



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament

Wednesday 29 March 2023

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Wednesday 29 March 2023

CONTENTS

	Col.
PORTFOLIO QUESTION TIME	1
COVID-19 RECOVERY AND PARLIAMENTARY BUSINESS	1
Covid Recovery Strategy (Financial Security for Low-income Households)	1
Covid Recovery Strategy (Impact of Increased Inflation on Delivery of Priority Outcomes)	2
Long Covid	4
Future Pandemic Response (Public Confidence)	7
Covid Recovery and Parliamentary Business Portfolio	9
Covid Recovery Strategy (Impact of United Kingdom Government Spring Budget)	9
Green Jobs Workforce Academy (Ministerial Statement)	10
FINANCE AND THE ECONOMY	11
Government Projects (Value for Money)	11
United Kingdom Government Spring Budget	12
Local Authority Pay Awards (Tax Implications)	13
United Kingdom Government Digital Strategy	14
Public-private Partnerships (Review)	15
Superfast Broadband Programme (Update)	17
Green Freeports Relief Proposals	19
Businesses Based in Scotland (Reduction)	20
NET ZERO, ENERGY AND TRANSPORT	22
Public Transport (Accessibility)	22
Re-opening of Railway Stations (Dumfriesshire)	24
Ferries (Specification)	26
Energy Developments (Community Benefit)	28
Ferries (Support for Island Communities)	30
Torness Nuclear Power Station	33
Carbon Capture Projects (Discussions with United Kingdom Government)	34
Winchburgh Train Station	35
COURT MAINTENANCE BACKLOG	37
<i>Motion debated—[Liam Kerr].</i>	
Liam Kerr (North East Scotland) (Con)	37
Audrey Nicoll (Aberdeen South and North Kincardine) (SNP)	39
Jamie Greene (West Scotland) (Con)	41
Pauline McNeill (Glasgow) (Lab)	43
The Minister for Community Safety (Elena Whitham)	45
MOTION WITHOUT NOTICE	49
<i>Motion moved—[George Adam]—and agreed to.</i>	
DECISION TIME	50

Scottish Parliament

Wednesday 29 March 2023

[The Deputy Presiding Officer opened the meeting at 14:30]

Portfolio Question Time

Covid-19 Recovery and Parliamentary Business

The Deputy Presiding Officer (Liam McArthur): Good afternoon, colleagues. The first item of business is portfolio question time, and the first portfolio is Covid-19 recovery and parliamentary business. There is a fair bit of interest across all the portfolios, so I make the usual appeal for brevity in questions, and for similar brevity, as far as that is possible, in the responses. Members who wish to ask supplementary questions should press their request-to-speak buttons during the relevant question.

Covid Recovery Strategy (Financial Security for Low-income Households)

1. **Claire Baker (Mid Scotland and Fife) (Lab):** To ask the Scottish Government how it is progressing its Covid recovery strategy commitments to improve financial security for low-income households. (S6O-02063)

The Minister for Social Security and Local Government (Ben Macpherson): The Scottish Government prioritises funding to help household finances across the country. We are taking action to increase financial security for low-income households by, for example, increasing the Scottish child payment to £25 per week per eligible child, doubling the fuel insecurity fund to £20 million and providing local authorities with additional funding for discretionary housing payments. In total, the Scottish Government has allocated around £3 billion this financial year to contribute to mitigating the increased-cost crisis. More than £1 billion of that support is available only in Scotland, with the remainder being more generous than what is provided elsewhere in the United Kingdom.

Claire Baker: As the minister says, the pandemic and the cost of living crisis have exacerbated the situation for low-income households. Last week, devastating poverty statistics for Scotland were published. The strategy was published on 5 October 2021, and a lot of the commitments were delivered within 18 months, but there are still gaps in delivery of free breakfasts and wraparound childcare. Will there

be a revaluation of the remaining commitments? Will they be brought forward with new timescales, and is the strategy still relevant?

Ben Macpherson: I refer Claire Baker to recent ministerial statements on those aspects of the strategy. There is a continued process of work in relation to wraparound childcare and school meals, which is coupled with the £428 million that the Government has allocated to uprate by 10.1 per cent all the benefits for which the Scottish Government is responsible. There is also £442 million for the Scottish child payment to be increased to £25 per week per eligible child, as well as action being taken with regard to rents and a continued social housing programme, to tackle the high cost of housing.

A huge amount of work has been done, and more work will need to be done in order to meet the obligations, to continue to provide for low-income families in Scotland and to lift children out of poverty, which is a priority for us all.

John Mason (Glasgow Shettleston) (SNP): Given that inflation is at 10.4 per cent and many families are struggling to pay increasing bills, does the Scottish Government have all the powers that it needs to deal with the issue, or does Westminster need to act as well?

Ben Macpherson: The Scottish Government's position is that the UK Government's statement does not fully address the cost of living crisis or provide the support that people in Scotland need, and that more can be done. The Scottish Government, in some of the policy commitments that I have outlined, has used its limited powers and constrained financial resources to provide more help and to ensure that people receive the help that they need.

Although the constraints of the current devolution settlement prevent the Scottish Government from borrowing, the more that we as a Parliament argue collectively for borrowing powers, the more we will be able to do.

Covid Recovery Strategy (Impact of Increased Inflation on Delivery of Priority Outcomes)

2. **Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** To ask the Scottish Government what impact it anticipates that the increase in inflation to 10.4 per cent will have on the delivery of the priority outcomes set out in the Covid recovery strategy. (S6O-02064)

The Minister for Just Transition, Employment and Fair Work (Richard Lochhead): The current financial situation, including the high levels of inflation, is particularly challenging due to our lack of fiscal powers. The Scottish Government has prioritised spending that supports people who need it most, guided in part

by the principles of the Covid recovery strategy. The 2023-24 Scottish budget provides funding that helps families, backs businesses and protects delivery of public services.

The Scottish Government is committed to making progress towards the shared Covid recovery strategy outcomes, in partnership with local government and other partners, and will continue to prioritise spending that is targeted at supporting people who are in most need.

Audrey Nicoll: One priority of the Covid recovery strategy is financial security for low-income households, but recent Department for Work and Pensions figures reveal that poverty has risen in the UK, with the number of people on a relative low income having increased by 1 million, from 13.4 million in March 2021 to 14.4 million a year later. What assessment has the Scottish Government made of the impact of the continued obsession with Brexit of the Tory Government and Labour Party on its ability to deliver on the strategy's priorities?

Richard Lochhead: I am sure that Audrey Nicoll will recall that the Scottish Government made representations—as did many people in Scotland—to the UK Government not to come out of Europe in the midst of the pandemic because doing so would only compound the hardship that people faced. Subsequently, we have inflation and the cost of living crisis.

Despite that, the Scottish Government continues to support low-income households. We increased the Scottish child payment to £25 per week, doubled the fuel insecurity fund to £20 million and provided local authorities with additional funding for discretionary housing payments. Those are just some of the actions that we have taken, with our limited powers, to help to mitigate the detrimental impacts of Brexit and the cost of living crisis.

Paul Sweeney (Glasgow) (Lab): A Glasgow Centre for Population Health report on life expectancy highlighted that mortality rates have stalled since 2012, and the Scottish Government's recent health inequalities report found that the gap in health outcomes between the most deprived and least deprived communities is the widest that it has been since monitoring began in 1997. Can the minister advise how the Government plans to tackle the unacceptable disparity between the health outcomes of the best off and those of the worst off people in our communities, in line with its commitment to address systemic inequalities through the Covid recovery strategy?

Richard Lochhead: Paul Sweeney has highlighted some of the challenges that we have faced in recent years, and he will be aware that there have been many reports about the widening gap between the rich and the poor throughout the

UK. It is not an issue that is unique to Scotland; it is largely down to austerity from the UK Government since 2010, compounded by Brexit, for which Scotland did not vote. Of course, as I said, there is also the impact of the pandemic and the inflationary cost of living crisis.

Many such external factors have impacted on poverty in Scotland, and we do not have full powers to address them. Indeed, inflation has affected the Scottish budget. There has been a 4.8 per cent reduction in the Scottish budget in real terms from the budget for 2021-22 because the UK Government has not allocated to Scotland money to reflect inflation.

A number of issues need to be addressed. We agree with the sentiments of Paul Sweeney, but we want the Parliament to have all the powers that would enable us to address poverty in Scotland and the life-expectancy challenges that exist in many parts of the country.

Douglas Lumsden (North East Scotland) (Con): "Covid Recovery Strategy: For a fairer future" states:

"The pandemic has highlighted the importance of our parks and libraries particularly for those on low incomes."

Will the minister join me in condemning the SNP administration at Aberdeen City Council for closing six libraries, which will hit people on lower incomes hardest?

Richard Lochhead: I do not know whether Douglas Lumsden was listening to my previous answer, when I explained that the UK Government has not allocated funding to Scotland to reflect the impact of inflation. There has been a 4.8 per cent real-terms reduction in the Scottish budget.

We gave a fair settlement to local government in the recent budget. I do not know whether Douglas Lumsden's party suggested alternatives to address some of the issues that he wants to be addressed. We believe in local democracy and we believe that it is for local government to make local decisions in this country, so I urge him to make representations to his Conservative colleagues in the UK Government to ensure that we get a much better settlement in Scotland to support our local councils and central governance.

Long Covid

3. Clare Adamson (Motherwell and Wishaw) (SNP): To ask the Scottish Government how its cross-Government co-ordination of Covid recovery policies is addressing the needs of those affected by long Covid. (S6O-02065)

The Minister for Public Health, Women's Health and Sport (Maree Todd): The Scottish Government is supporting a recovery that is focused on supporting individuals and

communities who were most affected during the pandemic—including people with long Covid—and on reducing systemic inequalities across Scotland. The Scottish Government recognises the impact that long Covid can have on the health and wellbeing of those who are affected, and it is investing in scientific efforts to understand long Covid. We have made an initial £3 million available to NHS boards and their partners to deliver the best local models of care for assessment of and support for ongoing management or treatment of symptoms.

Clare Adamson: One of my Motherwell and Wishaw constituents, who had a horrendous Covid experience and is suffering from long Covid, is unable to get back to work as a pilot due to hearing loss. He has had one cochlear implant fitted following Covid complications, but that does not meet the requirements for his profession.

Current National Institute for Health and Care Excellence guidelines, which are followed by Health Improvement Scotland, stipulate that he must have another condition that impacts on cognitive ability for him to be eligible for a second bilateral implant. Those guidelines are from 2019—before the pandemic. As part of Covid recovery, is the Scottish Government committed to working across Parliament to review the guidelines that are in place so that people like my constituent, who have been made economically inactive due to long Covid, have their circumstances considered?

Maree Todd: First, I am really sorry to hear about the impact that long Covid is having on Clare Adamson's constituent. Healthcare Improvement Scotland is a national improvement organisation that supports the health and social care system to design and provide high-quality, sustainable and compassionate care for the people of Scotland.

The National Institute for Health and Care Excellence guidelines are developed by expert panels, taking into account relevant evidence. In Scotland, the Scottish intercollegiate guidelines network—SIGN—guidelines contain recommendations for effective practice based on current evidence. However, NHS boards in Scotland can choose to consider other guidelines, including NICE guidelines, where there is no SIGN guidance. At present, I am not aware of any plans to review that NICE guideline.

The Deputy Presiding Officer: A number of colleagues want to ask supplementaries. The appeal to members to be brief in questions and answers stands.

Sandesh Gulhane (Glasgow) (Con): In November, Humza Yousaf wrote to me and outlined how much long Covid support funding was being provided to each health board.

