, except that the tied pubs sector in Scotland is nowhere near the size of the sector in England—it is 17 per cent—so if there is a problem, it is a small one.

I commend the committee for its work on the bill. It has come up with a pretty fair summary of it in its report:

“The Bill will ensure that tied tenants have the option to request a ‘market-rent-only’ (MRO) lease. This means that a tenant can pay the going market rate to rent the pub

without having to buy products or services from the pub-owning business, therefore ending the tied relationship. Even if a tenant remains tied, the Bill provides an opportunity to sell at least one ‘guest beer’. They will not be restricted to only selling the brands permitted by the pub-owning business.”

The bill has only got people excited recently—as we have headed towards this debate, really—if my inbox is anything to go by. It is finely balanced; it is not cut and dried. We can argue this either way. As the committee said in its report,

“Views on the Bill are polarised. Those who support the Bill argue that there is an urgent need for legislation to rebalance the risk and reward in tied tenancies. They believe that the pub-owning companies take too large a share of profits meaning that tenants struggle with low incomes ... Opponents think that there is no need for legislation and believe that the tied tenancy model already works well. Not only do they believe that legislation is unnecessary, they think it would actively damage the pub sector in Scotland. Those who oppose the Bill argue that it would harm investment in the sector and force pub-owning businesses to manage pubs themselves or sell them.”

That latter point was made quite forcefully as we headed towards the stage 1 debate. It was no surprise to me that the committee was divided on the bill because, as I said, it is not cut and dried. The comments of Neil Bibby when the committee report came out were not helpful. He said:

“The SNP-Tory majority on this Committee got it wrong. Their report flies in the face of the evidence placed before them.”

He went on:

“SNP and Tory MSPs have sided with big multinationals who are extracting profit from small businesses who need our support.”

Those comments were slightly insulting to members, who have sided with no one and who were wrestling with pretty serious issues. If the bill progresses to stage 2, the committee will have a big job to do, and I have every confidence that the committee will get it right.

18:10

Sandra White (Glasgow Kelvin) (SNP): I am not a member of the committee, but I take issue with the comments of Neil Bibby that Graham Simpson has just referred to.

My Glasgow Kelvin constituency covers Glasgow city centre, the west end and beyond, with many pubs in the area. The reason why I have a particular interest in the bill is that, a number of years ago, along with Neil Bibby and Greg Mulholland MP, I attended a number of events in the Scottish Parliament about tied pubs. At that time, the views were very mixed and they are still very mixed now. I come at the issue from the point of view of my constituents and the pubs in my area. As I mentioned, I represent an area with many pubs, from large to small. As well as

other emails regarding the bill, last night I received 19 submissions from local publicans, all 19 of whom were against the bill. I just want to set that as the context.

Members have mentioned the protection that the bill would give to people running tied pubs. I take on board the issues that people have raised with me regarding costs of maintenance and perhaps repairs, and I accept that some protection might be needed, although that would need to be looked at. However, I understand that, as others have mentioned, Scotland has an independent dispute resolution mechanism, which, from what I read about it, appears to provide much of what is proposed in the bill.

Another issue that has been raised with me is the proposed establishment of an adjudicator paid for by a levy on pubs. That is a huge concern to me and it is certainly a concern for my constituents who run pubs.

I want to give some context to the bill. As members have mentioned, in Scotland, there are 750 tied pubs, which make up 17 per cent of the market. By comparison, in England and Wales, there are nearly 20,000 tied pubs, which make up 39 per cent of the market. The majority of pubs in Scotland—64 per cent—operate under the independent free trade model, 13 per cent are managed and 5 per cent are leased and tenanted with no tie agreement.

I am minded to support the bill at stage 1 so that we can look at more evidence but, if it is to go forward and if we are going to look at the issue properly, we must take into account the figures that I and others have mentioned. The argument is polarised, and people are either for or against. However, the majority of people from my constituency who have contacted me are very much against the bill.

I have a question for Neil Bibby or perhaps the minister. If the bill progresses and becomes law, I would like to be sure that no one will be compelled to change their arrangements if they find that the model that they have chosen—tied pub or otherwise—is effective for them. It is about the publican and their choice. I would like somebody to answer that either tonight or later and say whether that will be the case.

