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Scottish Parliament

Thursday 6 October 2022

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

General Question Time

The Presiding Officer (Alison Johnstone): Good morning. The first item of business is general question time.

Road Fuel (Variation in Prices)

1. Stuart McMillan (Greenock and Inverclyde) (SNP): To ask the Scottish Government what engagement it has had with the Competition and Markets Authority regarding the impact on Scotland of its investigation into the variation of prices across the United Kingdom in relation to the supply of road fuel. (S6O-01436)

The Minister for Business, Trade, Tourism and Enterprise (Ivan McKee): I am aware of the impact on the people of Scotland from the increased fuel prices this year and of reports of inconsistent pricing at forecourts across the country. I was therefore pleased to learn that the United Kingdom Government had asked the Competition and Markets Authority to launch an urgent review of the road fuel market.

Sarah Cardell, who is the CMA's interim chief executive, has been in contact with the Scottish Government to outline the review's initial findings and offer opportunities for engagement as the full market study is undertaken. The Deputy First Minister, John Swinney, welcomed the CMA's engagement and offered the services of relevant Scottish Government and Transport Scotland officials who might be required.

The Scottish Government stands ready to work with the CMA to improve outcomes for consumers and businesses. Earlier in the year, I met the CMA to establish relationships for working on such situations.

Stuart McMillan: The minister will be aware that Inverclyde has some of the highest pump prices in Scotland. I have challenged those prices, but Morrisons, Tesco and BP claim that they are competitive locally. I recognise that there is also wide variation across the country.

I have previously highlighted in the chamber the impact that such prices have had on social care workers. It is worrying that a new community care survey suggests that a majority of social workers are also out of pocket because mileage allowances are inadequate as a result of rising fuel costs. Will the minister echo my call to companies

such as BP, Tesco and Morrisons, which supply fuel in my constituency and have collectively made billions in profits in recent years, to put their customers first in the cost of living crisis and in particular to stop ripping off my Greenock and Inverclyde constituents?

Ivan McKee: I recognise the pressure that is on Stuart McMillan's constituents and others across the country as a result of high fuel costs and I acknowledge the reported inconsistent pricing in the Inverclyde area. Such reports from road users across the country justify the CMA's review of the UK's road fuel market.

The CMA has confirmed that its inquiry will cover the factors that drive local price variation and any steps that could be taken to improve local competition. We expect the subsequent recommendations from the market study to be appropriately actioned by the UK Government when the study is published later this year. We recognise that some companies are making excess profits in the cost crisis, which is why we have made it clear that any new support from the UK Government should be funded in part by an enhanced windfall tax.

Independence (Currency)

2. Michael Marra (North East Scotland) (Lab): To ask the Scottish Government what its policy is on whether to peg an independent Scottish currency to the pound. (S6O-01437)

The Minister for Public Finance, Planning and Community Wealth (Tom Arthur): We will publish our proposals for Scotland's economy under independence as part of the building a new Scotland series. The proposals will set out the economic opportunities and the currency arrangements for an independent Scotland.

Michael Marra: So yet another new currency policy from the Government is on the way. The Tories' calamitous run on the pound last week would have left an independent Scotland having to defend the madness of a currency peg. Professor Ronnie MacDonald of the University of Glasgow has estimated in recent days that the cost of that would be £100 billion. Where would the Scottish people find that money?

Tom Arthur: Where the Scottish people find themselves right now, under a Tory Government that they did not elect, is with soaring mortgage rates, financial instability and the threat of billions of pounds in cuts to public expenditure—a new age of austerity. That is where the Scottish people find themselves, which is why more and more people in Scotland support independence and why, when they are given the opportunity to vote for independence, they will do so.

“Fire and Rescue Framework for Scotland 2022”

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

To ask the Scottish Government what progress it is making to develop its “Fire and Rescue Framework for Scotland 2022”. (S6O-01438)

The Minister for Community Safety (Ash Regan): Following a public consultation, the “Fire and Rescue Framework for Scotland 2022” was published on the Scottish Government’s website on 29 March 2022. The Scottish Fire and Rescue Service (Framework) Order 2022 was laid in Parliament on 31 March 2022, and the framework was brought into effect from 26 May 2022. The new fire and rescue framework has been fully reviewed and updated. The “Scottish Fire and Rescue Service Strategic Plan 2022-25” was laid in Parliament on Monday 3 October and is based on priorities that are set out in the new framework.

Alex Rowley: It is my understanding that the workforce, the Fire Brigades Union and the management have all bought into the framework and are really keen to make it happen. There is an enthusiasm for it, but the question that they are all asking is how it will be funded, given the current financial proposals for real-term cuts.

In addition, a 2 per cent pay offer is on the table at a United Kingdom level. The FBU has been clear that it will not accept that. Therefore, regardless of whether we have industrial action, the bottom line is that the final settlement will be much higher than 2 per cent. Will the Scottish Government honour the pay award and make sure that it does not come out of further cuts to the Scottish Fire and Rescue Service?

Ash Regan: The Scottish Government has a long track record of investment in the SFRS. We recognise its importance and the contribution of all its employees to keeping Scotland safe. The budget for 2022-23 contains an uplift of £9.5 million, and the next budget will be set in the normal way through the parliamentary process that takes place.

The Scottish Government is not part of the negotiations on firefighter pay. That is obviously a matter for the SFRS as the employer, and firefighter pay is negotiated under a well-established UK-wide collective bargaining arrangement. We encourage both sides to continue negotiating in order to reach a fair deal for firefighters. However, the Scottish Government will continue to work with the SFRS to ensure that it has sufficient budget to support a pay deal for its staff.

Russell Findlay (West Scotland) (Con): The “Fire and Rescue Framework for Scotland 2022” is a classic of the Scottish National Party Government genre—all jargon and graphics. Page

7 has a kaleidoscope-style graphic that sets out the SFRS’s strategic priorities, which include the need to “grow up loved”;

“sharing opportunities, wealth and power”;

“a globally competitive, entrepreneurial, inclusive and sustainable economy”;

and making

“a positive contribution internationally”.

Rather than that exercise in jargon, do the people of Scotland not just want firefighters to turn up and be there when they need them?

Ash Regan: Obviously, the main priorities of the Scottish Fire and Rescue Service are prevention, protection and keeping the people of Scotland safe.

Bus Industry (Passenger Numbers)

4. Graham Simpson (Central Scotland)

(Con): To ask the Scottish Government how it plans to revive the bus industry following a slump in passenger numbers during the Covid-19 pandemic. (S6O-01439)

The Minister for Transport (Jenny Gilruth):

We are investing in the bus network to support long-term growth by providing more than £2.1 billion for bus travel over the rest of this parliamentary session. We have extended free bus travel to children and young people under 22, and around half of Scotland’s population is now eligible to travel anywhere in Scotland by bus free of charge.

More people are travelling by bus since the pandemic, and I hope to see passenger numbers increase further. The sector currently faces a range of challenges, and, later today, I will convene the first meeting of the industry task force to explore those issues and work together to find solutions.

Graham Simpson: I asked the minister last week about the network support grant plus, which is due to end on 9 October. The minister has just three days left to save the bus industry. If she does not extend that grant, more than 200 jobs could go, 50 routes across Scotland could be cancelled entirely and, in some areas, there could be a cut in services of more than a third. The Confederation of Passenger Transport Scotland estimates that it will cost £44.8 million to extend the grant for six months, and its modelling shows a potential underspend of £79 million for the concessionary travel scheme and of £84.5 million for the under-22s scheme. The bus industry is teetering on the edge and, as I have just demonstrated, the Scottish Government has the money, so when will it act?

Jenny Gilruth: I believe that I covered that matter in detail last week. I am looking urgently at a range of options to provide further support to the bus industry. However, I must remind Mr Simpson of the level of support that we provide to the industry in Scotland, which is significantly greater than the support in other parts of the United Kingdom. For example, we budgeted £93.5 million from April this year to support the bus network as we recover from the pandemic. Up to £20.5 million of net additional funding is already being provided to extend recovery funding to October, which is in addition to around £210 million that was provided during the pandemic. We have also provided additionality, with the £25 million of funding in relation to bus priority measures, which delivers funding to 28 local authorities in Scotland.

I note that, in his question, Mr Simpson did not identify some of the labour shortage issues that the sector is currently facing in relation to Brexit, nor did he identify any of the fuel cost charges that are really hampering some of our bus operators.

I look forward to meeting operators this afternoon, while noting that some of the competences that I have just addressed remain reserved.

Neil Bibby (West Scotland) (Lab): To get more people on to public transport, we need to make it more affordable. Does the Scottish Government support fare capping and price regulation in the bus market, and will it make fare caps a condition of any future support for the bus industry?

Jenny Gilruth: That is a fair question. There is the network support grant, and we are also capping fare rises in line with the latest monthly consumer price index figure, although we know that we need to do more. I recognise some of the challenges, which is why we are conducting a fair fares review to look at the affordability of public transport across the piece.

In many areas across the country, fares are already below £2. In Edinburgh, people can travel anywhere in the city for a flat fare of £1.80. I cannot give a direct answer to Mr Bibby's question today, because we are looking at a range of options in relation to any additionality that the Scottish Government might be able to provide. However, I am more than happy to write to Mr Bibby with more detail on his specific point about fair capping.

Higher Education (Widening Access in Colleges)

5. **Bob Doris (Glasgow Maryhill and Springburn) (SNP):** To ask the Scottish Government what contribution colleges make to widening access to higher education for students living in the most deprived areas. (S6O-01440)

The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn): Our colleges make a significant contribution to widening access to higher education and offer an alternative route to university through articulation. Scottish Funding Council statistics show that in 2020-21, 25.3 per cent of entrants to higher education at colleges came from the 20 per cent most deprived areas of Scotland, and 11,780 students who were enrolled on a first degree course at a university in Scotland in the same year had previously achieved a higher national certificate or higher national diploma qualification at college.

Bob Doris: The minister will know that around 43 per cent of undergraduates at university who come from Scotland's most deprived backgrounds went there via a college route, such is the central role that colleges play in widening access. However, universities receive a greater level of reimbursement per student studying at an equivalent Scottish credit and qualifications framework level than their college counterparts receive. Despite the significant budgetary challenges that the Government is facing, will it consider reviewing reimbursement levels and working towards achieving greater parity between the college and university sectors?

Jamie Hepburn: With regard to the budgetary position, we should remind ourselves that the challenges that involved are very real and far reaching. However, even in that context, we have allocated nearly £2 billion to colleges and universities, which is a record amount. The agreements on funding levels and arrangements with colleges and universities are of long standing.

On Mr Doris's question, we are developing the 2023-24 budget, and there is engagement with the SFC, Colleges Scotland and Universities Scotland. Mr Doris's questions can best be considered as part of that. We are open to considering the matter, which we will do through the budget process.

Royal Mail (Strikes)

6. **Emma Roddick (Highlands and Islands) (SNP):** To ask the Scottish Government what its response is to reports that the Communication Workers Union has organised strikes for Royal Mail workers next month, including in Scotland. (S6O-01441)

The Minister for Just Transition, Employment and Fair Work (Richard Lochhead): Although employment law remains reserved to the United Kingdom Government, maintaining a progressive approach to industrial relations remains a priority for the Scottish Government. We therefore strongly encourage all parties involved in industrial relations issues to

work together to reach resolution. However, we cannot overstate the importance of fair work and fair pay, particularly in the midst of a cost of living crisis. Unions play an important role in securing fairer conditions for workers in Scotland. On that note, I am sure that I am not alone in my concern about the UK Government's continued aggressive anti-worker, anti-trade union agenda.

Emma Roddick: I completely agree with the sentiments that the minister has expressed in that response. I was glad to meet some CWU organisers outside the Parliament earlier this morning.

Does the minister agree that, with full powers over employment, this Parliament would be better placed to deliver fair work and build the fairer economy that workers in Scotland deserve?

Richard Lochhead: Yes, I absolutely agree with the member.

In reference to the member having met union representatives, we owe a great debt to our posties, particularly for working so hard throughout the pandemic. We thank them for that. It is absurd of Liz Truss to claim that anyone who is not a divisive, right-wing, out-of-touch Tory and who is part of a trade union movement that is trying to win better workers' rights is part of an "anti-growth coalition". Under the Tories, the gap between rich and poor has widened, as has the gap between low pay and excessive pay. If we could stop that gap growing, perhaps that would be an anti-growth coalition that we could all be proud of joining.

Gaelic-medium Education (Primary Schools)

7. David Torrance (Kirkcaldy) (SNP): To ask the Scottish Government what action it is taking to grow and encourage primary Gaelic-medium education. (S6O-01442)

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): The Scottish Government is committed to supporting the growth of Gaelic-medium education across Scotland. We are working with a number of local authorities that wish to start or grow their Gaelic provision. Those local authorities, along with others, will continue to benefit from our funding streams, the Gaelic-specific grant and the Gaelic capital fund.

David Torrance: Gaelic is thriving not just in Scotland but across the world. There has been a 72 per cent increase in interest in Scottish Gaelic-related content over the past few years, and more than a million people have taken a Gaelic course in the language learning app Duolingo. How important is it that action is taken to ensure a sustainable future for the language that is such an important part of our heritage and our cultural identity?

Shirley-Anne Somerville: I am very pleased to see the growing interest in Gaelic that has arisen through activities such as Duolingo. That is why the Scottish Government has supported the SpeakGaelic multiplatform learning project, which has around 5,000 users a month. The platform will enable those who start their learning journey on Duolingo to reach fluency.

It is very important that action is taken to ensure a sustainable future for Gaelic, and for that reason the Government will continue to support a wide range of activities in that area. Further evidence of our support is demonstrated in the ambitious commitments that we are currently consulting on. I encourage all members to encourage their constituents across the country to get involved in that consultation, to ensure that we do everything that we can to support the Gaelic language and, indeed, the Scots language in Scotland.

Edinburgh Tram Inquiry (Conclusion)

8. Miles Briggs (Lothian) (Con): To ask the Scottish Government when it anticipates a conclusion to the Edinburgh tram inquiry. (S6O-01443)

The Minister for Transport (Jenny Gilruth): Questions concerning the conclusion of the inquiry, including its timeline, are a matter for the Edinburgh tram inquiry team and Lord Hardie. That is because, as a statutory inquiry, it is independent of the Scottish Government. Updates on the publication of Lord Hardie's report will be provided on the inquiry's website.

Miles Briggs: I thank the minister for that answer and I respect what she has to say, but the Edinburgh tram inquiry has now been running for over eight years. To date, it has cost Scottish taxpayers £13.1 million, and the end is still not in sight. The cost of the inquiry now stands at more than the cost of the Iraq war investigation. The Inquiries Act 2005 obliges the chair to consider costs at all times if they are funded from the public purse. I ask the minister a very simple question: does she believe that the inquiry has been value for money?

Jenny Gilruth: We are all keen to see the inquiry reach a satisfactory conclusion. I am advised that Lord Hardie and the inquiry team have been preparing the final report and recommendations for publication. I will again seek advice on the parameters that are open to me, as a minister, in the matter, but I must remind the member that the inquiry is independent and that its time and cost cannot be influenced by ministers, who are, of course, core participants in the inquiry.

The Presiding Officer: That concludes general question time.

First Minister's Question Time

11:59

Accident and Emergency Departments (Waiting Times)

1. Douglas Ross (Highlands and Islands)

(Con): Two weeks ago, in this chamber, I asked the First Minister about the scale of the crisis across Scotland's accident and emergency departments. The answers were not good enough. This week, it emerged that, for the month of August alone, 5,000 patients spent more than half a day waiting to be seen in A and E departments across the country. Waits of more than 12 hours for emergency treatment are completely unacceptable, yet such waits are faced by thousands of Scots at hospitals right across the country. This Government is presiding over the worst ever A and E waiting times in Scotland, so does the First Minister believe that the plans that were outlined by the Cabinet Secretary for Health and Social Care on Tuesday will end those appalling waits?

The First Minister (Nicola Sturgeon): First, performance in our accident and emergency departments is not good enough. I have been candid about that, as has the health secretary. Our national health service is dealing with backlogs that were created by the Covid pandemic; indeed, it is still dealing in many different ways with the impact of that pandemic. We continue to support the national health service to recover. That includes accident and emergency services, as it does all parts of our national health service.

Of course, it is incumbent on me to point out again that although there are big challenges in our NHS and in A and E departments, our A and E departments remain the best performing anywhere in the United Kingdom, which is down to the dedication and hard work—[*Interruption.*]

The Presiding Officer (Alison Johnstone): Thank you, members.

The First Minister: That is down to the dedication and hard work of the people who work in our national health service. Of course, staff numbers are at a record high across the NHS and investment is at a record high. Although I and the health secretary are not complacent, we believe that the measures that he set out in the recovery plan update and the winter plan will make a positive difference.

Finally, I say frankly that it beggars belief that Douglas Ross stands here and talks about the national health service. His concern today for the national health service is even less convincing than it normally is, because he has spent much of

the past week arguing for us to put millions of pounds into the pockets of the richest people in our society, regardless of the impact that that would have on our national health service.

Douglas Ross: I ask the First Minister, please, to not ever question my commitment to our national health service, given that it was just over—[*Interruption.*] It was just over a year ago that I had to follow my wife who was in an ambulance as she gave birth, and just over a year ago that I had to see my infant child on oxygen and fed through a tube in the Royal Aberdeen children's hospital. She should not make political points when politicians are raising serious issues. Just as we did last year when the United Kingdom armed forces had to step in to help, we are seeing this crisis spread throughout Scotland's NHS.

Long waiting times in A and E have a knock-on effect on the rest of our health system. A freedom of information request response that we have received shows that ambulances are queuing up outside hospitals because of the crisis inside in A and E. In Glasgow earlier this year, one ambulance was stuck outside the hospital for more than 13 hours because the patient could not be admitted. It was stuck outside for 13 hours. *The Press and Journal* revealed today that, in the past month, ambulance turnaround times at Aberdeen royal infirmary were at a record high. That is critical time during which an ambulance could be deployed to help other patients. Therefore, if the First Minister can answer about Scotland's NHS and Scotland's ambulances, will she tell us what her Government is doing to prevent ambulances from being held up outside hospitals?

The First Minister: Of course, £45 million for the Scottish Ambulance Service was part of the winter plan that was announced—which is about Scotland's national health service. I say, Presiding Officer, that I have enormous sympathy for the personal experience of Douglas Ross, as I do for the personal experience of anyone in the national health service. However, I am sorry, but I think that it is reasonable to question the commitment to the national health service of anybody who argues for millions of pounds of taxpayers' money going on cutting taxes for the richest people in our society, rather than being invested in the national health service.

It is because of the Government's commitment to the national health service that we do not shy away from the difficulties that it faces, largely because of the Covid pandemic that has placed such burdens on health services across the world. That is why we are investing in our national health service instead of giving tax cuts to the richest people in our society. It is why we are supporting greater recruitment to our national health service, with staffing numbers at an all-time high, and it is

why we are seeking a fair pay deal for the people who work in our national health service. They deserve it. We will continue to do the hard work to support our national health service in tough times as well as in good times.

Finally, we will take no lessons from the UK Government, which is doing real damage to the national health service. Although our NHS faces challenges, Scotland's national health service is the best performing in the UK on A and E waiting times and on many other measurements, and that is down to the dedication of the people who work in it.

Douglas Ross: The First Minister has been busy all week on Twitter and responding to events elsewhere, but people turn to First Minister's question time to hear the First Minister and her Government being challenged, and—hopefully—to hear responses. However, there has been absolutely nothing.

Let me go back to the topic that I am focusing on today, even if the First Minister will not do so in her responses. The FOI request that I mentioned revealed that the lengths of time that people are waiting for ambulances even to arrive is getting worse, which is unacceptable. Amber incidents involve patients who need an ambulance within 19 minutes—they have called and they need someone to arrive within that time. Our FOI request response mentioned one individual from Ayrshire and Arran, who was categorised as an amber incident but waited more than 32 hours—more than 100 times the wait of 19 minutes that he was supposed to have.

The situation is also dire for people who face the most serious incidents—purple incidents, which are so serious that the target response time is eight minutes. However, this summer, one purple incident patient in the Lothians waited more than two hours for an ambulance, and another patient, in Glasgow, waited more than an hour and a half. Others have waited close to an hour in Lanarkshire, Forth Valley, the Highlands and Shetland. Those incidents are the most critical and lives are on the line: people are waiting for hours when the response should arrive in minutes. Can the First Minister honestly stand there and tell us that those incidents are not jeopardising people's lives?

The First Minister: I have been, and will continue to be, entirely candid that instances such as those are not acceptable. Our NHS is under extreme pressure, which is why it is so important that we continue to take the steps that we are taking to support it.

Douglas Ross is just plain wrong—as anybody who is listening to this will know—to say that I did not address the issues about Scotland's NHS in

my previous answers. I spoke about the £45 million of additional investment in the Scottish Ambulance Service to help specifically with winter pressures, and I spoke about record investment and record numbers of staff—in particular, the staffing of the SAS, which is up under the Scottish National Party Government by 67.3 per cent. That is the reality.

Any instances such as those that Douglas Ross narrated are clearly unacceptable. However, our ambulance crews responded to more than 68 per cent of their highest priority calls in under 10 minutes, and to more than 99 per cent of their highest priority calls in under 30 minutes. That is what the dedication of our paramedics and our ambulance technicians is delivering. We will continue to support our NHS in the ways that I have outlined.

It is not possible to separate those issues from the overall funding of our NHS, which—like the overall funding of Scotland's budget—depends on decisions that are made by the Government at Westminster. We have already had the U-turn on tax cuts for the richest 1 per cent of people in the country, which Douglas Ross this time last week wanted this Government to emulate, and which would have taken millions of pounds out of the budget of our public services—[*Interruption.*]

The Presiding Officer: Could we hear the First Minister? Thank you.

The First Minister: Last week, the former deputy governor—I think—of the Bank of England said that the spending cuts that are coming down the track from the Tory UK Government could mean the “end of the NHS” as we know it. That is the reality. This Government will continue to prioritise the national health service, but we are doing that in the face of a Tory Government that seems to be intent on destroying it.

Douglas Ross: We all, across Scotland, would really benefit if Nicola Sturgeon spent more of a Thursday morning practising her responses on the issues that really matter to people in Scotland, rather than political attacks. The First Minister has to accept and must see that the situation with ambulance waiting times in our NHS is appalling and is happening all over the country.

The First Minister said that I was narrating cases, so let us look at a case that we both should know about. On Monday, she and I were both emailed by a 78-year-old man explaining what had recently happened to his 73-year-old wife. His wife fell in their garden and broke her hip. She was in agony, but was told that a broken hip does not constitute a priority for receiving an ambulance. They waited for hours for an ambulance to come to take them to Aberdeen royal infirmary, but it never arrived.

After four and a half hours outside in the garden in agony and distress—from 10 minutes to 3 in the afternoon until half past 7 at night—they gave up and called a taxi. The 78-year-old man had to get help from his neighbours to lift his wife into the taxi to eventually get her to hospital. A line in the email that the First Minister and I received says:

“She endured even more severe pain getting into the taxi but, by this time, we were getting desperate.”