Although I was happy to see a roll-out of long Covid rehabilitation pathways, there remains a lack of dedicated long Covid clinics in Scotland. Will the minister heed the call of health professionals such as NHS Grampian head of health intelligence, Jillian Evans, and provide dedicated long Covid clinics across Scotland?

Maree Todd: Sandesh Gulhane is aware that it is the role of NHS boards to develop and deliver models of care that are most appropriate for the needs of their local populations. We are providing resource to boards, through our long Covid support fund, to enable them to do that. Initiatives that are being supported by the funding include key elements of care that are being offered by long Covid assessment clinics elsewhere in the United Kingdom, including a single point of access for assessment and co-ordinated support from services, including physiotherapy and occupational therapy.

Sandesh Gulhane will also be aware that the SIGN guidance, which was developed collegiately on a four-nations basis across the whole UK, says explicitly that a one-size-fits-all approach—such as long Covid clinics—is not appropriate for all areas.

Jackie Baillie (Dumbarton) (Lab): As of May last year, NHS England had allocated £224 million to support assessment and treatment of long Covid, with £90 million of that being allocated in 2022-23. Applying the Barnett formula to those figures would produce funding of £21.7 million in Scotland, but the Scottish National Party Government has provided less than half of that amount, despite the number of people with long Covid having grown threefold. Can the minister explain where the missing millions are?

Maree Todd: Jackie Baillie will be aware that the long Covid support fund is a targeted additional resource for NHS boards to further enhance the assessment and support that they already provide for people with long Covid across a range of services.

In 2022-23, £18 billion was provided for the health portfolio, which is a record level of front-line health spending in Scotland. It is £323 per person, which is 10.6 per cent higher than the figure for England. We regularly engage with NHS boards regarding their capacity needs, and will continue to do so in order to inform allocation of the long Covid support fund.

Beatrice Wishart (Shetland Islands) (LD): According to media reports, a new study shows that one in 50 Scots has long Covid. On that basis, it could be estimated that around 460 people are living with long Covid in Shetland. What consideration will the Scottish Government give to providing specialist long Covid services in our rural and island areas?

Maree Todd: One of the challenges that we have is in getting accurate data on long Covid prevalence, distribution and symptoms. We need that data to forecast and plan NHS services, but achievement of that objective is complex. Currently, we do not have the full picture.

The Scottish Government is happy to work closely with NHS Shetland and any other boards to help with providing information so that boards can plan adequately for their local needs. However, I emphasise—as I have in previous answers—that it is for local health boards to respond to need in their communities and to ensure that services can deliver for the people whom they serve.

Alex Rowley (Mid Scotland and Fife) (Lab): In England and Wales, the NHS has set up long Covid clinics and the evidence so far demonstrates that that is definitely the right way to proceed to ensure that the individual comes first. Will the minister agree to look at that evidence and then come back to Parliament to state whether that is an approach that Scotland can follow?

Maree Todd: In Scotland, we follow the clinical guideline that exists for long Covid, as was referenced in an earlier answer. It was developed rapidly and was published in December 2020 by SIGN, NICE and the Royal College of General Practitioners. That living guideline includes recommendations and guidance on clinical management of people who have long Covid, as well as recommendations for those who are planning services. I reiterate that that guideline notes that one model would not fit all areas. However, it is perfectly possible for local health boards to come forward with a long Covid clinic model, should they think that it fits their local needs. Development of such a model would be supported.

Future Pandemic Response (Public Confidence)

4. **Evelyn Tweed (Stirling) (SNP):** To ask the Scottish Government, as part of its cross-Government co-ordination of Covid recovery policies, what steps it is taking to ensure that the public has confidence in Scotland's response to any future pandemic. (S6O-02066)

The Minister for Public Health, Women's Health and Sport (Maree Todd): The Scottish Government is taking action to ensure that we are prepared for any future pandemic. For example, we are currently working on a four-nations basis to review the countermeasures and capabilities that are required to address new pandemic threats, and we retain stockpiles of consumables and pharmaceuticals to support a pandemic response, in the event that that is required. We are also engaging fully with the independent Scottish public

inquiry into the handling of the pandemic in Scotland. The 2023-24 Scottish budget made provision for work to ensure preparedness, assessment and co-ordination of concurrent risk across the Scottish Government.

Evelyn Tweed: Revelations of lockdown parties and rule breaking in Downing Street have tarnished the United Kingdom Government's Covid response. A recent YouGov poll showed that 82 per cent of Scots believe that former Prime Minister Boris Johnson is dishonest. *[Interruption.]* Given that, does the minister have any concerns that Boris Johnson's blatant disregard of the Covid rules will have dented public confidence in all Governments' planning for future pandemics?

The Deputy Presiding Officer: On matters for which you are responsible, minister.

Maree Todd: The member's theory is perfectly plausible. However, I will put on record that the Scottish Government is grateful for how people across Scotland responded during the pandemic. They supported their families and communities as safely as possible during a challenging time.

We are working to ensure that we are prepared for any future pandemic. We will learn from our experiences during the Covid-19 pandemic in order to ensure that the public have confidence in any future measures that will be taken by the Scottish Government.

Murdo Fraser (Mid Scotland and Fife) (Con): Perhaps we can get back to the Scottish Government's responsibilities. Recently, national clinical director Professor Jason Leitch indicated that it was his view that the Scottish Government might have gone too far in closing schools during the Covid pandemic, because of the negative impact on education and on young people's social development. Given that we are learning lessons for the future, does the Scottish Government agree with that analysis?

Maree Todd: The process of learning lessons for the future will continue for many years to come as we look back on this period of our history, which has been one of the most challenging periods, globally, in modern times. Undoubtedly, there will be reflection, but the member's view is somewhat simplistic in suggesting that there was an option between causing harm and causing no harm. When I have heard Jason Leitch elaborate on the subject, he has said very clearly that we are not sure at the moment what the unknown harms might have been had we not taken measures. I am absolutely certain that all decision makers made the best decisions that they possibly could, based on the incomplete information that was available at the time.

The Deputy Presiding Officer: Question number 5 has not been lodged.

Covid Recovery and Parliamentary Business Portfolio

6. Alexander Stewart (Mid Scotland and Fife) (Con): To ask the Scottish Government what plans it has for the Covid recovery and parliamentary business portfolio. (S6O-02068)

The Minister for Parliamentary Business (George Adam): The allocation of ministerial portfolios is a matter for the First Minister. The Parliament is due to consider the appointment of ministers tomorrow, when the First Minister will likely speak to his plans for portfolios across the Government.

Alexander Stewart: The Covid recovery portfolio has had its difficulties during its short existence, ranging from the Covid passport scheme, which punished businesses, confused the public and cost taxpayers dearly, to the power grab bill that granted the Scottish Government permanent emergency powers. Can the minister say how he expects the Covid-19 inquiry to evaluate the performance of the portfolio over the past two years?

George Adam: It is not for me to speculate on future inquiries. However, in answer to the question that has been asked, I can say that the Scottish Government's efforts and ambitions around Covid recovery have always focused on enhancing the wellbeing of children and young people; increasing financial security for low-income households; creating good green jobs and fair work; and supporting the reform of our public services. Those priorities are reflected in the 2023-24 Scottish budget, which focuses on reducing child poverty, making progress towards net zero and ensuring that public services are fiscally sustainable.

The Scottish Government, led by our new First Minister, will determine how best to support the people and communities across Scotland.

Covid Recovery Strategy (Impact of United Kingdom Government Spring Budget)

7. Colin Beattie (Midlothian North and Musselburgh) (SNP): To ask the Scottish Government what impact the UK Government's spring budget will have on implementing the Covid recovery strategy. (S6O-02069)

The Minister for Public Finance, Planning and Community Wealth (Tom Arthur): The UK Government's budget statement is another missed opportunity that has failed to tackle the cost of living crisis and to provide the support that people in Scotland need. We have consistently called for the UK Government to provide additional support to people in relation to the cost of living crisis. The Scottish Government has prioritised spending that supports those who need it most, guided in part by

the principles of the Covid recovery strategy. The 2023-24 Scottish budget provides funding that helps families, backs businesses and protects the delivery of public services.

Colin Beattie: This week, the chairman of the Office for Budget Responsibility said that the scale of the impact of Brexit on the UK economy was of the same magnitude as that of the Covid pandemic and energy price crises. Will the minister comment on what assessment the Scottish Government has made of that comparison and on how the on-going effects of leaving the European Union will impact on the delivery of the Covid recovery strategy?

Tom Arthur: The OBR is forecasting the largest two-year fall in real living standards since Office for National Statistics records started in the 1950s. That would mean that, by 2027-28, living standards in the UK would still be around 0.5 per cent lower than pre-pandemic levels.

The UK's decision to leave the EU—something that Scotland did not vote for—is forecast to reduce the UK's productivity by 4 per cent, and the UK's trade intensity is set to be 15 per cent lower in the long run. Despite those challenges, the Scottish Government will continue to prioritise spending that is targeted to support those most in need and make progress towards the Covid recovery strategy outcomes.

Green Jobs Workforce Academy (Ministerial Statement)

8. Emma Harper (South Scotland) (SNP): To ask the Scottish Government whether it plans to propose the scheduling of time for a ministerial statement on the green jobs workforce academy. (S6O-02070)

The Minister for Parliamentary Business (George Adam): Since its launch in 2021, the green jobs workforce academy has been supporting people in green careers. The Scottish Government will publish an update to the climate emergency skills action plan this year, setting out the next steps to deliver skills for a just transition.

As always, proposals for Government business in Parliament are agreed by the Scottish Cabinet; they are then subject to consideration by the Parliamentary Bureau and, in turn, approval by the Parliament.

Emma Harper: Green skills are vital in Scotland's fight against the global climate emergency and in equipping our workforce with the skills of the future. Last week, I visited Borders College's Hawick campus, which is teaching building to passive house standards, solar panel and heat pump installation and maintenance, and the use of emerging technologies, such as heat scanning and 3D printing. Will the minister provide

an update on how the green jobs workforce academy will help to enhance that work and how it will support people living in Dumfries and Galloway and the Scottish Borders?

George Adam: The heat in buildings strategy, which was published in 2021, set out our vision for decarbonising the heat supply of Scotland's buildings. Having a skilled workforce in all areas of Scotland is central to the delivery of that strategy. We are already taking action to ensure that the education and skills system is providing individuals with the right skills and pathways into careers in green heat, including through the green jobs workforce academy, and we will set out our next steps in the climate emergency skills action plan update.

Finance and the Economy

The Deputy Presiding Officer: We move to portfolio questions on finance and the economy. I make the usual appeal for brevity in questions and responses. Any member who wishes to ask a supplementary should press their request-to-speak button during the relevant question.

Government Projects (Value for Money)

1. **Stephen Kerr (Central Scotland) (Con):** To ask the Scottish Government what steps it is taking to ensure value for money in Government projects. (S6O-02071)

The Minister for Public Finance, Planning and Community Wealth (Tom Arthur): The Scottish Government is committed to managing taxpayers' money efficiently and effectively while delivering on its commitments. Accountable officers are responsible for ensuring that resources are utilised economically, efficiently and effectively. The Scottish public finance manual, which applies to the Scottish Administration and bodies that are sponsored by the Scottish Government, sets out the framework for securing best value and value for money. That is underpinned by the utilisation of business cases and pre-expenditure assessments for significant projects. The Scottish public finance manual also sets out our programme and project management principles, as well as guidance on procuring, monitoring and major investment projects. Those are embedded in the project assurance processes, which are supplemented by robust analysis of data to help drive value for money.

Stephen Kerr: I am grateful to see the minister in his place and thank him for his reply. I will not mention ferries or so-called free bicycles, but I will mention an institution that is owed money by GFG Alliance, which collapsed last week—I am not referring to the Scottish Government, despite the evidence of the past chaotic weekend.