18:14

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I was sympathetic to the bill, but I waited for the Economy, Energy and Fair Work Committee's stage 1 report, which is finely balanced. Initially, it appeared to be a very straightforward bill, but as I took the time to read the briefings, it became clear to me that the position has become more complex and uncertain

as the issues have been explored. I suspect that significant amendments will be needed at stage 2, should the bill progress at decision time.

I want to make a few observations. On the debate as to whether there is a need for the bill in the first place, I was struck by the anonymised survey of tenants of tied pubs that the Scottish Parliament information centre arranged. It found that

"The majority of ... respondents felt that the Bill would improve the relationship between pub-owning businesses and tenants."

I can understand that; given the contractual relationship between tenants and pub-owning businesses, tenants are most likely to give a clear and frank response when the response is anonymous. Therefore, I place significance on those findings.

It was also interesting to see the significant variance in estimations of the income of tied pubs. Based on a telephone survey from 2014, the Campaign for Real Ale estimated that it could be as low as £10,000. I think that that figure is staggeringly low. In 2019, the British Beer and Pub Association estimated that the average income of tied tenants was about £38,000.

Hawthorn Leisure helpfully informed the committee that it aims for minimum earnings of £25,000 for tenants. It might be one of the better pub-owning businesses—I have no idea, and cannot comment on the others, either—but I note that 10 of its tenants contacted the committee to indicate that they oppose the bill. That might suggest that the views of tenants on the need for the bill will depend on how well they feel they are treated by the pub-owning business. Surely a reason for having a statutory Scottish pub code, along with arbitration and enforcement, is to ensure protection and good practice right across the tied pub sector.

I was also interested to examine the debate on whether the bill should include a provision for tenants to have a market-rent-only option. I understand the nervousness of pub-owning businesses about that. If we remove the ties, offer tenants maximum flexibility and give them a greater chance to grow their business, strike better deals and improve their income, that might be at the expense of pub-owning businesses. Of course, pub-owning businesses will have issues with the proposal. However, the provision would provide a significant incentive for the pub-owning businesses to demonstrate to existing tenants the benefits of the tie. Therefore, even if very few tenants opted to consider a market-rent-only option, if that is progressed in the bill, it might still drive positive change.

Pub-owning businesses are also concerned about the idea of allowing tenants to source guest beers directly. SPICe indicated that if that beer was a “standard lager”, as it was termed in the briefing—I suppose that that means a house lager—it would constitute about 38 per cent of all beer sales in the pub. Being able to undercut lager that is supplied by the pub-owning business would, of course, boost income for the tenant and impact on the pub owner.

At the end of the day, I suppose that what the bill seeks to do is the right thing to do, so I support its general principles. I want to ensure that tenants have adequate rights, protections and—which is to be hoped for and is important—boosted incomes. Of course, we must ensure that the balance is right, and that if we extend protection to tied pubs, it does not stifle the advent of new entrants into the sector or the expansion of smaller businesses.

The levies and fees must be appropriate, and if the extensions of market-rent-only rights and guest-beer flexibilities are taken forward, that must be done in such a way that pub-owning businesses are partners in the process and it benefits the entire sector.

I absolutely support the general principles of the bill, but I suspect that there will be lots of work to do at stage 2.

The Presiding Officer: We move to closing speeches.

18:18

James Kelly (Glasgow) (Lab): There has been a lot of huffing and puffing in the debate. Some people have been sitting on the fence so long that they are likely to have splinters in sensitive parts of their anatomy. However, let us hope that we can move the bill through stage 1 tonight.

I begin by paying tribute to Neil Bibby for getting his bill to this stage. There is a lot of work involved in introducing a member’s bill. Members’ bills can make a significant difference in communities, and I believe that the Tied Pubs (Scotland) Bill will do that, so fair play to Neil Bibby and his team.

I also pay tribute to Jamie Hepburn for engaging with Neil Bibby, listening to his arguments and being, at least, prepared to let the bill progress through stage 1—subject to that being agreed in tonight’s vote.

Gordon Lindhurst set a test in asking what the consequences of the bill would be, and other members have spoken about the balance of power between the large pubcos and tenants. I think that that is the fundamental test in the debate.