The email from that gentleman also says that the First Minister’s Government should

“hang your heads in shame.”

He is right, is he not?

The First Minister: He is absolutely right that experiences like that are not acceptable. Nobody will ever hear me say otherwise.

Our health service, including the Ambulance Service, is under the most extreme pressure that most of us can remember. I believe that most people understand the reasons for that. I also believe that most people understand the support that is being given to the national health service, as is right and proper. There are record staffing levels in our NHS and there is record investment.

The Cabinet Secretary for Health and Social Care set out the winter plan in the chamber earlier this week. We will continue to get on with the serious responsibility of supporting the recovery of our national health service. We will always respond on incidences in which people’s experiences are not what they should be and we will not shy away from that. The Government prioritises and supports the national health service and will continue to do so each and every day.

National Health Service (Waiting Times)

2. Anas Sarwar (Glasgow) (Lab): The Scottish Government’s failure to get to grips with NHS waiting times is costing lives. In February, my colleague Foysool Choudhury raised the case of Anne Sinclair, who was waiting for cancer treatment. Anne, a previous cancer survivor, waited seven months for her diagnosis, at which point she was told that she had an aggressive form of cancer. She was then forced to wait more than five months for treatment.

We know that the sooner someone is diagnosed and the sooner they start treatment, the more likely they are to survive. Anne tragically died this summer. Her last words to her son Ricky were:

“Keep fighting; tell my story; we need to stop this happening to anyone else. I love you.”

In February, the First Minister said that Anne’s case was “unacceptable”, a word that she has used at least six times already this afternoon. If it is unacceptable, why is it still happening to others?

The First Minister: First, I convey my sincere condolences to Anne’s loved ones—her family and her friends. I do not know all the circumstances of her situation but I know what was narrated to me in the chamber previously.

Individual experiences in which the treatment or care in the NHS is not what all of us expect are unacceptable. I will never stop saying that.

That does not change the fact that, for the overwhelming majority of people in this country, the NHS delivers an outstanding service. Cancer is and always should be a clinical priority. We have two key waiting time standards on the NHS for cancer care: the 31-day target for the period from decision to treat to first treatment, and the 62-day target. More people are now being seen on those urgent pathways than was previously the case, and we continue to invest in cancer services and the early diagnosis of cancer. Those issues are a priority.

I do not and will never shy away from the serious challenges and pressures on our national health service. That is why it is so incumbent on Government to support the NHS with the investment and the other forms of support that it needs, and we will always do that, for the sake of patients like Anne and, of course, the many other patients who depend on the NHS each and every day.

Anas Sarwar: Anne’s case is not an isolated or individual case. Here is another. A 56-year-old man in West Dunbartonshire first went to his doctor with back pain in autumn 2020. He was prescribed painkillers and told to visit a physio. Six months later, he was passing blood and being violently sick. He called an ambulance but was told twice that one would not attend because his condition was not life threatening, so he got himself to accident and emergency and eventually had a CT scan, which showed a large tumour that had spread to his spine. He died a year after first seeking help from the NHS. That demonstrates a systemic failure and what happens when services and staff are pushed to breaking point.

Does the First Minister accept that her failure to get to grips with the NHS crisis is costing lives?

The First Minister: I take my responsibility to the NHS seriously every single day. The pressures on our NHS are well known. That is why the support that we are giving to our NHS is so important. That is the case across all conditions and all specialties in our NHS, but it is perhaps even more particularly the case when it comes to cancer care.

I mentioned the two targets. I explain to people that the 31-day target relates to the period from a decision being taken to treat to the first treatment happening. More than 95 per cent of patients are

seen within that target period. The 62-day target, which relates to the whole referral to treatment period, is much more challenging. However, almost eight out of 10 patients are seen within that target period, and more people are being seen through that urgent pathway than has ever been the case.

The reason I have spent time talking about that is that it is important for people to understand that, for the vast majority, our NHS—on cancer care and on everything else—delivers an outstanding service of clinical care. It is clear that that is not the case for everyone, especially now, given the pressures that are faced. That is why the responsibility that I, the Cabinet Secretary for Health and Social Care and the whole Government have to make sure that we support the NHS is such a vital one and one that we take so incredibly seriously.

Anas Sarwar: A failure to get to grips with the NHS crisis is costing lives. Let us look at the facts. In the past year, 3,393 people waited for longer than the 62-day target period for urgent cancer treatment, which is a standard that has not been met in 10 years and the performance on which is getting worse. That means lives lost.

We have the worst A and E waiting times on record. In one month alone, 13,000 patients waited for more than eight hours. The Royal College of Emergency Medicine has warned that that means lives lost.

This is a systemic failure on the Scottish National Party's watch. Staff are being failed, patients are being let down and lives are being lost. How many more families have to suffer? How many more tragic stories do we have to bring to this Parliament before Nicola Sturgeon and Humza Yousaf do their jobs?

The First Minister: On the 62-day cancer target, if we look at the most recent quarter, we see that more patients were treated on that 62-day pathway than was the case before the pandemic. In the most recent year for which we have full-year figures, more people were treated on that 62-day pathway than, I think, was the case in any year since 2011.

Our national health service, because of investment and staff recruitment, is doing more in many senses than it was before. Demand is also increasing, which is why we have to continue to increase that support.

Whether in cancer care, accident and emergency or the Ambulance Service response times that we have just been talking about, there are very significant challenges. Those challenges are often experienced by patients and are felt every day by staff who work on the front line of our national health service.

This Government is committed to supporting our national health service. There has never been a more difficult time to do so, but there has also never been a more important time to do so, which is why we continue to take that responsibility so seriously.

The Presiding Officer: We move to constituency and general supplementary questions.

Education (Anti-racism)

Kaukab Stewart (Glasgow Kelvin) (SNP): What is the Scottish Government's response to reports that some ethnic minority teaching professionals have experienced racist online abuse after sharing their plans for more diversity in Scottish education at the Scottish learning festival? Will the First Minister join me in condemning the racist abuse faced by St Albert's primary school in her constituency and the racist graffiti that has been found on the campus of the University of Glasgow in my constituency? Will she further agree with me that anti-racist education is important in ensuring a more diverse and inclusive Scotland?

The First Minister (Nicola Sturgeon): I wholeheartedly agree with that and I am sure that the whole chamber wholeheartedly agrees with that. No one should ever experience racism and we all have a duty to stand firmly in solidarity with anyone who does and against those who are racist. The vile racist abuse directed at teaching professionals, staff and children on the back of the Scottish learning festival should be condemned and I condemn it.

I make a particular comment, given how close to my heart the experience of pupils at St Albert's primary in my constituency of Pollokshields is. I know St Albert's very well. It is a fantastic school with a fantastic headteacher, fantastic teachers and outstanding young people. I was privileged to visit the school on Friday, as I have been many times in the past. Racism sickens me, but there is nothing that turns my stomach more than the idea of adults—whether from Scotland or anywhere else in the world—who can look at a photograph of beautiful, clever children and see only the colour of their skin. It is despicable, it is disgusting, it has no place in Scotland and I hope that all of us will unite in utter condemnation of vile racists everywhere. [*Applause.*]

Baby Loss (Certification)

Graham Simpson (Central Scotland) (Con): The First Minister will know that next week is baby loss awareness week. Baby Loss Retreat, which is a fantastic charity in my region, helps people who have lost babies. I recently opened its charity shop in Airdrie. Heather Denham of East Kilbride works

for that charity after being helped by it; she is in the public gallery today. Heather has an eight-year-old son but has lost three other children. In April last year, she went for her 20-week scan and learned that her baby daughter had no heartbeat. Heather had to give birth to little Jorgia and lay her to rest a few days later.

Because Jorgia was born at less than 24 weeks, she has no birth certificate. Heather told me:

“One of my children has a birth certificate, the other does not. My daughter does not exist in the eyes of the law and it breaks my heart every single day. I have held two children in my arms, so they should both exist in the eyes of the law.”

The United Kingdom Government has launched a new initiative that will provide parents with a pregnancy loss certificate if their baby is born before 24 weeks. Will the First Minister ensure that the same happens here?

The First Minister (Nicola Sturgeon): I will. Baby loss awareness week is a very important event every year and it is one that I always mark personally as well as in my role as First Minister, for very personal reasons. I absolutely understand the feelings and sentiments that have been narrated here today. I know from personal experience how awful it is to lose a baby very early on, and I know how deep the desire is to have that lost baby recognised in a variety of ways. I think that the suggestion around pregnancy loss certificates is an important one and I give the undertaking that we will look very seriously at that in Scotland too.

Centre for the Moving Image

Daniel Johnson (Edinburgh Southern) (Lab): In recent hours, reports have emerged that the Centre for the Moving Image, which is the charity that runs both the Belmont cinema in Aberdeen and the Filmhouse in Edinburgh, has gone into receivership. The Filmhouse is located in Edinburgh Central, but it is an important institution for the whole of the city and indeed the whole of the country. It hosts the Edinburgh international film festival, which is the oldest continuously running film festival in the world.

What efforts will the Government be making? Will the First Minister ask ministers to engage with Aberdeen City Council and the City of Edinburgh Council so that they can co-ordinate an approach? What business and cultural support funds can be made available in order to save this vital cultural institution?

The First Minister (Nicola Sturgeon): I thank Daniel Johnson for raising the issue. The news, which has emerged publicly this morning, is of huge concern and I know that many people in Edinburgh and Aberdeen will be profoundly upset

about it. These are really important cultural organisations and all of us want to see them, if at all possible, go from strength to strength.

The Scottish Government will engage to consider whether there is any support that we can bring to bear. I will ask Angus Robertson to engage with the Aberdeen and Edinburgh city councils and ensure that Creative Scotland, which of course takes funding decisions independently of ministers, engages with the organisations as well. Obviously, I cannot give any commitment standing here right now and I cannot go into any more detail ahead of that engagement, but I can say that we recognise the importance of the organisations and will do everything possible to support them at this difficult time.

Population Health Protection (Independence)

Michelle Thomson (Falkirk East) (SNP): The First Minister will have seen the truly shocking findings by the University of Glasgow and the Glasgow Centre for Population Health that were published yesterday in the *Journal of Epidemiology and Community Health*. They show that 19,299 excess deaths in Scotland are likely to have been caused by United Kingdom Government's economic policy. The academics also report that that translates into 300,000 deaths across the UK—deaths that lie squarely at the door of the Tories. Does the First Minister therefore agree that it is essential for the protection of our population's health that Scotland escapes Westminster control and the Tories for good, and that that can be guaranteed only with independence?

The First Minister (Nicola Sturgeon): Yes, I do. The study that was published this week by the Glasgow Centre for Population Health is shocking, and it lays bare the real impact of austerity—the impact on people's lives, which we see quite literally in the report.

The report is on the impact of past Tory austerity. We now face, unfortunately, a new period of Tory austerity. We have seen in recent days the estimate of what spending cuts will be and we know the impact that that will have on our public services and on people's lives. We are watching a quite grotesque debate in the Conservative Party about whether it is right to cut the incomes of people on benefits—the lowest-paid people in our society.

If we want to chart a different course in Scotland—if we want to apply the values of respect and dignity in Scotland, as I believe most of us across the chamber do—we are not going to be able to do that for as long as we are tied to Westminster governance. That is one of many, many reasons why this country needs to be

independent and why I believe that this country will be independent.

Energy Efficiency Measures (Funding)

Liam Kerr (North East Scotland) (Con): It was reported last weekend that the Scottish Government intends in its capital spending review to cut 14 per cent—that is, over £17 million—from the funding for energy efficiency measures for those in fuel poverty. Of course it is right that we focus on immediate measures to help families through the cost of living crisis, but investment in efficiency upgrades will reduce their heating bills and energy use in the long run. The Scottish Government declined to confirm or deny those cuts. Will the First Minister confirm whether the cuts will go ahead as set out?

The First Minister (Nicola Sturgeon): We have an emergency budget review under way right now. The Deputy First Minister will report the outcome of that to the Parliament following the recess. I wish that we were not having to undertake that emergency budget review. We have to do it because of the actions of the United Kingdom Conservative Government.

In effect, we have a fixed budget. We have very limited powers to borrow. Therefore, given that our budget is being eroded by soaring inflation and that we are facing even more cuts coming down the track from Westminster, we have to contemplate some very difficult decisions. We will take those decisions, through applying our values, and seek to protect those who need our protection most.

If Tory members do not want us to have to face some of those choices—and I wish that we did not have to face them—perhaps, instead of kowtowing to their masters in London over tax cuts to the rich, they could start standing up for Scotland and demanding fair budget treatment for this Parliament.

McVitie's Factory Glasgow (Closure)

Paul Sweeney (Glasgow) (Lab): Last week, Pladis ceased production at the McVitie's factory in Tollcross, ending 205 years of biscuit making in Glasgow and terminating the connection of an iconic Scottish brand with our country. Workers faced the humiliation of having to walk out of their last shifts while the state-of-the-art machinery that they worked on was dismantled around them, to be shipped to factories in England. Some of that machinery was funded by almost £1 million in Scottish Enterprise grants. Has the Government raised concerns with Pladis's management about its blatant asset stripping of the Glasgow factory, and what steps is it taking to secure the factory and its assets for future manufacturing use?

The First Minister (Nicola Sturgeon): Scottish Enterprise will consider all those issues.

Like Paul Sweeney, I was extremely disappointed that the tireless efforts—everybody would recognise them as tireless—of the Pladis action group were not able to secure the future of the Tollcross site and its skilled workforce. That was not for the want of trying. My thoughts are with the staff and their families, who now face redundancy. The Scottish Government will support them in every way possible. However, I hope that the member will accept that the Scottish Government did everything possible to try to reach a different outcome. We all regret that that outcome was not possible.

E-cigarettes (Teenagers)

3. **Stephanie Callaghan (Uddingston and Bellshill) (SNP):** To ask the First Minister what steps the Scottish Government is taking to curb the reported sharp rise in e-cigarette use among teenagers. (S6F-01433)

The First Minister (Nicola Sturgeon): We are greatly concerned by reports of young people obtaining e-cigarettes or vaping products. The only place for vaping should be as a possible aid to help existing smokers to quit using tobacco. Underpinning our concern is clear evidence that vaping products are not harm free. That is married with our concern about the tobacco industry's involvement with and influence over vaping.

Last week, we published our consultation analysis on proposed restrictions on vaping products, and the Minister for Public Health, Women's Health and Sport aims to bring forward new regulations in the new year.

Stephanie Callaghan: The recent consultation "Tightening rules on advertising and promoting vaping products" produced polarised views. However, given that major Scottish football clubs are signing partnerships with vaping companies, and given reports that TikTok influencers are platforming such products to young people online, we need decisive action to control the crisis before it spirals out of control. Will the First Minister confirm whether further consideration has been given to introducing stricter regulations on the sale and marketing of e-cigarette products, both online and offline, and whether an effective, clear and educational public health message that addresses the new epidemic of nicotine addiction in children and young people is being developed?

The First Minister: Yes. I agree with the sentiments of that question. We are carefully considering the outcome of the consultation. We have not ruled anything out at this stage. Any action that we seek to take will build on the regulations that are already in place, which restrict

the marketing, promotion and sale of vaping products to under-18s.

We recognise the vital importance of having a clear public health message for young people on the potential dangers of vaping, and we are working with Young Scot and the Children's Parliament to bring their voices into our work to develop a refreshed tobacco action plan. We are determined to create a smoke-free Scotland, in which nicotine addiction is a thing of the past.

Siobhian Brown (Ayr) (SNP): Will data on youth vaping that is collected from the local schools survey be collated and considered in the Scottish Government's tobacco action plan that is due to be published next year?

The First Minister: Yes, it will be. We have a stated ambition to create a tobacco-free generation in Scotland by 2034, and we will consider how such a survey on vaping can help to deliver that ambition.

Investment Zones

4. **Stephen Kerr (Central Scotland) (Con):** To ask the First Minister what discussions she has had with the United Kingdom Government about new investment zones for Scotland. (S6F-01419)

The First Minister (Nicola Sturgeon): The Secretary of State for Levelling Up, Housing and Communities wrote to the Deputy First Minister proposing official discussions on how investment zones might work in Scotland. We have agreed to exploratory discussions, but we have also emphasised that any model would require partnership working between the Scottish and UK Governments; that it must reflect the Scottish economic policy and governance landscape; and that it must respect the devolution settlement, particularly as it relates to planning and environmental protection. We still await further information on the UK Government's proposals.

Stephen Kerr: I welcome the positivity of the First Minister's response and I welcome the proposal to create investment zones in Scotland as one part of an ambitious plan to grow our economy—to incentivise businesses to invest, to build, and to create high-quality jobs. I also welcome the reported constructive talks that have just been mentioned between Scottish ministers and the British Government.

However, for my constituents—the people of Central Scotland—and for people in businesses across Scotland, the success of the policy will depend on Scotland's two Governments working co-operatively for the common good. That common good is about working together to attract new investment, new infrastructure and new high-skill and high-paid jobs.

I have read that as many as five or more investment zones could be created in Scotland. Will the First Minister set aside constitutional division, be ambitious for Scotland and work in partnership with the UK Government to bring the benefits of investment zones not only to the people of Central Scotland but to other parts of Scotland?

The First Minister: It is good to hear a Tory take a break from crashing the economy to talk about supporting the economy. That is certainly a refreshing change, although I am not convinced that it will be a long-standing one.

I say to the Tories that anybody who is really serious about growing the economy needs to tackle the anti-growth coalition in the Conservative Party—the people who took Scotland out of the European Union and the single market and the ones who are exacerbating skills shortages through their obsession with immigration. Perhaps it would support the economy to start there.

On investment zones, I am not sure whether Stephen Kerr listened to what I said. We have agreed to exploratory discussions, but we have to be satisfied that such zones are in Scotland's interests. Crucially, we do not yet have any details on the UK Government's proposals. *[Interruption.]* I know that the Scottish Tories just do anything that the UK Tories ask them to do, but this Government actually acts in the interests of the Scottish people—and that will be true on investment zones, as it is for everything else.

“Poverty in Scotland 2022”

5. **Pam Duncan-Glancy (Glasgow) (Lab):** To ask the First Minister what the Scottish Government's response is to the Joseph Rowntree Foundation report, “Poverty in Scotland 2022”. (S6F-01422)

The First Minister (Nicola Sturgeon): The report is a stark reminder of the pressures that low-income households are facing and why the Government's actions to tackle poverty are so important.

We have allocated almost £3 billion this year to help to mitigate the impact of increasing costs on households. That is from within our fixed budget, which is £1.7 billion less than it was in December last year, due to inflation. We are taking a range of actions, including increasing our unique Scottish child payment to £25 per week.

That is in sharp contrast to a UK Government that is plunging the UK into economic turmoil. We have seen over the past week—and, indeed, over the past 12 years—why it is so vital that the Parliament has the full powers to be able to tackle poverty and the cost of living and to support those who are most in need.

Pam Duncan-Glancy: I thank the First Minister for that answer, but the Joseph Rowntree Foundation report highlighted the particular pressures facing families in Scotland with a disabled person in them, noting that

“Three in four families ... where someone has a disability reported a negative impact on their mental health due to the cost of living crisis”,

and even higher numbers have had to cut back on essential spending.

Another report published this week by Inclusion Scotland made the very stark statement that there will be “avoidable deaths” of disabled people this winter without targeted action. Scottish Labour has pushed and pushed the Scottish Government to do something for disabled people during the cost of living crisis; so far, we have been ignored. What urgent action will the Government take to step in and alleviate the pressures that are facing disabled people this winter?

The First Minister: It is the case that poverty has a disproportionate impact on certain groups in our society, which undoubtedly include disabled groups. The £3 billion that I mentioned will, of course, be of benefit in many respects to people who live with disabilities; the fuel insecurity fund is one example of that. Within the fixed budget and limited powers that we have, we will continue to do as much as we can to mitigate the impact of the cost of living crisis.

Of course, the fundamental problem is that so many such powers, and the access to resources, lie outwith the hands of the Parliament. It is not enough to have partial powers over welfare or partial resources; we need full powers in this Parliament. I hope that we might yet see the day when Scottish Labour will argue for such powers to be not with Tory Governments at Westminster but in the hands of this democratically elected Parliament.

Jeremy Balfour (Lothian) (Con): If the First Minister has all that power, why is she taking away money from disabled people by cutting the employability budget by £53 million this year? Will she tell the Scottish people—in particular, those who are disabled—why it is harder for a disabled person to get a job in Scotland than it is anywhere else in the United Kingdom?

The First Minister: It is important to stress that the budget for employability is increasing. It is not increasing by as much as we would like it to, because of the choices that we are being forced to make since our budget is shrinking as a result of the economic incompetence and financial decisions of the UK Government.

If any member does not like the decisions that we are making—we do not want to be in the position of having to make them—they can come

and argue how else we should balance our budget and protect the people who are most in need. I say particularly to the Conservatives that, if they do not like the decisions, they should start to argue with their colleagues at Westminster to stop cutting the Parliament’s budget so that such decisions are not necessary in the first place.

Deaths in Custody

6. **Jamie Greene (West Scotland) (Con):** To ask the First Minister what the Scottish Government is doing to reduce deaths in custody, including suicides, in light of reports of a 60 per cent year-on-year increase. (S6F-01423)

The First Minister (Nicola Sturgeon): First and foremost, my thoughts are with everyone who has lost a loved one in prison custody. The safety and wellbeing of people who are in prison are a priority, and we recognise that we need to do more to support positive health outcomes for vulnerable people in prisons.

The prison health and social care needs assessment, which we published last month, and work undertaken in response to the independent deaths in custody review are key steps in our commitment to achieving that aim. All front-line staff are trained in the Scottish Prison Service’s prevention of suicide strategy, which provides a person-centred care pathway for prisoners who are at risk of suicide and promotes a supportive environment in which people can ask for help. Individuals are screened on their arrival at prison. When needed, the SPS and the national health service work together to support vulnerable individuals and review them regularly.

Jamie Greene: The First Minister is right to say that we need to do more. In my hand is a one-page roll call, which contains a tragic list of every single death in Scotland’s prisons last year. The list includes individuals’ names, ages and causes of death. I will not read out those names, out of respect for the families involved and to avoid the risk of retraumatising them, but those prisoners should not be forgotten. For example, at HMP Addiewell, a 26-year-old man took his own life nine months into his sentence; at HMP Kilmarnock, a 29-year-old man was found hanging four months into his sentence; and at HMP Greenock, a 27-year-old man was found hanging 15 months into his sentence. At HMP Polmont, a 20-year-old man—who had not even been convicted; he was on remand—was found dead.

Those are just the tragic suicides in prisons. Where do I start with the overdoses? Etizolam and opioid overdoses and multidrug intoxication are killing people in our prisons every week. They account for 53 of the deaths on the list in the past year alone. Ten years ago, there were 21 names

on an equivalent list. That is still too many, but we can see that the number has doubled in 10 years.

Why is it still the case that so many people in custody are taking their lives? Despite years of promises to get a grip on the problem, why are so many drugs still getting into our prisons and killing people? I warn that this situation must stop or, next year, the list of deaths will be two pages long and the year after that it will be three pages long. I ask the First Minister when this will end.