What assessment has the Scottish Government made of the impact of the UBS rescue of Credit Suisse on GFG Alliance's refinancing efforts? What impact might UBS's takeover of Credit Suisse have on GFG's operations in Scotland and GFG's ability to repay the loans from the Scottish Government?

Tom Arthur: The member is absolutely correct to raise the important issue of the recent disturbing and destabilising developments in the international banking sector. In related areas, there has been engagement from Scottish Enterprise, particularly around the issues pertaining to the tech sector. On the specific points that Mr Kerr raises, I am not in a position to give a detailed answer at this point, but I will ensure that a written response is given to the member to provide him with an update.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): The National Audit Office has reportedly warned that the revised plans for the high-speed 2 Euston terminus would cost almost £5 billion, and the trains are not expected to run into Euston until 2041, which is 15 years late. Crossrail was late, and the Elizabeth line was billions of pounds over budget, too. Does the minister share my view that we do not take lessons from the Tories, who are wasting billions of pounds of public money and hoping that nobody in Scotland notices?

The Deputy Presiding Officer: I am sorry, Mr Coffey—that is not relevant to the previous question.

United Kingdom Government Spring Budget

2. **Collette Stevenson (East Kilbride) (SNP):** To ask the Scottish Government what discussions it has had with the UK Government following the announcement of the UK spring budget. (S6O-02072)

The Minister for Public Finance, Planning and Community Wealth (Tom Arthur): My colleague John Swinney, the former Deputy First Minister, spoke to the Chief Secretary to the Treasury on the morning of the UK spring budget, having earlier written to the Chancellor of the Exchequer to set out Scottish interests. The spring budget was a missed opportunity to lift families out of poverty, invest in our public services and help businesses. In addition, it was hugely disappointing that, despite earlier commitments that were given to the Scottish Government, the spring budget was silent on the carbon capture, utilisation and storage Scottish Cluster. As such, we wrote to the Prime Minister to call for a concrete timeline for the Scottish Cluster. I assure Parliament that I will take up those issues with the UK Government in the days and weeks ahead.

Collette Stevenson: I thank the minister for that response. Instead of fixing the doctors' pension

issue, the chancellor increased the pension lifetime allowance across the board, which resulted in a massive giveaway for the wealthiest people in society—yet another example of Westminster’s poor pensions policies. The UK has one of the lowest state pensions in Europe and high levels of pensioner poverty, and the rise in pension age negatively impacts poorer people in Scotland. Does the minister agree that, with control over pensions, this Parliament could make a system that works for the people of Scotland, and does he agree that the only way to guarantee that is for Scotland to become independent?

The Deputy Presiding Officer: Minister, please answer the parts of the question that relate to the responsibilities of the Scottish Government.

Tom Arthur: Collette Stevenson raises very important issues with regard to the decisions that are taken around pensions.

The Resolution Foundation has called the changes to the pension tax allowance

“an unneeded tax break for wealthy pension savers.”

It suggests that scrapping the lifetime allowance could cost around £1.2 billion, that the employment gains might be “overstated”, and that the changes could even encourage some people to retire earlier. It is simply a tax break for high earners, while low-income households are left behind.

I agree with Collette Stevenson that we need the pension system to meet the needs of all people in Scotland. As with so many other issues, the needs of Scotland can be best addressed if this Parliament is in a position to do so.

Local Authority Pay Awards (Tax Implications)

3. Michael Marra (North East Scotland) (Lab): To ask the Scottish Government what consideration it has given to any potential tax implications of pay awards currently being administered by local authorities. (S6O-02073)

The Minister for Public Finance, Planning and Community Wealth (Tom Arthur): The tax implications of pay awards, particularly relating to those agreed later in the financial year, are routinely discussed throughout pay negotiations with relevant parties.

Employers are responsible for administering pay deals through their payroll operations. We understand that, due to resource pressures, some local authorities might not be able to process payments before the end of the tax year. Any employee who is concerned about that issue should contact their employer and engage with His Majesty’s Revenue and Customs.

Michael Marra: Last week, *Tes Scotland* reported that teachers in half of all Scotland’s councils will not receive their back pay until the next financial year. That delay will prove costly in tax terms for teachers.

During the pay campaign, I heard from teachers who were barely managing to make ends meet—some were even resorting to food banks. It was this Government that treated our teachers with disdain throughout a year-long pay dispute; now, teachers are having to pay the price for the tactics of delay and dither from this Government. What advice does the minister have for the people who are suffering as a result?

Tom Arthur: We have always sought to engage constructively with our trade union colleagues, and, in doing so, we have delivered a pay settlement for Scottish teachers. I recognise the issues that the member raises pertaining to the report in *Tes Scotland* last week. Of course, the matter of administration of payrolls is for the employer—in this case, the local authority.

The Scottish Government is not in a position to intervene. However, I am sure that the Parliament will join the Government in encouraging local government to address those payroll issues in as quickly and timely a fashion as possible.

United Kingdom Government Digital Strategy

4. Willie Coffey (Kilmarnock and Irvine Valley) (SNP): To ask the Scottish Government what its position is on whether Scotland’s digital economy will benefit from the UK Government’s revised digital strategy. (S6O-02074)

The Minister for Just Transition, Employment and Fair Work (Richard Lochhead): Although we welcome any commitment by the UK Government to strengthen the UK’s digital economy, we believe that lessons can also be learned from our approach here, in Scotland. Our digital strategy and the “Scottish Technology Ecosystem Review” advance ambitious programmes of work, including £42 million to deliver our national Techscaler network, of which no equivalent exists elsewhere in Europe.

We also welcome the work by the British Business Bank that is under way to create a new £150 million investment fund for Scotland, to provide growth capital for high-potential companies. We will continue to work with it and with the UK Government to boost our tech sector.

Willie Coffey: As the minister will know, the digital single market that we were part of in Europe is worth £400 billion each year, and it provided access for Scottish companies to huge opportunities to develop their tech sectors. The UK Government’s digital strategy does not make a single reference to establishing the promised

digital single market in the UK, and its claims for growth in the tech sector in the UK are paltry in comparison.

Will the minister assure me that, despite the significant barrier, we will continue to make every effort to grow and develop the tech sector here, in Scotland, and to provide support to Scottish companies that wish to access European and international opportunities in the digital and technology sectors?

Richard Lochhead: I give the member that assurance. That is why, back in 2020, Mark Logan was commissioned by the then Cabinet Secretary for Finance to undertake his short-life review into how Scotland's technology sector can contribute to Scotland's economic recovery following the Covid pandemic. That resulted in the "Scottish Technology Ecosystem Review", which was an acclaimed industry-led blueprint for the growth of the Scottish tech sector.

The loss of the digital single market at the time was very regrettable. The European Parliament estimated that the potential gains of a digital single market could be in the range of €415 billion to €500 billion per year as a result of higher productivity due to faster flow of information, greater efficiency in traditional economic sectors and higher levels of e-commerce. At the time, our most recent analysis in Scotland suggested that that would provide a 1.9 per cent boost to gross domestic product in this country, which is equivalent to £2.9 billion.

It is an exceedingly important sector, and I hope that the member can take assurance from the steps that we have taken since to ensure that the importance of the sector is recognised and that it is supported.

Public-private Partnerships (Review)

5. Katy Clark (West Scotland) (Lab): To ask the Scottish Government whether it will commit to carrying out a review of the use of public-private partnerships for public infrastructure projects. (S6O-02075)

The Minister for Public Finance, Planning and Community Wealth (Tom Arthur): We have been clear about our concerns around the flexibility and value for money that historical PFI contracts offer. The Scottish Futures Trust is working in partnership with public bodies to realise contract management improvements including rescoping services, sharing insurance cost savings and optimising risk transfer in legacy contracts.

Katy Clark: As the minister will be aware, even the United Kingdom Treasury is now describing public-private partnerships as inflexible, overly complex and a source of significant fiscal risk to

Government. However, Scotland is still entering into versions of such arrangements. Will the Scottish Government stop such partnerships and commit to a model that puts quality, value for money and accountability at its heart?

Tom Arthur: We seek to put quality and value for money at the heart of all infrastructure projects in which we engage. However, it is important to recognise that options that are available to the UK Government and, indeed, to other sovereign Governments, are not available to the Scottish Government. For example, the Scottish Government does not have the significant capital borrowing powers that would allow for a different approach. I am sure that the member will have reflected on this, following our recent discussion about the future of our town centres and retail, but, although there is much that the public sector can do, there is also a need to bring in private investment, and we want to do so in a way that ensures the best value and the best outcomes.

As I said, we have asked the Scottish Futures Trust to undertake work on that area, which will look at the legacy of PFI contracts. We are committed to engaging constructively, to ensure that all of our infrastructure projects deliver best value.

Kenneth Gibson (Cunninghame North) (SNP): In 2006, North Ayrshire Council signed up to a public-private partnership deal to build four new schools at a capital cost of £81 million. The people of North Ayrshire will pay more than £400 million in charges over three decades to pay for that, after which the financiers will own the schools. Does the minister agree that, given that we had a Labour-controlled council, a Labour Government at Westminster and a Labour-led Administration at Holyrood when that shady deal was done, it is astonishing that the Labour MP at the time, Katy Clark, is now asking this Scottish National Party Government to sort out a mess of her own party's making?

The Deputy Presiding Officer: I ask the minister to respond to matters on which the Scottish Government is responsible.

Tom Arthur: I am very grateful to the member for his supplementary question. *[Interruption.]* It is an enduring frustration that we must contend with the legacy of PFI contracts that the previous Administration signed, although, admittedly, that Administration was in power 16 years ago. Compounding that frustration is the fact that, at a time when there was a Labour Government at Westminster and a Labour-led Government here, there was access to resources and capital powers that are not available to this Parliament in isolation. Indeed, that was a time when Labour was routinely returning to Westminster money that had been allocated to the Scottish Parliament.

As I said, we must contend with that legacy, unfortunately, but those are mistakes that we will not repeat.

Alexander Stewart (Mid Scotland and Fife) (Con): The mismanagement of public infrastructure projects has real consequences for communities on the ground. The Scottish Government's incompetence is leaving islanders without working ferries and highlanders with a lethal, undualled A9. Infrastructure is not a priority for this Green-SNP Government. When will it start taking seriously the waste in Government and the desperation of the people of Scotland, who have been so badly let down by it?

Tom Arthur: The member raises a lot of questions to do with infrastructure. I often reflect on infrastructure when driving on the M8, which was completed under an SNP Government; when driving on the M80, which was completed by an SNP Government; when driving on the Aberdeen western peripheral route, which was completed by an SNP Government; when crossing the Queensferry crossing, which was completed by an SNP Government; when riding on the Borders railway, which was completed by an SNP Government; and when enjoying the electrified line between Queen Street and Haymarket, which was completed under an SNP Government. I will be delighted to see completed the electrified line between Barrhead, in my constituency, and Glasgow Central station. Those are all examples of this SNP Government delivering infrastructure for the people of Scotland.

The Deputy Presiding Officer: I notice that a member who asked a question earlier in this portfolio has since left the chamber without an explanation. I remind members that, if they have a question, either in the *Business Bulletin* or as a supplementary, you are expected to remain in the chamber for the duration of that portfolio question time.

Superfast Broadband Programme (Update)

6. **Willie Rennie (North East Fife) (LD):** To ask the Scottish Government whether it will provide an update on its commitment to deliver superfast broadband to 100 per cent of premises by 2021. (S6O-02076)

The Minister for Just Transition, Employment and Fair Work (Richard Lochhead): As I outlined last month in response to the same question from Mr Rennie, all homes and business across Scotland had the ability to access a superfast broadband connection by the end of 2021. I am also pleased to announce that, by the end of February 2023, the reaching 100 per cent—R100—contracts had built connections to more than 20,000 properties across the length and breadth of Scotland, with almost 3,000

connections also delivered through R100 vouchers.