I will give a practical example from a situation that I was involved in, close to where I stay. There

was a pub that had been in a similar form for the best part of 50 years. It was a successful community pub that was well supported in the area. Like a lot of pubs, it had a local darts competition, which took place every Tuesday. On Wednesday afternoons it had bingo for the pensioners, and it had a pool room and so on. Those things were all well run and were well received locally.

Heineken’s Star Pubs & Bars, which has been mentioned in the debate, was the owner of the pub. It decided that it wanted a different model and a different tenant. It was going to reconfigure the pub as a pub and restaurant, but that was resisted by local campaigners. Heineken met them, with me, and essentially resisted the concerns of the campaigners, who did not want the local pub format to be lost.

I realised that what Heineken was interested in was profit. It thought that it could reconfigure the pub. It had modelled that based on the socioeconomic factors in the area, and it thought that it could get a different clientele in. I tried to persuade it that that business model would not work and that it really had to work with the existing business model and maybe modernise some aspects of it, but it ignored the campaigners and me. Heineken went ahead and—lo and behold—people went to another pub. Sadly, some people did not come back to the pub at all. As Willie Rennie said, such pubs are community assets. When I went by that new reconfigured pub of an evening, it was generally pretty empty. The model was unsuccessful.

I tell that story to illustrate that what Neil Bibby seeks to achieve—a fairer balance of power between tenants and pubcos—would better serve not only their local areas, but the local economy, because it has the power to make pubs more successful.

There is a lot of good in the bill. It would make a real difference to staff and customers, and make the pubs run better. I will be happy to support the bill at decision time, which is coming up shortly.

18:23

Dean Lockhart (Mid Scotland and Fife) (Con): The debate on the Tied Pubs (Scotland) Bill has been lively—and not just here in the chamber, because it has generated a lot of strong views across the pub sector over the past couple of months. Although there is disagreement in the sector about the need for the bill, there is widespread recognition that the sector is facing severe challenges. Graham Simpson spoke about pubs being on their knees, and a number of members have highlighted their concerns about the future of the sector. Industry bodies have

warned that two thirds of hospitality businesses could go to the wall.

However, when it comes to the merits of the bill, there are, as the Economy, Energy and Fair Work Committee heard, deeply polarised views on whether it would help the pub sector to recover from Covid or further damage the sector.

We have heard from those who argue in favour of the bill, including Neil Bibby, Daniel Johnson, Andy Wightman and Willie Rennie, that they want to ensure that tied tenants are treated fairly, that they enjoy a fair share of the rewards of the business and that they are no worse off than free-of-tie tenants. In particular, those who support the bill want to address concerns about the high cost of tied products, increased levels of rent, lack of transparency and examples of pub companies not complying with agreements.

Sarah Boyack highlighted the supply chain benefits that could arise if the increasing number of small independent breweries that are emerging in Scotland were put on a level playing field and could more easily get their products into the marketplace. It is clear that a number of organisations support the bill, including the SLTA, CAMRA and the Campaign for Pubs, among others.

However, those who are against the bill have also made a series of strong arguments. They have concerns that it will be costly and complex, and they point to the escalating costs of the pub code adjudicator's office in England. They also point to the benefits of the existing tied pub model, which allows tenants access to their own pub for a relatively small investment, while benefiting from economies of scale and financial assistance, as we have seen during Covid lockdowns.

There are also benefits from the existing voluntary Scottish pubs code, which gives tenants many of the rights and protections that are set out in the Tied Pubs (Scotland) Bill, without any risk to jobs or investment.

Daniel Johnson: Will Dean Lockhart acknowledge that landlords providing financial comfort to tenants through the crisis is not the exclusive preserve of this sector, that it has happened in the retail and other sectors, and that it is therefore a somewhat bogus argument to say that only that type of commercial arrangement provides landlords with the ability to provide comfort to tenants?

Dean Lockhart: That is a fair point. However, if there is any risk that there would be a decline in landlords investing in pubs in Scotland in the future, that financial support might not be there in the future.

There are also concerns about the bill in relation to the market-rent-only option, which could give rise to significant levels of uncertainty about investment decisions in the future by making them harder to justify.

Given the conflicting views from the sector, it is no surprise that the Economy, Energy and Fair Work Committee did not come to a clear-cut view in its stage 1 report. Nonetheless, we need to progress the debate. That is why I will refer to the submission of the Federation of Small Businesses, which calls for a "win-win" outcome—which must be the focus of those who are involved in the bill.