The First Minister: Every death from suicide is a tragedy, no matter where it takes place, which is why this issue is not specifically about prisons. However, it is why the new suicide prevention strategy from the Scottish Government and the Convention of Scottish Local Authorities, which was launched last week, is so important. Clearly there are particular issues in prisons, which is why the work that I set out in my original answer is so important. The prevention of suicide in prison strategy aims to care for those at risk of suicide by providing a specific pathway based on an individual's specific needs. Of course, a supportive environment should also be promoted to ensure that people in custody are able to ask for help. We will continue to take forward all of that work.

Finally, this is not the only reason but one of the many reasons that this Government has made it a priority to try to reduce the number of people, particularly vulnerable people, who are in our prisons in the first place by, for example, reducing short-term sentences and increasing community rehabilitation options. Often, the Conservatives come here and oppose all of those things, so I say in the interests of consensus that we should take forward this important debate in the context of a proper debate on criminal justice as a whole. We send too many people to prison in Scotland in the first place, and we need to tackle that as well as ensure that we tackle the conditions inside our prisons.

Pauline McNeill (Glasgow) (Lab): Research from the University of Glasgow has shown that in more than nine out of 10 fatal accident inquiries sheriffs made no recommendations to improve practice. It also shows that, when families are involved, sheriffs are three times more likely to make findings based on lessons learned from the deaths; however, only 31 per cent of families are represented at FAIs.

My colleague Katy Clark has raised the issue with the Cabinet Secretary for Justice and Veterans, but I ask the First Minister to consider whether all families and the next of kin of family members who have died in custody should have access to non-means-tested legal aid funding throughout the investigation. I am sure that the First Minister will appreciate that many families who have lost someone in custody feel helpless

and intimidated by the process and it is important to ensure that they get representation where it is needed.

The First Minister: Those are important and legitimate issues to raise. Of course, a fatal accident inquiry is an independent judicial process that is mandatory for all deaths in custody unless the circumstances of the death have been explained through a criminal trial or other inquiry. The current process for FAIs, as enacted in legislation in 2016, follows an in-depth review of the system, and a number of improvements have been made to the system for such inquiries since the legislation in question was introduced. However, Pauline McNeill has clearly raised an important issue about legal aid and the ability of families to engage with inquiries, and I will certainly take it away and consider whether there is any further action that it would be appropriate for the Scottish Government to take.

The Presiding Officer: That concludes First Minister's questions. There will be a short suspension before we move on to the next item of business, which is a members' business debate in the name of Mark Ruskell.

12:48

Meeting suspended.

12:49

On resuming—

Greyhound Racing

The Deputy Presiding Officer (Liam McArthur): I remind everyone that Parliament is still sitting, so those who are leaving the chamber and the public gallery should do so as quickly and as quietly as possible.

The next item of business is a members' business debate on motion S6M-05949, in the name of Mark Ruskell, on greyhound racing in Scotland. The debate will be concluded without any question being put, and I encourage members who wish to participate to press their request-to-speak buttons now or as soon as possible.

Motion debated,

That the Parliament notes reports that the last licensed greyhound racing track in Scotland, Shawfield Stadium, Rutherglen has not been operational since March 2020; further notes the Scottish Animal Welfare Commission's view that there should be an end to greyhound racing at unlicensed tracks, including, it understands, the last remaining track at Thornton in Fife; acknowledges reported animal welfare concerns linked with greyhound racing, including neglect, malnutrition, doping with Class A substances, lack of adequate healthcare provision, and severe and fatal injuries; highlights the latest reported data released by the Greyhound Board of Great Britain (GBGB) regarding Shawfield Stadium, reporting 197 injuries and 15 deaths between 2017 and 2020; understands that there is no similar data at unlicensed tracks where there is no official regulatory body present to ensure that animal welfare standards are met, and commends campaigners and rescue organisations for their ongoing rehoming and awareness-raising work, including the Scottish SPCA, One Kind, Dogs Trust, Blue Cross, RSPCA, League Against Cruel Sports Scotland, Scotland Against Greyhound Exploitation, and others.

12:49

Mark Ruskell (Mid Scotland and Fife) (Green): I thank members who signed the motion for debate and those who have put time aside during this very busy day at Holyrood to listen and contribute. I also thank the organisations and campaigners who work tirelessly on greyhound welfare and rehoming across the United Kingdom, including Scotland Against Greyhound Exploitation, OneKind, the Scottish Society for the Prevention of Cruelty to Animals, Blue Cross and Dogs Trust. Some of those organisations are outside Parliament today with greyhounds. I invite all members and members of the public to join them after this debate.

I admit that few of my Holyrood motions garner support from all corners of the chamber. However, I was delighted to see strong cross-party support for this motion, and I look forward to hearing everyone's contributions.

It is worth reflecting on what that level of support means. First, it means that greyhounds are a much-loved and iconic breed of dog that are loved as much for their good nature as for their speed and grace. It also shows that society's attitudes to greyhound racing have seriously shifted.

In recent years, greyhound racing tracks around the country have closed down. Once, there were more than 20 licensed tracks in Scotland; now, with Shawfield stadium in Rutherglen having hosted no races since 2020, there are none left.

Thanks to dogged campaigners and organisations that have exposed the harms of that so-called sport, it is now impossible to ignore the brutal reality of greyhound racing. People have voted with their feet. Tracks have shut down and sites have been repurposed for housing. However, greyhound racing is still not banned in Scotland. With the de facto closure of Shawfield stadium, there may not be any operational licensed tracks left, but there still remains one unlicensed track at Thornton greyhound stadium in Fife, which operates under no obligations to meet industry welfare rules.

It will be no surprise to members that I am calling for a phased end to greyhound racing in Scotland. I am not the only one. Concerns about the levels of injuries and deaths of dogs at greyhound racing tracks across the UK have been growing, and the positions of bodies including the SSPCA, the RSPCA and Dogs Trust have now shifted decisively to back a phased ban on greyhound racing.

Those calls for a ban do not come lightly. They are evidence based, and they follow years of patient working with the industry to drive reform of welfare standards. However, the attempts at reform have, unfortunately, failed.

The Greyhound Board of Great Britain, which is the regulating body, has been required to publish injury and death statistics annually since 2017. In 2018, it introduced a "Greyhound Commitment", which aimed to improve welfare and reduce injuries. Despite those measures, the latest data reported 197 injuries and 15 deaths between 2017 and 2020 at Shawfield stadium alone. The injuries data for Shawfield in 2020 nearly doubled.

Fundamentally, greyhounds cannot be raced against one another at 40mph around a circular track in a way that does not expose the dogs to unacceptable risks of injury and death. That is the crux of the matter, because even having a vet present at a licensed track does not remove or mitigate those risks. It is fundamentally unethical to race dogs as a spectacle for entertainment and gambling knowing that they face those unacceptable risks of injury and death.

It is clear that the current laws are inadequate and do not protect greyhounds from harm. The Animal Welfare Bill went through the Scottish Parliament in 2005, and the evidence sessions briefly focused on greyhound racing. I was a member of the committee that dealt with that bill. The committee as a whole felt that the duty of care placed on animal keepers to ensure that animals are

“protected from suffering, injury and disease”

was enough to drive better welfare for greyhounds. I agreed with that position, but, unfortunately, the Parliament was proven wrong. Welfare problems have increased, not declined, and greyhounds are being wilfully subjected to, rather than protected from, suffering and injury.

Even in the absolutely clearest cases of abuse that would breach the legal duty of care, the GBGB rules of racing are applied internally by its own disciplinary committee, with details published only four to five months after the offence. The SSPCA has found that that does not allow it enough time to gather evidence and mount a prosecution under the statutory time limits.

The risks at unregulated tracks such as Thornton are potentially even greater. Thornton is now reporting up to 30 dogs running on race nights and, as the last track standing in Scotland, it might attract trainers who previously raced greyhounds at Shawfield.

Unregulated tracks have no requirement to apply governing body rules, provide veterinary support on site or test dogs for doping. There is also the likelihood of ex-licensed track racers being sold on to race at Thornton, where they would be more prone to injury because of their age or health issues that come from a long career in racing.

Last week, Dogs Trust, the RSPCA and Blue Cross called for a phased end to greyhound racing. Reviews that those three charities have conducted have found disjointed and ineffective regulation in the greyhound sector, a lack of transparency about industry practices and concerns about the enforcement of regulatory standards.

The charities' proposed phase-out across the UK is expected to be feasible within five years, to allow the racing industry and animal welfare organisations to carefully plan and co-ordinate the care of the many dogs that would be affected. The Scottish Animal Welfare Commission, which has already called for an end to unlicensed greyhound tracks, has committed to considering the joint work of the charities before coming to its own position on the future of licensed tracks.

The previous Scottish Government was right to end the exploitation of wild animals in travelling circuses when their use had dwindled away and when there were strong welfare and ethical arguments for a ban. We have reached the same point today with greyhound racing. Instead of asking whether we should ban greyhound racing, the question to ask is really this: who wants to keep it alive?

Is greyhound racing one of the biggest issues facing Scotland today, of all days? No—it is not. However, if we can spare an hour in the chamber, even in the hardest of times, to give a voice to animals who are voiceless, that speaks volumes of our compassionate values as a Parliament. With that thought, I look forward to members' contributions.

The Deputy Presiding Officer: We move to the open debate.

12:57

Ruth Maguire (Cunninghame South) (SNP): I congratulate Mark Ruskell on securing cross-party support for his motion—support from all parties is, indeed, a fine thing—to allow the debate to go ahead. I recognise all the work that he does for animal welfare and for greyhounds, in particular.

It is a pleasure to make a brief contribution, and I am happy to speak in support of the motion. I agree with the Scottish Animal Welfare Commission's view that greyhound racing at unlicensed tracks should end, and I welcome its consideration of the situation for licensed tracks.

I was introduced to the topic by my constituent Emily Rimicans when I met her and Scotland Against Greyhound Exploitation in Irvine a number of years ago. I had no real prior knowledge of the subject and, perhaps like many people, I assumed that the dogs were well looked after. On reflection, perhaps I was a little naive in thinking that running and chasing were natural behaviours and that it was therefore all right.

Scotland Against Greyhound Exploitation has held weekly protests outside Scotland's remaining greyhound track. It has been campaigning since 2017 for an end to the exploitation of greyhounds. I joined the group at a protest in Buchanan Street in Glasgow, where its placards powerfully illustrated to the many passers-by the reality of greyhound racing for the animals. I commend that organisation on its awareness-raising work.

Many of those who were protesting had rescued greyhounds, so they knew at first hand how these wonderful animals are treated by the racing industry. Greyhounds are treated like commodities—they are dumped and discarded when they are deemed no longer useful.

The reported animal welfare concerns that are linked with greyhound racing are, frankly, jaw dropping. They include neglect, malnutrition, doping with class A substances, a lack of adequate healthcare provision and severe and fatal injuries. Substances found in samples that were taken from dogs that ran at Shawfield included cocaine, amphetamine, steroids, beta-blockers and prohormones. All of them can have harmful side effects, some of which are severe.

The fact that there is no testing at Thornton, Scotland's unlicensed track, should raise grave concerns about the level of drugs that are used there. A comprehensive internal review, which was conducted by Dogs Trust, the RSPCA and Blue Cross, highlighted serious concerns at every stage of a racing greyhound's life, including inadequate welfare standards in kennelling and transporting of the dogs. Some of the dogs that were used in racing were kept in poor, barren conditions, with little—if any—enrichment, and they were fed a very poor diet. The review also highlighted concerns around the general health of the dogs, including the number and severity of injuries that were sustained during racing. There were also serious issues around the racing of greyhounds in extreme weather and around the number of puppies that were unaccounted for between birth and racing registrations, which the sector often refers to as “wastage”.

Greyhound racing is inherently dangerous for the dogs that are involved. Running at speed around oval tracks causes significant injury to many dogs and, in some cases, the injuries are so severe that it is necessary to euthanise the dogs. The Greyhound Board of Great Britain is a self-regulating organisation that covers licensed greyhound racing in Great Britain. In my opinion, one death of an animal for the so-called entertainment of humans is too many, but the latest reported data that was released by the Greyhound Board of Great Britain concludes that there were more than 1,000 deaths at its tracks in the five years between 2017 and 2021. There is no similar data for unlicensed tracks, where no official regulatory body is present to ensure that animal welfare standards are met.

I commend all the campaigners and rescue organisations for their on-going rehoming and awareness-raising work. When I am out walking my dog, Rudi, she particularly enjoys meeting greyhounds on the beach and always makes a valiant attempt at racing them. She is a miniature dachshund, so “valiant” is putting it lightly.

I will close by mentioning again all the people who rehome these wonderful dogs and give them the life and love that they deserve.

The Deputy Presiding Officer: Thank you, Ms Maguire. I am sure that my sister will graciously accept those plaudits.

13:02

Annie Wells (Glasgow) (Con): I am grateful for the opportunity to speak in today's debate on the future of greyhound racing in Scotland, and I thank Mark Ruskell for bringing the motion before the chamber.

Dogs, in all shapes and sizes, are loving members of our families, not only in Scotland, but across the globe, so protecting their safety and overall welfare is vital.

It is clear that greyhound racing in Scotland has been in decline for years. As the dog-racing industry boomed across the west of Scotland throughout the early to mid-20th century, thousands of Scots flocked to packed stadiums each week to spectate at the races under the floodlights. It became a core leisure activity for many communities across the country, because it offered escapism, a night out with friends and the chance to win some money.

However, that was then, and this is now. Today, since the popularity of greyhound racing has faded, as we have heard, only two tracks remain. One of them is Shawfield stadium, in my parliamentary region, and the other, which is what is known as a flapper track, is at Thornton, where regulations are pretty loose.

In collaboration with animal welfare charities across the country, I acknowledge the positive work that is undertaken by people in the industry, such as the Greyhound Board of Great Britain, to improve conditions for racing dogs. However, despite those efforts, glaring issues remain—in particular, the scope and robustness of the regulation that is in place to protect the welfare of dogs on and off the track. Data shows that, from 2017 to the present, more than 22,000 injuries to racing dogs have been recorded in the UK. That is a staggering number. Like many people, I have seen at first hand the awful injuries that these graceful dogs have suffered, including limbs that are so badly injured that vets are left with no option but to amputate. Heartbreakingly, over the same period, at least 1,000 dogs lost their lives through racing.

With the industry in decline, leading animal welfare groups, such as Blue Cross and Dogs Trust, have called for a phased end to greyhound racing in Scotland and the UK. As we discuss whether the industry has a future in 21st century Scotland, we cannot lose sight of the important matters that need to be considered—not least how to support the livelihoods of people who are engaged in the sector.

However, one thing is clear: the safety and welfare of greyhounds are paramount. On that note, I pay tribute to the fantastic work that Scotland's rescue centres do in caring for and rehoming retired racing dogs. Dedicated volunteers across the country play a vital role in safeguarding the welfare of thousands of retired greyhounds, many of which have spent years on the race track. I know this at first hand because a member of my parliamentary staff adopted a particularly cheeky and playful greyhound named Todd, who, when he stands on his back legs, is way taller than I am. Most dogs are—even Ruth Maguire's dachshund would probably be taller than me. Todd quickly became a much-loved and cherished part of the family.

As I bring my remarks to a close, I appeal to people who are considering getting a pet. By adopting a greyhound, not only would they be bringing a special and gentle dog into their family, but they would be giving a retired greyhound a home—a place where the dog will be loved and cared for, not because of how fast it can run, but for who it is. [*Applause.*]

The Deputy Presiding Officer: I know that this is an issue about which people feel passionately, but I encourage people in the public gallery not to participate, which includes clapping. Thank you.

13:06

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I congratulate Mark Ruskell on securing the debate. I am aware that much of my contribution might repeat what others have said, but I do not care.

I thank OneKind, Blue Cross, Dogs Trust and the Scottish Society for the Prevention of Cruelty to Animals for their briefings. They all support a complete ban on greyhound racing in Scotland.

Yesterday, in discussion about the debate with another member, I was asked whether I have ever attended a greyhound racing meeting. In fact, I have, although it was many moons ago. It was at Powderhall stadium in Edinburgh, which has long since been demolished and redeveloped for housing. The floodlights gave it glamour; the dogs charged out after the rabbit decoy and it was all very exciting. However, that was a long time ago and life, times and the way in which we look at the value and worth of our animals have moved on. These days, we are aware of the toll that racing takes on the dogs, and not all owners and tracks put the welfare of the dogs at the centre. Despite the work of the Greyhound Board of Great Britain, too many dogs have been drugged, injured or put down. As has been mentioned, there are particular concerns about unlicensed tracks.

The cross-party group on animal welfare, which I chair, has had the chief executive of the GBGB before it, and the issue of welfare of greyhounds was raised with him. Although he appeared genuinely to want to tighten up on the welfare of greyhounds, there are still too many deaths and injuries. I have read the GBGB 2022 strategy. It claims that greyhound racing is “a welfare-centric sport”, and talks about a “long-term strategy” for the dogs, a “lifelong commitment” to their wellbeing and maximisation of rehoming. However, it is too late and out of time.

The GBGB reported that across the UK, between 2017 and 2020, more than 1,000 dogs died or were euthanised and there were 1,800 injuries. As others have said, at Shawfield, which is the only Scottish licensed track, during the same period there were 197 injuries and 15 deaths. That is too many injuries and too many deaths. There should not have been any.

According to the GBGB, in 2021, in excess of 18,000 licensed greyhounds were eligible for its licensed tracks, with additional greyhound racing on so-called independent tracks, for which there are no recorded figures. I think that many people who are listening to this debate will be surprised—to put it mildly—that there are unlicensed tracks. The only one in Scotland is in Thornton in Fife. It is unregulated and there is no record of veterinary facilities at the site. Incidentally, the only available data that I could dig out for Thornton race track is from the owner, who commented that only one in 10 dogs is injured. That is a 10 per cent injury rate, so the use of the word “only” is hardly appropriate. In addition to the injuries, there is evidence of doping, poor welfare conditions and there being no vet in attendance.

As for a dog's destiny at the end of its career—if I can use the word “career”—it can be varied. According to the GBGB, some are unsuitable for rehoming and are euthanised—which means that they are put to death. Others might be rehomed. I have seen a few round Holyrood park, so somebody must be organising rehoming here, which I commend.

I also once saw for myself, when driving down the A7 just past Gorebridge, a confused and terrified greyhound loose at the side of the road. I reported it to the SSPCA, as did others who had seen it. My hunch was that it had been dumped and left to its fate, either to be killed by a car or, perhaps, to be lucky enough to be reported by someone. Leaving it there was callous and indefensible behaviour.

Once greyhound racing was a working man's sport that was favoured particularly in mining communities, but we have moved on in respect of the way that we view animals. We have regard for their sentience, therefore we have a deeper

responsibility for our demands on them—as pets, or for so-called sport or entertainment. I therefore support the banning of greyhound racing in Scotland, but in a phased manner, with the caveat that we must protect the animals that are already being bred or used for racing, so that they are given better lives.

Again, I commend the member for bringing the debate to the chamber. I hope that the Scottish Welfare Commission moves a step further and bans not just unlicensed tracks, but the one remaining licensed track, which fortunately, for the time being, is de facto not in use. Presiding Officer, you have been very tolerant.

13:10

Rona Mackay (Strathkelvin and Bearsden) (SNP): I am pleased to be speaking in today's important debate and I thank Mark Ruskell for bringing it to the chamber. Like Christine Grahame, I will not apologise for repeating some things that have already been said, because they are so important.

I am not going to mince my words: greyhound racing is barbaric. It is the exploitation of beautiful dogs purely to make money, and I absolutely abhor it. Animals are not products or commodities to be used for human entertainment. How anyone can find terrified dogs racing round a track entertaining is beyond me.

At least 1,026 deaths were recorded at tracks by the Greyhound Board of Great Britain in the past five years. Nearly 18,000 injuries were recorded in the UK between 2018 and 2021. The board reported that, during that period, 197 injuries were reported at Shawfield stadium in Glasgow, with 15 deaths. It is absolutely sickening. Thankfully, Shawfield stadium has not reopened since March 2020.

As we have heard, there is one track left in Scotland, at Thornton in Fife, which is unlicensed and therefore completely unregulated. The Scottish Animal Welfare Commission has stated that it recommends that Thornton be closed immediately. I sincerely hope that it is. We will never know how many animals will die or are injured and suffering at that facility, and it should close immediately.

Animal welfare charities such as Blue Cross, the SSPCA and Dogs Trust have for years tried to work with the governing bodies on the welfare of greyhounds, including on what happens when their racing days end. Now they have had enough. They want the so-called sport of greyhound racing to be banned. Great work by campaigners has highlighted serious welfare concerns for racing greyhounds, including a restrictive existence, a culture of drugging dogs, a poor diet and an

uncertain fate—which is often euthanasia, once their “career” is over.

These beautiful gentle dogs spend most of their time in often dank and dirty kennels, and suffer from untreated wounds and injuries. They can also be constantly muzzled, which is unbearably stressful for them. There are also serious issues around racing of greyhounds in extreme weather. During this year's hot summer, dogs have been forced to race in 32°C heat. That is downright cruelty.

Incredibly, the number of puppies that are unaccounted for between birth and racing registration are often referred to by the sector as “the wastage”. That is sickening. Dogs are not being regarded as sentient beings; they are merely “wastage”.

The Greyhound Board of Great Britain has been required to publish the data on deaths and injuries only since 2017, so I fear that the figures that have been released are just the tip of the iceberg. There is no independent validation of the data. The figures could be—in my opinion, they are likely to be—even higher.

Internal policy reviews that have been conducted by Dogs Trust, the Royal Society for the Prevention of Cruelty to Animals and Blue Cross found disjointed and ineffective regulation of the sector, a lack of transparency regarding industry practices, and concerns around enforcement of regulatory standards.

There is no doubt that a culture of drugging dogs to enhance or impair performance—in effect, to rig races—is widespread. Substances that have been found in samples that were taken from dogs running at Shawfield include cocaine, amphetamines, steroids, beta blockers and prohormones. All those can have harmful side effects, some of which are severe, and all lead to the extreme suffering of dogs.

In addition, the fate of dogs, once their career is over, is unknown. However, I have seen quite horrific pictures of decapitated greyhounds lying in a ditch.

I hope that we are seeing the beginning of the end for greyhound racing in Scotland. The abuse of these beautiful and gentle dogs must end now. Like others, I thank for their determined and great efforts local campaign groups including one in my Strathkelvin and Bearsden constituency, Blue Cross, the Scottish SPCA, Scotland Against Greyhound Exploitation, the RSPCA, OneKind, the League Against Cruel Sports and others, for their tireless campaigning to stop this barbaric practice.

13:15

Colin Smyth (South Scotland) (Lab): I begin by declaring an interest as a member of the League Against Cruel Sports.

I thank Mark Ruskell for lodging his timely motion on ending greyhound racing in Scotland. I say “timely”, but the reality is that a ban on greyhound racing in Scotland is long overdue.