Willie Rennie: Yes, I asked exactly the same question as last time, and that is exactly the same insulting answer that I got last time. R100 has not been delivered, and the minister fine well knows that. My home still does not have superfast broadband, despite numerous attempts to get it. Thousands of other homes across the country do not have it either, and many of them are not going to get it until 2028. That is seven years late.

The First Minister said that he wants to reach across the chamber and bring transparency to Government. Rather than read out the official answer, will the minister tell me exactly what he really thinks?

Richard Lochhead: The member might wish to recall that the Scottish Government's very ambitious and huge commitment to this roll-out was the result of a lack of action by the United Kingdom Government, which has responsibility for telecommunications.

At the moment, 95.4 per cent of premises across Scotland are able to access superfast broadband speeds. In total, the digital Scotland superfast broadband scheme has connected 951,000 premises across Scotland to fibre broadband. That includes 30,680 premises in the North East Fife constituency, 28,368 of which are capable of accessing speeds of 24Mbps and above.

I do not know whether the member has applied for the vouchers that are available or what conversations he has had with Openreach. I do know that Openreach has connected people over and above those in its contract. Work is continuing where issues have been come across in terms of the physical works, and in some cases that will take a bit longer than anticipated, once Openreach is on the ground.

That fantastic progress has been made by the Scottish Government over the years, plugging a gap that was left by the UK Government's inaction. We should be very proud of what we have achieved in this country.

Jamie Halcro Johnston (Highlands and Islands) (Con): The Scottish National Party's promised but delayed broadband access through the R100 programme remains years away. Access to fast, reliable broadband is still a postcode lottery for many homes and businesses across my Highlands and Islands region. What does the minister say to my constituents who, despite repeated promises from the Scottish Government, are still waiting for a service that delivers even the most basic of what they need?

Richard Lochhead: I say to the member that the Scottish Government has been working flat out and has invested more than £600 million in this effort due to the fact that, despite telecommunications having been reserved to the UK Government for many years, little—if any—action on it was taken by the Government of the member's own party south of the border. The 95 per cent of premises in Scotland that now have access to superfast speeds have benefited from the efforts made by the Scottish Government.

Yes, more needs to be done, and I mentioned some of the physical barriers that have been come across that Openreach still has to address, which are very complex in some parts of the country. I know that situation from my own constituency, which the member will be familiar with. A number of homes have particular challenges. In many cases, people could apply for vouchers, but there are different choices that they can make. It is important that we continue to work to overcome the barriers and make sure that everyone in Scotland has access to superfast broadband.

Beatrice Wishart (Shetland Islands) (LD): Residents in Shetland and other island and rural areas face being left behind in the roll-out of superfast broadband. One constituent of mine who runs a business from home has been told that she simply lives too far away to make a connection economical. Reliable internet is not a luxury, and it is certainly not economical for her business not to have it. The Scottish Government is responsible for the roll-out of superfast broadband. When will all my constituents be able to get it?

Richard Lochhead: I am aware that, in Shetland, there are particular challenges for those who are very far from the infrastructure. It is important that those constituents are made aware of the help that is available through the vouchers. It is really important that Openreach and colleagues in the Scottish Government continue to focus on the properties that are the hardest to reach in Shetland. I am happy to ensure that the member receives an update on the situation on the islands as soon as possible.

Green Freeports Relief Proposals

7. Sarah Boyack (Lothian) (Lab): To ask the Scottish Government what assessment it has made of the potential reduction in taxation revenue from the land and buildings transaction taxation: green freeports relief proposals, which were published for consultation on 17 March 2023. (S6O-02077)

The Minister for Public Finance, Planning and Community Wealth (Tom Arthur): The green freeports LBTT relief will support the objective of encouraging investment in and regeneration of underdeveloped land within clearly

defined tax sites. The Scottish Government will set out further information on the potential cost of the relief at the time when any legislation is laid before the Scottish Parliament.

Sarah Boyack: The minister might be aware that there is a concern from trade unions that the proposal risks a race to the bottom on workers' rights and tax. Therefore, can the minister provide an assurance that workers in Leith and around the Forth will not have any of their rights weakened? Can he confirm whether all employers in Scottish green freeports who receive public funding or tax incentives will be required to recognise trade unions?

Tom Arthur: On the latter point, because of the reservation of employment law, we cannot compel recognition of trade unions. However, both the successful bids have made clear commitments to fair work principles, and that will be subject to robust monitoring and reporting requirements.

Businesses Based in Scotland (Reduction)

8. Daniel Johnson (Edinburgh Southern) (Lab): To ask the Scottish Government what steps it is taking to address the reported second year of consecutive contraction in the number of businesses that are based in Scotland. (S6O-02078)

The Minister for Public Finance, Planning and Community Wealth (Tom Arthur): The latest statistics show that, despite the challenging economic conditions, the total number of businesses in Scotland rose to 360,910 in 2022, which was a 5.2 per cent increase on the previous year.

However, we know that businesses in Scotland are struggling because of Brexit and the United Kingdom Government's mismanagement of the economy. That is why the Scottish Government is doing all that it can, through our limited powers, to provide immediate support to businesses, including the lowest non-domestic rates poundage in the UK.

At the same time, we are delivering our national strategy for economic transformation to achieve our long-term ambitions for a stronger, fairer and greener economy. The activities that we are delivering are supporting businesses, encouraging and cultivating new businesses and attracting more businesses to Scotland. We are working closely with delivery partners, businesses, the third sector and trade unions to successfully implement the strategy and transform our economy.

Daniel Johnson: The reality is, as the figures show, that Scotland is the only part of the UK with declining business numbers. However, perhaps that is not surprising, given that Kate Forbes and

Ivan McKee were overruled and forced to remove the very word “growth” from the national strategy for economic transformation—and now they themselves are removed, not just their words. Therefore, it is perhaps also not surprising that in *The Herald* today, Ivan McKee said that it was

“frustrating having to talk to businesses every day ... without ... the ability to actually do anything about it.”

Ivan McKee is right. The Government needs to reset its relationship with business, does it not? In fact, is there anyone left on the Government benches with any experience of actually running a business?

Tom Arthur: Let me first commend my colleagues Kate Forbes and Ivan McKee for the tremendous service that they have given to the Government and the people of Scotland. They have certainly done more for business in Scotland than any member of the Opposition parties, and I know that they will continue to make a valuable contribution.

We are absolutely committed to supporting business in Scotland and ensuring that, in doing so, we work collaboratively and in partnership to build a wellbeing economy that works for all people in Scotland. It is a shame that the Labour Party cannot commend and support that, but the Scottish National Party-Green Government will be absolutely focused on it and will deliver it.

The Deputy Presiding Officer: I have a couple of supplementaries. If I am to get them both in, they will need to be brief, as will the responses.

Colin Beattie (Midlothian North and Musselburgh) (SNP): Considering the difficult economic circumstances, businesses need support right now to manage the pressures that they are facing. However, as we well know, many of the powers that are needed to provide that support are currently reserved. Can the minister provide any further information on what assessment the Scottish Government has made of the measures to support business in the UK Government’s spring budget? Does he share my concern that it does not go far enough?

Tom Arthur: I do. As I said earlier, we agree that the UK Government’s spring budget does not go far enough and was a missed opportunity. The reality is that we are in not just a cost of living crisis but a cost of everything crisis, which is having an impact on businesses not just the length and breadth of Scotland but across the UK. We are doing all that we can with the limited powers of the Scottish Parliament, and it is time that the UK Government stepped up to the mark and did the same.

Liz Smith (Mid Scotland and Fife) (Con): When it comes to attracting more people to come

to Scotland to work, what analysis is the Scottish Government doing into why we are not getting as much benefit from net migration as there is down south? Why are more people not coming to work in Scotland?

Tom Arthur: I recognise that Liz Smith raised that issue with the former Deputy First Minister in the past few weeks. The Government is undertaking careful analysis of the issue and we are committed to actively growing Scotland’s population. We want to ensure that Scotland is not only the most attractive place in the UK but one of the most attractive places in Europe for people to locate, work, contribute or start up a business.

Notwithstanding the points that Liz Smith has made, one of the challenges that we face is that the access that we had to a huge pool of labour—more than 500 million people—across the European Union has been lost, despite Scotland voting overwhelmingly to remain in the European Union in order to enjoy freedom of movement and the single market. That has been denied to us by the UK Government, but we will regain EU membership with independence.

The Deputy Presiding Officer: That concludes portfolio questions on finance and the economy.

Collette Stevenson (East Kilbride) (SNP): On a point of order, Deputy Presiding Officer. I apologise to you and other members for leaving the chamber during portfolio questions. I had to take an urgent phone call.

The Deputy Presiding Officer: Thank you very much for that explanation, Ms Stevenson. It is worth clarifying that, if a member needs to leave the chamber at short notice, that is perfectly permissible, but I advise members that they need to alert the chair to that.

Net Zero, Energy and Transport

The Deputy Presiding Officer: There is quite a bit of interest in the next portfolio, which is net zero, energy and transport. Again, I advise members who wish to ask a supplementary question to press their request-to-speak buttons during the relevant question.

Public Transport (Accessibility)

1. **Siobhan Brown (Ayr) (SNP):** To ask the Scottish Government what measures it is taking to ensure that public transport is accessible. (S6O-02079)

The Minister for Zero Carbon Buildings, Active Travel and Tenants’ Rights (Patrick Harvie): I will be covering a number of questions in place of the Minister for Transport.

The Scottish Government is, of course, committed to ensuring that people with disabilities can travel with the same freedom, choice, dignity and opportunity as other citizens can. “Going further: Scotland’s Accessible Travel Framework” was launched in 2016 to help to achieve that. A number of delivery plans have been developed to provide a focus for action by working together with disabled people’s organisations and the mobility and access committee for Scotland. The third delivery plan is currently being prepared and will be published later this year. It will run until the end of the current accessible travel framework in 2026.

Siobhian Brown: I have a constituent who, unfortunately, lost her sight during the Covid pandemic and can no longer drive, so she relies on public transport. She has been in touch because she really struggles to know what bus is coming along and where to get off the bus. Simple measures such as talking bus stops and onboard announcements would be helpful.

What measures is the Scottish Government taking to work with providers to ensure that people with vision impairments are supported to use public transport?

Patrick Harvie: I thank Siobhian Brown for raising the experiences that her constituent and other people across Scotland have been having. Bus travel should, of course, be accessible for all. I agree very strongly that accessible audio and visual information should be provided on bus routes. However, powers relating to accessible information on bus routes are reserved to the United Kingdom Government. It used the Bus Services Act 2017 to amend the Equality Act 2010 to require operators to provide audio and visual information on bus services across Great Britain.

In 2018, the UK Government consulted on proposals to improve information for bus passengers. My colleague Michael Matheson, who, at the time, was Cabinet Secretary for Transport, Infrastructure and Connectivity, responded to that consultation. Given the importance of ensuring that clear and consistent information is provided to all bus users, it is disappointing that the UK Government’s proposed legislation has still to be introduced. However, I noticed that the Department for Transport confirmed in a written answer earlier this year that it intends to introduce regulations that will

“require the provision of audible and visible information on local bus and coach services across Great Britain”.

Transport Scotland officials continue to engage with UK Government counterparts on the issue.