If the bill is to work and to meet the needs of all the players in the pub sector, it will have to be revised to meet the following key objectives. It must deliver a fair level of protection for tied tenants. It must provide more security for long-term investment and avoid the pitfalls and costs of the system that has been introduced in England. Perhaps most important is that it must obtain buy-in from all parts of the sector, so that everyone can work together to help our pubs to emerge from the pandemic.

There is time between now and stage 2 of the bill to meet those objectives. We will support the bill at stage 1 in order to explore whether they can be achieved. I therefore urge Neil Bibby and the minister to begin that work now.

18:27

Jamie Hepburn: I will respond to as much of the debate as I have time to. However, I start with an apology to Daniel Johnson. I am incredibly sorry that I have not conformed to the low opinion that he holds of me, which I was hitherto unaware of. I am sure that we will get our relationship back on an even keel soon.

Daniel Johnson: Will the minister give way?

Jamie Hepburn: Perhaps this is the beginning of it.

Daniel Johnson: I thank the minister for giving way. I confirm that my opinion of him is quite transformed; unfortunately, my poor sense of humour is not.

Jamie Hepburn: Clearly, neither is mine—I was only joking, Mr Johnson.

Andy Wightman welcomed that I was not persuaded by the committee's recommendations, which is—I suppose—a fair observation in the absolute sense. However, I say to the committee that there was much in its report with which I had considerable sympathy, such as the point about the lack of independent and impartial analysis, which we tried to undertake as a Government back in 2016. However, trying to get underneath

the skin of many of the issues that have been raised has been difficult, and I therefore understand the challenges that the committee faced.

Speaking of that 2016 study, I turn to turn Maurice Golden's remarks, in which he suggested that it was evidence against the bill. However, what it demonstrated was the issue that I just laid out—that it was difficult to get underneath the skin of the issue.

We struggled to engage with that piece of work at the time. We reached the conclusion not so much that there was not a case for legislation per se, but that we would not introduce that legislation ourselves, and we did not. Mr Bibby did, however, and it is incumbent on us to consider his bill.

Maurice Golden raised—entirely genuinely, I believe—the concerns that the pub companies expressed around investment. Those concerns are serious indeed, so I want to set out that I am committed to continuing to generally engage with pub companies about issues that affect their sector, including those of investment and of any code that we would seek to develop, should the bill become an act of Parliament.

Andy Wightman: The minister mentions the investment issue, which is one of the issues that bedevilled the committee. For example, some of the investments that pubcos made—[*Inaudible.*]—is the discount on the beer, which is multiplied by the volume and called investment. It was unclear what pubcos' investment levels were—not least the amount of investment, which was deemed to be withheld during the evidence on the bill.

Jamie Hepburn: That matter is of course part of the process of engagement with pub companies, but that engagement is not to the exclusion of that which we will have with tenants and others who are interested in this matter.

I pick up on the point that Sandra White raised. I have read the bill and, as far as I understand it, nothing in it compels any change in the nature of the tenure under which pubs currently operate. Had that been the case, the Scottish Government would not support it.

Willie Rennie said that, sometimes, the sign of a good law is that it is not used much. That observation might be felt to be counterintuitive but, in this instance, it is one with which I agree. One of the things that I found persuasive, which helped me reach the conclusion that I have in respect of the bill, was that some of the people with whom I spoke about their experience south of the border found that the system had helped drive an improved relationship between tenant and landlord, despite there being few requests for the market rent option and few matters referred to the adjudicator. Bob Doris made that point as well.

Graham Simpson was right to say that there is a fine balance of arguments on the bill. My judgment is that we should back the bill at stage 1 tonight. I reiterate that the Government's on-going support for it is dependent on amendments at stage 2 to address the specific issues that I laid out in my opening speech.

I know that many tenants will welcome the conclusion that the Scottish Government has reached, but less so pub companies. It is important to acknowledge the latter's disappointment, and through that acknowledgment, I commit to continuing to work—on the bill and generally—with them as well as with tenants, Parliament and Mr Bibby in particular to ensure that the pub sector in Scotland continues to be supported.