I do not believe that all those who have gone to a greyhound track over the years, had a bet on a race or even trained or raced greyhounds do not care about the dogs who are racing. Of course, many of them do care, but the reality is that racing a dog around an oval track at speeds in excess of 40mph, with the inevitable collisions and accidents with other dogs, rails and advertising boards, is undeniably cruel.

What little is left of this largely unregulated so-called sport in Scotland is rife with not just injuries and deaths but the drugging of dogs and the casting aside of greyhounds when they are no longer deemed fit to race and therefore have no economic value. All of that is overseen by an industry that has consistently failed to bring about meaningful improvements. Its time is up and so, too, is greyhound racing. It is time to phase it out; it is time for a ban.

I know that some people will argue that, with just two tracks in Scotland—Shawfield, which has not opened since 2020, and the unregulated, unlicensed Thornton—greyhound racing is in decline and will soon come to a natural end. That might be true, but how many more injuries, how many more deaths and how much more cruelty will there be before that happens?

Although the Greyhound Board of Great Britain has had to publish data only since 2017, we know that at least 22,767 injuries and 1,206 deaths have been reported at registered greyhound tracks across the UK up to 2020. There were dozens at Shawfield before it closed, even though it operated just one night per week, and we do not know how many there were at Thornton because it is not required to record or publish that most basic data or even to have a vet present at a race.

There is also no requirement for any drug testing at Thornton, but we know that, even with drug testing taking place at 2 per cent of races at Shawfield before racing was halted, there were 13 positive cases from 2018 to 2019 alone. Those involved steroids, beta blockers, prohormones and, shockingly, in five cases, cocaine. Despite that, no criminal proceedings appear to have been pursued for drugging, abuse cases, injuries or deaths at Shawfield. It is clear that regulation simply does not work.

What about after the racing has stopped? That, too, is unregulated, often unknown and certainly unacceptable. The GBGB does not share microchip records, which would allow individual dogs to be traced, but we know that 668 of the dog deaths from 2017 to 2019 were of dogs who were killed due to the cost of treatment to rehabilitate them following an injury.

However, thankfully, many dogs find new homes due to the outstanding work of many charities. In my South Scotland region, there was a greyhound track at Gretna until 2017. It is no coincidence that, in 2001, Dumfriesshire Greyhound Rescue, which now also covers Cumbria, was founded by Graham and Margaret Hill to rehome retired racing greyhounds. The Gretna track might have gone, but their outstanding work in rehoming those animals continues. Twenty years on, they have rehomed more than 1,860 dogs and have provided continuous care for up to 15 dogs at a time as they look for new homes. We owe them and all the charities that pick up the pieces of greyhound racing a real debt of gratitude.

I also thank those who have—over many years, often in dark times when no one appeared to be listening—been vocal in their support of a ban on greyhound racing. They include my constituent Gill Don, from the abolish all greyhound racing campaign, who has raised the issue with me almost from the day I was elected, and Gill Docherty and Scotland Against Greyhound Exploitation, whose petition to Parliament is slowly but surely making progress. It has been signed by more than 13,000 people, making it the fifth most-signed petition in Parliament’s history.

In calling for a ban, charities such as OneKind and the League Against Cruel Sports have now been joined, significantly, by the RSPCA, the SSPCA, the Dogs Trust and Blue Cross, which spent years trying to work with the industry to bring about improvements but have now simply lost patience. As we have heard, the Scottish Animal Welfare Commission has already backed an end to unlicensed tracks, and I have no doubt that it will soon back an end to licensed tracks.

It is time for the Scottish Government to follow those organisations, listen to public opinion and make it clear that it will introduce legislation to end this cruelty and phase out greyhound racing once and for all. I can give the minister this assurance: she need not worry about doing that, because charities such as Dumfriesshire and Cumbria Greyhound Rescue, the SSPCA and many others will ensure that the dogs that are left find good, loving homes to enjoy in their retirement, free from abuse and cruelty.

13:20

Emma Harper (South Scotland) (SNP): I welcome the opportunity to speak in the debate, and I thank Mark Ruskell for securing it. I am also happy to support his motion. I associate myself with his comments, and I thank all the groups that he has mentioned for the action that they have taken.

Greyhound racing is legal in just seven countries in the world. As many speakers have mentioned, only two tracks now remain in Scotland: Shawfield, in Rutherglen, which has not been operational since 2020; and Thornton, in Fife. Colin Smyth has just mentioned Halcrow stadium in Gretna, which is in my South Scotland region. It closed in 2018, and housing has since been built on the site.

The number of greyhounds intended for racing is currently at its lowest in Scotland and, as the Scottish SPCA has highlighted, if implemented in a phased manner, with full communication with all involved, a ban at this time would place the smallest possible burden on rescue organisations in relation to ensuring that all dogs currently racing can be rehomed responsibly.

Ultimately, I agree that we need legislative change to ban racing in our country in order to tackle the high number of injuries, deaths and positive drug tests that are reported in the industry and to reflect the lack of public support for this unsavoury use of animals for human entertainment and gambling profit.

The regulatory body for greyhound racing, the Greyhound Board of Great Britain, has been required to publish injury and death statistics since 2017. In 2018, the board introduced a greyhound commitment, with the aim of improving welfare and reducing injuries. Despite that, according to the board's injury retirement data for 2018, across the UK, just short of 5,000 dogs were injured—an increase on the previous year. The figures also state that more than 2,000 dogs died or were killed in the racing industry in 2018-19. The GBGB also reported nine positive drug tests in dogs at Shawfield in 2018 alone, as reported in various issues of its *Calendar* publication. Information that is published by the GBGB demonstrates that there continued to be positive drug tests with class A drugs in 2019. Those tests show that dogs were drugged with cocaine, methamphetamine and other drugs, as Ruth Maguire and Rona Mackay have described. In reality, the rates of drugging are likely to be much higher, as only about 3 per cent of dogs who are running are tested.

There have been 119 entries and 15 deaths at Shawfield alone. As the Scottish SPCA reports, we do not have the numbers for the unlicensed

Thornton track. Those numbers speak volumes and demonstrate the need for a ban.

Anyone who has a greyhound will know that they love comfort and attention. As a dog owner, and as a proponent of dog-friendly policies, I know how much love our four-legged companions bring. As Colin Smyth described, great rehoming work is being done by Dumfriesshire and Cumbria Greyhound Rescue, which has a shop in Lockerbie. I commended it for its rehoming work.

It is absolutely not right that those dogs are forced to run in a practice that is simply for human entertainment and monetary gain, and I absolutely agree that there must be a ban. A Scottish animal welfare charity, the Scottish SPCA, has reported that greyhound racing is a significant animal welfare issue, and one that needs to be stopped.

The question is not whether there should be a ban but when the ban should happen. Again, I thank Mark Ruskell for his motion.

13:24

The Minister for Environment and Land Reform (Màiri McAllan): I begin the Government's response to the debate, which I thank Mark Ruskell for introducing and members for taking part in, by being very clear that greyhounds are intelligent, affectionate and gentle animals, that the mistreatment of animals in Scotland is completely unacceptable and that we expect people who are found guilty of mistreatment to be prosecuted to the full extent of the law.

The Scottish Government is committed to the highest standard of animal welfare, and we welcome views from stakeholders such as the Scottish SPCA, Dogs Trust, OneKind and others who have recently contributed to discussions. We work closely with those organisations and, as Mr Ruskell does in his motion and members across the chamber have done, I give the Government's thanks to those organisation, campaigners and rescue groups for their work campaigning for and rehoming greyhounds.

Like many other people, I am very concerned by the reports detailing injuries and deaths, particularly at Shawfield between 2017 and 2020. The Scottish Government takes those figures very seriously, as well as any other unnecessary injury or welfare concerns that are caused for any animal as a result of human activity, or for entertainment, as a number of members have reflected on.

Against the backdrop of those shocking figures, we note the reported permanent closure of Shawfield stadium, having not reopened following the suspension of race meetings due to the pandemic. As members have reflected on, that

leaves only one unlicensed track, in Fife. Despite only one track remaining, the Scottish Government appreciates the depth of feeling that is associated with the sport, and recognises the considerations that have been undertaken as part of public petition PE1758.

In the time that I have today, I will cover the law as it stands before looking to the future and actions that could be taken on the matter. The provisions that are included in the Animal Health and Welfare (Scotland) Act 2006, as amended, ensure that action can be taken where there is evidence that the welfare needs of greyhounds, whether still racing or retired, are not being met.

Finlay Carson (Galloway and West Dumfries) (Con): The minister says that legislation is already in place. Whose responsibility is it to enforce that?

Màiri McAllan: The member raises an important part about enforcement, which I will come on to, if he does not mind waiting.

I was about to point out that part 2 of the act applies to all persons who are responsible for animals, which in this case includes the breeders, trainers and owners of racing greyhounds. We recently moved to amend the 2006 act with the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020, which means that people who are found guilty of offences can now face up to five years in prison and unlimited fines. Those recent changes are part of the Government's unwavering conviction that the mistreatment of animals in Scotland is completely unacceptable. As I said in my opening remarks, we expect that those found guilty will be prosecuted to the fullest extent of the law.

Mark Ruskell: It is obvious that the 2006 act has been highly effective in some areas of welfare reform—in ensuring that the welfare of animals is protected and that adequate prosecutions have been brought through—but does the minister believe that there are particular problems with the application of the act to greyhound racing, and that it has not been effective in driving the reforms that we all want to see?

Màiri McAllan: That intervention, like the previous one, is important. It is a point about the enforcement of the law as it stands. The Scottish Government's position is that the 2006 act, as it stands, is sufficient, but we are interested in how enforcement, particularly in the case of greyhound racing, can be improved.

The Government has taken significant steps to protect and promote the welfare of all dogs, including via those stronger penalties. In addition, following the granting of legislative consent for the relevant parts of the United Kingdom Animal Welfare (Kept Animals) Bill, we will continue to work with the other UK Administrations on

proposals to tackle the illegal puppy trade, including restricting the number of puppies that can be imported in one vehicle, and preventing the importation of puppies under six months old, heavily pregnant female dogs and dogs that have had their ears cropped or have been subject to other mutilations that would be illegal in the UK.

If those proposals are brought to fruition, they will benefit the lives of thousands of dogs, including puppies that are bred and reared for the greyhound racing industry, in which a large proportion of the greyhounds that are racing in Britain have been bred elsewhere and transported into the country. The Government is directing time and resources to actions that we think can have the widest possible impact on the largest possible number of dogs.

That work is being led largely by my colleague Mairi Gougeon, but it also sits alongside work that I am leading on the protection of wildlife, including ending the chasing and killing of foxes and wild mammals by dogs, reforming grouse moor management, banning glue traps, considering the future of snaring, and reviewing the powers of the Scottish SPCA. The Government is taking all that work forward right now.

That is as it stands, but I will return to the issue at hand. Despite the Scottish Government having a robust legislative framework in place and, as ever, pursuing more impactful change, we recognise that authorities face challenges with enforcement when they collect data and evidence, particularly from unlicensed greyhound racing premises. We know that there is concern regarding suspected instances of malpractice, including doping and a lack of veterinary care, as members have indicated. We are committed to continuing to work with enforcement authorities including the Scottish SPCA and other stakeholders to ensure that the enforcement of our robust laws is operating as it needs to be. In that regard, I encourage anyone who is concerned about the welfare of any animal to report their concerns to local authorities.

Christine Grahame: Will the member take an intervention?

Màiri McAllan: I am a bit short of time, Presiding Officer.

The Deputy Presiding Officer: I will give you the time back.

Christine Grahame: I will be brief. The Scottish Animal Welfare Commission, which has been tasked by the Government with dealing with all these issues, has said that it wants a ban on greyhound racing at unlicensed tracks. Does the minister have any timeline for when it might come out with a view on licensed tracks and, therefore, an outright ban?

Màiri McAllan: I would not want to pre-empt the work of the Scottish Animal Welfare Commission. From the Government's point of view, all I can say is that we look forward to hearing its comments, as we look forward to hearing the comments of the Rural Affairs, Islands and Natural Environment Committee, and we will take all that into consideration.

In closing, I will look specifically at what we can do right now to improve the situation in greyhound racing, which has much declined in Scotland but is still very concerning. I clarify that the Scottish Animal Welfare Commission's letter of 23 May to the Rural Affairs, Islands and Natural Environment Committee did not call for an outright ban on greyhound racing. Rather, the letter stated that the commission

"does not support the continuation of unlicensed ... tracks in Scotland."

The commission considered that, if greyhound racing was to continue, it should be conducted "under specific regulations" to protect the health and welfare of dogs. As I said to Christine Grahame, we will carefully consider recommendations that have been made by the commission and by the RAINE Committee.

However, members will be aware of the programme for government's commitment to consult stakeholders on extending licensing legislation to animal care services, which could include dog training, walking and grooming services. Government officials have already begun the preliminary stages of that work, which in substance will be taken forward at the earliest opportunity. My colleague Mairi Gougeon, the Cabinet Secretary for Rural Affairs and Islands, is leading on that work, but I am very pleased to be able to confirm that, while we await the views of SAWC and the opinions of the rural affairs committee, we will include the activities of the greyhound industry in that consultation on licensing.

Despite the greyhound racing industry's decline in Scotland, we are clear that animal welfare is paramount and must be upheld. Cruelty to animals, whether they are domesticated or wild, has no place in modern Scotland.

13:33

Meeting suspended.

14:00

On resuming—

Portfolio Question Time

Social Justice, Housing and Local Government

The Deputy Presiding Officer (Annabelle Ewing): Good afternoon. The next item of business is portfolio questions on social justice, housing and local government. If a member wishes to request a supplementary question, they should press their request-to-speak button during the relevant question or enter R in the chat function.

I make the plea again for succinct questions and answers, in order to get in as many members as possible.

Cost of Living Crisis (Impact on Poverty)

1. **Paul McLennan (East Lothian) (SNP):** We heard at First Minister's question time about a report by the University of Glasgow and the Glasgow Centre for Population Health that says that, due to Tory austerity, 20,000 more deaths than expected were recorded in Scotland in an eight-year period. We want to avoid similar excess deaths in the future.

To ask the Scottish Government what recent engagement it has had with the United Kingdom Government regarding the impact of the cost of living crisis on poverty levels in Scotland. (S6O-01428)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): I share the member's concern—concern was also expressed by the First Minister—about that shocking report.

The First Minister and the Deputy First Minister have made repeated calls for immediate action to support households. Following the UK mini-budget, the Deputy First Minister has again written to the chancellor seeking a reversal of the damage that was inflicted on people who are already bearing the brunt and having to choose between going hungry or being cold.

We will continue to use the limited powers and finite budget that are available to mitigate the impact of actions that undermine our efforts to tackle poverty, and to press the UK Government for targeted support for householders and businesses, increases to social security and greater financial powers and resources.

The report to which Paul McLennan referred obviously looks back to the previous period of austerity. It is frightening that we could see that

repeated—and more so—in a new era of austerity, which, of course, we want to avoid.

Paul McLennan: There is no doubt that UK Government policies are adding huge pressures on people who are already struggling to stay afloat.

Does the cabinet secretary share my frustration that, although the Scottish Government does all that it can to help people, the reality is that there is a limit to what can be achieved without the full fiscal and borrowing powers that the UK Government has?

Shona Robison: I share that frustration. Although the decisions of the UK Government continue to push people into hardship, we have allocated almost £3 billion from our fixed budget—a budget that is worth £1.7 billion less than in December due to inflation.

The harsh reality of a fixed budget is that every pound that we spend to help with rising costs has to be funded by reductions elsewhere. That is why it is vital that this Parliament should have the full powers to tackle poverty and the cost of living crisis, and to support those in need.

Cost of Living Crisis (Additional Resources for Third Sector Advice and Support Services)

2. Paul O’Kane (West Scotland) (Lab): To ask the Scottish Government what plans it has to provide additional financial resources for third sector organisations that are on the front line in providing advice and support services as the cost of living crisis continues to deepen. (S6O-01429)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): The third sector is hugely diverse and often provides lifeline services to our most vulnerable communities, which is why we have invested around £12.5 million this year to support the provision of free income maximisation services and welfare and debt advice.

Although we will do all that we can, our largely fixed budgets and limited fiscal powers mean that we need the United Kingdom Government to take urgent action to support people in need. We continue to deliver on key commitments to the third sector around fairer funding by providing multiyear funding when we can to provide much-needed stability in these uncertain times.

Paul O’Kane: In the summer, I met a wide range of third sector organisations across West Scotland, including the Lochwinnoch community larder and starter packs Inverclyde. New research from the Scottish Council for Voluntary Organisations has revealed the precarious situation that third sector organisations are facing, with figures showing that 64 per cent of those

organisations have reported an increase in demand and 61 per cent have described facing imminent financial challenges. Many are worried about how they will keep their lights on and doors open.

Will the cabinet secretary commit to establishing a new third sector resilience fund, such as that which was put in place at the start of the pandemic, to ensure that third sector organisations can continue to support the most vulnerable, rather than focus on their own survival?

Shona Robison: Paul O’Kane raises important points, and he is right to highlight the work of important front-line organisations that are really helping people during the cost of living crisis.

The SCVO has estimated that the public sector as a whole invests around £1.8 billion each year in supporting the work of charities and social enterprises. Around £500 million of that comes from the Scottish Government through a broad range of programmes, including on supporting mental wellbeing, community empowerment, children and families and health and social care.

We are talking to the sector about how we move more to multiyear funding because we know that stability is important, not least to the ability to retain and recruit staff. We will continue to have those discussions and, as we engage in discussions through the emergency budget review and the budget beyond that, we will give consideration to the points that the member raises.

Jeremy Balfour (Lothian) (Con): In the members’ business debate on Tuesday night, the cabinet secretary said that she and her officials meet the SCVO regularly to talk about different issues. Will she commit to meeting the SCVO to talk about three-year funding packages?

Shona Robison: As I just said in my answers to Paul O’Kane, we will continue to meet the SCVO and others to talk about multiyear funding. We are already doing that and will continue to have those meetings. However, I make the point to Jeremy Balfour that, if our budgets continue to reduce, either through inflation—there has been a £1.7 billion reduction in the value of existing budgets—or the potential £18 billion-worth of cuts to public services that could come at us from UK Government decisions, that will put at risk funding across the board, including the support that we give to the third sector. I urge him to have the same discussions with his UK counterpart about the importance of maintaining Scottish budgets for those reasons.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): As a former third sector worker, I recognise how much organisations across Scotland support our communities. It is abundantly clear that additional funding is required from the

UK Government to meet the demands of the current cost crisis, especially, as the cabinet secretary outlined, the £1.7 billion reduction in our budget due to inflation. What engagement has the Scottish Government had with other devolved Administrations regarding that issue?

Shona Robison: The Deputy First Minister spoke with the finance ministers from Wales and Northern Ireland last month. They, of course, are facing similar pressures. The Deputy First Minister and his counterparts wrote to the Chancellor of the Exchequer last week to request an urgent meeting and called for additional funding to deal with the crisis. It is really important that that meeting takes place because it is not only the Scottish Government that is voicing such concerns. The same concerns are being voiced by the Welsh Government and the Northern Ireland Executive as well.

Bill of Rights Bill

3. Fulton MacGregor (Coatbridge and Chryston) (SNP): To ask the Scottish Government what its response is regarding the impact on Scotland of the United Kingdom Government's reported plans to withdraw the Bill of Rights Bill. (S6O-01430)

The Minister for Equalities and Older People (Christina McKelvie): It was welcome to hear that the UK Government had postponed its dangerous, ill-conceived Bill of Rights Bill, which was an unwelcome attempt to deprive us all of the rights and freedoms that are the foundation of a modern, democratic society. It would also have undermined the Scottish Parliament and the devolution settlement. Therefore, I was concerned by comments at the weekend from the UK Secretary of State for Justice, who said that he remained committed to reforming the Human Rights Act 1998. I urge the UK Government to instead reverse its plans and focus on making rights real for everyone across the whole UK.

Fulton MacGregor: Will the minister outline what steps the Scottish Government is taking to ensure the protection of European Union, international and domestic human rights law in Scotland, as the right-wing UK Government, whether through the Bill of Rights Bill or its general approach to inequalities in the UK, continues to threaten them?

Christina McKelvie: In contrast to the UK Government's regressive approach, our priority is to strengthen the domestic legal protection and practical application of international human rights standards. We have already committed to introducing a new, landmark human rights bill during the current session of Parliament. We also remain committed to incorporating the United Nations Convention on the Rights of the Child as

far as possible within devolved competence and to aligning with European law in devolved areas where that is possible and appropriate. I continue to urge the UK Government to reaffirm its commitment to the European convention on human rights and the Human Rights Act 1998.

Affordable Housing Supply Programme (Highlands and Islands)

4. Ariane Burgess (Highlands and Islands) (Green): To ask the Scottish Government how it will overcome reported significant skills and supply chain shortages in the Highlands and Islands to deliver 11,000 rural and island homes by 2032. (S6O-01431)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): The Scottish Government is aware of the global issues that are affecting construction, which are impacting on affordable housing delivery. We are working closely with the construction industry and housing partners to mitigate those where possible and we operate a flexible grant system that can take account of increased costs.

More than 6,000 affordable homes were delivered in rural and island communities over the previous session of Parliament and we are making progress towards our next target. We are aware of the barriers that exist in those areas and we are developing a remote, rural and islands housing action plan to help to deal with them.

Ariane Burgess: Although the housing crisis in the Highlands and Islands is a significant challenge, the opportunities for job creation and investment are significant, too. What work has been done to identify the jobs and skills training programmes that are needed in the Highlands and Islands to tackle the crisis?

Shona Robison: With partners, we have identified the job creation and investment opportunities that Ariane Burgess mentioned. We know that there is a skills shortage, particularly in the construction industry. It is important that, along with Skills Development Scotland and other partners, we encourage young people into those trades and careers, which will have the benefit of keeping those young people living in rural communities. Therefore, the issue is not simply about the provision of housing, although affordable housing is key; it is also about the jobs and other opportunities that go with that.

I will be happy to keep Ariane Burgess updated on the progress that is being made.

Liam McArthur (Orkney Islands) (LD): As well as skills shortages, another issue that is affecting the delivery of new housing in the islands is the unwillingness of energy supply companies to

install meters in new-build properties. Might the cabinet secretary be minded to liaise with her cabinet secretary colleague Michael Matheson on making representations to the Office of Gas and Electricity Markets about how that market failure might be addressed, not least through the lifting of the ban on distribution network operators fitting meters while they install the supply in new properties in island communities?

Shona Robison: Liam McArthur raises an important point. Of course, that issue affects the ability to get new builds ready for occupation not only in Orkney and the islands, but in other areas, which is very frustrating. I will be happy to speak to colleagues and to come back to Mr McArthur. It is important that we raise such matters as frequently as we can to ensure that progress is made so that the supply of affordable housing is not held up.

Jamie Halcro Johnston (Highlands and Islands) (Con): According to the Scottish Federation of Housing Associations, among several severe unintended consequences of the Scottish National Party's rent freeze proposals is a negative impact on

"the development of new homes, improvements to existing stock and the pursuit of net zero targets."