Re-opening of Railway Stations (Dumfriesshire)

2. **Oliver Mundell (Dumfriesshire) (Con):** To ask the Scottish Government what steps it is taking to support the re-opening of railway stations in Dumfriesshire. (S6O-02080)

The Minister for Zero Carbon Buildings, Active Travel and Tenants’ Rights (Patrick Harvie): The regional transport partnership SWestrans has undertaken three transport appraisals, which have considered potential rail stations at Beattock, Eastriggs and Thornhill in Dumfriesshire. Transport Scotland officials have engaged with SWestrans on those appraisals and will respond on the three appraisal reports in the coming weeks.

Oliver Mundell: I thank the minister for that answer but, along with campaigners, I am disappointed that the proposed new stations were not considered strategically important enough to feature in the second strategic transport projects review.

Following the recent cross-party visit that Beattock Station Action Group co-ordinated, will the minister commit the new transport minister—or, failing that, himself—to meet me, Colin Smyth, Emma Harper and representatives of the different campaign groups to better understand how those projects can be taken forward and how we can secure the funding to see those stations re-opened?

Patrick Harvie: I am sure that the new transport minister will be keen to continue to engage on a cross-party basis with colleagues about those issues. As was discussed when we launched STPR2, some members might have been disappointed that a number of regional or locally important projects were not considered as part of the process, which is that of a strategic national review.

However, we have been clear throughout the process, and since publication, that paths remain open for regional and local projects to come forward and for consideration of business cases in relation to them. Therefore, officials have begun reviewing the appraisals that were previously submitted and, as I have said, are intending to respond on those appraisals in the coming weeks. I am sure that the member will continue to engage with the new transport minister on that process, too.

Colin Smyth (South Scotland) (Lab): Does the minister not accept the real frustration of communities, which were told that new stations would be part of STPR2 and then were told that they would not be? It is not clear to me why there has been a delay in taking forward projects for

new stations if they were never going to be strategic projects as part of STPR2.

The minister has said that the Scottish transport appraisal guidance report response will come from Transport Scotland in weeks. However, the STAG report has been with Transport Scotland since last August, so why has it taken so long? Clearly, the Government has not yet even allocated any funding for those pipeline projects. Exactly how much funding will go towards new stations in the coming months and years?

Patrick Harvie: The member will be aware that there has been substantial investment in rail infrastructure, and that substantial further investment is to come in both new lines and the re-opening of stations.

I remind the member that STPR2—a whole-Scotland review of strategically important national infrastructure—generated more than 13,500 ideas, so, clearly, not every stakeholder or local campaign group would have seen their proposals included in it. However, members of Beattock Station Action Group are owed significant praise for their work and efforts in support of their aims, as are other campaigns around the country. Other paths for the development of local and regional significance projects are still open.

We will be coming forward with feedback to SWestrans on those issues, and I encourage Mr Smyth, as I have encouraged Mr Mundell, to engage with the new transport minister on those points.

The Deputy Presiding Officer: Thank you, minister. I know that you are trying to be helpful, but a bit more brevity in responses would help. I need to get in a couple more supplementaries.

Emma Harper (South Scotland) (SNP): As Oliver Mundell has intimated, we are all very interested in improving the infrastructure and the rail in Dumfries and Galloway and across South Scotland. What additional work can regional transport partnerships such as SWestrans do to help make the re-opening of Beattock railway station, for instance, actually happen?

Patrick Harvie: Emma Harper, too, will want to engage with the new transport minister. I hope that members understand that, in today's context, I am not able to necessarily give as detailed an answer as the transport minister would be able to give.

Of the 45 STPR2 recommendations, 34 are applicable to South Scotland, which include a range of port improvements as well as the existing rail infrastructure and improvements to roads that are focused on safety, resilience, reliability and climate change adaptation.

Sharon Dowey (South Scotland) (Con): Despite the Government's commitment to

improving transport links to encourage use of public transport, the poor bus and rail connectivity in Ayrshire is forcing drivers to remain on the roads. For example, Cumnock, East Ayrshire's second largest town, lacks a train station. What plans does the minister have to improve public transport in Ayrshire, and will he consider supporting the reopening of train stations in Cumnock and Mauchline?

The Deputy Presiding Officer: I appreciate that there is some linkage, but the original question related to railway stations in Dumfriesshire. However, if the minister can add anything to what he has already said, I invite him to do so.

Patrick Harvie: The core answer in relation to all areas is that the opportunities exist for local and regional projects to come forward. Transport Scotland and the Scottish Government's officials are keen to engage with any constructive proposals, and I am sure that the new transport minister will respond to all members who have expressed an interest in that as soon as possible.

Ferries (Specification)

3. Ash Regan (Edinburgh Eastern) (SNP): To ask the Scottish Government whether it will consider procuring a lower specification or standardisation of ferries. (S6O-02081)

The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie): The development of new vessels is led by Caledonian Maritime Assets Ltd, Transport Scotland and the relevant operator. CMAL appoints naval architects and technical consultants to advise on design, safety, classification and route-specific issues. Various hull forms, propulsion options, fuel types and on-board arrangements are assessed. That includes opportunities for input from community voices and other stakeholders.

CMAL is aiming towards more standardised specifications as it continues to deliver significant vessel investments in the coming years. The four Islay class vessels under construction and the ongoing work to develop the small vessel replacement programme are significant steps towards achieving that.

Ash Regan: The minister will no doubt be aware that the Net Zero, Energy and Transport Committee has been undertaking a short inquiry into ferries. The committee has heard a substantial amount of evidence on the specification and relative expense of monohulls. It has heard that, for many routes, communities favour two smaller vessels over one large one—that is for many reasons, including, obviously, to aid resilience—and that catamarans might be more appropriate.

Are alternatives to monohulls being actively considered? Which routes would be appropriate for those cheaper vessels?

Patrick Harvie: I am aware that some people have suggested that the Government and CMAL in particular have a predisposition against the use of catamarans. I want to make it clear that that is not the case. As stated, CMAL and Transport Scotland are looking for the delivery of the most efficient and economic vessels that will reliably provide a service on the routes that they serve. The minister for transport will update members further on future vessel contracts when that is possible.

The Deputy Presiding Officer: I want to fit in all the supplementary questions. Please keep questions and responses brief. Rhoda Grant is first.

Rhoda Grant (Highlands and Islands) (Lab): Vessels need to be fit for purpose and comfortable for the travellers and crew. However, the lack of standardised designs leads to a domino effect of service changes in order to cover breakdowns. Just today, CalMac Ferries has announced service changes over six routes due to a domino effect, culminating in no services at all between Lochboisdale and Mallaig for six weeks and only one weekly service to the small isles. That is absolutely unacceptable.

Will the minister say what the Scottish Government is going to do to mitigate those effects? Instead of vanity projects, will he ensure that it builds ferries that are interchangeable, provide resilience and are fit for purpose?

Patrick Harvie: As I said in my first answer, the development of new vessels is led by CMAL as well as Transport Scotland and the relevant operators. There is considerable debate about, and a number of factors need to be considered in relation to, the standardisation of specifications. For example, CalMac is already considering the debate about live-ashore and live-aboard models, which is one of a number of factors that are under active consideration.

I hope that the member will acknowledge that the new transport minister, once they are appointed, will be the person to engage with on some of the specific issues that she has raised.

Beatrice Wishart (Shetland Islands) (LD): Islanders need sustainable, decarbonised and reliable ferries—and some communities in Shetland need short tunnels between islands. Will the minister listen to island community groups around Scotland so that he can understand their needs?

Patrick Harvie: I am certain that the Government as a whole, as well as the new

transport minister, will be keen to listen to community groups that come forward with proposals as well as the views of the relevant local authorities.

Paul Sweeney (Glasgow) (Lab): A critical part of the problem is that CMAL has no mind for industrial strategy. We need more funding for Ferguson Marine, beyond hulls 801 and 802; we need to see Scottish Government plans to invest to meet the productivity standards set by First Marine International; we need the Scottish Government to offer builders refund guarantees to win export work and commercial work; and we need the Scottish Government to award the small vessel replacement programme on a standardised basis, or Ferguson Marine will collapse. Does the minister agree that those fundamental principles need to be at the heart of the strategy to get a sustainable shipbuilding industry in Scotland?

Patrick Harvie: I am sure that all those issues and more will be at the forefront of the mind of the new transport minister.

Energy Developments (Community Benefit)

4. Ruth Maguire (Cunninghame South) (SNP): To ask the Scottish Government what community benefit citizens should expect from energy-related developments in their local area. (S6O-02082)

The Minister for Just Transition, Employment and Fair Work (Richard Lochhead): Scottish communities have received more than £88 million in community benefits from renewable projects since 2019, with a record £25 million paid out last year. That will continue to rise as we realise our ambitions for growth over the coming decades.

Our good practice principles promote the equivalent of £5,000 annually per installed megawatt for onshore developments, which is index linked for the lifetime of the project, although some businesses will choose to offer a more flexible benefits package.

We would prefer to mandate greater community benefits, but we have no direct powers to do so, as energy regulation is reserved.

Ruth Maguire: I appreciate that energy regulation is reserved. Does the minister agree, in principle, that it might be time to consider updating some of the guidance so that it is not just companies that benefit from development, people in the vicinity of developments see reductions in their energy costs, and developments truly benefit the communities that they are in?

Richard Lochhead: Yes, I agree with that. I think that all members across the Parliament should agree that not just communities but

households in Scotland should see much greater benefits from the energy resources on their doorsteps. The issue is given a high profile in the current draft energy strategy and just transition plan, which is out for consultation until early May. There are a number of mentions in the plan of community benefit and the Government's ambition to be much more radical on that agenda.

I would very much welcome the views of not just Ruth Maguire but members of all parties on how we can achieve that in Scotland. We have limited ability because of the lack of energy regulation that is devolved to the Scottish Parliament, but if there is more that we can do, we absolutely should do it. People should see the benefits of the energy resources on their doorsteps.

The Deputy Presiding Officer: There are a number of requests to ask supplementaries. I want to get all of them in, but they will need to be brief, as will the responses.

Maurice Golden (North East Scotland) (Con): Not every community is able to host a renewable project, so not every community can receive direct benefits. We need a system that allows everyone in Scotland, no matter where they live, to get a fair share of the rewards that renewables can bring. That is why, for the past six years, I have been calling for the introduction of a Scottish renewable energy bond. Does the minister agree that it is time to look at that proposal and ensure that everyone has the chance to invest in and benefit from renewables?

Richard Lochhead: Yes, I have a lot of sympathy with that. Indeed, just a couple of weeks ago, I was on a panel with the chief executive of an organisation called, I think, Ripple Energy, which encourages communities to take shares in local energy projects. There is a case for the whole of Scotland to be involved in such initiatives.

Clearly, a lot of work has to be done to make that happen—I see the member nodding, so I think that he agrees—but we have to be a lot more radical and ambitious. The time is right for that, and I would be very much in favour of a wholesale review of community benefit and shared ownership in Scotland. There are many pointers to that in the draft energy strategy and just transition plan that is out for consultation at the moment.

Katy Clark (West Scotland) (Lab): I welcome the Scottish Government's designation of Cumbrae as one of six islands that it will support to become fully carbon neutral by 2040. At the heart of the carbon neutral islands policy is the need for community engagement and benefit, but there has been no consultation or engagement on the proposed solar farm development on Cumbrae. Will the Scottish Government call for

that development to be paused until proper engagement has taken place with islanders?

Richard Lochhead: A few days ago, I returned from a wonderful weekend in Millport, so I am aware of the strength of the qualities of that part of the world, especially the local pubs, bars and hotels.

The member makes a very good point. As part of the just transition, it is important that the future energy profile of any community is co-designed with the community's interests at heart, and with other factors taken into account, too.

As I do not know the detail of what is happening locally, I will be happy to look into the matter that the member raises and get back to her—albeit that it might have to be the relevant minister who gets back to her in due course.