18:33

Neil Bibby: I thank members who have spoken today for their helpful and constructive contributions. I will try to deal with the points that were made and the concerns that were raised in the time that I have. I have always believed that a cross-party consensus on the bill was possible, and I still want to achieve it. I understand that the views of some members have evolved, or are evolving, and I hope to convince everyone to vote for the bill by the time we get to stage 3.

We all care about our pubs and our communities. As Willie Rennie said, pubs are important community assets. I am willing to work with all parties in the chamber to make the bill a success and to engage with the Scottish Government and all parties through the amendment stages to improve the bill in a way that is consistent with its fundamental aims.

I thank the minister for his remarks and understand the reasons why he took some time to reach a decision. The decision that he made was the right one and I know that tenants will warmly welcome it. With the leadership that he has shown today, I believe that statutory rights and protections for Scotland's tied pub tenants are now in sight.

I want to respond to Maurice Golden, who reminded us that 93 per cent of responses to my consultation supported the bill.

I accept that it is not a scientific study, but, as Sarah Boyack and others said, we should look at who responded to the bill at consultation and committee stage: the Scottish Licensed Trade Association, GMB Scotland, the Federation of Small Businesses in Scotland, and CAMRA, to name just a few.

The point is that the majority of evidence to the committee supported the bill, too, including 93 per

cent of those who took part in an independent and confidential committee survey of tenants.

Maurice Golden said that the only study conducted on tied pubs was the Scottish Government's CGA study. That is wrong. CGA conducted the survey that I quoted in my opening speech—a study of 200 Scottish tenants, which found that only 3 per cent of tenants had a positive sentiment towards their tie. I also refer him and others to the evidence of the Scottish Licensed Trade Association, in which it said that pubs had insufficient reserves to deal with Covid precisely because of the tied model.

This might not seem the biggest issue to everyone; I accept that. However, as Daniel Johnson and others said, to those who have been exploited, to those who are still being exploited, and to the 750 tenanted businesses, the law that governs the tie is of fundamental importance. It is not just about numbers; it is about the principle. I argue that 750 tied pubs is a significant number of businesses in Scotland.

I have never claimed that the bill is a panacea. I have never claimed that the bill will solve all problems of all pubs. However, it will make a difference. I also want to make it clear, including to Sandra White, that if tenants are happy with a tied agreement, the bill will allow it to continue. Equally, if the tied model is as robust and fair as the pubcos say, there will be no reason for anyone to report them to the adjudicator.

My argument is not that the tie should be abolished in all cases, but simply that tied agreements must be fair. Tenants will not need to exercise market rent-only rights should they not wish to do so, and the proposed levy will fall on the pub companies, not on individual publicans.

Lawson Mountstevens, the managing director of Star Bars & Pubs, said in *The Times* today that the bill is "unwarranted". Star Bars is owned by Heineken, the second-biggest brewer in the world, which made more than €800 million profit in the first half of the year—which is certainly more than our tied publicans made. He forgot to say that his company has just been fined £2 million for repeated breaches of the pubs code for England and Wales. Still pubco lobbyists say that the bill tries to solve a problem that does not exist. They speak with no credibility on the issue.

Opinion is divided. Scotland's publicans want to know whose side the Parliament is on. Is it the side of tied pub tenants, the small businesses that are working day in and day out, the consumers who want choice at the bar and the workers who understand that reform can open tied pubs up to our brewing industry, or is it the side of the pubcos—the multinationals that extract more than their fair share from the Scottish economy?

In voting for the bill, Parliament will be siding with the creators, innovators and grafters who make our pubs so special. We are standing up for the little guy. We are standing up for small businesses and Scottish workers, not offshore pubcos, hedge funds and global brewing giants.

The other day, I read someone who was lobbying for the pubcos saying that the bill made them want to cry. What they are doing to publicans—who are putting their heart and soul into a business, and struggling to make the minimum wage, who are amassing mountains of debt because their tied deal unravels and who cannot make a decent living out of a profitable pub because so much wealth is extracted so unfairly—should make them want to cry.

The bill is fundamentally about fairness, choice and jobs—fairness for tied tenants, choice for consumers and action to protect jobs in Scotland's pubs and Scotland's brewing industries. It allows Scotland's publicans to keep more of the profit that their pubs make in the Scottish economy and gives the leverage that they need to get a better deal. For all those reasons, I ask the Parliament to support the bill.