Reduced development of rented homes in the social and private sectors will inevitably reduce availability when supply is already stretched.

What analysis has the Scottish Government done on the impacts of the Cost of Living (Tenant Protection) (Scotland) Bill on housing availability in rural and island areas?

Shona Robison: We have a good track record of delivering affordable housing, whether in urban Scotland or in rural and island communities. The most recent figures, which came out on Tuesday, show that we have delivered nearly 113,000 affordable homes since 2007, more than 79,000 of which were for social rent. That means that 62 per cent more affordable homes have been delivered in Scotland per head of population than in England. The context for our affordable housing supply programme is important.

Over the past two days, we have debated the detail of the emergency measures that we are taking to support tenants and avoid them losing their homes and not being able to afford their rents. We have spoken to the SFHA in detail about working in partnership on an agreement that can be put in place that will ensure that investment in social housing, whether in rural Scotland or urban Scotland, continues to be made.

The point has been made not just by the SFHA but by the Scottish Association of Landlords that the key problem for landlords at the moment is

interest rates, which are putting their costs up. Perhaps the member should pay more attention to that. [*Interruption.*]

It is well seen what side the Tory party is on when it comes to supporting tenants. Perhaps that is why they are where they are in the polls that have been published this week.

The Deputy Presiding Officer: The next question comes from Colin Beattie, who is joining us remotely.

"A New Deal for Tenants" (Mobile Home Residents)

5. Colin Beattie (Midlothian North and Musselburgh) (SNP): To ask the Scottish Government how the needs of mobile home residents will be incorporated in the final version of the strategy, "A New Deal for Tenants". (S6O-01432)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): The consultation on our new deal sought views on how we can improve accessibility, standards and affordability across the whole rented sector. The focus of the question on mobile homes was on the issues for people who have standard tenancies on mobile homes that are owned by landlords. It also committed us to a post-implementation review of the mobile home site licensing scheme.

We are now considering our response to the consultation about the issues for renters of mobile homes, to identify potential gaps in protections. That will inform our housing bill.

Colin Beattie: The draft new deal for tenants underlined that the Scottish Government intends to carry out a post-implementation review of the residential mobile homes site licensing scheme before the end of this session of Parliament. Although that is welcome news to my constituents who live in mobile and park homes, many of them worry that issues concerning enforcement of the licensing scheme are not being addressed quickly enough. Will the cabinet secretary give an assurance that the needs of mobile home residents will be considered with the same urgency as the needs of those living in other types of residence?

Shona Robison: I am committed to ensuring that people living permanently in mobile homes have appropriate protection. The licensing system for residential mobile home sites was introduced in May 2017 and came fully into force in May 2019. It provides local authorities with a range of powers to help them issue, manage and revoke site licences, and to ensure that sites meet modern standards, which includes the behaviour of site owners. Although the review will seek to make

improvements in the licensing framework, local authorities remain responsible for enforcing licensing conditions in the meantime. I will be happy to update the member on progress.

Ruth Maguire (Cunninghame South) (SNP): Pitch fees for my Cunninghame South constituents who live on mobile sites rise by a maximum of the retail prices index annually. The gap between RPI and the consumer prices index is increasing, with the cost of pitch fees growing faster than pension incomes. Will the Scottish Government address that by basing uprating on CPI?

Shona Robison: Mobile home pitch fee increases are regulated under the Mobile Homes Act 1983. That act contains a presumption that pitch fees will rise by a maximum of RPI annually. As the member says, there are concerns that the gap between RPI and CPI is growing, with the result that pitch fees are growing faster than pension incomes. We will therefore undertake the required consultation on moving the basis of uprating from RPI to CPI in time for the coming housing bill. That would slow the rate of pitch fee increases in future. I will be happy to update the member on that.

Isolation and Loneliness (Rural Areas)

6. **Emma Harper (South Scotland) (SNP):** To ask the Scottish Government what action it is taking to tackle rural isolation and loneliness, particularly in the approach to the winter period. (S6O-01433)

The Minister for Equalities and Older People (Christina McKelvie): We recognise that challenges relating to isolation may be increasing in rural communities due to the pandemic and cost crisis.

We support the National Rural Mental Health Forum, which helps people to maintain good mental wellbeing by developing connections between rural communities. Our communities mental health and wellbeing fund has provided £36 million to community groups tackling isolation, loneliness and mental health inequalities, including to 468 projects supporting people who are disadvantaged by geographical location. Our forthcoming social isolation and loneliness plan will outline a range of actions across the Scottish Government that impact positively on social isolation and loneliness.

Emma Harper: The Tory-made cost of living crisis will do nothing other than exacerbate social isolation and loneliness, particularly for those living in rural areas such as Dumfries and Galloway and the Scottish Borders. People are being forced to choose between eating and heating, and the Joseph Rowntree Foundation has stated that 19

per cent of people in Scotland currently say that they cannot afford social outings.

Will the minister outline what further action the Scottish Government is taking to support people's wellbeing this winter? Does she agree with me that, ultimately, Scotland must have independence to be free from constantly mitigating the harms that the United Kingdom Government creates?

Christina McKelvie: We are taking action within our devolved powers and fixed budget that will help those who are facing the combined effects of higher energy bills, rising inflation and the impact of the UK Government's policies. Just last week, we launched a new cost of living website so that people can find out about the help and support that is available to them.

The Scottish Government has continually urged the UK Government to focus its efforts on those who are impacted the most, but it has prioritised tax cuts and bankers' bonuses rather than help for those who need it the most.

I very much agree that only through independence will we have the freedom to make the fiscal decisions that are required to ensure that Scotland prospers and that those who need financial support the most get it and are not forgotten.

The address of the website that I mentioned is www.gov.scot/costoflivingsupport. I urge everybody to have a look at it.

Affordable Housing (University Students)

7. **Claire Baker (Mid Scotland and Fife) (Lab):** To ask the Scottish Government how it is ensuring the availability of affordable housing, including for students at Scottish universities. (S6O-01434)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): Scotland has led the way in the delivery of affordable housing across the United Kingdom. Almost 113,000 affordable homes have been delivered since 2007, over 79,000 of which are for social rent, including nearly 20,000 council homes. The Scottish Government's per capita spending on affordable housing is more than three times higher than the UK Government's.

We are also committed to delivering a student accommodation strategy for Scotland, which will be informed in part by a review of purpose-built student accommodation. The review will look at a number of issues including affordability and supply.

Claire Baker: In my region, students at the University of St Andrews are being housed in Dundee due to a lack of local affordable housing, and we have heard about students being advised

to defer courses if they cannot find somewhere to live.

The Scottish Government is not directly involved in student housing, but it works with universities. The majority of students are in social or private housing, and although the coming rent freeze is welcome, there will still be a housing crisis in Scotland, with more families becoming homeless and housing completions still being below pre-Covid levels.

When will the housing bill be introduced? Is it still intended that it will be introduced next year? How will it ensure that there will be increased provision of quality affordable housing?

Shona Robison: Yes, the timeframe for the housing bill is the same.

The member mentioned pre-Covid levels. It is important to note that things have lagged because of the pause in construction and that trying to get things back on track has been challenging.

As the member recognised, the Scottish Government has no direct role in the placement of students in accommodation, but we are working with impacted institutions to better understand the issues and to help to seek urgent resolutions. Further meetings are scheduled to take place over the coming weeks. In our discussions with institutions, they have cited a number of challenges. However, institutions have sought to provide reassurance on the steps that they have taken to expand the availability of accommodation to students.

Our affordable housing supply programme continues to expand with projects coming in from all parts of Scotland. We want to encourage that, but we will work with institutions in the shorter term to see whether anything more can be done.

Bill Kidd (Glasgow Anniesland) (SNP): Will the cabinet secretary outline how the emergency cost of living legislation that is progressing through Parliament this week will support students in college or university halls of residence and other types of purpose-built accommodation?

Shona Robison: If it is approved by Parliament, the emergency legislation will ensure that student tenants in the mainstream private rented sector and those in student accommodation—both university and college halls of residence and purpose-built student accommodation—do not see their rents rise. It will ensure that they can remain in their homes. The legislation will be in place until 31 March next year.

We recognise that tenancies in halls of residence and purpose-built student accommodation are structured differently from other types of tenancies, but we are committed to parity of protection.

Miles Briggs (Lothian) (Con): International evidence demonstrates that, for many universities in different countries, such as Ireland, the introduction of rent controls has resulted in students being further away from being able to access private rented accommodation. Has the Government done any work to look at what impact rent controls will have in Scotland?

Shona Robison: The impact that it will have in Scotland is to ensure that rents are affordable, that people are not evicted during the winter period and that they can remain in their homes. It astonishes me that, yet again, the Tories are on the wrong side of the argument. They are never on the side of the people who are most impacted by the cost of living crisis. Perhaps that is why they are where they are in terms of public support.

We will continue to support universities, many of which have had those issues for quite some time—well before any discussion was had about the emergency legislation. We will continue to work with those institutions to help them to resolve some of those issues, and will get on with our work to continue to expand the affordable housing supply programme.

The Deputy Presiding Officer: I can squeeze in question 8, if question and answer are succinct.

Zero Carbon Heating Systems

8. **Brian Whittle (South Scotland) (Con):** To ask the Scottish Government how its housing strategy will support action to deliver the target of 1 million homes to be retrofitted with zero carbon heating systems by 2030. (S6O-01435)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): Our “Housing to 2040” and heat in buildings strategies work together to deliver our statutory targets for climate change and fuel poverty. Commitments such as the aim that all new homes that are delivered for social rent are zero emission by 2026 provide a strong foundation for our heat in buildings programme, as we continue to retrofit all homes by 2045.

We have also committed to introducing a new housing standard by 2025. We will explore how the proposed housing standard and the heat in buildings strategy can be aligned to achieve fair and just implementation.

Brian Whittle: ECO4 is a United Kingdom Government scheme to the value of £1 billion, which councils can apply for. It is designed to improve the energy efficiency of low-income and vulnerable households. What is the Scottish Government doing to encourage all Scottish councils to take full advantage of the scheme?

Shona Robison: I will get the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights to write to the member on the specific point about the scheme.

For Scotland alone, we are allocating at least £1.8 billion over the parliamentary session to accelerate the deployment of efficiency measures for heat and energy and to support those who are least able to pay. We have also set up the green heat finance task force to recommend ways of increasing individual and private sector investment.

The Deputy Presiding Officer: That concludes portfolio questions. There will be a short pause before we move to the next item of business.

Cost of Living (Tenant Protection) (Scotland) Bill: Stage 3

14:28

The Presiding Officer (Alison Johnstone): The next item of business is stage 3 of the Cost of Living (Tenant Protection) (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2—that is, Scottish Parliament bill 18A—the marshalled list and the groupings of amendments.

The division bell will sound and proceedings will be suspended for around five minutes for the first division of the debate. The period of voting for the first division will be 45 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate.

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

Members should now refer to the marshalled list of amendments.

After section 6

The Presiding Officer: Group 1 is entitled “Registered social landlords: assessment of financial impact”. Amendment 1, in the name of Mark Griffin, is the only amendment in the group.

Mark Griffin (Central Scotland) (Lab): I draw members' attention to my entry in the register of members' interests, as the owner of a private rented property in the North Lanarkshire Council area.

All week, through the various stages of the bill, I have outlined substantial concerns about the rent cap and how it impacts on the social rented sector's ability to continue its plan to build new affordable housing that directly tackles Scotland's housing crisis, as well as the sector's ability to maintain and upgrade its existing properties. The sector has clearly rung that alarm bell and we should listen to it. I am seeking to make sure that tenants do not suffer unintended consequences and that providers in the sector—social landlords that invest in sustainable affordable housing—continue to provide the housing that we so badly need in the vast quantity that we urgently need.

14:30

Yesterday, the Cabinet Secretary for Social Justice, Housing and Local Government said that my amendment 80 was not necessary because

“The statement of reasons will be much more comprehensive than that, because we will include all relevant information.”—[*Official Report*, 5 October 2022; c 139.]

Amendment 1 therefore labours a point from yesterday, but is seeking to put into the legislation the safeguard of consultation of registered social landlords and details of how they will be adequately resourced if they suffer detriment.

As I have said previously, the situation risks tenants being affected as much as landlords. Abronhill Housing Association in my region would have to suspend all its investment programmes well into 2024.

The regulator puts the cost to the sector; we have to remember that the cost is cumulative with every year. £50 million of income lost next year could reach £230 million of income lost to the sector by 2027. According to Scottish Parliament information centre modelling, because seven out of 10 social tenants receive housing benefit or universal credit, it would be the Treasury that would be better off—not social landlords or social tenants—if the freeze were to continue past March next year.

The finances of housing associations have been a key issue at various stages of the debate. The issue has been raised not only by members from every Opposition party but by members on the Government’s own back benches. There is the risk that the action that we have called for—freezing of rents, which is action that we have welcomed being taken for the short term—will impact the finances of the people whom we expect to build the social housing that we desperately need. That is at odds with the long-term ambition to grow the social housing stock to get us out of the emergency that we are in.

I gently say that if what I propose will be included in the review, I do not see any harm in supporting my amendment 1. It would give social landlords the assurance that their finances would be considered at the point of the review and would, I think, give assurance to Parliament, as well.

As I said, it has been raised by members across the parties, including members on the Government’s back benches, that we need to seriously consider the financial impact on the social housing sector and give comfort to Parliament as well as to registered social landlords.

I move amendment 1.

The Minister for Zero Carbon Buildings, Active Travel and Tenants’ Rights (Patrick Harvie): As members know, we are working closely with the social sector and have established an official-led short-life task-and-finish group to

consider the best approach to take from 1 April. That work includes consideration of the impact of measures in the short-term and long-term business plans of the sector.

We have lodged Government amendment 2, which is in the next group, to bring greater certainty to the social sector by enhancing the Scottish ministers’ reporting requirement under section 8 of the bill. That will require us, in the first half of January, to outline what will happen with any social sector cap—whether the current rent cap will expire, or be extended, suspended or increased.

We are working very closely with the sector to agree appropriate action and the enhanced reporting requirements. That engagement will secure certainty and the comfort that Mr Griffin is asking for well in advance of 1 April. I will describe what the Government’s amendment 2 will do in a little bit more detail when I move the amendment in the next group.

It is worth noting that section 8 already requires us to review the appropriateness, necessity and proportionality of the rent cap overall, going forward. That said, I will not be able to support amendment 1. I invite Mr Griffin not to press it.

Mark Griffin: I appreciate what the minister has said and Scottish Labour will support amendment 2, which will be debated in group 2. However, he has not given a commitment that the finances of registered social landlords, or the impact on the affordable housing supply programme, will be taken into account in the bill.

Amendment 1 is supported by Shelter Scotland and by the Scottish Federation of Housing Associations. This morning, Shelter sent an email to all members, in which it said:

“The measures in this bill should not impact on the delivery of new social homes, given that this is a structural solution to the housing emergency, to address the need for secure and affordable housing. Specifically, the social housing rent freeze or cap measures must be fully funded. Any reduction in rent revenues which are required to deliver the new social homes to reduce housing need must be provided by the Scottish Government to ensure that homes can still be delivered.”

Shelter is absolutely right about that. Amendment 1 would enable the Government to show that it was carrying out such a financial assessment. I will therefore press amendment 1.

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

Members: No.

The Presiding Officer: There will be a division. As this is the first division, I suspend proceedings for around five minutes to enable members to access the digital voting system.

14:36

Meeting suspended.

14:41

On resuming—

The Presiding Officer: Members should cast their votes now.

The vote is now closed.

The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson): On a point of order, Presiding Officer. I would have voted no.

The Presiding Officer: Thank you. We will ensure that that is recorded.

Craig Hoy (South Scotland) (Con): On a point of order, Presiding Officer. My app froze, but I would have voted yes.

The Presiding Officer: Thank you. We will ensure that that is recorded.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): On a point of order, Presiding Officer. I had issues with my app, too. I would have voted yes.

The Presiding Officer: Thank you. We will ensure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowe, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)

Ross, Douglas (Highlands and Islands) (Con)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)

Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 45, Against 63, Abstentions 0.

Amendment 1 disagreed to.

Section 8—Reports by the Scottish Ministers on status of Part 1 provisions

The Presiding Officer: Group 2 is on reporting. Amendment 2, in the name of the minister, is the only amendment in the group.

Patrick Harvie: I hope that amendment 2 will go some way towards allaying some of the concerns that were expressed in relation to the previous group.

As I alluded to a moment ago in relation to amendment 1, I want to ensure that the legislation further reflects the distinctive circumstances of the social rented sector. That acknowledges the concerns that were expressed across the chamber yesterday, and were clearly heard. It is right that tenants in the social rented sector are protected during this time, but we also recognise that there are critical differences in how rents are consulted on and agreed, and in how the sector is funded compared with the private rented sector.

14:45

With all that in mind, as I have indicated, we have committed to working closely with the social rented sector through an official-led short-life task and finish group to consider the best approaches from 1 April onwards. On top of that, the cabinet secretary and I have welcomed recent opportunities to discuss the way forward with representatives of registered social landlords and local authorities.

We are keen to develop an agreed way forward, and we are optimistic that that can be done at pace and in a genuine partnership with the sector. Our aim is to ensure the best possible balance between keeping rents affordable and continuing social rented sector investment of rental income in quality homes and appropriate wider support to tenants.

Amendment 2 commits the Government to setting out a decision to provide certainty to the social rented sector by 14 January 2023 at the latest as part of the required three-month reporting requirements in the bill. The amendment requires us to confirm whether we intend to raise the cap, suspend or expire the rent restrictions, or continue

with a zero per cent cap for the social sector only. We want all social landlords to be as clear as possible as early as possible, and we look forward to developing an agreed approach that will inform that decision. That is absolutely our preferred way forward.

I want to give the sector a very clear direction of travel as soon as possible, and I trust that the proposed amendment provides clarity on the timeframe for that critical decision being made well ahead of 1 April next year. I can also give a commitment today that we will bring forward any required regulations to underpin that approach, including ensuring that social landlords will be able to practically raise rents from 1 April next year if that is part of the agreement that we come to.

We want to move forward in a collaborative way. We will be looking to set out the principles and process in partnership with the short-life task and finish group to inform social landlords' consultations with their tenants and ensure that those go ahead in the coming months. Those consultations with tenants will be critical in informing our approach and the decision that we set out in January.

I encourage members to support the amendment.

I move amendment 2.

Edward Mountain (Highlands and Islands) (Con): I thank the minister for taking into account some of the conversations that went on last night, and I am pleased to see that the amendment adds a level of reporting that was not seen before.

Will the minister explain why there is no requirement for the Government to explain in the report the costs of the implications to the Government, the Scottish people and landlords and tenants? There is a big improvement from the report simply having to prove that the proposal was proportionate and required, but will the minister explain why he is ignoring the costs? The financial memorandum says that the costs are somewhere between £3.5 million and £32.5 million. There seems to be rather a large gap of knowledge there.

Patrick Harvie: Obviously, we are not ignoring—not for a moment—the financial aspects, but they are matters for discussion between the Government and the sector as part of the work of the short-life task and finish group. That is the appropriate place for those matters to be considered. I do not believe that they need to be included in the text of the amendment.

I do not have anything to add to what I said in my opening remarks on the amendment. I encourage members to vote for it.

Amendment 2 agreed to.

Section 10—Expiry of section 9

The Presiding Officer: Group 3 is on expiry of section 9. Amendment 3, in the name of Pauline McNeill, is the only amendment in the group.

Pauline McNeill (Glasgow) (Lab): This amendment should have been debated yesterday, but it got lost in the rush. I should explain that point, in case the minister thinks that I am raising a new issue at stage 3.

The amendment would have the effect of preventing schedule 3 from coming to an end, and it would allow ministers to set rules by regulation in relation to rent adjudication.

In the consultation on my Fair Rents (Scotland) Bill in the previous parliamentary session, an issue arose about cases in which tenants had applied to the tribunal for a rent reduction and ended up with a substantial rent increase. The tribunal increased rents, because its opinion was that that would reflect the market rent. In some cases, the tribunal has been challenged on what the market rent is and, in my view, it has not got that correct.

My concern is about the disincentive for tenants to apply to the tribunal for a rent reduction. They might accept that losing their case would mean that their rent remained the same, but if they thought that they might end up with a rent increase, why would they take such a risk?

I am probing the issue for discussion when the Government considers wider housing reform. I am a bit concerned about how long that is taking, so I wanted to raise the issue now. I do not wish to press the amendment, which is intended to probe an issue.

I move amendment 3.

Patrick Harvie: I appreciate that this is a probing amendment. I welcome the importance that Pauline McNeill attaches to the rent adjudication measures in the bill, which play an important role. We recognise that, once the rent cap ends, a large number of landlords could seek all at once to increase rents. In those circumstances, resetting rents by reference to the open market could result in unmanageable increases for tenants.

It is expected that the existing rent adjudication process will not provide an appropriate mechanism for determining reasonable increases as we transition out of the emergency measures that the bill provides for. It is therefore essential to have a means of amending the adjudication process temporarily, to protect tenants when we move forward—if that is needed—and to ensure that rents do not rise exponentially when we transition out of the application of the rent cap.

We do not intend temporary changes to become permanent. As Pauline McNeill knows, under the new deal for tenants, longer-term work that is ongoing will lead to a new housing bill next year. Further work will take place later in the parliamentary session, too. In the programme for government, we reaffirmed our commitment to bring forward long-term rent controls.

Pauline McNeill gave the example of the tribunal deciding to increase rent beyond the level that the landlord had proposed. Within the temporary measures is one form of adjustment that the Government might consider making when we develop proposals.

If Pauline McNeill's intention is to introduce permanent measures now, I refer her to the response that I gave yesterday to several groups of amendments, which is that emergency legislation is not the place for such measures. We look forward to working collaboratively with members across the Parliament as we develop our longer-term proposals, and I invite Pauline McNeill not to press amendment 3.

Pauline McNeill: I thank the minister for his comprehensive response. I totally acknowledge that the issue would be more appropriately addressed in wider housing reform, but the bill presented a good opportunity for me to make the minister aware that I will pursue the issue with the Government. I am sure that he agrees that, whatever framework we choose for housing reform, we do not want to continue to have legislation that could disincentivise tenants from applying for rent assessments because of the risk of rent increases. Rent controls might well overtake that situation.

On that basis, I am content to seek to withdraw amendment 3.

Amendment 3, by agreement, withdrawn.

Schedule 1—Rent cap

The Presiding Officer: Group 4 is on information that is to be included in a notice of application for a rent increase. Amendment 4, in the name of Pauline McNeill, is grouped with amendment 5.

Pauline McNeill: The amendments concern issues that I raised yesterday at stage 2, when the Government indicated that it would give support if I framed the provisions correctly. That has now been done.

The amendments ensure that a landlord cannot insist on a proposed increase until a rent officer or the First-tier Tribunal for Scotland has approved the increase. Further to that, in their communication to the tenant, the landlord should make it clear that the new rent will not be payable

until the application has been approved or otherwise. That is just to make sure that tenants are aware that an application could be refused by the tribunal.