Mark Ruskell (Mid Scotland and Fife) (Green): The repowering and extension of onshore wind farms will result in a dramatic increase in capacity as we head towards the target of 20GW by 2030. Given that the cost of wind generation has fallen dramatically over the years, does the minister think that there is an opportunity for communities to renegotiate some of the historical community benefit deals that still exist? What support can the Government give to communities to help them to achieve that?

Richard Lochhead: That is why such prominence is given to community benefit in the draft energy strategy and just transition plan, which is out for consultation at the moment. There should be renegotiation, where there is a case for that. Of course, the community benefit agreements are voluntary.

We also have the community and renewable energy scheme, which is about shared ownership. More than 600 communities and locally owned projects throughout Scotland have been offered funding of more than £58 million.

I would be sympathetic to such renegotiation.

Ferries (Support for Island Communities)

5. Richard Leonard (Central Scotland) (Lab): I refer members to my entry in the register of members' interests.

To ask the Scottish Government what measures it has put in place to support island communities in advance of hulls 801 and 802, and other ferries, coming into service. (S6O-02083)

The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie): While delivery of investments in new vessels and port infrastructure is being progressed, the Minister for Transport has authorised the purchase and deployment of MV

Loch Frisa and has chartered MV Arrow for overhaul and resilience cover, and she recently agreed a nine-month charter of MV Alfred. Additional funding has been committed for enhanced maintenance of vessels, and work will continue with Caledonian Maritime Assets Ltd and the operators to identify potential additional second-hand tonnage to support the fleet.

Those measures, combined with our fares freeze, demonstrate that the Scottish Government is absolutely committed to improving the lifeline ferry fleet and better meeting the needs of island communities. Of course, ministers—like everybody else—fully appreciate the level of anger and disappointment that some of the recent issues in relation to lifeline ferry services have caused in those communities.

Richard Leonard: New ferry capacity is, of course, welcome, if long overdue, but the trouble is this: the latest solution chosen by the Government, the MV Alfred, if it passes its berthing trials, will cost £9 million for a nine-month charter when it was bought outright for only £14 million. There are outstanding safety questions, following the catamaran's grounding in the Pentland Firth last year, when at least six passengers were injured. It is being time chartered from an operator that refuses to recognise trade unions, whose crew are believed to be hired on terms and conditions that are significantly inferior to those of CalMac Ferries crews. It is no wonder that, last week, the National Union of Rail, Maritime and Transport Workers accused the Scottish Government of adopting P&O-style tactics through the back door.

So, what did the Government know of this? Can the minister today give an undertaking that, should the MV Alfred see service, there will be value for public money, its crew will be employed on the same terms and conditions as CalMac crew, they will be free to join a trade union and, at all times, the health and safety of the public and the crew will be paramount?

Patrick Harvie: The Government takes extremely seriously the issues that Richard Leonard rightly raises. He is right to be concerned about those matters.

Of course, most people recognise that, while longer-term infrastructure is coming into place, the charter gives additional, very important capacity, which will be welcomed by most people who rely on the services. However, the terms and conditions for crews under a charter are a matter for the operator. CalMac has confirmed that the crew are receiving the living wage, and Transport Scotland officials are monitoring the situation and will keep the transport minister apprised of any further action that is required.

The Deputy Presiding Officer: Again, there are a number of supplementary questions, and I want to get them all in. We will go beyond our time, but the questions and responses will need to be brief.

Emma Roddick (Highlands and Islands) (SNP): I was delighted to hear of the charter of the MV Alfred. Any measures to secure additional tonnage for the fleet and improve the resilience of our lifeline ferry services is welcome and demonstrates the Scottish Government's commitment to the communities that rely on them. Given that Alfred's design means that she can operate at only some ports, where on the network will the vessel be deployed, and what benefits does the Government envisage its charter will bring?

The Deputy Presiding Officer: Please respond as briefly as possible, minister.

Patrick Harvie: Emma Roddick is right to welcome the fact that the charter is now in place. The primary focus will be to support resilience across the Clyde and Hebrides network, which should help to mitigate the impact of disruption or where islands are reduced to a single-vessel service.

Berthing trials will be completed before the vessel enters service to confirm the routes on which it can operate, with likely deployment on Arran and Islay routes. CalMac will engage with network community representatives over the next few weeks to discuss deployment options to support resilience across the network.

Graham Simpson (Central Scotland) (Con): Will the minister say who agreed to pay £9 million to hire a ferry for nine months?

Patrick Harvie: I am not able to provide a name. The Scottish Government is responsible for the decision to charter the service, and I suspect that, if we had not put that extra capacity in place, we would be getting an earful from the member and others across the chamber for other reasons.

The Deputy Presiding Officer: Very briefly, Willie Rennie.

Willie Rennie (North East Fife) (LD): Once, ferries were just late and over budget, but now they are on fire, and we are paying £9 million for a nine-month contract. This is an outrage. The MV Alfred cannot even run on all the routes. The minister has not answered the question: when will islanders be told who will lose out this summer because of this Government's incompetence?

Patrick Harvie: I have just explained to members that work will be on-going with community representatives to identify where the additional capacity will be deployed. I suspect that

most people who rely on the service will be glad that it is there.

Torness Nuclear Power Station

6. Martin Whitfield (South Scotland) (Lab): To ask the Scottish Government when it last met EDF and the Nuclear Industry Association regarding the future of Torness nuclear power station. (S6O-02084)

The Minister for Just Transition, Employment and Fair Work (Richard Lochhead): The Cabinet Secretary for Net Zero, Energy and Transport met EDF on 16 December 2021. At that meeting, the cabinet secretary met EDF generation's managing director and its head of onshore wind and solar. EDF's decision to bring forward the closure of Torness power station was discussed at the meeting.

The Scottish Government has not met the Nuclear Industry Association regarding the future of Torness power station.

Martin Whitfield: We are now in 2023. Does the minister accept that Torness nuclear power station has one of the lowest life-cycle carbon emission rates of any power plant in Scottish history?

Richard Lochhead: If the member is making a point about whether the plant should be closing, I emphasise that the decision to bring forward the closure of Torness power station to 2028 was ultimately EDF's. It made its decision on a range of factors, including, crucially, the future safety of the plant.

As the member will be aware, the Scottish Government does not support nuclear power in its current form in Scotland and believes that we have many other alternatives, but it is important that we support local workforces and the local community as the power station heads towards closure.

Brian Whittle (South Scotland) (Con): The minister knows that nuclear technology has advanced significantly since the most recent deployment of a nuclear power station in Scotland. Does the minister acknowledge the need for the Scottish Government to diversify its long-term energy strategy and that that should include consideration of advances such as small modular nuclear reactors and research into nuclear fusion, or is the Humza Yousaf Administration content to be led by a Scottish Green policy that is based on ideology rather than science?

Richard Lochhead: It is important to note that National Grid conducted a study of the impact of the earlier-than-expected closure of traditional nuclear generation in Scotland, which concluded that the energy system in the country would remain secure. From looking at Scotland's legacy

of nuclear waste, we know that it is a very expensive and dangerous technology. If we were to choose to have new nuclear power stations in Scotland, it would take decades to build them, but we do not have decades to waste. We face a climate emergency, which is why Scotland should make the most of the abundance of renewable energy and green technologies that we have on our doorstep and have a clean, green and more affordable future.

Carbon Capture Projects (Discussions with United Kingdom Government)

7. Karen Adam (Banffshire and Buchan Coast) (SNP): To ask the Scottish Government what discussions it has had with the UK Government regarding funding for carbon capture projects in Scotland. (S6O-02085)

The Minister for Just Transition, Employment and Fair Work (Richard Lochhead): There are regular discussions between the Scottish and United Kingdom Governments on support for carbon capture and storage projects in Scotland, which I know are very relevant to the member's constituency. The UK spring budget was therefore bitterly disappointing, as none of the £20 billion that was announced to support carbon capture and storage is for Scotland.

Further delays are impacting both investor confidence and employment opportunities for up to 20,000 jobs, and they are compromising both Scotland's ability and the UK's ability to meet our climate obligations. The UK Government must—as a matter of absolute urgency—provide the Scottish cluster with the certainty that it requires to advance.

Karen Adam: For more than a decade, the Tory Government has promised carbon capture and storage to the people of the north-east, but we have been overlooked time and again. My constituency boasts great projects, including SSE's plans for a new CCS station at Peterhead and the Acorn project. Today, *The Times* reported that the UK Government has, at the last minute, moved an announcement on further funding, which was due to take place tomorrow, from Aberdeenshire to England. Will the minister join me in calling on the UK Government to finally get behind the Scottish Cluster?

Richard Lochhead: Yes, I join the member in calling on the UK Government to get behind the Scottish Cluster. I remember Sir Ian Wood saying that the previous announcement, which missed out and snubbed Scotland's project, was like a football team leaving its best player on the bench.

We have found that the UK Government is very good at briefing the press about its intentions, but

it has still not had the courtesy to share its plans with the Scottish Government. On Monday, officials from the UK Government requested meetings with our officials, but they provided no details beyond what they had already briefed to the media.

The Scottish Government backs the member's call for funding of the Acorn project and the Scottish Cluster to be included in the upcoming announcements. It is vitally important to meet Scotland's climate emission target to achieve net zero by 2045 and, as I said, to secure the future of up to 20,000 jobs.

Liam Kerr (North East Scotland) (Con): The UK Government has put more than £41 million-worth of funding into supporting the Scottish Cluster so far. Precisely how much of the £80 million that the Scottish Government promised to put in in February 2022 has actually been paid over?

Richard Lochhead: Due to a lack of support from the UK Government, the Scottish Government has made available an offer to progress the project in Scotland. I cannot believe that a member of the Conservative party, whose Government is holding up the project, has the audacity to stand up and criticise the Scottish Government. We are losing out on 20,000 jobs. I ask the member to make representations to his masters in London to press the green light and allow the project to go ahead for Scotland.

Winchburgh Train Station

8. Foyso Choudhury (Lothian) (Lab): To ask the Scottish Government when it next plans to meet with all parties involved in the proposed Winchburgh train station development. (S6O-02086)

The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie): The member might be aware that Transport Scotland is supportive of the proposal for a developer-funded station at Winchburgh. The Minister for Transport met Winchburgh Developments Ltd, Fiona Hyslop, Transport Scotland, Network Rail and West Lothian Council on 6 December 2022 to discuss progress in developing plans for the new station.

Network Rail has been working on an estimate for the next stage of station design development, which was handed over to Transport Scotland just this week. I anticipate that further meetings will be scheduled once the detailed estimate has been reviewed.

Foyso Choudhury: Winchburgh has been promoted as a commuter town for the city of Edinburgh, and it is forecast to have a population of 13,000 within the next eight years. A train

station with a direct link to Edinburgh would provide a public transport link for Winchburgh's growing population. Currently, with only the possibility of a motorway exit, residents have no choice but to commute by car. A train station in Winchburgh would directly contribute to the Scottish Government's net zero targets and would improve traffic conditions in Edinburgh. Will the minister advise why the Scottish Government has not taken advantage of the opportunity to meet net zero targets and give residents the opportunity to opt out of private transport?

Patrick Harvie: The member's arguments are the reason why the Scottish Government is supportive of the proposals for a station. Additional communities have been reconnected to the rail network, with stations at Conon Bridge, Robroyston, Kintore, Reston and Inverness airport, and, over the next two years, new stations at East Linton, Cameron Bridge and Leven will open. That is a clear demonstration of the Scottish Government and Transport Scotland's commitments to reconnecting as many communities as possible to the rail network; that includes newly growing communities, such as Winchburgh.

The Deputy Presiding Officer: That concludes portfolio question time.