The Presiding Officer: That concludes our debate on the Tied Pubs (Scotland) Bill.

Parliamentary Bureau Motion

18:39

The Presiding Officer (Ken Macintosh): The next item of business is consideration of Parliamentary Bureau motion S5M-23500, on committee membership. I call Miles Briggs to move the motion on behalf of the bureau.

Motion moved,

That the Parliament agrees that—

Rhoda Grant be appointed to replace James Kelly as a member of the Justice Committee;

Alex Rowley be appointed to replace Rhoda Grant as a member of the Economy, Energy and Fair Work Committee; and

Anas Sarwar be appointed to replace Alex Rowley as a member of the Finance and Constitution Committee.—
[Miles Briggs.]

Decision Time

18:39

The Presiding Officer (Ken Macintosh): We turn to decision time. The first question is, that amendment S5M-23481.2, in the name of Rachael Hamilton, which seeks to amend motion S5M-23481, in the name of Shirley-Anne Somerville, on making Scotland equally safe: marking the annual international day for the elimination of violence against women, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S5M-23481.1, in the name of Rhoda Grant, which seeks to amend motion S5M-23481, in the name of Shirley-Anne Somerville, on making Scotland equally safe: marking the annual international day for the elimination of violence against women, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S5M-23481, in the name of Shirley-Anne Somerville, on making Scotland equally safe: marking the annual international day for the elimination of violence against women, as amended, be agreed to.

Motion, as amended, agreed to,

That the Parliament welcomes the global 16 Days of Activism against Gender-Based Violence and the Annual International Day for the Elimination of Violence against Women; is concerned that the COVID-19 pandemic has seen an increase in referrals to services for domestic abuse and violence against women and condemns violence against women in all its forms; commends the work of frontline support services that have worked tirelessly to redesign services during the pandemic and ensure that women and children can still access support; notes the important work of women's refuges, which continued to help women during lockdown; understands that, during the COVID-19 pandemic, two-thirds of women in abusive relationships have suffered more violence, 7.6% more than in the previous 12 months, and that, tragically, nine women were killed by abusive partners in 2019; encourages anyone experiencing violence to access the support that they need; notes the effective local response and collaborative approach between national and local government on this issue; reaffirms its support for Equally Safe, Scotland's strategy to prevent and eradicate all forms of violence against women and girls; reflects on the advancements made and key achievements to date and welcomes the publication of the last progress report for Equally Safe; calls on communities everywhere to stand shoulder to shoulder in sending a clear message that violence against women and girls is never acceptable and that now more than ever people must stand together against it; urges everyone in Scotland to continue to challenge violence and abuse, hold perpetrators to account for their behaviour and work together to build a Scotland where everyone can live equally safe, and believes that the Scottish Government should consider whether a special-alert system in pharmacies should be introduced in Scotland, similar to other European states, as well as other

concrete safe-guarding measures to help protect women and children from all forms of violence.

The Presiding Officer: The next question is, that motion S5M-23343, in the name of Neil Bibby, on the Tied Pubs (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. I suspend the meeting for a few minutes to allow members to access the voting app.

18:41

Meeting suspended.

18:47

On resuming—

The Presiding Officer: We move to the division on motion S5M-23343, in the name of Neil Bibby, on the Tied Pubs (Scotland) Bill. Members may cast their votes now. This will be a one-minute division.

The vote is closed. If any member believes that they were not able to vote, please let me know by making a point of order, either in the chamber or online.

For

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

Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 MacDonald, Angus (Falkirk East) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

Wightman, Andy (Lothian) (Green)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)

The Presiding Officer: The result of the division on motion S5M-23343, in the name of Neil Bibby, on the Tied Pubs (Scotland) Bill, is: For 107, Against 0, Abstentions 4.

Motion agreed to,

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

The Presiding Officer: The final question is that motion S5M-23500, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on committee membership, be agreed to.

Motion agreed to,

That the Parliament agrees that—

Rhoda Grant be appointed to replace James Kelly as a member of the Justice Committee;

Alex Rowley be appointed to replace Rhoda Grant as a member of the Economy, Energy and Fair Work Committee; and

Anas Sarwar be appointed to replace Alex Rowley as a member of the Finance and Constitution Committee.

Meeting closed at 18:47.

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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