I hope that ministers will now be satisfied that amendments 4 and 5 are in the correct form and that I can move them when the time comes.

I move amendment 4.

Patrick Harvie: I thank Pauline McNeill for lodging amendments 4 and 5 and for working constructively with us. Like Ms McNeill, we want tenants to have the information that they need in relation to an application by their landlord to raise their rent above the level of the cap, in response to having incurred increased costs related to mortgage interest, landlords insurance or service charges. It is important that tenants understand that, even though their landlord might have made an application, they are not required to pay any increase in rent until the process has been completed and the decision has been taken on whether that increase can be made.

I am happy to support amendments 4 and 5 and I urge members to vote for them.

The Presiding Officer: The question is, that amendment 4 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. Members should cast their votes now.

The vote is closed.

Jeremy Balfour (Lothian) (Con): On a point of order, Presiding Officer. My system did not load. I would have voted no.

The Presiding Officer: Thank you. I will ensure that that is recorded.

Pam Duncan-Glancy (Glasgow) (Lab): On a point of order, Presiding Officer. My screen did not refresh. I would have voted yes.

The Presiding Officer: Thank you. I will ensure that that is recorded.

Bill Kidd (Glasgow Anniesland) (SNP): On a point of order, Presiding Officer. There seems to be an issue with my phone at the moment, because it is still connecting. I would have voted yes.

The Presiding Officer: I confirm that your vote was recorded, Mr Kidd.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)

Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)

Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 83, Against 29, Abstentions 0.

Amendment 4 agreed to.

Amendment 5 moved—[Pauline McNeill].

The Presiding Officer: The question is, that amendment 5 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. Members should cast their votes now.

The vote is closed.

15:00

Alex Cole-Hamilton (Edinburgh Western) (LD): On a point of order, Presiding Officer. I know that it is too late but, for the benefit of the *Official Report*, I point out that I voted in error on amendment 4. I should have voted yes, but I realise that it is too late to have that changed.

The Presiding Officer: Thank you, Mr Cole-Hamilton. That is noted, although no change can be made at this point.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)

Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
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 Dowe, Sharon (South Scotland) (Con)
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 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 85, Against 28, Abstentions 0.

Amendment 5 agreed to.

Schedule 2

The Presiding Officer: Group 5 is on exemptions to eviction moratorium. Amendment 6, in the name of Mark Griffin, is grouped with amendments 7, to 14.

Mark Griffin: I ask members to support all my amendments in this group, which I have worked on and prepared with Shelter Scotland.

Amendments 6, 10, 13 and 14 would remove the exemption to the eviction moratorium that would allow tenants to be evicted if their home was repossessed from the landlord by a lender. Amendment 8 seeks to increase the threshold of

the substantial arrears exception to the moratorium in the social rented sector to £8,500.

Yesterday, the Government voted against my amendments to change the safeguards for landlords, particularly the amendments to remove the substantial arrears exception, on the basis that it was balancing the rights of both landlords and tenants. However, I set out my belief that the balance went slightly too far in favour of landlords as opposed to tenants.

Amendments 6, 10, 13 and 14 do not propose that a lender should become a landlord; instead, it would remove the risk of a tenant losing their home if their landlord's house was repossessed, especially over the winter. My view is that if we took away the right to evict on the basis of a house being repossessed, that would act as a disincentive to a lender to repossess, which would potentially help the landlord by giving them more time. However, there are opportunities for lenders to seek alternatives to eviction. The lender could sell the property with the tenant in situ to another private landlord, or it could sell the property to a social landlord, thereby giving the private tenant a secure home with lower rent payments each month.

On amendment 8, as I indicated yesterday, Shelter has advised that, in 2019-20, the average arrears of an evicted tenant was around £9,000. Therefore, the threshold of £2,250 that has been set by the Government in the bill is far too low. There is a real risk that that threshold sets a new norm for eviction processes in the social rented sector. Given that evictions only occur when arrears are on average £9,000, that threshold figure is far too low.

The social rented sector does fantastic work to support its tenants in accessing funding to tackle their arrears, set up repayment plans and access unclaimed benefits to keep them in their home, but I am concerned about the low threshold at which the eviction process would be triggered. I am particularly concerned because we know that the average cost to the social sector of rehousing a tenant who has been evicted is £24,000 per household.

I ask Parliament to support the amendments in my name in this group and to note that we will vote for the Government amendments in the group.

I move amendment 6.

The Presiding Officer: I call the minister to speak to amendment 7 and the other amendments in the group.

Patrick Harvie: I would like to first address amendments 6, 10, 13 and 14 together. These amendments would remove the ability of a lender to recover a property where they need to

repossess it because the landlord has defaulted. I understand the member's concerns and the desire for the property to be sold with the tenant in situ, but we need to recognise that it is still important to ensure the continued viability of the sector and that the lender in those circumstances has a legal duty to recover the debt that is owed through the sale of the property.

Over the past few weeks, we have seen the disastrous consequences for the market of United Kingdom Government proposals. The approach that we have taken in the bill recognises the need to support the continued lender confidence that underpins the sector. Our approach also recognises that, if the borrower—the landlord—is in financial difficulty, preventing the sale of the property will only prolong that unavoidable process.

I am assured that the industry has introduced tailored support, including forbearance, which has been refined following the experience of the Covid pandemic and leaves eviction as a last resort that occurs only after a court has carefully considered the borrower's individual circumstances. I note that all the possession cases that are going through the court system now involve people who were in long-term financial difficulty pre-pandemic. I must consider the fact that applying the moratorium to those cases will only cause further delay. It could bind owners to further debt and prolong uncertainty for tenants as well.

I am further assured that the Financial Conduct Authority requirements that were introduced during the Covid period have remained. That allows lenders to engage with customers at an earlier point in order to support owners and, therefore, to support tenants. Where a tenant is evicted in such circumstances, should they be unable to find alternative accommodation, the local authority is required to provide anyone at risk of homelessness with support and assistance.

There is a strong case, which we will look to fully explore, for ensuring that all options are available for private rented sector properties to transfer to social rented ownership, with support for tenants to remain in their homes through the transition.

Mark Griffin: I am concerned that there does not seem to be a published strategy for managing exits from the private rented sector, whether voluntary or as a result of a repossession. I am more than happy not to press the amendments if the Government is able to commit to take forward work on a managed exit strategy for the private rented sector to ensure that tenants stay in situ and then transfer to a social landlord, whether that is an RSL or a council.

Patrick Harvie: We are actively discussing that area and we want to ensure that the options for the kind of transfer that Mr Griffin refers to are explored. The cabinet secretary, colleagues and I have had that discussion and I am happy to ensure that we keep Mr Griffin informed. However, the right place to look at the issue and to make changes to it is in the context of our longer-term reforms under the new deal for tenants.

I would be pleased if Mr Griffin decides not to press those amendments. If he does decide to press them, I am afraid that I will have to ask members to vote against them.

Although I appreciate that amendment 8 is very well intentioned, I do not believe that the methodology that was used to arrive at a revised threshold of £8,500 for social sector rent reflects the average rent arrears for households that were evicted from that sector. The £8,500 figure is likely to be a significant overestimate. The calculation in the Shelter Scotland report that was used to develop that figure includes arrears in cases where there was no eviction, such as where a tenant with arrears had left a property of their own volition. It also includes other arrears, such as the cost of repairs that a landlord might be trying to recover from a tenant. The £8,500 threshold that is proposed in the amendment would be approximately equivalent to two years' worth of rent arrears. That level of rent arrears is not in the financial interest of either the social landlord or the tenant, who will still be liable for the arrears even if they are evicted.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): Will the minister take an intervention?

Patrick Harvie: I do not share Mr Griffin's concern that the figure currently in the bill would set a new norm. The Government does not believe that that would be the case.

I think that there is an intervention from behind me.

Bob Doris: I thank the minister for giving way. I was going to speak separately, but this is the specific point that I wanted to address, so it is best addressed as an intervention.

I thought that Mr Griffin made a reasonable point in relation to whether the tribunals or courts could do something inherently specific and valuable about the figure of £2,250. If someone meets that threshold, it may give greater credence to an eviction process when we should be relying on pre-action protocols and requirements. The number triggers the potential process, but it should not be an enabling factor in a court granting an eviction; each case should be looked at individually. I think that Mr Griffin was concerned that including that figure in the bill may empower

evictions. What reassurances can the minister give that the courts should read absolutely nothing into the figure other than that it enables a process to be enacted, so that it does not enable an eviction to be granted?

Patrick Harvie: Bob Doris is quite right—not least in referring to the requirements under pre-action protocols. I think that all of us in the chamber recognise that landlords in the social rented sector do not pursue evictions in cases of rent arrears or on other grounds without good reason. They tend to take the approach that evictions should be the last resort. I think that the whole Parliament should have confidence that they will continue to act in that spirit.

Therefore, in summary, I cannot support amendment 8 and I urge members to reject it.

I turn now to my amendments 7, 9, 11 and 12. The amendments will provide additional exemptions to the moratorium where a tenant is no longer an employee of a landlord. We have listened to concerns that were raised during stage 2 about the need for additional exemptions to enable employers to recover a property where an

“employee of an agriculture, forestry or other rural land-based business”

no longer works for them and they require the property for a new employee. We recognise the importance of all employers being able to recover a property where the tenant is no longer employed in order to free up that accommodation for a new employee, particularly during the current economic crisis.

We do not think that it is appropriate to create a new ground at this time, as was proposed by Jeremy Balfour, and we have therefore based the exemptions on the existing grounds for repossession.

Jeremy Balfour: I am grateful to the minister for his amendments, which deal with some of the issues that were raised yesterday in the chamber.

I seek clarification with regard to whether the amendments would cover a situation in which, over the winter period, somebody who was not employed by a farmer used such a property. When that period came to an end, could the farmer evict them to put in people who were going to work for him over the spring and summer, or does someone have to be an employee or former employee to be covered? If it does not go that far, it is only halfway down the road.

Patrick Harvie: I hope that Mr Balfour will forgive me: I am a little bit reluctant to be drawn into very specific hypotheticals. Perhaps he could write to me about a specific instance and I will ask colleagues to reply to him.

As I said, we do not believe that it is appropriate to create a new ground; we think that the approach suggested in the amendments will achieve the intention. I am aware that some stakeholders are keen for the current grounds in the private residential tenancy legislation to be amended. However, once again, as with several other issues that we have discussed, any long-term changes should be taken forward as part of our review of repossession grounds in the future housing bill, rather than in this emergency legislation.

I ask members to support amendments 7, 9, 11 and 12.

Mark Griffin: Given the Government's commitment to work on an exit strategy for the private rented sector, I will seek leave to withdraw amendment 6, and I do not intend to move amendments 10, 13 or 14.

15:15

However, I still think that there is a need to consider a higher threshold for the substantial arrears figure. Bob Doris asked whether that figure would then be the threshold for court action; I hope that that would not be the case. However, I am not concerned only about that; I am also concerned that that threshold could then become the new norm in the sector for starting pre-action protocols. It is a low figure when we consider average arrears in the rental sector.

Bob Doris: We know that a short-life working group involving the Government and the sector is now in place. Irrespective of whether the amendment is disposed of today, should that point not be a specific item of conversation at that working group?

Mark Griffin: I agree. I can do the maths and accept that the chamber will probably not agree to amendment 8. I expect the conversation with the sector to carry on in that working group so that tenants are given an assurance that the figure will not become the threshold norm. However, aside from that conversation, which I expect to take place, I am concerned that it will become the norm, and I will move amendment 8.

Amendment 6, by agreement, withdrawn.

Amendment 7 moved—[Patrick Harvie]—and agreed to.

Amendment 8 moved—[Mark Griffin]

The Presiding Officer: The question is, that amendment 8 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed.

The Minister for Business, Trade, Tourism and Enterprise (Ivan McKee): On a point of order, Presiding Officer. I would have voted no.

The Presiding Officer: Thank you; we will ensure that that is recorded.

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): On a point of order, Presiding Officer. The app failed to work on this occasion. I would have voted no.

The Presiding Officer: I can confirm that your vote was recorded, Mr Stewart.

Clare Adamson (Motherwell and Wishaw) (SNP): On a point of order, Presiding Officer. My screen has not refreshed, so I am not sure whether my vote was counted. I would have voted no.

The Presiding Officer: I can confirm that you have voted, Ms Adamson.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Choudhury, Foysol (Lothian) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowey, Sharon (South Scotland) (Con)

Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Whittle, Brian (South Scotland) (Con)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division on amendment 8 is: For 20, Against 93, Abstentions 0.

Amendment 8 disagreed to.

Amendment 9 moved—[Patrick Harvie]—and agreed to.

Amendment 10 not moved.

Amendments 11 and 12 moved—[Patrick Harvie]—and agreed to.

Amendments 13 and 14 not moved.

The Presiding Officer: Group 6 is on evidence of financial hardship. Amendment 15, in the name of Mark Griffin, is grouped with amendments 16 to 18.

Mark Griffin: I ask members to support amendment 15 and the other amendments in this group. Members will be glad to know that I will speak briefly, as we debated a different form of the amendments yesterday. I am glad to have worked constructively with the Government to amend them so that they are in a form that is more broadly acceptable across the Parliament.

The amendments specify in greater detail the details that a landlord would need to provide to the tribunal to demonstrate their financial hardship when seeking to evict in order to sell or live in a property. My colleague Pauline McNeill detailed yesterday that there are far too many cases where the landlord has secured an eviction claiming that they are doing so for sale or to live in the property only for the tenant who has been made homeless to see the property advertised for rent again shortly afterwards.

I ask members to support the amendments in the group.

I move amendment 15.

Patrick Harvie: As Mr Griffin said, he lodged amendments yesterday that were welcome but not quite in a form that we were able to support. I thank him for bringing them back and working with us to ensure that they are in a form that we can support.

Ensuring that landlords have to clearly evidence financial hardship will be an important part of making the moratorium and safeguards work in practice for landlords and tenants. The addition of the examples of evidence that the tribunal can seek and consider is, therefore, welcome.

I urge members to vote for all the amendments in the group.

Mark Griffin: I have nothing to add other than to press amendment 15.

Amendment 15 agreed to.

Amendments 16 to 18 moved—[Mark Griffin]—and agreed to.

Schedule 3—Rent adjudication: power to modify

The Deputy Presiding Officer (Liam McArthur): Group 7 is on information to be included in the Scottish landlord register. Amendment 19, in the name of Pauline McNeill, is the only amendment in the group.

Pauline McNeill: I seek to probe the issue and, as amendment 19 is the only amendment in the group, I realise that I will have to seek consent to withdraw it, but I want to address the amendment's primary purpose.

The amendment would add to the Scottish landlord register data on the rents charged in residential tenancies. There is a lack of data on that, as I think the previous housing minister acknowledged. Rent pressure zones failed for many reasons and the legislation was totally inadequate. One of the reasons that rent pressure zones failed so badly was that the detail was too difficult to pull together, so any authorities who wanted to use the legislation found it difficult to do so.

The fact that the process that rent officers and the First-tier Tribunal use to make decisions on the fairness of rents is often not clear is down to the lack of data. The University of Glasgow's Urban Big Data Centre notes that

"the PRS is widely acknowledged to be a part of the housing system for which the quality and quantity of data is unsatisfactory".

Currently, official statistics about private rents are drawn from the rent service Scotland rental market database but, in 2016, 97 per cent of that data came from landlord advertisements, and it does not seem possible to find out whether those rents were actually achieved. In addition, the sample size is too small to permit private rental statistics to be produced at local authority level or, in the case of Scotland's four main cities, below local authority level.

In their report for Shelter on rent regulation measures in Scotland, Professor Douglas Robertson and Gillian Young note that

"The single biggest barrier to the effective operation of both 'rent regulation' provisions is the lack of robust data on the stock of private rented dwellings and the rents being charged. In particular, the ability of existing tenants to challenge a rent rise is compromised by a lack of robust evidence on actual rental market rates."

Amendment 19 would also mean that a tenant would be better informed as to whether the rent that they were being charged was unfair, and it

would give a landlord an idea of whether the rent that they were charging was comparable with other rents. In the case of a tenant, that would allow them to make a better judgment about whether they wanted to appeal their rent.

I hope that the minister will appreciate that the issue that I have chosen to probe today is an important one, given that there is widespread support across the parties for wider reform on housing, and that he will agree that the question of data is crucial to that.

I move amendment 19.

Patrick Harvie: Amendment 19 would oblige the Scottish ministers to lay regulations that

“provide for data on rents to be added to the Scottish Landlord Register ... in order to inform any rent control measures being considered by the Scottish Ministers.”

I welcome the fact that Pauline McNeill has lodged amendment 19 for discussion, and she made some very fair points in presenting it, but there are a number of problems with the amendment. It does not detail what data is to be added to the landlord register; it does not specify how that data is to be collected; and—perhaps crucially—it does not create any powers to collect the data or place obligations on landlords or, indeed, tenants to provide data to the local authorities that operate the register in each local authority area.

Accordingly, additional legislation would be required to mandate the provision of data on rents by all landlords in Scotland. We would also require to put in place a robust statistical data collection system, which is not something that the Scottish landlord register is designed to deliver. The register does not currently contain any information about tenancy terms.

As Pauline McNeill rightly pointed out, we set out proposals for a rent data collection system in “A New Deal for Tenants”, and that received a high level of support in the consultation. However, that will take some time to deliver if we want to get it right and is not best dealt with through the temporary emergency legislation that we are debating today.

I have already set out our commitment to deliver on our new deal for tenants during the course of this session of Parliament. As part of that longer-term work, we will examine how we can improve data on the private rented sector in Scotland. I have had discussions about that with Labour colleagues in the past, and I would be very happy to set up a meeting with Pauline McNeill and my officials to discuss how we can improve data as part of our longer-term development of national rent controls.

However, for the reasons that I have set out, I cannot support amendment 19. Pauline McNeill has indicated that she does not intend to press it, and I would welcome that. If she presses it, I must urge members not to support it.

The Deputy Presiding Officer: I will go through the motions of asking Pauline McNeill to wind up and press or withdraw amendment 19.

Pauline McNeill: In winding up and seeking Parliament’s consent to withdraw amendment 19, I simply add that I think that the issue is about more than simply improving the data; the availability of data is essential in enabling landlords and tenants to make decisions. I am content to leave the issue to Mark Griffin, as the Labour Party’s spokesperson, although it is one that I am interested in, as I dealt with it in my proposed fair rents bill.

I will continue to press the Government to recognise the importance of data. The lack of data is one of the reasons for the failure of rent pressure zones, although there were other failings in that legislation.

Let us not make the same mistake again. Let us recognise how important it is to see what rents look like in every region and area of Scotland, so that everyone can make a judgment and so that, when we come to the question of whether rent controls are right, we do that within a framework that clearly shows rent levels across Scotland. To do that, we need high quality data.

On that basis, I seek to withdraw amendment 19.

Amendment 19, by agreement, withdrawn.

The Deputy Presiding Officer: That ends stage 3 consideration of the bill.

As members will be aware, at this point in the proceedings, the Presiding Officer is required under standing orders to decide whether, in their view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In the Presiding Officer’s view, no provision of the Cost of Living (Tenant Protection) (Scotland) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

Before I invite Shona Robison to open the debate, I call on her to signify Crown consent to the bill.

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): For the purposes of rule 9.11 of the standing orders, I advise Parliament that His Majesty, having been informed of the purport of the Cost of Living (Tenant Protection) (Scotland)

Bill, has consented to place his prerogative and interests, in so far as they are affected by the bill, at the disposal of Parliament for the purposes of the bill.

Cost of Living (Tenant Protection) (Scotland) Bill

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-06213, in the name of Shona Robison, on the Cost of Living (Tenant Protection) (Scotland) Bill at stage 3.

15:31

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): I am very pleased to open today's stage 3 debate on the Cost of Living (Tenant Protection) Bill. The debate over the past three days has been wide ranging, thought provoking and often lively. I thank colleagues from across the chamber for engaging on the vital matters at hand and thank the majority of the Parliament for being supportive of the protective measures that we are introducing.

Presiding Officer, I also thank you and the Parliament clerks who have worked with members on amendments on a bill with an accelerated timetable and thank the Local Government, Housing and Planning Committee for its scrutiny yesterday. That has been critical to ensuring that we can introduce the bill's important protections ahead of winter.

My grateful thanks also go to the bill team for their incredibly hard work and to my colleague the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights, who is part of my team. The bill demonstrates what can be done when parties work together, both in the Parliament and in the Government. Our shared values, as expressed in the Bute house agreement, are clear in the bill.

Passing the legislation does not mean that the job is done. The Scottish Government is committed to engaging with Parliament beyond the required reporting, through the Local Government, Housing and Planning Committee and with Parliament as a whole.

A common theme in the recent conversations that I have had with stakeholders has been a recognition that the current cost crisis poses a danger not just to livelihoods but literally to lives and that the Government has to act. I am very proud that the Government has brought forward unprecedented legislation to provide tenants with the reassurance and stability we can, with the powers that we have, when many are so exposed to the harsh winds of the cost crisis and are already struggling to heat homes and put food on the table.

That is why we have already allocated almost £3 billion this year to help fight the cost of living

crisis and strengthen support for households. That includes £1 billion-worth of support that is available only in Scotland, such as our Scottish child payment, which is another innovation by this Government to support people in need.

We have been right to act and have done so robustly. Although the primary purpose of our legislation is to protect tenants during the cost crisis, our package of measures has been closely considered and well balanced to recognise that some landlords, too, may be facing pressures caused by the cost crisis. That is why we have built in a number of safeguards to ensure that the circumstances of landlords are appropriately reflected.

I have listened carefully to the concerns about private sector landlords seeking to leave the sector as a result of the measures. I reflect that, over the past 15 years, there has been significant overall growth in the sector during a time of substantial change in how it is regulated. Healthy markets, flourishing responsible landlords and public sector intervention can co-exist.

Miles Briggs (Lothian) (Con): I heard what the cabinet secretary has just told the Parliament. Can she reference where that evidence comes from?

Shona Robison: I think that the evidence of a cost of living crisis is evident to everybody other than the Tories, who have, through the consideration of the bill, shown once again that they are never on the right side of the argument. They have not recognised the cost of living crisis that is engulfing people.

Miles Briggs: Will the cabinet secretary give way?

Shona Robison: We had to act with this temporary intervention to make sure that people have the support that they require—

Miles Briggs: On a point of order, Presiding Officer.

The Deputy Presiding Officer: Cabinet secretary, will you resume your seat, please?

Miles Briggs: Presiding Officer, I think that the cabinet secretary is deliberately trying not to answer the question that I asked her. I asked her for the reference for what she has just told Parliament—that the number of private tenancies has increased in Scotland. Where has that come from?

The Deputy Presiding Officer: Mr Briggs, as you will well know, that is not a point of order. It is a debating point.

Shona Robison: I can tell Mr Briggs that, over the course of those 15 years, we have seen the private rented sector go from 100,000 to 300,000 private rented properties. I am happy to give him

all that information if he would like, but it is on the public record. That figure of 300,000 should be seen against the backdrop of a sector that has been more regulated. If I am not mistaken—I will correct the record if I am wrong—the Tories have probably voted against every single part of that regulation of the private rented sector.

As I said, the Tories have shown themselves through the consideration of the bill not to be on the side of those who are suffering cost of living challenges. They even went to the extent of voting against a stage 3 amendment that will give tenants information that they need in relation to an application by their landlord to raise their rent by more than the cap. Why they would do that is inexplicable.

I return to the point of the bill. The bill firmly sits in the context of providing the right balance between supporting tenants and helping landlords to continue to offer properties for rent. Throughout the discussion this week, there has also been an important focus on the potential challenges of the measures for the social housing sector. The work that social landlords do in meeting our ambitious targets for new affordable homes and improving the quality of existing homes has rightly been praised. The Government works alongside them on our aim to ensure that everyone has a safe, warm, affordable place to live.

It is right that tenants in the social sector are protected during this time and, of course, no social tenant will face a rent rise during the next six months. I recognise that there are distinctive ways in which tenants are engaged in setting rents, in how the sector is funded and in how rental income feeds directly into services and investment. That is why I have welcomed our frequent engagement and discussions with representatives of social landlords, not just over the past two weeks but before that, and particularly on the issues that are covered in the emergency legislation. I have been encouraged by the shared commitment to our common goals and the appetite to continue with our collaborative approach. We will get on with reaching an agreement at pace through the work of the task and finish group that is already under way.

Our social housing sector is one that we can be enormously proud of. The Government's consistent commitment to delivery of affordable homes over the past 15 years far outstrips anything in other parts of the UK, with delivery of 113,000 affordable homes since 2007, over 79,000 of which are for social rent, and with 62 per cent more affordable homes being delivered per head of population than has been the case in England.

Our ambitions for the next decade show our determination to build on that track record, with

£3.6 billion of funding being made available in the current parliamentary session towards that goal. That track record and those commitments give providers and funders the confidence to continue to invest to the benefit of tenants.

I have also welcomed the constructive engagement that we have had with landlords in the private sector. There is a recognition that excessive rents are not acceptable, and that tenants are struggling right now.

As we have developed the bill, engagement with stakeholders has been vital, and it will continue to be so through the coming months. Working in partnership, we can realise our shared aim of stabilising rent costs and keeping people in their homes at what is a really difficult time.

The primary purpose of the bill is to provide the necessary protection for tenants during the current cost of living crisis. It is groundbreaking in the way that it achieves that. The bill also recognises that some landlords can be impacted by the cost of living crisis, and we needed to recognise that in order to create robust and workable legislation.

Members will shortly vote on the bill as amended. Although the timetable was expedited, there has been no shortage of debate and discussion from across the chamber. I welcome that.

The bill provides a choice about whether we support people in need. I challenge all MSPs: are they on the side of those who are most impacted by the cost of living crisis, or are they not? The Government has chosen to use the powers of the Parliament to help many of the people who are hardest hit right now and who face a winter of anxiety. The bill is for those people, who need the Parliament to support them. I urge members to support tenants, to support people in need and to support the bill.

I move,

That the Parliament agrees that the Cost of Living (Tenant Protection) (Scotland) Bill be passed.

The Deputy Presiding Officer: I call Miles Briggs to speak for around six minutes. I advise Mr Briggs and other MSPs that there is a bit of time in hand, so if they take an intervention, they will get the time back.

15:41

Miles Briggs (Lothian) (Con): I start by thanking all the organisations that have provided useful briefings during the passage of the emergency bill, and I thank the Parliament's bill team for the work that it has done.

As I said during the stage 1 debate, the Scottish housing market is complex, especially here in the

capital. We rely on the mixed-housing model to provide the homes that Scotland needs now and in the future.

The Scottish Conservatives continue to be concerned about the impact that the bill will have. I will use my time to speak about those whom the bill will not impact on and whom it will not support, who are already being failed by this Scottish National Party and Scottish Green Party Government. They are the 26,000 homeless households in Scotland.

The cabinet secretary said that everyone should have a safe and warm place to live. I agree. However, under the SNP Government, homelessness applications have increased by 3 per cent. There has been a 4 per cent increase in households in temporary accommodation. In Scotland today, 32,592 adults and 14,372 children are registered as homeless. The number of homeless adults has increased by 6 per cent, and the number of homeless children has increased by 17 per cent.

Households with children spend more time in temporary accommodation. Households with children are 4 per cent more likely to spend seven to 12 months in temporary accommodation than households without children are, and they are 6 per cent more likely to spend more than a year in temporary accommodation.

Homelessness applications are taking longer, on average, to process. It now takes an average of 19 days for a homelessness application to be assessed. That is up by three days on the previous year.

Those are shocking statistics. The people whom they concern are those who are furthest from the housing market—and who are now likely to be even further away, thanks to the impact of the bill.

As Crisis said to the Local Government, Housing and Planning Committee on Tuesday,

“the homelessness system is bursting at the seams. It has, as I am sure that members see in their constituencies all the time, been pushed to breaking point.”—[*Official Report, Local Government, Housing and Planning Committee, 4 October 2022; c 9.*]

Crisis also expressed concern about the knock-on impacts that there might be on the market. It stated:

“From our perspective, when there is a reduction in the supply of private rented housing, those who are most likely to be squeezed out of the market are those at the lowest end of the income distribution and those at the highest risk of homelessness ... There is a worry that it will become more difficult to support people who are experiencing homelessness into tenancies.”—[*Official Report, Local Government, Housing and Planning Committee, 4 October 2022; c 15.*]

The loss of significant numbers of private rented properties is likely to be a consequence of the legislation, if it is not lifted as soon as possible. That impact will be even greater in rural communities. There is international evidence that demonstrates the impact of the sort of intervention that we are seeing SNP and Green ministers make in the housing market.

Shona Robison: In his analysis of what is impacting on landlords, will Miles Briggs acknowledge the immediate impact in the here and now—today—of the rise in interest rates? That was the point that John Blackwood made in the meeting that he had with us: in the here and now—we are talking about the here and now, and not what is coming—it is interest rate rises that are putting in jeopardy landlords' mortgages and tenants' tenancies. Does the member recognise that?

Miles Briggs: As I said to the cabinet secretary just the other day, this is happening across western Europe—indeed, across the world—at this moment in time. It is not a Scotland-specific problem. What seems to be a Scotland-specific problem, though, is that for 15 years, this SNP and Green Government has not built enough affordable homes. That is a clear problem that we are seeing in Scotland today. Why is that?

Shona Robison: I know that various members have said that interest rates are a global issue and are not particular to the UK. Has the member seen the Bank of England analysis today that directly links the Tory mini-budget with the situation, saying that it caused a

“self-reinforcing spiral ... threatening severe disruption of core funding markets and consequent widespread”

disruption and

“financial instability”?

That happened in the UK—nowhere else. Does the member recognise that that is what is worrying landlords today, tomorrow and next week?

Miles Briggs: I can tell the cabinet secretary that what is worrying landlords, especially those in the social rented sector, is the bill. That sector is worried about where it will find the finance to take forward projects that are so vitally needed across our communities. The rent freezes that have been implemented have failed to make any difference. Instead, they have actually driven up rents for those who have tried to further their tenancies.

Conservative members remain concerned about the bill's impact. We are concerned about the social rented sector and about students seeking private tenancies in their second year at university. Many universities have outlined concerns about students who come to cities across our country being unable to find accommodation; indeed, they

are being told not to come. We are concerned about homeless people finding it even more difficult to find a home. We are concerned about the shattering of the confidence to invest that the bill is driving. We are concerned about the loss of vital homes to live in and we are concerned that the bill could trigger a greater housing crisis in Scotland than we have already seen.

The Scottish Conservatives will continue to hold the Government to account on the impact that the bill could have. Labour members have forced ministers to take this action, and they can congratulate themselves for that, but they, too, will be to blame if we see the sort of crisis that all the international evidence suggests rent controls deliver.

15:47

Mark Griffin (Central Scotland) (Lab): I indicate at the outset that Labour will support the bill at decision time, and I thank the minister for his collegiate work on our amendments on what has been a very short and pressured timescale. I also recognise the work of the minister's team.

I also want to thank my own staff and the Parliament's legislation team. Because of the overnight windows for lodging amendments over the past two nights, this might be the first good night's sleep that they will get since the start of the week.

We have had to consider this emergency legislation on a rapid timescale, but that has been for good reason. We want tenants to be supported to deal with the current cost of living crisis, which is happening right now and is not, as Miles Briggs has suggested, going to be caused by the bill. The crisis is happening right now, and the Tory Government's economic management is to blame for it.

Miles Briggs: Given that the Labour Party has developed and pushed the policy, is the member able to say in what other part in the world such an approach has not been removed?

Mark Griffin: The part of the world that I can tell the member about is this part of the world, where people are worried about having to make a choice between feeding their kids and turning on the heating: this country—where people are struggling through the worst cost of living crisis in living memory.

It is only right to propose measures to give people security—security of tenure over the course of the winter and security that their rents will not continue to rise and make them have to choose between paying their rent or putting food in their kids' mouths.

I cannot for the life of me understand why the Tories would not want to support people at this time of crisis.

As we did on the windfall tax and on freezing energy prices, and as we now do on freezing rents, Scottish Labour is—as Miles Briggs has pointed out—setting the agenda from opposition. We welcome the Government's change of heart over the summer in introducing the rent freeze, which we think was the right thing to do. For every renter who is struggling to figure out how they will make ends meet, the freeze will serve as a temporary, but badly needed, relief. The moratorium on evictions, too, should give many people enough breathing space to enable them to keep a roof over their heads this winter.

I want to raise yesterday's spectacle of the Tories' defence of landlords suffering from rising mortgage interest rates. They somehow expect the public purse to pick up the bill for their colleagues' complete economic incompetence, which has led to waves of chaos—including rising costs for tenants and home owners alike—that will make this winter much longer and more difficult than we would have expected before what has been described as the mini fiscal event.

We are pleased that we have been able to find common ground with the Government, but there were areas in which we could not find agreement—in particular, on what is meant by “substantial” arrears, the balancing of rights between landlords and tenants, and the implementation date for the bill.

Rents will continue to rise between now and 5 December. We regret that that is the case. It is in black and white—it is in the *Official Report*—that on 6 September the First Minister announced that the practical effect of her statement was that rents would be frozen from that day. That is not what the bill does, it is not what the policy memorandum states and it is not what the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights has told members in the chamber. The minister has said that he regrets my interpretation of the First Minister's statement, but that is surely how tenants would interpret her words. I think that as she said that the policy's practical effect would be that rents would be frozen from that day, that is what tenants would expect.

There has also been overwhelming concern—from Government and Opposition members alike—about the risks to the social house-building programme and the maintaining of the freeze in that sector, particularly if it were to go beyond next March. I lodged amendments that would have at least assessed the impact of the financial effect on business plans and sought to remedy the position. The numbers, and therefore the risk to investment, are substantial. The Scottish Parliament

information centre has said that it will be to the tune of £30 million. Housing associations in my region have spoken of suspending entire capital investment plans because of the freeze. The regulator puts the costs to the sector at £50 million next year, growing to £230 million by 2027. That is why we need to think long and hard about any extension beyond 31 March, particularly for the social rented sector, if we want building of affordable houses to continue to increase at pace.

Scottish Labour supports the rent freeze and the ban on evictions, but we also know that they are not long-term solutions to the housing crisis. Investment in vast numbers of sustainable affordable houses is a solution, and that must be protected.

15:54

Willie Rennie (North East Fife) (LD): I thank the minister for listening to members who have had concerns about the inclusion of the social housing sector in the scope of the bill. What I like to call the Doris-Mason-Rennie axis is reassured that the sector is likely to be treated differently after March next year. If a co-operative approach is adopted between the Government and the sector, and the uncertainty is removed, the bill could meet the sector's planning needs and allow it to do what it does best: upgrading existing homes and building excellent new ones. I hope that the minister will include mid-market rentals in that process, as they are affordable homes, too, and we must build more of those for people who are in desperate need.

Emergency legislation is not the best way to make law, but needs must. I thank the Parliament's staff, organisations such as the Scottish Federation of Housing Associations, Government officials and my small team for working through all the amendments at break-neck speed. I have to say that they were all brilliant and outstanding in their efforts.

Members know that I like to be fair. I do not blame the Conservative Government for every part of the cost of living crisis—of course, a significant part of it is due to the post-Covid situation and Russia's illegal invasion of Ukraine. However, I absolutely hold it responsible for the reckless and catastrophic decisions on Brexit, the delayed energy package—I stress that it was delayed—and the ideologically cavalier mini-budget, which added fuel to the already raging fire.

Many people were finding it difficult to sleep at night because of their worries about rising energy bills. Now they do not even know whether they will be able to keep up their mortgage payments and pay for their weekly shopping. That is real life for millions of people in this country. The rising cost of

fuel, food and energy is hell for many people. That is why we support this temporary rent cap for the private rented sector. We need to do everything that we can to help people who are struggling, so we will support the bill today.

The Conservatives have overcooked their opposition to the bill. However, I want to address a wider point. I have supported various tranches of housing legislation in recent years. Each individual step has had enough merits to enable me to vote for it. However, I am anxious about the cumulative effect. I will give the chamber a practical example of the kind of thing that I am concerned about.

In St Andrews—not the most typical place in Scotland—landlords would previously house students in the winter and tourists in the summer. However, the Private Housing (Tenancies) (Scotland) Act 2016 enabled students to stay all year round and to not have to give more than one month's notice. Members might think that that is fair—of course, it is reasonable that students should have the same rights as everyone else—but it means that landlords cannot guarantee that properties will be available for tourists in the summer, which means that they cannot take bookings and are, therefore, forced to choose between the student market and the tourism market. Many have chosen the tourism market and are no longer letting to students, despite the short-term letting legislation that the Government has passed. That is one reason—only one reason—for the student housing crisis in St Andrews this year. I know of other landlords who are leaving the private rented sector in other areas for other reasons.

My point is not that we should oppose those measures, but we need to mitigate the consequences of legislation, even if it is positive legislation, rather than leave it to others to live with the negative consequences. We also need a rounded strategy, and I am not clear that that has been expressed in this Parliament.

Beyond the specific measures, there is also an issue about the messages from the Government in relation to its view of the private rented sector. I note that the minister is careful with his language and is always balanced when he speaks in the Parliament. However, more often than not, the only references to the private rented sector are in negative terms. Let me be clear: I have seen some rents being paid by my constituents that are far too high and need to come down. However, I draw members' attention to the housing strategy that is set out in the "Housing to 2040" document. The executive summary is about 3,000 words long and has one reference to the private rented sector. It reads:

"we will tackle high rents and increase stability for those in the private rented sector."

It makes numerous and, rightly, positive references to the social housing sector and mid-market rentals, but no positive references to the private rented sector.

Shona Robison: I take the member's point. The only thing that I would say is that one of the things that the housing to 2040 strategy is strong on is the vision that people should have the same quality of accommodation no matter the tenure. That is about raising standards across the board, including in the private rented sector. That is a key element of the strategy.

The Deputy Presiding Officer: Willie Rennie should be winding up now.

Willie Rennie: I absolutely accept what the cabinet secretary said, but the impression out there among private landlords—rightly or wrongly—is that the Government is anti-landlord. The Government therefore has a responsibility to go further and ensure that good landlords are seen as being valued in contributing to meeting the overall need for housing in this country. We have a shortage of housing, and we need to ensure that they are valued so that we can stem the decline in their numbers. I accept that the numbers have perhaps increased over a longer period of time, but there is no doubt that there has been a decline more recently, and we need to address that.

I would like to hear ministers talk more positively in the future about good private landlords and the good things that they can do, because we need them to do good things.

16:00

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I am pleased to support the emergency legislation, which will secure—with limited caveats, of course—a six-month eviction ban and a six-month rent freeze for tenants across all tenures. The case that that is essential was made very well at stage 1.

We heard from the minister that 63 per cent of tenants in the social rented sector and 40 per cent of private tenants did not have enough savings or reserves to cover a month's basic income and live above the poverty line if they experienced income shock. The figure was 24 per cent for people with mortgages. A tenure-specific approach was therefore appropriate. The Joseph Rowntree Foundation said that almost a third of all renters were struggling even before the current cost of living crisis. The case has therefore been made.

The approach had to be appropriate, absolutely necessary and proportionate. It had to strike a balance in order to be legal. That is what the bill, which is soon to be an act, seeks to do. It is

proportionate, because landlords in the private rented sector can pass on to the property that is being let out some costs for increasing mortgage interest payments. They can pass on some costs in relation to landlord insurance or in-service charges. Those are only 50 per cent of those costs, to a maximum of 3 per cent of the rent levied. Modest safeguards have therefore been put in place for the private sector, which help to make the bill proportionate and legal. We have heard about similar protections in cases of evictions, which I will not go into because of time constraints.

There has been a good range of amendments, some of which have been accepted by the Government. It was very sympathetic to some. It was quite rightly signposted that, with the bill on the new deal for tenants that our Government will bring forward, it will engage directly with Opposition parties to develop amendments for a bill that can be shaped properly by Parliament and is not emergency legislation. That is also appropriate.

I want to use the time that I have left to talk about concerns in the social rented sector that I raised at stage 1 and in various interventions in the stage 2 and stage 3 amendment processes. We should, of course, put on the record that there are concerns about core repairs in the social rented sector, the ability to pay loans in relation to new builds that have already been commissioned and new builds in the pipeline, and in relation to net zero and the wider role that housing associations and social landlords fulfil. We cannot deny that those concerns exist. It is really helpful that we will get an early decision on what will happen from April next year. The Government's stage 3 amendment says that we will know that by 14 January next year. That is really important, and I warmly welcome it.

Housing associations have said to me that they are keen to get on with their statutory duty to consult on rent increases in the sector. I am glad to hear that the Scottish Government, too, is keen for them to do that. In the consultation process, social landlords quite often offer tenants options. They will say, "Here's what we would do if there was a rent freeze" or "Here's what we would do if there was a 1 per cent increase, a 2 per cent increase or a 5 per cent increase." They outline that. They do modelling work every year anyway to see what would happen if there was a rent freeze. I hope that, in the short-life working group, the Government will suggest to social landlords—this would be for them to decide independently, of course—that they should put the zero per cent option in their rent consultation so that they can say what tenants would get for their money if there was a rent freeze and what the consequences of that would be.

When all the rent consultations have come in, the Government will—rightly—want to analyse them before making an informed decision, on the basis of the engagement that social landlords have had with their tenants about what tenants want in relation to a rent freeze. That is vital.

One final point is that it can be really difficult for social landlords to engage with their tenants. They are very good at that, but getting a high turnout in the engagement process can be difficult. Sometimes, one demographic of a tenant base responds disproportionately. It is important to find out about affordability not just for those who rely on benefits and receive the housing element of universal credit to pay their rent but for many of the working poor, who pay full rent, because they are in the firing line of the Tory cost of living crisis, and the bill is trying to address their concerns.

I support the bill and the on-going engagement with the social rented sector. As I said at stage 1, I would prefer to reach an accommodation and an agreement with that sector rather than to provide for a rent cap come April, but let us wait and see what happens.

16:06

Jamie Greene (West Scotland) (Con): I will start on a note of consensus. Over the past few days, Mr Doris has made sensible points about the situation in social housing. It has been good to hear his input, and I do not disagree with some of what he has said.

I have said on more than a few occasions in this place that, inevitably, when we make rushed law, we can make bad law. That is less about the short time for considering proposals, the long days and the workload for chamber staff and more about whether we are actually listening to the people who will be most affected by the law that we pass. If we stopped someone on the street and asked them, "Would you like the Government to freeze your rent?", as the bill will, or if we asked them, "Would you like the Government to freeze your energy bills?", as the UK Government will, the response would inevitably be in the affirmative.

Bob Doris: Will the member take an intervention?

Jamie Greene: In a second.

However, if we pitched things differently, we might get a different answer. If we told someone that, if the Government capped their rent, that would mean that their housing association paused its kitchen upgrade programme, might not install a new heater or boiler, might not insulate the loft, doors and windows or might not fix the leaky roof, we might get a different answer.

Bob Doris: Will the member take an intervention?

Jamie Greene: I have a lot to get through.

If we told someone that their rent might be frozen but that, by this time next year, when they want to move, the market might look completely different—fewer flats might be on the market, rents might be higher because demand outstrips supply and applicants might be fighting hundreds of others for a single property, as is already happening in our cities—we might get a different answer.

We cannot cap rent increases at zero per cent for ever. There will always be an end point if the Government holds true to its word that the cap is temporary, but that creates a cliff edge. There are genuine concerns about that and about a spike beyond affordability at the end of the temporary period. We know about that because international models and the evidence base tell us about that from when such measures have been tried in other places. Such evidence has largely been ignored—for the sake of passing the bill, I guess.

Last week, I wrote to every housing association in Inverclyde and North Ayrshire. The associations jumped at the chance to talk to me; normally, they hear from us only when we have complaints about property. They all said the same thing—that they were blind-sided by the policy. They have genuine concerns and are now scrambling around to rewrite their cash-flow and spending plans.

One housing association told me that if—I accept that it is an “if”,—the rent freeze continues beyond March 2023, it will cost the association £5 million, which it wanted to spend on homes that are specifically designed for people with disabilities. Another housing association said that it was not consulted on the policy, which will—not “may”—significantly reduce the association’s ability to maintain existing homes to a high standard. If that organisation’s assumption is wrong, the Government must say why it is wrong.

People from another housing association who rang my office yesterday after watching the news were aghast—they said that the cost of the rent freeze will equate to their entire kitchen and heating repair bill. That association has squirreled away a huge pot of money for a rainy day, and—my goodness—we are heading into rainy days.

The common themes in all of the responses that I got from the housing associations can be summed up quite simply. They are all frustrated at the abject lack of consultation before the bill came to us; they are furious that the Government was not listening to them; and although, of course, they understand the pressures on people, they are keen to stress that they are already doing their level best to take measures to support people.

They want people to live in well-heated, well-looked-after homes, which is better than people having no home at all.

Yesterday, I made the point that not all landlords are lolling around in buckets of cash. Many rely on their single rental income as part of their pension or as their sole income. That does not make that scenario right, but that is a reality that seems to have been missed. Mr Rennie is completely correct, because it is not just the intention of the bill that we are voting on that matters; the perception of it will also matter, specifically to landlords.

I will close by making another plug for amendment 81, about data, which I lodged and which the Government defeated yesterday. Mark Griffin made a point about that yesterday as well. Data is so important to what happens next, if the bill is passed. Without data, we will have no idea whether the legislation is having a positive or negative effect on the housing market. I want to know that, because data cannot be that hard to come by. Surely, civil servants can produce those reports. If we are worried that the warnings from many quarters about the consequences of the bill might ring true, I want to know that when the time comes. Nobody wants a depleted private rental market—that benefits no one.

I end where I started: rushed law, even if the general principle of it was well meaning, which I think it was in this case, will have consequences. As always, we will not know until it is too late.

16:11

Paul Sweeney (Glasgow) (Lab): It has been an interesting couple of days as we have put the bill through its various stages. I thank the Parliament staff, especially the bill team and the clerks, for their work under extreme time pressure.

This legislation is badly needed in Scotland. I do not think that it is as comprehensive as it could have been, and more could be done to redress the imbalance of power that exists between tenants and landlords. We might have been able to get it to that point if we had not been as constrained in the time that we had to scrutinise and debate the bill, but we are where we are.

We are where we are today because of a number of people. I do not think that any of that work would have been possible without my friend and colleague Mercedes Villalba, who, unfortunately, due to illness, cannot be here. Anyone who knows her knows that she is a fierce and tenacious advocate for the rights of tenants across Scotland, and I am immensely proud of her work in pushing the Government on the need for the rent freeze over the past six months. I also thank our front-bench spokesman, Mark Griffin,

and his team for their tireless work to improve the bill since its publication.

Shona Robison: I put on record our recognition of Mercedes Villalba's contribution to the debate. I hope that she gets better soon and that she has been watching the proceedings and can take some comfort from the role that she played.

Paul Sweeney: I thank the cabinet secretary for that recognition—it is much appreciated. Despite the frustration that Mercedes is, no doubt, feeling, I am sure that she is heartened by the progress that the bill has made in the past few days.

In addition, we would not be here without the campaigning of Living Rent, which has been organising and building power for tenants for years. I pay tribute to Living Rent for that, and I am sure that that is shared across the chamber.

The Government chose to accept the two amendments, 71 and 85, that I lodged yesterday, for which I am thankful. Sadly, it chose not to engage as positively with other amendments that were lodged by colleagues. That is unfortunate, and, on reflection, the Government might regret not accepting the amendments in the names of Alex Rowley and Pauline McNeill. I thought that they were non-contentious, and I am still unsure what legitimate reason there could be for excluding care home residents from the legislation or for not ensuring that inter-tenancy rent increases are not possible.

In the time that I have left, I will make a more general point about the situation that tenants and home owners face this winter, which means that the bill is more necessary than ever.

Yesterday, we were forced to sit and listen while Conservative members claimed that the crisis that we face somehow had nothing to do with the actions of their colleagues who are running the UK Government and that somehow the increase in mortgage costs and the plummeting value of the pound were nothing to do with them. According to Conservative members here, it was pure coincidence that the pound tanked at the exact same time as the chancellor delivered his so-called mini-budget. I am afraid that I have never heard such disingenuous drivel in all my life.

The reality of the situation is that millions of British tenants and home owners face a cost of living crisis with higher bills, mortgage payments and inflation because of the Conservatives' selfish political choice to give tax cuts to their wealthy donors and recklessly gamble with the future of the entire British economy. Rather than put more money into the pockets of those who need it the most, they tried and failed to give it to millionaires before being shamed into a making a U-turn.

Astoundingly, we heard more yesterday from Tory members about the plight of landlords in this country than we heard about the hardship that tenants are facing. I am afraid that the game is up. The public see the Tories for exactly what they are—they are in it for themselves. I thoroughly look forward to the next general election, when they will be unceremoniously ejected from Downing Street.

16:15

Ariane Burgess (Highlands and Islands) (Green): Today's bill shows that the Scottish Greens, by working constructively in Government, are delivering on the promises that we made to the electorate to correct the stark and growing inequalities that take away the life chances of too many.

Today, Scotland is leading the way on protecting tenants. As figures from Shelter Scotland show, the homelessness system is overstretched and underfunded, with a household in Scotland becoming homeless every 18 minutes. It is a social and moral imperative to tackle the crisis head on.

In the short term—this winter—this emergency legislation will make a substantial difference for people who rent their homes; however, we need long-term solutions. Part of that is a culture change in which our approach moves away from seeing housing as an investment to one that prioritises the human right to a home.

A great deal of determined and detailed work by many people has gone into drafting this urgent piece of legislation, and I am immensely proud of the work of my colleague Patrick Harvie MSP, the Green Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights, in leading on this legislation.

As the response to the legislation has shown, it is not enough for new laws to be right in principle; they must be right in practice, too. There is no value in legislating in ways that make us feel good if the legislation cannot survive parliamentary scrutiny or be robust against legal challenge. This bill has got that balance right.

This legislation is urgently needed, but the current housing crisis is symptomatic of long-term underinvestment in housing and the choice of successive Governments to leave a vital human need—the right to a home—to the whims of an unregulated market.

There is much that needs to be done. During this session of the Parliament, we will be introducing the biggest expansion of tenants' rights in more than a generation, including better protections, such as the right to have pets and to

redecorate, and rent controls. The bill is the first step towards creating a housing system that makes renting a fair and affordable option.

I have welcomed the thoughtful interventions and discussion around the bill, in particular the constructive approach that has been taken by many members to ensure that the emergency legislation is as robust and impactful as possible.

The scale and urgency of the cost of living crisis must be matched by urgent action. Renting in Scotland is expensive and insecure. Too many tenants pay far too much for inadequate housing. In the Highland and Islands, the need for affordable, accessible and adequate homes continues to be pressing, but protecting people from rising rents and losing their homes is the right thing to do as winter looms.

Although this is emergency legislation, due to the urgent nature of the cost of living crisis, the Bute house agreement sets out why we need to do much more to reform renting and to increase the number of affordable homes across Scotland. That vital work continues and will contribute to the biggest package of housing sector reforms since devolution.

Today, I am proud to be a Green, and I am proud to be part of a Parliament that will pass groundbreaking and progressive legislation to protect tenants during this crisis.

16:18

Karen Adam (Banffshire and Buchan Coast)

(SNP): I will put a rural slant on the debate, as tenants in rural and coastal areas, such as those in my constituency, will be reassured by the emergency measures in the bill. A temporary freeze on rents and a moratorium on evictions during the winter period will be welcome, I am sure, especially due to the cost of living crisis, which is hitting people in those areas particularly hard.

The bill will also supply much-needed clarity for stakeholders, including housing charities, which have to deal on the front line with the humanitarian crisis that we face. The term “humanitarian crisis” is not an exaggeration.

A multifaceted crisis in the winter months is something that rural and coastal communities have experienced all too often in the past few years; for example, many communities in my constituency recall last year’s winter storms. The point is that we never know what is round the corner. The measures are timely, proactive and will protect many of the most vulnerable.

Many people in isolated areas, where the weather can be harsh, use oil as their principal source for heating. It is extremely expensive. They

can well do without the impact on their health and wellbeing of added stress from spiralling rents and potential eviction.

In my constituency, rent arrears are already spiking. Many people are living with horrendous anxiety over spiralling costs that go way beyond their means. Rural households on low incomes now spend about half their earnings on rent—almost 5 per cent more than low-income households in urban areas. Measures in the bill will help.

Rural households need more than £500 to take them out of fuel poverty, which is twice as much as in urban areas. Data shows that, because of rural households’ greater reliance on cars, they spend an average of about £114 per week on transport, compared with £80 for urban households. That eats into—it is a higher proportion—of their disposable income, if they even have any. The bill will help.

Once again, the Scottish Government has had to act with immediate effect because of the dithering of this UK Government. The months of inaction and chaos at Westminster and the lack of sufficient support in response to the cost crisis mean that it is right that we act within our devolved powers to support the people in Scotland immediately. The UK Government took five weeks to choose a new leader, while the rest of our urgent political debate was placed in a vacuum. Yet here, in our Scottish Parliament, we are making positive, real change within days and with the right outcome.

There have been complaints from some parties about the speed at which we are addressing this challenge, and I accept that using emergency legislation is not ideal. However, as many charities have pointed out, we are in a humanitarian crisis in which dither and delay cost lives. Folk, who are still reeling from the pandemic, are lurching from one crisis to another and seeing a dystopian political farce taking place at Westminster daily. Let us not heed any calls to slow our pace from associates of that.

We wish that we were not in the position of having to introduce emergency legislation to protect people from the impact of rent increases. I note the concerns and arguments from groups that say that more long-term solutions are needed. My view is that long-term solutions and short-term emergency ones are not mutually exclusive.

This bill is inevitable, it is proportionate and it is a humanitarian response to a humanitarian crisis.

The Presiding Officer (Alison Johnstone):
We move to winding up speeches.

16:23

Pauline McNeill (Glasgow) (Lab): I begin by welcoming the emergency legislation. I, too, welcome the work by the legislation team and the clerks to make it happen. Mark Griffin, our spokesperson on housing, was quite right when he said that the law generally does not balance the rights and interests of landlords and tenants. I am pleased that the Government is now committed to doing that.

I also want to put on record—I can say this quite openly because of the work that I did during the previous session of Parliament—that the legislation is not an attack on landlords. The vast majority of landlords are good and decent landlords, and many of them have a few properties, so let us recognise that profile.

The backdrop to today, as Paul Sweeney eloquently talked about, is an acute cost of living crisis. There has been an acute economic shock, there is severe risk to people's mortgages and pensions and there uncertainty about the future. However, no one has mentioned the impact of that on young people.

Young people today are largely found in the private rented sector, because they have no chance of getting on to the social housing ladder. Most MSPs will know that from their constituency case work. I agree with the Tories that we have not done enough to increase housing supply—we all know that. However, we must recognise that the private rented sector in particular is where most poverty is found; it is where more poor families are found; and it is where there are severe inequalities. Therefore, it is right that this Government puts at the heart of its programme the need to address all that and to reform housing law.

Students in the private rented sector have no rights even to challenge their high rents in the university sector, because it contracted with parties that wrote into the contract that students had no rights and had to endure high rent.

I welcome the bill and the constructive nature of the debate. Let me put on record that I recognise the consistency of the housing minister Patrick Harvie in his dealings on this bill, but I cannot miss the opportunity to say to the SNP that, for all the speeches that I have heard today, not one SNP member supported my member's bill on fair rents in the previous session of Parliament. They have to recognise that we could have been in a different place today, and I want to talk through why I think that.

I do not know what they were frightened of, and I think that they have to put their hands up to that. I am deeply concerned that the length of time that it will take to make the further housing reforms in this session of Parliament could mean that it will

happen at the end of the session. However, let us hope that that does not happen.

In my Fair Rents (Scotland) Bill, there was a requirement to register data, as we talked about in an earlier exchange. However, importantly, there was also a provision in my bill that, although it capped rent increases at the consumer prices index plus 1 per cent, would have given ministers the power to set the cap at any level. If members look at the schedule to the current emergency legislation, they will see that its provision is pretty much the same as mine was.

I hope that SNP members will forgive my frustration around that; I just felt that I could have had a wee bit of support in the previous session of Parliament. Of course, I fully realise that member's bills do not always make it. However, I hope that that is recognised and that we can get back on track in terms of working together to ensure that, in the wider framework on housing reform, we get it right. We need to recognise that tenants should have the right to challenge their rents and that those rents should not be increased when tenants do so, and there should be data so that landlords and tenants across the country can see what rents look like.

I recognise the emergency nature of the legislation. We need to do something now in relation to evictions and rents. I hope that, going forward, there is a bigger commitment from the Government to ensure that its housing bill does not come at the tail end of 2025. I would like the minister, in his closing speech, to commit to working harder to ensure that we see the housing reforms sooner than that.

I will be supporting the emergency legislation at decision time tonight, and I thank everyone for their hard work on it.

16:27

Edward Mountain (Highlands and Islands) (Con): I remind members again of my entry in the register of members' interests, which shows that I am a holder of rental properties in Moray.

So, the Cost of Living (Tenant Protection) (Scotland) Bill is to become law. Before I discuss what other people have said during the debate, I want to talk about where we are. The Scottish Government has, without doubt, failed to build enough social housing over the 15 years that it has been in office, which has put pressure on the housing market. The Government also adjusted tenancy legislation through the Private Housing (Tenancies) (Scotland) Act 2016, which distorted the market. The act reduced by 50 per cent the number of private rental properties and removed them from long-term lets. The result is that we have only about 340,000 let properties in

Scotland. Reducing the number of available houses puts up the pressure on people who need to find a house and increases rents.

Over the past two days, we have had what, to me, was an unedifying spectacle of the Parliament being forced into emergency legislation. I question whether it was required, when in fact a tweak to the Rents (Scotland) Act 1984, the Housing (Scotland) Act 1988 and the Private Housing (Tenancies) (Scotland) Act 2016 would have allowed the Government to say that all rent increases had to go before the First-tier Tribunal, which could then have been given a direction on how to deal with those rent increases.

That approach would have been fair and it would have allowed both sides to put their case. It would also have allowed the Government to take further soundings on the market. It might have distorted the market, but I do not think that it would have destroyed it.

The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie): I know that the member and his colleagues will be concerned about the resources that are available to the tribunal. What level of resourcing would have been necessary for the entire private rented sector to be pushed through the tribunal, with that being required every time any landlord in Scotland wanted to change the rent?

Edward Mountain: That just proves to me your lack of knowledge of the market, minister, because not all private landlords seek to raise rents every single year—only a small number of landlords do so. If the Government had signalled the way in which it would deal with the matter in its instructions to the First-tier Tribunal, that would have limited the number of cases going there.

Anyway, minister, you well know—

The Presiding Officer: Speak through the chair, please.

Edward Mountain: Sorry, Presiding Officer.

As the minister will be aware, tribunals are not correctly funded at the moment, so part of the approach would have been about funding tribunals correctly.

I have been involved in enough stage 2 debates in Parliament to understand that proposed legislation, when submitted, is never perfect. Frankly, I find it amazing that there was not a single SNP or Green amendment among the 101 amendments that were put before Parliament. My biggest disappointment is that the Government did not listen to the amendments on the reporting of the outcome of the legislation after each period.

Shona Robison: I am really confused. Conservative members literally voted for some of Patrick Harvie's amendments, so to say that no amendments have been brought forward is quite astonishing.

Edward Mountain: I am sure that the cabinet secretary will want to review what I actually said, which is that I have been involved in enough stage 2 amendment debates. That is what I was talking about—I was not talking about today. I was going to go on to say that I realise that six amendments were taken forward from last night's debate and that some amendments have been agreed to today. I believe that not amending legislation at stage 2 and not having the whole Parliament take part is not democracy.

I turn to the contributions. The cabinet secretary said that there is a right to act. There is a right to act, but one cannot act if one does not know the full cost of one's action, which the minister never laid out and which is not in the financial memorandum.

Miles Briggs mentioned the 26,000 homeless households; sadly, we have not addressed that point or worked out how to address it. Mark Griffin was right that tenants should seek security, but we need landlords to have that security, too—knowing that their tenants are capable of paying their rents and of staying in their house. Every landlord looks for a long-term tenant and they will work for it.

I commend Willie Rennie and I am glad to join him on the social housing issue, which is important. I am glad that Bob Doris supported that point in last night's and today's debate, when he said that he feared for the social sector. Jamie Greene was spot on—his general point is that there will be a cost for this rent freeze and that it might not be the cost that we want to end up paying.

I agree with Ariane Burgess, who said that there are not enough houses across the region that we both represent, which is why I always push the Government to build more.

The bill will pass today, and I fear that it will be the start of a bigger problem—that fewer houses will be available to rent in the private sector, which will drive up the rents of those houses. The bill does not in any way respect and reward good landlords, of which there are many out there. I fear that fewer repairs will be carried out in private accommodation, because the rents will not facilitate them—that point was mentioned about the social housing sector—which will make it difficult to reach the minister's target on energy performance certificates for private properties in 2025.

The Government might think that this is the start of its action in the private rented sector, but I hope

that the passing of the bill does not signify the destruction of the private rented sector, which I believe has a key part to play in providing housing in Scotland.

I am afraid that we on the Conservative side of the chamber cannot support the bill today.

The Presiding Officer: I call Patrick Harvie to wind up the debate.

16:34

The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie): I do not mind admitting that there is a slight lump in my throat as I acknowledge what a privilege it is to be able to close this stage 3 debate on the Cost of Living (Tenant Protection) (Scotland) Bill. I know that many people across the country who do not necessarily follow every word that we speak in the chamber or follow politics closely will give a huge welcome to the important protection that the bill will provide.

It is not the first bill that I have taken through the Parliament. I led a member's bill that, if memory serves me correctly, was one and a half sides of A4 with no amendments at stages 2 or 3 and no votes against from anybody. This bill, by comparison, feels like going in at the deep end.

It would be remiss of me not to observe that it is also the first Government bill led through Parliament by a Green minister in the Scottish Parliament or anywhere else in the UK. I am also pleased to note that it is the new King's first bill. I am sure that it will be the start of an extremely productive working relationship.

As I have been pressing for reform for tenants for over a decade in the Parliament, the bill is extremely close to my heart. It is a product of working in genuine constructive partnership with the cabinet secretary and colleagues from both our political groups. It is an illustration of how much we can achieve by delivering on the collaborative approach to politics that is at the heart of the Bute house agreement.

We have heard members' views over the past couple of days. I hope that, during the debates, everybody has kept in mind the close to 2 million people who rent their homes in Scotland, whether in the social sector, the private sector or student accommodation. The bill aims to help them through the challenging months ahead. Those challenges are not of their making and, in many cases, are out of control, as spiralling energy bills and soaring costs hit all households.

There are some members, of course, who fundamentally disagree with the action that we are taking and would, perhaps, take no action to prevent unaffordable rent increases being

imposed on people who cannot afford them. There are others who perhaps oppose the need for balance and the safeguards for landlords who are also vulnerable. We have repeatedly restated that not all landlords are in the same financial situation. However, in truth, although the bill is needed, it will work in the real world only if it is balanced. That is what we have achieved. It is both radical and real; not demanding the impossible but delivering what is really needed.

One of the clear areas of concern throughout all three days of debate has been the importance of the social rented sector—not just the housing that it provides but its wider social role. The Government shares that concern. We share that priority, as do members from across the chamber. We are already working closely and collaboratively with the sector.

Bob Doris spoke about the importance of the tenant voice and the role that social landlords have in ensuring that all tenants' voices are heard. In the longer-term work that we are doing, we seek to bring that approach into the private rented sector, too.

I have gone through some of the statistics that show the need for the bill. Tenants have, on average, lower household incomes and higher levels of poverty and are more vulnerable to economic shocks. That stark reality is why we have introduced the bill.

Members will remember that one of my first announcements on taking up my ministerial role was to commit to the longer-term work on the new deal for tenants. Although it is right that we responded to newly arising challenges by delivering emergency legislation, throughout the past three days of debate, many members have reinforced the arguments that we need to bear in mind as we develop that longer-term groundbreaking work to deliver on the new deal with a new housing bill in 2023, with new rights and protections. We will also establish a new regulator for the private rented sector to enforce standards as well as considering the scope of the existing Scottish Housing Regulator and working towards a national system of rent controls for the private sector by the end of 2025. There is a great deal more work to be done to deliver on all that and I look forward to working as constructively as possible with members across the chamber to do it.

I will finish in the way that I began on Tuesday: with some thanks. Although it is a privilege to stand in the chamber, present the bill and ask members to vote for it, it is never the work of one person; it is the work of a huge team. I thank members from across the Parliament, particularly those who have chosen to work constructively with the Government on some of their amendments to

improve the bill. I also thank the Parliament officials, of course, who have worked hard, and external stakeholders who have contributed to the discussions.

I also acknowledge the work that has been done by people across Government: the First Minister, who made the commitment when she announced it in the programme for government; the rest of the ministerial team, including the cabinet secretary; and, in particular, our officials and advisers. Those officials and advisers do not get to stand here and present their work, but their work over the past few weeks has been amazing, and it has been conducted at an extraordinary pace. I have been proud to work with them, and they can have confidence, as can Parliament, that the work that we have done together will give real practical protection to people across Scotland.

The Scottish Government understands that emergency circumstances demand an emergency response, but we also recommit to move ahead with the longer-term reform that is badly needed.

With that, I am delighted to urge members to support the motion that the Cost of Living (Tenant Protection) (Scotland) Bill be passed.

Point of Order

16:41

The Presiding Officer (Alison Johnstone): We have a point of order from Pam Duncan-Glancy.

Pam Duncan-Glancy (Glasgow) (Lab): Thank you for taking my point of order, Presiding Officer.

For three successive days in the chamber, Government ministers have said on the record that they have provided £3 billion to tackle the cost of living crisis. That figure was repeated earlier today at First Minister's question time, when the First Minister said:

"We have allocated almost £3 billion this year to help to mitigate the impact of increasing costs on households."

I have challenged that figure various times, because research from the Scottish Parliament information centre has highlighted that it is misleading. In a blog that was published in July that looked at the detail behind the figure and provided a timeline for the policies included, SPICe said:

"All of the policies listed do help reduce costs for families and households in some way." *[Interruption.]*

The Presiding Officer: We will hear Ms Duncan-Glancy.

Pam Duncan-Glancy: Thank you.

"But a list of measures announced specifically in response to the current increase in inflation would be quite a bit shorter."

The blog goes on to say that many of the policies are pre-existing and predate the current cost of living crisis, which the blog has taken

"as beginning in October 2021".

Further, the blog states:

"Of course it's useful to set out how government policy reduces people's costs but by that measure, you might include the entire social security system, the NHS and a lot more. So that's not this list."

The blog goes on to say:

"An alternative way of looking at measures 'to help families and households face the increased cost of living' would be to use October 2021 as the starting point for the 'cost of living crisis.' This is when energy price cap went up and CPI inflation was 4.2%."

The blog says that looking at policies from that date onwards would produce a list of policies, the cost of which

"comes to around about £490m."

Presiding Officer, I seek your guidance on what mechanisms are available to ensure that the

Government does not mislead the chamber in the future.

The Presiding Officer: I thank Ms Duncan-Glancy. That is not a matter for me to rule on from the chair. The content of contributions is normally a matter for members themselves. However, members will be aware that a mechanism exists whereby they can correct any inaccuracies in the *Official Report*.

Motion without Notice

16:43

The Presiding Officer (Alison Johnstone): I am minded to accept a motion without notice, under rule 11.2.4 of standing orders, that decision time be brought forward to now.

Motion moved,

That, under Rule 11.2.4, Decision Time shall begin at 4.43 pm.—[George Adam]

Motion agreed to.

Decision Time

16:43

The Presiding Officer (Alison Johnstone):

There is one question to be put as a result of today's business. The question is, that motion S6M-06213, in the name of Shona Robison, on the Cost of Living (Tenant Protection) (Scotland) Bill, be agreed to. Members should cast their votes now.

The vote is closed.

The Minister for Equalities and Older People (Christina McKelvie): On a point of order, Presiding Officer. The app would not let me log in, after I had been voting all afternoon. I would have voted yes.

The Presiding Officer: We will ensure that that is recorded.

Beatrice Wishart (Shetland Islands) (LD): On a point of order, Presiding Officer. My system did not work. I would have voted yes.

The Presiding Officer: We will ensure that that is recorded.

Colin Beattie (Midlothian North and Musselburgh) (SNP): On a point of order, Presiding Officer. My system did not connect. I would have voted yes.

The Presiding Officer: We will ensure that that is recorded.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowe, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)

Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 89, Against 27, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Cost of Living (Tenant Protection) (Scotland) Bill be passed.

The Presiding Officer: The Cost of Living (Tenant Protection) (Scotland) Bill is passed. [Applause.]

That concludes decision time.

Meeting closed at 16:47.

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