Court Maintenance Backlog

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a members' business debate on motion S6M-07327, in the name of Liam Kerr, on Scotland's court maintenance backlog. The debate will be concluded without any question being put. I invite members who wish to speak in the debate to please press their request-to-speak buttons.

Motion debated,

That the Parliament notes reports that there is a £7.3 million maintenance backlog across Scotland's courts, including courts in the north east, such as in Forfar and Peterhead; recognises that repairs to Scotland's courts often require closures, which can add to the already large number of outstanding criminal trials, which, it understands, currently stands at 30,588 trials; acknowledges that the Scottish Courts and Tribunals Service had its capital budget frozen in 2022-23; believes that this hindered its ability to tackle the backlog; welcomes the budget increase planned for the financial year 2023-24, and notes the calls on the Scottish Government to work with the Scottish Courts and Tribunals Service to outline how much of the current maintenance backlog will be tackled with the budget outlined for 2023-24, and how much will remain.

15:56

Liam Kerr (North East Scotland) (Con): I am grateful to those members who signed my motion and who have remained behind in the chamber to both listen and contribute to the debate. I remind members in the chamber that I am a practising solicitor and I am a member of the Law Society of Scotland, although I have not done criminal and/or legal aid work since 2004.

It will come as no surprise to anyone that I drafted and lodged my motion with an eye on my North East Scotland region and the future of our local courts. That situation is a function of where Scotland's justice system finds itself presently. According to the Scottish Courts and Tribunals Service, there is currently a backlog of more than 28,000 trials in Scotland's courts. That is a reduction from the backlog of over 30,000 trials when I lodged the motion, but it is still an increase of nearly 10,000 on 2019-20, and the problems are worst in our sheriff courts, where there is a backlog of nearly five times the pre-pandemic average.

I mention the pandemic because I have no doubt that, in responding, the minister will blame as much as possible on it. Of course, we all recognise that Covid caused huge disruption and, on that note, it is important to commend all those involved in the system who adapted so quickly and worked so hard to keep things moving. However, the Government cannot deny that major backlogs existed prior to March 2020, and they happened on its watch. Those delays have a real human

cost. Victim Support Scotland has said that court delays damage victims' mental health and can further traumatise them. There is also a risk of underreporting or even non-reporting due to the length of time that the justice process can take, witnesses are being forced to take long bus trips alongside defendants, and potentially dangerous people are being left to roam Scotland's streets.

Jamie Greene (West Scotland) (Con): We heard some pretty horrific evidence at the Criminal Justice Committee that some victims of crime are dropping proceedings altogether; they are removing themselves from the process due to the lengthy delays and are being retraumatised by those delays. Is that not a huge cause for concern, particularly for the member's constituents in the north-east?

Liam Kerr: Of course, it is a huge cause for concern. I have heard anecdotally about similar things occurring in the north-east, and, indeed, around Scotland. It is not even surprising, given that when cases are finally called, victims are quite often being crammed into cramped, crumbling, and underresourced courts, cheek by jowl with witnesses and even the accused.

If we assume that the pre-pandemic level of backlog represents the "reasonable baseline level" that Eric McQueen of SCTS told the Criminal Justice Committee he thought could be returned to by 2026, our courts are really going to have to go some to get there. Mr McQueen told the committee that to achieve that baseline the court system would require to "max out" available capacity. Nationally, we will have to make all our assets work at, or over, capacity if we are to achieve what Mr McQueen says that we can.

However, one of our new First Minister's previous roles was justice secretary. True to form whenever he has held a post, he presided over a decrease in capital funding for the court service of more than £10 million. To put that in context, in 2018-19, SCTS received £22.9 million in capital funding to repair courts and upgrade buildings. In 2023-24, it will get £12.7 million. That is a massive reduction in funding, given that, as of July 2022, there was a maintenance backlog in the court estate of around £7.3 million. That is why, when the SCTS said in October 2022 that closing three to four court buildings could save £4 million, the people of Scotland, particularly those in the north-east, started to worry. Ten years ago, the Scottish National Party Government looked to make savings that would save the Scottish Court Service about £1.3 million annually and £3 million as a one-off, so it closed 10 sheriff courts. The north-east lost its sheriff courts in Arbroath and Stonehaven—or rather, those courts closed, because it took the best part of five years to get them off the books, during which time the SCTS

had to pay for vandalism, alarms and general repairs anyway. The SCTS then sold those buildings on through community asset transfers, which yielded pennies. That led local solicitors to be sceptical that any money had been saved at all. To what end?

Court business, including sheriff and jury trials, was transferred out of Angus and the Mearns. Indictments went to Dundee or Aberdeen, which led to victims of crime facing long journeys by car or public transport if it was available—which was by no means guaranteed—only to find that there was yet another delay because of the very backlogs that we looked at earlier, which have rocketed from an already eye-watering start. Arguably, that ripped the heart out of communities in Arbroath and Stonehaven overnight. That is what is worrying folk in the north-east: a history of closures; a massive repair bill to fix courts that already look like they are being run down; £7.3 million in repairs this year, including £280,000 at Peterhead; and a Government that has slashed the funding.

People outside the SNP's central belt heartland know where that ends up, which is why, a fortnight ago, I asked the cabinet secretary to provide us with the certainty that there would be no more court closures in the north-east during the lifetime of this session of Parliament. After saying simply that there are no plans, he went on a bizarre rant about the United Kingdom Government and courts in England.

The justice budget is within the gift of the Scottish Government to decide as a spending priority. Scotland has a far smaller court footprint than other parts of the UK, especially after the purge that was started by the SNP in 2013. The court estate is crumbling so much under this Government that repairs across Scotland almost swallowed up the entire capital budget in 2022. For the certainty of victims, the people of the north-east and Scotland, and the morale and jobs of our court workers, I ask the minister in closing to reverse the SNP's decision to put criminals first and to support our courts by stating, here and now, that there will be no court closures in Scotland in the lifetime of this session of Parliament.

16:04

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): I thank Liam Kerr for securing the debate on court maintenance backlogs. For the record, although I am convener of the Criminal Justice Committee, I am not speaking in that capacity, but I will refer to some aspects of the committee's work.

During the Covid-19 pandemic, many public services were reduced or halted, but our court staff and staff in the wider criminal justice system continued to deliver functioning court and other services under the most challenging circumstances.

As a north-east constituency MSP, I know that that commitment was evident in courts in Grampian and the Highlands and Islands.

The pandemic created an opportunity to introduce new ways of working using technology to support remote jury centres and virtual trials, which were introduced at short notice and are, for the most part, working well.

The introduction of technology and other adaptations was set against the backdrop of a courts estate that comprises a broad range of assets from the comparatively new Glasgow sheriff court to the Court of Session here in Edinburgh.

Scotland has a long tradition of justice often being delivered in buildings of historical significance that perhaps reflect the solemnity of the proceedings taking place within them and are considered part and parcel of our criminal justice system. However, there is no escaping the fact that that comes at a significant cost in terms of adaptations, maintenance, heating, repairs and so on—I know that the maintenance backlog is the focus of Mr Kerr's motion. As we know, the prioritisation of court buildings maintenance work is an operational matter for the Scottish Courts and Tribunals Service, with—not unusually—capital works undertaken on a priority basis. I also note that it is also the case that what is spent south of the border on justice has a direct consequence for what is available here in Scotland.

I note that the motion refers to the disruption caused to court business due to maintenance work. Specifically, it says that

“repairs to Scotland's courts often require closures which can add to the already large number of outstanding criminal trials”.

I recognise the point that the member is making, but I would be interested to know more about that claim, as it is not one that I am particularly aware of, and I do not recall it being raised previously, either with local SCTS colleagues in the north-east, or, indeed, in the Criminal Justice Committee. Maintenance is inevitable in the function of any public building and, given the proficiency with which court staff already manage court business, I am confident that disruption to court business is kept to an absolute minimum.

I welcome the efforts that are being made to tackle the backlog of cases, but, as Mr Kerr said, there is much more to do. At the time of its most

recent pre-budget report, the Criminal Justice Committee highlighted that the Scottish Government should find extra resources in its budget to provide a better settlement for organisations in the criminal justice sector than that proposed in the resource spending review.

In his evidence to the committee, the chief executive of the Scottish Courts and Tribunals Service highlighted the progress that has been made over the past two to three years to tackle the backlog of cases, but also highlighted the impact on that progress if additional budget is not forthcoming. I am pleased that, despite the difficult financial climate for public spending, the Cabinet Secretary for Justice was able to find additional and much-needed funding for the system.

I welcome this debate highlighting the issue of maintenance backlogs in our courts and thank Liam Kerr for bringing it to the chamber this afternoon.

16:09

Jamie Greene (West Scotland) (Con): I thank my colleague Liam Kerr for bringing this important debate to the chamber. Although he highlighted failures in his region, he painted a picture of what is happening across the country.

I also express some sympathy for the Minister for Community Safety, who has been sent to the front bench today. It is not her fault that none of the many justice ministers whom we have had—I think that we are on our fifth in 10 years—is here to defend their decisions. Those decisions have led to the court case backlog—which, as Liam Kerr pointed out, existed long before Covid—and to the maintenance backlog.

The Scottish Courts and Tribunals Service is a key cog in the complex wheels of Scotland's justice system. The service is not just about the people and buildings; it is also about the expertise and systems, including the information technology systems, that must all work in order to ensure that justice is served. Justice has to be served, not just for the accused but for the complainant.

The justice system must be as transparent as possible in order to ensure that we have continued public faith in it. That is not easy but, ultimately, courts have the ability and power to deprive people of their freedom. Removal of liberty, sometimes for quite prolonged periods, makes the court one of the most important buildings in the public estate. Therefore, it is crucial that we raise those issues.

The issues are not just in Forfar, Peterhead and all the other places that Liam Kerr spoke about. I have the 2022-23 maintenance backlog in front of me, and it is quite a sight. It is a shopping list of

every sheriff court that needs repairs. It includes £200,000 for Greenock sheriff court, half of which is for a boiler; £385,000 for windows in Alloa; £190,000 for electrics in Dunfermline; and more than £1 million in Glasgow for something called tanking—whatever that is. There are issues in relation to dampness, water ingress, electrics, roofs and drainage. The buildings are falling apart and they have been doing so for years.

No one disputes the fact that buildings that are old—sometimes more than a century old—fall apart. Of course things need to be repaired, but if we do not do that when it needs to be done, the backlog accumulates. Not long ago, we had debates in the chamber about the Scottish Fire and Rescue Service's estate and our police stations. If we let the backlog accumulate, we will end up with a massive bill that no Government on earth would have the money to pay for. That is not Westminster's fault—it is the fault of the Government here, which should have been investing and listening to warnings from the SCTS when it made submissions to a number of justice committees during all the budget cycles that it has been through.

Members rose.

Jamie Greene: I am afraid that I do not have time for interventions.

Katy Clark (West Scotland) (Lab): Will the member take an intervention?

Jamie Greene: I would love to take them all, so if I can get a few minutes back, I will happily do so.

The Deputy Presiding Officer: You can certainly have the time back, Mr Greene.

Jamie Greene: That is great. I will start with Katy Clark.

Katy Clark: I am grateful to Jamie Greene. Does he support greater borrowing powers for this Parliament to invest in capital infrastructure?

Jamie Greene: I say to Ms Clark, who is clearly defending the SNP this afternoon, that the Government does not need to borrow money. Instead, it should stop wasting money on failed projects; it is notorious for wasting money, as my colleagues know. If the Government spent its money better, it would not need to borrow more in the first place. The reality is that, every time a public service has asked for capital investment, investment has been underdelivered. The SCTS's experience is no different. It asked for £23 million in 2018 and 2019. This year, it has been given £12.7 million. That is a massive gap and the amount will not even scratch the surface. The Government does not need to borrow to fix the problem.

The question is how we get to the right place. That is where I turn to the evidence from the SCTS, which wrote to the Government. I have a letter here, which is highly redacted.

Audrey Nicoll: Will the member take an intervention?

Jamie Greene: I will do so in a second.

The letter came from a freedom of information request, and the brave soul who had the guts to write to the Government at St Andrew's house on the subject made it starkly clear what the problem was. I will partly paraphrase the letter. As a result of SCTS's capital budget being "severely stretched", it had to divert money

"from estates backlog maintenance to digital services".

Although that was

"a sensible ... short-term solution, it is not sustainable as it risks future building failure and additional costs",

should maintenance issues escalate. The letter goes on to say that the SCTS needs

"to provide ... a safe and secure environment for all court users and continue to invest in critical ... services at pace and scale."

The problem is that chronic underfunding of the system has left those buildings on the verge of collapse. The problem that I have with all that is about the experience of victims of crime as they go through the court system. We know that it is already a traumatic experience, but it is made much worse when victims have to share communal spaces including toilets, cafeterias and waiting rooms, not only with the families of the accused but sometimes with the accused, if they have not been remanded to custody. I could share numerous quotes from victims of crime, who have said how traumatic and degrading the whole experience has been because of the nature of the environment that they are in.

Audrey Nicoll: Will the member take an intervention?

Jamie Greene: I would have loved to give way. I am sure that the minister will have plenty of opportunity to do so in her closing speech.

All that I will do now is make a plea that we need our courts to function well. They need to be fit for purpose and they must not retraumatise victims of crime. Ultimately, they are there to serve a vital purpose, and no amount of whataboutery will detract from the fact that they have been chronically underfunded. Whoever is in charge, that must change.

16:14

Pauline McNeill (Glasgow) (Lab): I thank Liam Kerr for bringing this important subject to the

chamber for a members' business debate. If he does not mind, I will focus almost exclusively on court delays, because Labour members have been very critical of the current situation. I took an interest in court delays in 2018, following a constituency case—a horrendous case of gang rape—that took three and a half years to come to court, after which there was an acquittal.

I accept that Covid-19 has caused significant disruption to operation of the criminal justice system in Scotland and elsewhere. It has caused considerable strain in the system and has led to significant delays in processing of cases. However, the issue pre-existed Covid; I am clear about that.

As Liam Kerr did, I put on record my sincere thanks to the Crown Office and Procurator Fiscal Service and the Scottish Courts and Tribunals Service, which have done an incredible job throughout Covid to keep our courts running. However, the delays cause uncertainty for the people who are caught up in our criminal justice system, including victims, witnesses and accused persons. It is not justice if people have to wait years to be heard.

Long before lockdown and the disruption to the criminal justice process, the challenges that victims and survivors faced as a result of delays in their case progression, poor communication of and uncertainty about trial dates, and last-minute changes to courts, were well established. How far back they go would be an interesting point to research. However, the remoteness from the system that victims feel from not having communication through long delays is one of the reasons why Katy Clark and I support advocacy for victims of sexual offences who are waiting for justice in court.

There are a large number of outstanding criminal trials, which Liam Kerr talked about. The number currently stands at 30,588 trials across all criminal courts. The latest figures show that serious sexual offences constitute 70 per cent of High Court work—which is really quite astonishing—and 80 per cent to 85 per cent of cases that proceed to trial. That affects the thousands of women and children who are at the receiving end of such violence. I mention that because I have a specific interest in the issue, but those figures would necessitate an interest in any case, because a crucial dimension of systematic violence against women and girls is lack of access to justice and courts.

The Lord Advocate, Dorothy Bain, who previously served as a practitioner heading up the serious sexual violence unit, has previously commented on the extraordinary number of sexual violence cases that are caught up in the backlog, which she says "predominantly and

disproportionately” affects women and children. That is an issue that the Criminal Justice Committee, along with the Scottish Government, will scrutinise later this year.

A year ago this month, as Parliament discussed the backlog of cases, the Cabinet Secretary for Justice and Veterans, Keith Brown, told us that the Government had allocated £53.2 million to tackle the backlog, including measures to provide 16 additional courts, which we have seen none of, as was pointed out by Liam Kerr. Over time, we will have to look at what that £53.2 million amounts to, because that money must create results and get the delays down.

During the debates on Covid emergency legislation, we thought that we should not extend the time limit to 360 days until 2026. We were clear about that because we were concerned that if there were to be such a deadline, it would be used. We need to ascertain whether, as we head towards 2026, the delays will come down. At the moment, the delay in the High Court is an average of 49 weeks. The Criminal Procedure (Scotland) Act 1995, which Parliament agreed to, provides for maximum numbers of days for the High Court of 110 days and 140 days. We did that because, in Scotland, we believe that justice includes having strict time limits. The country that previously had the best time limits in the world, apart from those in two countries, is probably now looking pretty poor, when compared with other countries. I hope that my figures are correct—I will be corrected by the minister if I am wrong—but the 49-week delay amounts to 105 days more than the 140 days that are set out in the 1995 act. That is not good for survivors and victims, and it is not good for accused people.

The Criminal Justice Committee has highlighted the issue of people on remand waiting for their cases to be heard. We have heard of people waiting on remand for two years or more and not knowing what priority is being given to their case. I have pleaded with the Crown Office about that. There must be transparency about delays, to give the accused in particular some idea of when their case will be heard.

We must continue to return to the issue, because it is a really important one for our criminal justice system. We must get week-on-week progress in reducing the 49-week waiting time to what is set out in law, which is no more than 140 days on remand for High Court cases.

16:20

The Minister for Community Safety (Elena Whitham): I apologise to everyone if I end up in a coughing fit—I have a chesty cough at the moment.

I am grateful that we are having this debate, as it is an opportunity to advise Parliament about an emerging, positive report of recovery and transformation in our justice system.

Let me be clear about some of the points that Liam Kerr and other members have raised. Mr Kerr sought to characterise the maintenance backlog in the Scottish Courts and Tribunals Service’s estate as an investment failure. He also raised the prospect of court closures. Both of those points are inaccurate. There are no plans to initiate further court closures. The SCTS is of the view—which I agree with—that the current court model provides appropriate access to justice for Scotland’s communities. However, there is always more work to be done.

On the maintenance backlog, a professional industry standard approach is adopted, which is to look forward to assess future investment requirements to keep buildings safe and operational. To ensure that the court estate remains in good condition, the SCTS sets a minimum target of investing 1 per cent of the value of the estate on the maintenance backlog each year. That is about £5.3 million, based on the current evaluation.

Through additional in-year funding that was provided by this Government, the SCTS has been able to invest more than 1 per cent in recent years and to schedule works such as the replacement of the Glasgow sheriff court roof. I will put that funding into a bit of context. This year, the total investment in the maintenance backlog will be about £8 million, which, again, is above that 1 per cent figure.

Over the past years, the cost of the maintenance backlog has come down significantly from £39 million to the current figure of £29.5 million. It is important to provide some context to that amount. The SCTS manages a vast and complex estate, as has been mentioned. More than half of the court buildings are listed, and a number of those are significant landmarks that are based in world heritage sites. The SCTS has assessed that the level of investment and maintenance is sufficient to maintain the estate in a safe and operational condition, and I have no reason to doubt that assessment. Its record of success in managing the court estate speaks for itself.

The SCTS has led a number of important innovations, including the establishment of the Inverness justice centre, which was opened in 2020; the establishment of vulnerable witness suites, which are to avoid children and vulnerable witnesses having to attend court physically; and the use of cinemas as remote jury centres to allow the most serious cases to continue during the Covid pandemic.

Over the past decade, although facilities have sometimes been taken out of commission to allow planned improvement works to take place, there have been no instances in which a maintenance issue has resulted in an unscheduled court closure or impacted on any trials.

However, the modern justice system is made up of more than its physical estate. Having digital capabilities that support modern, person-centred services is a critical part of our transformation agenda. Building on innovation and new ways of working that were introduced as part of the justice response to the coronavirus pandemic, we are continuing to focus on deploying technology and new approaches to make the system more joined up and work better for everyone who experiences it.

Recently, the Cabinet Secretary for Justice visited Dundee to see in action the new digital evidence sharing capability—DESC—service that is being piloted there. DESC is a world-leading major programme of digital transformation through which the Scottish Government and its criminal justice partners have come together to radically overhaul the way in which evidence is shared in the criminal justice system in Scotland.

DESC will make it easier to share evidence, allowing swifter access and helping cases to be resolved more quickly, which will reduce inconvenience and the risk of trauma to victims, witnesses and other users of the justice system. None of us here wants victims to be traumatised, and we need to move on that issue.

At £33 million, DESC represents a significant investment by the Scottish Government. However, as well as being transformative in its own right, it creates a foundation for future transformation, both as a technology platform and through its pathfinder role in establishing a successful model of collaborative delivery of system reform.

We are also continuing to invest substantially in increased court capacity. That has contributed to the strong progress that we have seen in clearing the backlog of summary criminal cases. Since January 2022, the number of outstanding summary trials has reduced by over a third and is continuing to fall. That means that more than 15,500 cases have been cleared from the backlog so far.

However, we want to see similar progress in High Court and sheriff and jury cases, which, as Pauline McNeill outlined, are sometimes the most traumatic cases for victims. Therefore, from April, the extra summary courts will be replaced by new, additional solemn courts, which will create more capacity to deal with the more serious cases. That has been made possible because, despite the challenges of the national context, our 2023-24

budget protects recovery funding of over £26 million for the Scottish Courts and Tribunals Service.

In addition to increasing court capacity, we will work with our different partners to address the impact of the backlog on vulnerable witnesses through facilitating the expansion of pre-recorded evidence.

Liam Kerr: I am listening carefully to all the measures that are being put forward. However, they beg the simple question: when will they reduce the backlog to what we would want it to be and start hitting the targets that Pauline McNeill quite rightly majored on?

Elena Whitham: I think that whoever is in this post—whether or not that is me—and whoever is the incoming cabinet secretary for justice will have to keep a keen eye on that matter and bring it back to the chamber for discussion. We obviously want to see the backlog numbers reduce dramatically. We have already seen the number of summary cases reduce by over a third, and I want to see the number of cases in solemn trials and High Court trials reduce significantly as well.

We are also investing £2 million in the development of dedicated suites for hearing evidence on commission and associated infrastructure, to increase the use of pre-recorded evidence. That funding has delivered three suites, located in Glasgow, Edinburgh and Inverness, which collectively have the capacity to deliver almost 1,500 hearings a year. A fourth suite is in development in Aberdeen, which, once open, will enable an additional 480 hearings to take place each year.

We have also reached a pivotal phase in our journey towards introducing the bairns' hoose in Scotland, with the publication of national bairns' hoose standards expected in May. They will then be tested in pathfinder areas during our first phase of development.

The Government is committed to delivering our vision for justice. In spite of a decade of austerity imposed by the UK Government, I am confident that, with the current level of funding provided by the Scottish Government—the additional borrowing powers that Katy Clark mentioned would be very welcome as well—the Scottish Courts and Tribunals Service will continue to use its resources in the most focused and effective way to deliver justice services that meet the needs of modern Scottish society.

The Deputy Presiding Officer: That concludes the debate.

Motion without Notice

16:27

The Deputy Presiding Officer (Annabelle Ewing): 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. I invite the Minister for Parliamentary Business, George Adam, to move the motion.

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 4.28 pm.—[George Adam]

Motion agreed to.

Decision Time

16:28

The Deputy Presiding Officer (Annabelle Ewing): In fact, there are no questions to be put as a result of today's business. That concludes decision time.

Meeting closed at 16:28.

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

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba